

January 6, 1955

Record of Meetings between UN Secretary-General Dag Hammarskjold and Zhou Enlai

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Summary:

Over a series of four meetings, Secretary-General Hammarskjold and Zhou Enlai discuss American prisoners in China, Chinese nationals in the US, and the US-Taiwan defense treaty.

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English

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FIRST MEETING

6 January - 3-6.30 pm.

The meeting began with the following statement by the Secretary-General:

"At the opening of our formal meetings I wish to renew our expressions of appreciation for the generous hospitality which you have shown us. This very morning we got a new example when we were taken around the old palaces and collections of the Forbidden City, those admirable memories from a great past, to be matched by a great future.

"Let me also renew my expressions of satisfaction for this opportunity to get in touch with you and, through you, with some of the problems of a people great through its history, great in its resources and great in the contribution that it may make to peace and prosperity.

"You well know the immediate reason for my initiative to get an opportunity to meet you. The spirit in which I viewed the serious problem that had arisen was made clear when in a special message to you I indicated that I felt that talks between us at the present juncture might be constructive. I read your reply to my suggestion as an indication of a similar attitude on your side.

"My approach to the immediate problem, facing us, is that in the interest of an easing of tensions the point of friction that has arisen should be eliminated in such a way as to help us to save part of what was achieved in Geneva and so as to give to this meeting of ours lasting significance. I hope that we shall be able to look back at it as a beginning and as a step forward and not just as another vain attempt to move closer to normal conditions. Indeed if this attempt were to fail, the failure might well throw us back into a state more worrying than the one prevailing when I first approached you.

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"It emerged from our discussion yesterday that you are willing to begin our talks with a study of the question I have raised, in order later to proceed to other pertinent questions where you would like to explain to me your attitude and your concerns. I consider that this order in time between various questions is warranted not only for historical and logical reasons, but also because of differences as to the basis on which I can discuss the problems. As you know I can study with you the question of the prisoners on the basis of a special mandate given to me by the General Assembly. In the other cases my participation in the discussion will have to be strictly limited to what follows from my general position which means that I can only take note of your observations and give you whatever general comments I may have to make in order to clarify the situation from my angle.

"At the risk of having to repeat part of the things I told you yesterday night, I would like to start the presentation of my views on the prisoner problem with a few words concerning the specific role of the Secretary-General in this case, both as to the legal basis on which I can act and as to my purpose in raising the issue.

"Under the Charter of the United Nations the Secretary-General is entitled -- and, being entitled, in my view obliged -- to take whatever initiative he finds appropriate in order to get under control or reverse developments leading to serious tensions. His rights and obligations in this respect are not limited to Member Nations. They are of world-wide application and given him when he was established in his post not only by a majority of the General Assembly but by the unanimous vote of the permanent members of the Security Council. When he acts for the purpose indicated it is not, and can never be permitted to be, on behalf of any one nation, group of nations or even majority of Member Nations as registered by a vote in the General Assembly. He acts under his constitutional responsibility for the general purposes set out in the Charter, which must be considered of common and equal significance to Members and Non-Members alike.

"The constitutional position of the Secretary-General as I now define it, is the basis on which I have approached you and on which I have come here. Thus, sitting here at this conference table I do so as Secretary-General, not as a representative of an Assembly majority or of any national or individual interests. From what I have said follows also that I cannot commit anybody or any nation, or the Organization, to anything. I can solely engage myself and that only within the limits set by the Charter.

"I have already reminded you of the fact that in the case of the prisoners, the General Assembly has given me a special mandate. Such a mandate indicates a specific case to which the Secretary-General,

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in line with his general obligations, should devote attention. It is obviously acceptable to and binding on the Secretary-General if it is in keeping with the Charter. When I ~~have accepted the task in this case given to me by the General Assembly~~, it is because it is obvious to me that it brings to the fore a case where I have both a right and a duty to act as Secretary-General.

I accepted that task given to me in this case by the General Assembly, it was

"The resolution of the General Assembly to which I have referred, also contains a judgment on questions of substance, condemning certain actions of your Government as contrary to the Korean Armistice Agreement. I wish to stress with all emphasis that it is only the Charter, as I have interpreted it here, and not this condemnation that is the legal basis for my action. In my interpretation of the mandate given to me in the same resolution, the judgment to which I have referred does not bar me from forming my own independent judgment of the questions of fact and law involved and to act in the light of this independent and impartial appraisal. — You will undoubtedly have noted that I have not communicated the resolution to you officially for your information.

"As I proposed these talks and as I am here in fulfillment of the general obligations of the Secretary-General;

as the mandate of the resolution merely specifies a case where these obligations apply;

as the judgment on questions of substance and law contained in the resolution is not the legal basis for my action;

as, thus, I, in fulfillment of my duty, have to form my own opinion on the questions of substance and law;

as these questions of substance and law are highly relevant to a realistic appraisal of the case as a political issue, I have, after the end of the discussions of this question in the General Assembly, together with my advisers made an independent study of the relevant facts and rules of law. For this study which has been based on all evidence that can be produced on the other side as well as on what you have given publicity, I claim impartiality.

"Before presenting to you in summary the conclusions we have arrived at, I feel that I should indicate briefly how I view the relations between the legal and political aspects of the case.

"I am convinced that you are fully aware of the very strong emotional reaction in the Western world caused by the conviction of the eleven Members of the Arnold crew who survived. This emotional reac-

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tion, which has come to cover also the case of the four jet fliers and drawn attention to other remaining prisoner problems, is in the main explained by three circumstances. The first is the human interests involved. The second is the feeling that what has happened reflects a serious deterioration in relations which after Geneva seemed to improve. The third circumstance is a widespread conviction that justice has not been done.

"I hasten to add that I realize that this case has equally given rise to strong emotional reactions on your side: first of all the natural reaction against what you consider as an indication of threat against your security, but secondly because of your feeling that the judgment passed by the General Assembly was not based on an impartial study.

"In a situation like the one I have just described it is essential to straighten out to all possible extent the differences which exist between the views on facts and law held by the parties concerned. I am in possession of important information which has not been available to you and which indicates that you have had to work on the basis of information that is both incomplete and partly incorrect. In order to enable you to evaluate the situation, I feel that I should give you part of the story as it emerges from the material of which we are in possession. It follows, that, when I present what I consider to be the truth, this does not reflect any wish to engage with you in some kind of law suit; indeed, we should in no way compete with the autonomous procedure of the Chinese courts of law. Nor does it mean that we for a moment have questioned or question your "sovereign right to convict". It is equally obvious that we have made our study, and that I speak here, assuming that your courts have arrived at their conclusions, basing themselves on their views of the relevant facts and rules of law.

"We are convinced that the eleven men of the crew commanded by Colonel Arnold were engaged in a United Nations operation in the Korean conflict -- because the basic facts of the case all appear to us to point irresistibly to this conclusion. Briefly stated, these basic facts are -

1) The B.29 aircraft concerned belonged to the Air-Resupply and Communications Wing of the 13th United States Air Force and this wing had been placed to the fullest extent under the orders of the United Nations Command for operations in the Korean Conflict.

2) The particular leaflet-dropping operation in question on 12 January 1953 was specifically ordered by the United Nations Command for the support of United Nations combat operations in North-Korea.

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The orders issued for this operation designated in the most precise terms the targets at which the aircraft was to direct its leaflets and these targets were all without question within North Korea.

3) In addition to its special orders for the particular operation on 12 January 1953, which limited its targets to North Korea, the aircraft was subject to a stringent general order issued by the United Nations Command which categorically prohibited operations beyond the Korea-Chinese border.

4) The members of the crew of the B 29 aircraft were all in the uniform of the air forces of the United States, one of the States participating in the United Nations operations in Korea.

5) The particular operation in question, that of leaflet dropping, is one which in itself is an entirely legitimate war operation behind the enemy's lines, as was recognized by all the belligerents in the second world war.

Pausing for a moment, I may observe that the five basic facts which I have already mentioned fully entitled the crew of the B 29 aircraft to be regarded as United Nations military personnel captured in lawful combat and to be treated as prisoners of war. This conclusion is confirmed by other basic facts, to which I shall now refer.

6) Radar equipment operated by forces of the United Nations Command on 12 January 1953, registered the presence of the B 29 aircraft in the vicinity of one of its designated targets in North Korea, namely Sonchon, and then an attack upon the aircraft by 12 enemy fighters.

7) Six minutes later, United Nations radio stations recorded the receipt of a distress signal from the aircraft indicating that it was out of control and was being abandoned.

8) On the 13 January and again on 16 January 1953 -- at a time when no one had thought to call in question the legitimacy of the operation -- routine casualty reports were issued by the United Nations Command indicating the loss of the aircraft and crew in the cause of the operation ordered by the United Nations Command and on the route prescribed in the orders.

"These eight basic facts which I have now listed, are all completely concordant with each other and point, each one of them, to the conclusion that the B 29 aircraft and its crew were lost on a United Nations operation in the war in Korea. We have no definite knowledge where the aircraft or the surviving eleven members of the crew in fact landed on the ground. If, against our own view, they happened to come down north of the Yalu River, then the basic facts make it certain that they entered China's air-space and landed on Chinese territory only under the gravest stress of force majeure.

"We do not overlook the portable radio and other survival equipment carried in the aircraft, the extensive nature of which seems to have made a strong impression on the minds of the Chinese judges. Indeed, we have looked into this aspect of the case very carefully because we believe that it may have been of decisive importance in leading the Chinese court to convict the eleven men. We are, however, ourselves entirely satisfied that there is nothing in the equipment carried by the aircraft which is inconsistent with the conclusion to which the other basic facts of the case so strongly point. The equipment carried by the B 29 aircraft, as I have myself ascertained by personal and thorough examination, was the standard survival equipment carried by all United States aircraft comparable in size to the B 29. This equipment is designed to enable the men of a crashed aircraft both to communicate with their base and to survive as long as may be necessary to enable them to be rescued or to effect their own escape to friendly territory. I think that the Chinese judges may have been misled by the elaborate and extensive nature of United States survival equipment which is on a considerably more lavish scale than that found on the aircraft of most countries. But, in the light of what I myself know of United States equipment, I find the equipment carried by the B 29 aircraft in the present case fully consistent with the other basic facts and with the conclusion that the aircraft was engaged on a lawful military operation of the United Nations Command in the Korean conflict.

"None of the other facts, the design of the aircraft, the professional skills of the crew or anything else, contradicts the basic facts or compels the inference that on the operation in question the eleven men had any other task than the leaflet dropping on North Korean towns prescribed in their orders. I may say, however, that even if their tasks — contrary to what clearly appears in the evidence — had in fact included reconnaissance, that could not be held to be a crime. The distinction between military reconnaissance and espionage is recognized by all authorities on international law and, notably, by Soviet writers, for example by Professor Korovin in his short course on International Law and by the Academy of the Sciences of the USSR in its treatise published in 1951.

"As to the four jet fighter pilots the basic facts are no less conclusive that they were captured when engaged on United Nations operations in the Korean conflict. All the fighter aircraft were units of formations which had been placed under the orders of the United Nations command for operations in Korea and were based on airfields in Korea. All of them on the occasion when they were lost had particular tasks in support of the United Nations operations in Korea. All of them operated under the stringent order which I have mentioned prohibiting operations beyond the Korean-Chinese border. All are definitely

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known to have been attacked over Korea and one of them was actually seen by his comrades to land in Korea. One is believed to have fallen in Manchuria but if he did so, it was undoubtedly because his instruments had been destroyed and the deviation was therefore due to force majeure. Routine casualty reports were issued in each case by the United Nations Command soon after the loss of the particular aircraft. We are fully convinced of the accuracy of these basic facts which entitle the four airmen concerned like the eleven men of the B 29 aircraft, to be regarded as United Nations military personnel captured in lawful combat and to be treated as prisoners of war.

"After this presentation of the situation as it appears to us, it may be that you wish to elaborate the basis for your attitude beyond what has been made known to us through published documents. If so, we will listen with attention, reserving our right to object where we feel that this is called for in the light of our knowledge of facts and our view of what is the relevant law.

"Before concluding, let me repeat that in presenting to you our conclusions I have neither wished to engage in a legal debate nor question the sovereign right of the courts, but that I have been animated by my conviction that these conclusions are highly relevant as part of the material on which you may wish to base your final political evaluation of the case, as well as your possible decision to release the men -- for example on the basis of their good behaviour during two years of imprisonment, in line with statements from your side in Geneva concerning a traditional Chinese policy, or on the basis of such more general considerations as were also mentioned in Geneva as a possible ground for release in the light of political developments. It is obvious that if the case is straightened out, our conclusions as to the facts and the law as I have presented them to you here, will be just a brick disappearing in the foundation we have managed to build together -- just as, in the opposite case, the same conclusions will come to lie there as part of the ruins of our efforts, unavoidably visible to all.

"When the Secretary-General of the United Nations has engaged himself and his office, with all the weight it carries in world opinion, for the fate of the prisoners -- and although I refer primarily to the eleven plus four, I have also all the others in mind -- it does not mean that I appeal to you or that I ask you for their release. It means that -- inspired also by my faith in your wisdom and in your wish to promote peace -- I have considered it my duty as forcefully as I can, and with deep conviction, to draw your attention to the vital importance of their fate to the cause of peace. I could have based my approach to you on the fact that the General Assembly has asked me to seek their release. I have not done so. I could

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have acted as spokesman of the Organization for which, and under the orders of which, the prisoners served. That — although justified — would have made me a representative of a party to the conflict. My position is stronger than that. I could have raised the issue on the basis of the conviction, arrived at by myself and my colleagues, that the fliers are innocent of the crimes for which they have been convicted. However, I go further: I have engaged myself for these men because their fate may well decide the direction in which we will all be moving in the near future — towards peace, or away from peace. The immediate issue as I see it, is this: will what was brought closer in Geneva be permitted to slip out of our grip, and — what is of even more direct concern to us at this table today — will what precariously has been established by the mere fact that I have come here, again be lost and for how long a time?

"You may feel that I exaggerate: how can the fate of these men be of such significance? However, I know that I am not exaggerating. This case is one of those which history suddenly lifts up to key significance — as is evidenced by the sheer fact that, against all odds, it has brought me around the world in order to put before you, in great frankness and trusting that we see eye to eye on the desperate need to avoid adding to existing frictions, my deep concern both as Secretary-General and as a man."

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After extending a welcome to Mr. Hammarskjöld "personally, and as Secretary-General", Mr. Chou En-lai then said that he noted that the Secretary-General engaged in these talks rather under his Charter obligations than on any other basis. He hoped that the discussion would cover "pertinent questions" (among which obviously was included the question of the fliers) which properly could be discussed in such a context. As the Secretary-General had expressed the wish that the flier issue should be discussed first, this, of course, would be done.

Mr. Chou En-lai wanted some clarifications. First of all, was it correct that the Secretary-General did not intend to put the Chinese Government and himself on opposite sides as two parties in a law suit? He understood that that was so. Another clarification he sought was whether it was not obvious that whatever the outcome of our discussions, neither one would be committed; he assumed it was because on the one side there was the Secretary-General of the United Nations talking with a country which was not a member of the United Nations and thus could not be bound in relation to the Secretary-General, and on the other side China, which obviously had no right to ask the Secretary-General to agree to any special steps, for example for relaxation of tension.

Mr. Chou En-lai hoped that the discussions would lead to a certain understanding on the prisoner-of-war question and of an appraisal of the problems in other cases.

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As to the prisoner question the Chinese Government would not refuse to discuss it. However, that could be done only if it was understood that the General Assembly resolution not only lacked binding force for China, but was "totally unacceptable" to the Chinese Government. It should also be recognized that the jurisdiction of the Chinese courts was a domestic affair in which no interference could be tolerated.

Mr. Chou En-lai's In reply the Secretary-General said that, of the two premises indicated, the first seemed to be contradicted by the fact that ~~the Chinese~~ Government had engaged in discussions with the Secretary-General who was under a mandate given in the very resolution to which reference had been made. On the other point the Secretary-General admitted, that the jurisdiction of courts was an internal affair; that admission had, however, to be qualified as courts obviously could be in a position in which they had to apply international law -- which laid their conclusions open to international discussion.

Mr. Chou En-lai replied on the first point that if the discussion meant that he in any way recognized the General Assembly resolution, it could not continue. On the second point he wanted to state that international law did not apply in the prisoner case as the prisoners were caught as spies inside China and not as prisoners of war.

The Secretary-General said that he felt that in the light of the discussion the legal question raised by the resolution could be solved this way. Mr. Chou En-lai would recognize that the relations between the General Assembly and the Secretary-General -- in this case specified in the resolution -- were outside the field where Mr. Chou En-lai had any right to speak. The Secretary-General, on the other hand, could recognize that discussion with the Secretary-General did not imply acceptance of any part of the General Assembly resolution by the Chinese Government. Mr. Chou En-lai agreed to this formula.

On the second point the Secretary-General pointed out that Mr. Chou En-lai was, prematurely, making an assumption which had yet to be discussed between him and the Secretary-General. He had said that there was no international limitation to the sovereignty of the Chinese courts as the prisoners were not "prisoners of war". As, however, the Secretary-General intended to give his reasons why they had prisoner of war status, it was obvious that he considered that international law did apply. The question whether or not jurisdiction of the Chinese courts was restricted in the way indicated, could, thus, not be answered before a result of the study of the prisoner case had emerged.

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Mr. Chou En-lai said that when he had said he was willing to discuss the prisoner case "and everything relating to it" he had in mind also Fecteau and Downey, whom the United States had not mentioned and to whom no reference had been made in the resolution. Why were the two left out?

In reply the Secretary-General pointed out that as the two were not under the United Nations Command, there was no reason for the United Nations to mention them.

Mr. Chou En-lai said that he could not imagine that the Secretary-General considered himself in this case representing the United Nations Command. He had understood that the Secretary-General did not take the position of a representative of a party to the conflict.

The Secretary-General replied that he approached the whole prisoner issue not as a party representative but as somebody under an obligation to try and find solutions to questions causing international tension whatever the specific United Nations "party interest" may be in the question.

Mr. Chou En-lai said that he wanted to revert to the questions of law the next day. There were a great number of differences — he and the Secretary-General were not even using the same language. For that reason Mr. Chou En-lai did not believe that they would be able to find a solution or a common view without approaching the matter from the angle of general political questions.

In reply the Secretary-General said that he did not believe it was a question of a difference in language but rather a question of differences as to facts on which judgments were based.* He had already stated that he was willing to let the discussion extend to the general political problems but he must insist that the prisoner question should be given priority.

At the end of the meeting an understanding was reached as to the publicity to be given to the meetings: it was decided that agreed texts should be published simultaneously in Peking and New York.

* If there was any difference in language, it was because Mr. Chou En-lai used the word "spy" in a sense different from that used in international law.

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S E C O N D M E E T I N G

7 January 1955 - 3 - 6.45 pm

Mr. Chou En-lai began by saying that he had carefully studied the statement made by the Secretary-General the previous day. Before giving his replies to the written statement, he wanted to extend a cordial welcome to the Secretary-General to discuss questions relevant to peace and relaxation of international tension. He also welcomed Mr. Hammarskjöld in his capacity as Secretary-General of the United Nations to discuss matters relating to the United Nations.

He then pointed out that, as had already been stated the previous day, neither he nor the Secretary-General would be committed by these talks. He hoped, however, that through contacts and frank exchange of views it would be possible to reach some common point of view leading to continued contacts in the interest of peace. He wanted to make it clear that every step taken by his government was towards peace and not away from peace.

With regard to what he called the American spy cases the Chinese stand was the following:

As stated in his cable of 17 December to the Secretary-General for distribution to the delegations, it was entirely a matter for the Chinese Government to convict those caught in China, and the United Nations, under its Charter, had no rights in this respect. The resolution adopted by the General Assembly on the spy cases was wholly unacceptable both as to form and content. The Chinese Government was firmly against the resolution. This did not, however, imply that the Chinese Government would not discuss questions with regard to the American spy cases. On the contrary, in order to expose the attempt of the United States to cover up ulterior motives, the Chinese Govern-

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ment deemed it necessary to state the main facts relating to these cases and thus help to remove some of the Secretary-General's misunderstandings.

with regard to the legal side, the Secretary-General had stated that he recognized the right of Chinese courts to convict the American spies. The logical conclusion of this was that the United Nations resolution interfered in domestic Chinese affairs in violation of Article 2:7 of the Charter. The Secretary-General had further said that he was in possession of important material that the Chinese Government did not have. Mr. Chou En-lai had studied the eight points in the Secretary-General's statement but had failed to see anything in them other than what had already been stated by the United States representative in the United Nations. The conclusion was that the purpose of the UN resolution as of the US Delegation was to cover up the facts of intrusion and espionage. Mr. Chou En-lai therefore found it necessary to point out that it was not the Chinese Government that based its case on incorrect material. He would like briefly to state the following basic facts:

1) The number of persons involved in the two spy cases was thirteen, not eleven, and there were certain intrinsic elements linking the two cases to each other. The duties which the persons involved had carried out, were United States Central Intelligence Agency espionage duties, not combat duties of the United Nations Command.

Downey and Pecteau were shot down on 29 November 1952, when sneaking into Antung Province in an attempt to pick up a special agent by the name of ————. These two American spies as well as the agent had been dispatched by the Central Intelligence Agency. In the case of the eleven, Arnold and the Wing that he was commanding, were working for the Central Intelligence Agency. Arnold and his group were shot down on 12 January 1953 by a Chinese Air-Defence unit when they were sneaking into Antung Province.

2) Both Arnold's and Downey's aircraft had intruded into China's air territory. Members of Chinese armed forces and inhabitants of the area had witnessed this and remains of the aircraft were still in the area. It was obvious that the two aircraft had intruded into China for espionage purposes and that they were not taking part in any United Nations operation. Nor did they, as had been asserted, land on Chinese territory because they were in serious distress amounting to force majeure.

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3) The Chinese Government was in possession of material evidence to prove that the two aircraft had entered China for the purpose of espionage operations. In Downey's aircraft there was a pick-up unit. Before this aircraft was shot down, a rope, made in the United States, had been put out in order to pick up agent L. Arnold's plane was equipped with a U.R.C. 4 type portable transmitter and receiver for use on land of exactly the same type as radio sets captured from agents.

4) Downey's aircraft was sent by the espionage organization of the Central Intelligence Agency in Japan to Seoul in Korea and then further into Chinese air territory. Arnold's aircraft took off from Yokota, passed over Korea and flew into Chinese air territory.

According to incomplete statistics 32,595 such sorties and intrusions had been made. 230 agents and 96 radio sets had been parachuted into Chinese territory by the United States in cooperation with Chiang Kai-shek. Among the many types of aircraft carrying out these parachuting operations, were some C 47s like Downey's aircraft and B 29s as used by Arnold.

5) The persons involved in the two spy cases were all in US military uniform. The fact that they wore MS military uniform could not be said to be evidence of their belonging to the United Nations' forces. They had, on the contrary, been taking advantage of the Korean war for the purpose of intruding into China. In fact, since the United States and the People's Republic of China were not in a state of war, the question of prisoners of war did not arise in the cases of the spies, nor did international law apply.

The five basic facts all pointed to conclusions that could not be changed, namely that the two spy cases only presented two examples of many United States espionage activities in China.

Mr. Chou En-lai went on to say that now that the Secretary-General had received this information about the intrusions into Chinese air territory, he would be able to realize the scope of the United States activities in seeking to overthrow the new regime in China. These activities had called for protests by the Chinese Government. Protests had also been made, for instance in the Arnold case, by the Chinese Foreign Minister in January 1953. In fulfilling their duty to safeguard Chinese sovereign rights, the Chinese courts had had to pass careful judgments in the cases of Arnold and Downey. It was in conformity with the principles and purposes of the United Nations to safeguard one's sovereign rights which is exactly what had been done in convicting these American spies.

As to the United States assertions that the Americans were carrying out leaflet operations, such assertions were made only to cover up the United States' espionage activities in China. So much for the legal side of the question.

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The convictions were logical developments of what had happened at and after the Geneva Conference.

During the Geneva Conference representatives of China and the United States made contacts for the purpose of discussing the question of nationals on both sides, including those who had committed offences. These contacts were, to begin with, between representatives of the two delegations and were later continued by the two countries' Consuls General in Geneva. At that time the US side handed over a list including several categories of United States nationals in China namely first, civilians who had applied for, but not received exit permits; second, sentenced and detained persons and third, United States military personnel. After some investigation replies were given to the American side on the basis of the lists received. In the Chinese reply it was stated that some of the persons on the lists were in China, whereas some were not and had never been sentenced or detained. After having received this information the United States presented a revised list containing 66 names which corresponded to names on the Chinese list. Among the 66 were the eleven plus the four intruding airmen and other airmen who served under Chiang Kai-shek. Downey and Fecteau were, however, not included in any of the two lists received from the US. On neither of the two occasions when the Americans handed the lists, did they raise the question of prisoners of war in Korea, or in any way link their lists with prisoners of war in Korea.

At the time of these contacts with the United States the Chinese side replied that the Chinese Government was friendly to those Americans who were residing in China. The reply further stated that the Chinese Government was giving protection to those United States nationals who were abiding by Chinese laws, but that those US nationals who were guilty of offences, had to be sentenced. It was further pointed out that exit permits would be granted as soon as possible after completion of necessary investigations to all those who wanted to return to the United States. The sentences of those who had committed offences were generally lenient depending on the facts in each case and on whether the persons concerned had admitted their guilt. The Chinese also told the United States that if the behaviour of those who are sentenced is good, a reduction of sentence or even release before the expiration of the prison term could be considered. The Chinese had told the United States' representatives in Geneva that this was the policy of the Chinese Government, "which" Mr. Chou En-lai added, "we are following and will follow in the future".

At the time of the Geneva Conference there were among the 66 many who had been detained. It had been made clear to the Americans that these cases would be reviewed in order to find out whether the persons concerned were guilty. If found guilty, they would be convicted. The United States' representatives had expressed their satisfaction with the Chinese reply and raised no objections. The United States' representatives had not mentioned any prisoners of war, but had indicated that some of the persons were military personnel.

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After the Geneva Conference the Chinese Government started to deal with the question of the Americans in China in line with what had been said during the meetings in Geneva. For instance a number of American nationals who had applied for exit permits, were given exit permits as soon as possible. Others had upon investigation been found to have committed no other offence than to intrude into Chinese territory. These, among whom was Dixon, had been deported. After the Geneva Conference 14 Americans had applied for and been granted exit permits. The four jet pilots were still under investigation and had not yet been sentenced. There was no doubt that they had been guilty of intrusion, but evidence had yet to be found of other offences and they had therefore not been convicted, which went to show that the Chinese Government deals with these cases in a serious way. It was in the course of dealing with the American nationals along the lines indicated in Geneva that Arnold and Downey had been convicted. These instances were merely two of those discussed, and, thus, not isolated cases.

At the dinner the other day the Secretary-General had asked why the conviction had occurred at this juncture. The explanation was that the Chinese Government had been dealing continuously after Geneva with all cases of American nationals in the spirit of the Geneva Conference.

(Here the Secretary-General interrupted to say that he had not asked why the convictions had been made at this juncture. He had simply as a reply to a statement by Mr. Chou En-lai to the effect that the reaction against the convictions in USA was organized in order to draw attention from the Formosa treaty, pointed out that the timing had not been decided by the US side!)

From all that he had said, Mr. Chou En-lai continued, it would be clear that in dealing with the cases of the American nationals, the Chinese Government wanted to settle the questions raised by the United States in line with what had been said at Geneva and did not wish to increase tension. The Chinese Government was able to provide further proof in support of this attitude. Downey and Fecteau were not included in the US lists; their conviction had nevertheless been made public. They had dropped two agents (on previous missions) and were picking up one. Despite these serious offences they had not been sentenced to death. This meant that one day they would be released and go home. The US had not dared to mention them in Geneva and, therefore, Downey's and Fecteau's conviction could have been kept secret. However, China has dealt with these cases too in "its just and lenient way".

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On the other hand, the Chinese Government had noted that the United States had not said a word about the 14 American nationals who had been given exit permits, nor about the three Americans who had been deported. Instead, the United States had made use of and created an uproar in the cases of the captured airmen. This was how the United States was acting.

It was hoped that what had now been said would have the Secretary-General's attention as he should note all the facts and not only parts thereof.

Mr. Chou En-lai went on to say that he would also like in this connexion to tell the Secretary-General about some questions that the Chinese had raised with the US representatives at Geneva. The Chinese had protested against the detention of Chinese students and other nationals in the United States. The US representatives had replied by stating that the existing law prevented the return of these persons now. It was obvious that in these cases justice had not been done since their detention was illegal as was recognized even by some American public opinion.

As to the number of Chinese students in the United States, this exceeded five thousand. According to incomplete statistics 356 of these had asked to return to their fatherland and join their families. If reference was made to human interest, here was a case of innocent people who were detained. During and after the Geneva Conference the Chinese had been informed by the Americans that a total of 27 of these Chinese nationals had obtained permission to return. However, so far only ten had done so.

Mr. Chou En-lai agreed that there was a human aspect to be considered in the case of those sentenced in China. The same concern should be shown in case of the Chinese students since their families were also anxious for them to return. In fact, even greater attention ought to be paid to the several thousand Chinese students who had been prevented to return, as they were completely innocent and had not been convicted of any offence. Mr. Chou En-lai wanted to call the Secretary-General's attention to the plight of the Chinese nationals, especially the students, since it was his understanding that these students had addressed letters to the Secretary-General. He also wanted to point out that his only intention in mentioning these Chinese nationals was to show the situation from both sides in order to enable the Secretary-General to make a fair comparison. The mention of these nationals in no way implied that an exchange could be made as had been suggested especially in the American press, since there was no way of exchanging innocent against sentenced persons. This would not be the way of "settling questions gradually" between the United States and China, which is what he desired to do.

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Mr. Chou En-lai now came to the second part of his statement which, he said, would be related to the political questions and not be directly linked to the spy cases. As this part of his statement had to do with the United Nations, he deemed it particularly important to bring up these matters with the Secretary-General.

He would begin by saying that the Chinese Government supported the purposes and principles of the United Nations Charter. However, ever since the Chinese people had driven out Chiang Kai-shek from China, the United Nations had adopted an unjust attitude towards China as was evidenced in many ways.

First of all, delegates representing the reactionary rule of Chiang Kai-shek, a rule forsaken by the Chinese people, were still in the United Nations while a government representing six hundred million people was deprived of a seat at the United Nations in grave violation of the Charter. A handful was recognized while a people representing 1/4 of the world was left out. This was a continued injustice. This, however, he realized was a situation which could not be remedied for some time yet.

In international agreements, such as the surrender documents of the Second World War and the Cairo Declaration, it had been stated that Taiwan should be restored to China. Former president Truman had officially stated that no interference in Taiwan should take place, and similar statements had been made by the British Government. But when the Korean war was unleashed, Taiwan was cut off from the mainland. Since then the United Nations had been completely silent which meant that the United Nations agreed with the United States aggressive activities.

After the outbreak of the Korean war and even after the United States aggression in Taiwan, the Chinese Government had asked for a peaceful settlement of the Korean war, but the United States had paid no heed to this and had proceeded across the 38th parallel towards the Yalu River. This gave the Chinese Government no choice but to take action "in self-defence". At this time the United Nations broke its silence and declared China to be an aggressor. By this action the United Nations became an instrument of the United States which dominates the majority in the United Nations. This was intolerable to the Chinese people.

Despite all this the Chinese Government, when the US forces had been driven back to the 38th parallel and Mr. Malik had suggested peaceful negotiations, readily agreed to enter into armistice negotiations, but the United States obstructed these talks. In the interest of peace the

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Chinese had practically agreed to the armistice when Syngman Rhee forcefully detained 27,000 prisoners. After the armistice the United States again violated the repatriation agreement of which the NNRC under General Timaya was in charge, by sending back 14,000 without giving them any option. This was in violation of the Armistice Agreement. At that time the United Nations did not act. But now it had chosen to act. There was a difference in the two cases, not only of quantity but also of quality. It was therefore natural that the peoples of the world who respected justice, had expressed dissatisfaction with the recent UN resolution.

With reference to what the Secretary-General had said yesterday to the effect that the case of the convicted men had given rise to strong emotional reactions also in China, it was true that the Chinese people were indignant because of this evidence of subversive actions. But they reacted even more strongly when they learnt that the United Nations instead of condemning the breach of the Armistice Agreement had condemned China for the conviction of persons who were not prisoners of war. Right and wrong had been reversed. Not only did the Chinese people react emotionally but they refused to consider the case of the 14,000 as closed and felt that the United Nations should have to give account for them.

After the Korean armistice, the Geneva Conference provided another instructive commentary on the present situation. In this connexion Mr. Chou En-lai particularly referred to the impossibility of reaching any agreement on Korea. During the ninth session of the General Assembly the general desire to reach a settlement had not been met by the UN members participating in the Korean war. The resolution submitted by India had had to be withdrawn -- which showed the dominating influence of the United States in the General Assembly. The termination of the war in Indochina had been realized against the will of the United States. Hence the United States had immediately afterwards worked out the Manila treaty in order to create splits in Asia. As a matter of fact the agreement on the Indochina question should have led the parties to accept mutual guarantees and collective security. Mr. Eden had suggested a Locarno pact for Asia -- but in view of the American opposition, the United Kingdom had instead followed the United States line. What the United States was doing in South Vietnam was against the Indochina agreement ("no military material etc.").

Since the end of hostilities in Korea and Indochina, the United States had concentrated its efforts to assist and support Chiang Kai-shek in his "war of harassment" against the coast of the Chinese mainland. The United States had also engaged in disrupting navigation and Chinese as well as British ships had been seized. In order to legalize

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the occupation of Taiwan, the United States had concluded a treaty with the Chiang Kai-shek Government which also seemed designed to enable the United States to continue its aggression. The activities of the United States towards making a treaty with Taiwan had been stepped up after the agreement in Geneva. After the Manila treaty and the Paris agreements the US-Chiang treaty was made public on 2 December 1954. This was the most serious international act since World War II, because, by its means a nation through a treaty, had occupied another nation in violation of international agreements and the United Nations Charter. The nation which had done this was a Charter member of the United Nations.

In order to cover up its serious acts of aggression, the United States had made use of the spy cases and had created an uproar in the United States and the United Nations. The purpose of this had been to draw world public opinion away from the aggressive intentions of the United States. The United Nations had "timidly" followed. *Am. R. A. Lead* It was surprising that the United Nations had not paid heed to the protests made by the Chinese Government and others. By adopting the resolution, the United Nations majority had lent itself to be used as the tools of United States aggression.

Some people had interpreted the US-Chiang Treaty as having the effect of restraining the activities of Chiang. This idea was absurd as the treaty meant the same as if a family were asked to recognize the right of a robber to occupy part of their house in order to restrain a temporary caretaker. The next step would be to try and restore the caretaker as owner of the house.

Another view that had been held was that the United States' action would have the effect of preventing any extension of the war and to ease instead of increase tension. However, if there had been no United States occupation of Formosa and no US navy in the straits, Taiwan would long ago have been liberated. The present aggressive activities were bound to lead to a steady increase of the risk of extending the war. On the other hand if the US forces were to withdraw from Taiwan and the Taiwan Straits and the Chinese people were to be permitted to liberate Taiwan, no matter in what way, this would lead to a relaxation of tension in the Far East. The Chinese Government could not agree that the liberation of Taiwan would have the effect of increasing tension, nor subscribe to the idea that the United States-Chiang treaty was leading to relaxation.

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What the Chinese Government was doing in the Far East was to promote peaceful coexistence, which could be enjoyed by any country as long as it was animated by the same desire, and irrespective of its "social system".

It was the hope of the Chinese Government that the Secretary-General, after having heard its statements, would consider whether it would be possible to persuade the American friends to further peaceful coexistence which could be done by withdrawing their forces from Taiwan and the Taiwan Straits. This would be the greatest contribution to peace in the Far East and to world peace.

Some people harboured the idea of neutralizing Taiwan and creating an independent state. This was inconceivable. The Chinese people would never agree to such an idea and those who held it should be told so.

It was hoped that the Secretary-General would be able to understand the position of the Chinese Government which supported the purposes and principles of the United Nations but was against any ideas violating any of these purposes or principles. Any step which was genuinely for the purpose of easing international tension had the full approval of the Chinese Government which was prepared to take similar steps. On the basis of the five principles for peaceful coexistence established by China, India and Burma as a basis for their relations, the Chinese Government was willing to establish such relations with any country, without exception, which so desired. The Chinese Government firmly desired peace but under no circumstances would it settle for peace at the cost of its territory and sovereignty. It was against war but would never be intimidated by war threats. This had been proved in the past and would be evidenced in the future. The promises made by the Chinese would be fulfilled and the policies that had been followed would be maintained.

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Before adjourning the Secretary-General made a brief reply. He said that he appreciated the full and frank exposition of the Chinese attitude but had to state that considerable differences of views existed. Especially, he wanted to stress that the points brought out by Mr. Chou En-lai had in no way shaken the conviction concerning the innocence of the eleven fliers which he had formed on the basis of his independent study of the material. He would in the next day's meeting explain to Mr. Chou En-lai why he found the points made by the Chinese representatives inconclusive or for other reasons unacceptable.

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T H I R D M E E T I N G

8 January 1955 - 3-8.10 p.m.

The meeting began by the following statement by the Secretary-General:

"As to my general view of what the Secretary-General can do -- and how he can act -- I tried to make that clear yesterday: he must, independently of the governments, form his own opinion as to what best serves the cause of peace and act on that basis without jeopardizing the position of his office by permitting himself to be drawn into open conflicts where a broad opinion might misinterpret his intentions.

"I have given much thought to your statement. I cannot cover the very broad ground that you covered. Nor, certainly, do you expect me to do so. I will later, in the case of the eleven, give you in detail the reasons why your five basic points have in no way changed my conviction. I will also later say a few words about a couple of the political points you raised which are of such a nature that you may expect me to take a special interest in them as Secretary-General. Before I bring up any of these points I would like to give you in very general terms my reaction to what you said concerning the political tensions.

"I feel that I have to go one step behind your presentation. The developments which you talked about form part, but only one part, of the cold war, and you described them as viewed from your angle in the light of your concerns and political ambitions. You said the other day that the Secretary-General should not look at part of the facts but take into account all facts, looking at the situation in its entirety. That is what I will try to do.

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↳ substantial

Many of the words that you used with such deep conviction in describing your fear of aggression I have heard used in other countries concerning you. You may seem to have ~~substantive~~ reasons for your fear, but so have others for theirs. In fact, your fear of the other side is fully matched by their fear of your side. Ideologically you fear the development of "American imperialism". The others, in the same way, referring to Communist ideology, fear your urge for "world revolution" or "world domination".

"Thus, we have run into what I would call a tragedy of errors, in a most serious form reflecting the situation in that little Peking opera which we saw yesterday night where two men were fighting each other in the dark, each of them believing that he had been threatened by the other man.

"The deadlock of this tragedy of errors must be broken. That is the very essence of the problem of international tensions. And in order to break it, somebody must begin, somewhere. Nobody can excuse himself by saying that the other one should take the first step, nor can anybody excuse himself from making a modest contribution because it does not really concern the main problems. By gradual steps of an admittedly modest nature the general atmosphere can be improved and the deadlock broken so that the ground is prepared for a solution of major problems. If those concerned feel that they must first solve, for example, the German problem or the Taiwan problem, before tackling all the less important points, we will never get anywhere. We must start where something can be done now in the right direction, and hope that by such steps we will lay the basis for greater achievements.

"The story as you told it yesterday, is, as I said, one aspect of one part of the cold war, with the lights and shadows determined by your fears and your political interests. Looked at from another angle, the picture changes from black to white. There are a few points where my reactions are at least similar to yours. There are other points — and they are many — where I deeply disagree with your interpretation of facts. In my case the differences of views is explained, not by a difference of interests, but by the fact that I have different information as a background for my judgments.

"However, it is futile to rewrite history which we are, both of us still responsible for making and on which neither you nor I can claim to have a definite perspective. We, both of us, unavoidably, interpret happenings in terms of interests and ideologies. I cannot claim to be free in my judgments, but I do claim that I conscientiously try to give the different interests and the different ideologies what is their due in an interpretation of political action.

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"But here and now, it is not why this or that happened, or why this or that was done that should engage our time. My interest is directed to the question what can we do now and how can we act in order to improve international relations.

"You talked yesterday about intentions and acts and you argued from acts to intentions. I feel that you are moving on very dangerous ground, indeed, if you believe that acts, motivated for special reasons, can be used as a basis for judgment concerning long-term intentions. Neither on your side nor on the other side do I feel that such an approach renders full justice to the situation. Let me bring up only one concrete example to show what I mean.

"The case I have in mind relates to your attitude to the US-Chiang treaty. I believe you when you tell me that you wish peace. I believe that this reflects your basic long-term intention. But I note your attitude on the Taiwan question. I have seen you act on the basis of that very attitude and you have told me that you intend to continue. Your acts and your attitude, given the situation as it is, do, however, seriously add to present tensions and may well be said to indicate intentions which are far from peaceful. You cannot say that that is untrue, because the situation has been created by others and your attitude represents but a just reaction. In a complicated interplay between causes and effects nobody can in that way lift the responsibility from his own shoulders by putting it on the shoulders of the others. It is politically and morally unjustified. It is like saying that if a brick falls down and hits a man who walks in the street, the man is responsible because he was there when the brick fell down.

"Another point. You have complained of the contradictory attitudes taken by the United Nations. You have said that in many cases the United Nations majority has not reacted in defence of the principles of the Charter, while in the case of the eleven, the United Nations "timidly followed" the United States' wishes and helped to "create an uproar" in order to draw attention from the Chiang treaty. I agree that the United Nations has not always taken action in the way in which I, for one, consider that the Organization should have done. I also agree that the United Nations has not been consistent. But from those admissions it is a far step, indeed, to accepting your complaint of the reaction in the case of the eleven. Are you justified in robbing a man of the tribute due to him when he acts as he should, because in other cases a man has sinned? No, that is not so. You have misunderstood the situation of the United Nations. The strong majority in the case of the eleven was not one cooked up under United States

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leadership. It did not mean that the Assembly "timidly followed". I know the psychological situation. The reaction was a strong and honest one, shared with deep conviction by that great majority which stood behind the resolution. This reaction is explained also by the fact that the governments felt a special responsibility for these men as -- and that is a view that you know that I share -- they were serving the Organization, in a cause endorsed by the Organization. You may ever so much disapprove of the operation in which they were engaged; for those in the Organization, or for me, there is no hesitation on this point.

"As I promised at the end of our meeting yesterday, I and my colleagues have studied your exposition of the case of the 11 men from the B 29 aircraft with great attention. After careful consideration of the five basic points which you made, we still find nothing to shake the conviction which we ourselves have arrived at, on a general view of all the facts, that the 11 men were engaged on a lawful military operation in the Korean war when they were shot down and captured. You and I are in full agreement that this case is not to be discussed between us in the spirit of a legal debate, but I feel that I owe it to you to explain briefly why your five basic points do not change my interpretation and appreciation of the total facts.

"Your first point was that there is a certain parallelism between the case of the eleven men and the case of Downey and Fecteau which in some way links them together. This parallelism consists, you say, in the facts that (1) the eleven men and the 581st Air Resupply and Communications Wing to which they belonged were, like Downey and Fecteau, working for the United States Central Intelligence Agency when they were shot down and (2) the eleven men, like Downey and Fecteau, were captured when intruding into Antung Province. As to the 581st Air Wing I have material and positive proof that at the period in question this Wing had been assigned to United Nations Military operations in the Korean Conflict and was under United Nations command. As to the capture of the eleven men in the same Province as Downey and Fecteau, this is completely inconclusive as evidence that the eleven men were not engaged in a lawful operation in the Korean Conflict. After all, Antung Province is immediately adjacent to North Korea in which there was in progress at the time a major war involving constant air operations by the United Nations. There is nothing surprising or sinister in the fact that a particular United Nations aircraft attacked in the far north of Korea should have been forced down into Antung Province, if such was in fact what happened to the eleven men.

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"Your second point was that the eleven men, like Downey and Fecteau, intruded into Chinese territory for espionage purposes. But, as I have already said, the fact that the eleven men crashed into Chinese territory, is in the circumstances of the present case inconclusive as to the eleven men having been engaged or not having been engaged on United Nations military operations.

"Your third point was that the B 29 Aircraft was found to contain a URC 4 type portable transmitter and receiver for use on land and that this proved an intention to indulge in espionage, just as the special pick-up equipment proved it in the case of Downey and Fecteau. From my own personal experience I can give you the most complete assurance that this type of portable radio is part of the standard survival equipment carried by large American aircraft. I and my staff, with the exception of Professor Waldock, travelled from New York to London in one of the large aircraft normally provided by the United States Air Force for official passengers. To satisfy my own curiosity I made a personal investigation of the survival equipment carried by the aircraft and found that there were included in the emergency kit not one but several URC 4 type portable radios — enough indeed to give one to each of us. This lavish standard of survival equipment, as I said at our first formal meeting, is normal for all large American military aircraft. You will therefore understand why I find the discovery of a URC 4 type radio on the B 29 aircraft inconclusive as evidence of espionage activities by its crew.

"Your fourth point was that, according to your statistics, there have been very large numbers of American intrusions into Chinese air space and a substantial number of dropping operations for espionage. It would not be appropriate for me to deal in detail with the figures of intrusions and dropping operations which you gave, though my information leads me to suppose that they might not be everywhere accepted. but I must emphasize that general statistics of the kind which you gave are of a very limited relevance in considering the case of the eleven men. It is a general principle of law that individuals are answerable only for offences in which they have themselves participated and for which they are themselves responsible. Indeed, in the international law relating to espionage in time of war, the principle of individual responsibility is carried to such lengths that a spy who completes a spying operation and then returns within his own lines cannot afterwards be criminally charged for anything done in the course of the completed operation. Espionage under international law is thus an offence which is strictly confined to the particular operation in which the spying is alleged to have taken place. I do not disguise from

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you may fear that in the present case Chinese apprehensions, whether well or ill founded, concerning United States activities, may have prevented the case of the eleven men from being appreciated and judged completely in isolation. I am still myself convinced -- and so are, without reserve, my colleagues -- that, looking only at the evidence relating to the acts of these men, they were genuinely engaged in a lawful military operation of the United Nations Command in the Korean Conflict.

"Your fifth point was that the eleven men wore United States uniform and used the existence of the Korean war merely as cover for espionage in China. But, here again, your point seems to be completely inconclusive as to the eleven men not having been engaged on a lawful military operation of the Korean Conflict. United States airmen engaged in the Korean Conflict under United Nations command would necessarily wear United States uniforms. It may be true, as you said, that their wearing uniforms does not prove that they were under UN command, but, on the other hand, there would indeed be the gravest risk of injustice if the fact that Arnold and his men wore United States uniforms were to be considered in any way evidence of their being engaged in some kind of espionage activity for the US. I may add that much might be said on the legal aspects of treating men in uniform as spies in the circumstances of the present case. But I do not wish to enter into legal debates on such questions. My purpose is simply to explain why it is I find this point so inconclusive as evidence that the eleven men were not engaged in a lawful military operation of the United Nations Command in the Korean Conflict.

"I now turn to those special political questions on which you may expect me to speak in more concrete terms. The two questions I have in mind are the question of representation of the People's Republic of China and the question of the Chinese students in the United States.

"As to the question of representation you know from public statements what is my attitude. I have said publicly that I consider the Organization as based on the principle of universality and, it being so, I consider it a weakness and an anomaly that this people, one fourth of mankind, is not represented in our work. You said yourself, with some bitterness, that you believed that the problem could not be solved for some time yet. Let me only say, that I consider this appraisal of yours as realistic.

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"As concerns the Chinese students in the United States, it is true as you said, that there is a letter from a group among them to the Secretary-General. I will, on my return, take up that letter and try to reach a decision on the merits of the case as to what action I may take. I do that in a humanitarian spirit. I don't know how I can act and what I can do, but I can assure you that if I find it justified and if I see my way as to how the problem may be tackled, I will not hesitate.

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"The statistics you brought out do not confirm my view of the situation as based on statistics available to me. We agree that originally some 5,000 were in the United States but only somewhat more than ~~5000~~ have wished to return and out of that number the vast majority has returned. After the latest canvassing it seems that only 35 are waiting for a decision concerning their request for exit permits. If I remember the situation correctly, those signing the request to me were even less numerous. But on that point I would not like to commit myself.

"May I add that I have never had in mind any deal, any exchange of the prisoners and the students. But that is not because I consider one criminal and the other as innocent. To me they are both innocent. It is because I consider that such a deal, involving two entirely unrelated questions, would be below the dignity both of the two governments and of the Organization I represent.

"I now come to my concluding remarks. So far, I have not asked you for anything. However, there are two requests or suggestions which I would like to make.

"You have, yourself, stressed the importance of the human interest involved in all these questions of imprisonment or detention. You have restated the principles for your treatment of the various cases as presented by you in Geneva. You have said that you are going to implement the principles you explained to the US representatives there faithfully and completely. May I ask you that in pursuing the policy as you explained it in Geneva, you will do what you can to see to it that procedures are to all possible extent speeded up so as to shorten the time of detention or uncertainty for all concerned.

"My second suggestion is also made in a humanitarian spirit. Could you see your way to giving me, before my return, information concerning the health condition of the prisoners and all similar information of importance to their families. I know what such information might mean. I will tell you how much importance I attach to it also personally."

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After this statement by the Secretary-General, Mr. Chou En-lai said that he would like to present his views following the same order as the Secretary-General.

According to notes taken Mr. Chou En-lai's statement ran as follows:

"I agree that in these talks of ours the purpose should be to explore and to seek some common viewpoints, if possible even understanding. As had also been agreed, nobody would be committed by the talks.

"We regret that there are few points where we see eye to eye and relatively more where we differ. Despite this, it is my hope that we should be able to look at things objectively and to reach a wider understanding.

"We should not place ourselves in opposite positions or try to "prove" something. Only thus this contact between the Secretary-General and representatives of the People's Republic of China may be helpful. It would then be a beginning, not an end."

The Secretary-General said that he subscribed to what had just been said.

Mr. Chou En-lai continued:

"You mentioned that our criticism of certain developments involving the United States and China formed part of the cold war. I cannot agree to this. Even less can I agree that words used by us concerning other countries could be used by them in describing us because we base our statements on facts. Taiwan, for instance, was placed under US protection but we have not placed Honolulu under our protection. So how could a parallel be drawn?

"You also mentioned that each side equally feared the other. The "fears under the respective ideologies" are not the same. We do not object to something merely because it is US action. If the actions by the United States were to be to the benefit of peace we would not object because of the fact that these actions emanated from the United States. This was proved by our attitude to the Korean Armistice and at the Geneva Conference. We welcomed the armistice agreement and we recognized the United States in Geneva, whereas they did not recognize us. Our actions have been taken with a view to relaxing tensions, whereas the United States has taken an attitude of negating everything we do: the USA interprets all China's actions as undertaken for the purpose of expansion. This interpretation is contrary to our intentions.

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"We are judging the United States by their acts. Their action in ending hostilities in Korea, for instance, was for peace, whereas their conclusion of a treaty with Chiang Kai-shek serves to increase tension. We do not deduce intentions from other peoples' general conduct, but base our opinion on such actions as clearly show the underlying policy. Thus, we determine whether the actions are peaceful or aggressive. In the US-Chiang treaty, for instance, the area of application can be expanded any time to include the coastal islands and even the mainland. We are asked to tolerate the US occupation of Taiwan; but tomorrow we can expect an expansion of this occupation. Tomorrow, at his pleasure, Chiang may attack us. How could we tolerate this? Is this justice, Mr. Secretary-General? Isn't it like the case where a robber, as it were, would occupy parts of this room, which cannot be touched because we are told to tolerate this even if an expansion of the occupation could be made, as in the case of the treaty. What would you say if Sweden were to find itself in such a situation? We don't guess or take out of thin air the motives of other people. This is the whole story with regard to the US-Chiang treaty. The Chinese people are fully entitled to liberate Taiwan and to drive out Chiang Kai-shek, who has already been forsaken by the people. This is said to be war-like acts, but the United States has occupied Taiwan. Under US protection Chiang can occupy coastal islands and detain ships in the straits. But these acts are not called war-like. Yet, they may expand any time. The United States is stepping up Chiang's army so as to be able to attack the mainland. These acts show the United States motives. We are not talking abstractly in this matter.

*Is the basic fact that
motives is expressed
in the treaty*

"How could this be said to be like the man who is held responsible because he was walking in the street, when a brick fell down on him. It seems rather to be like a man entering a house to attack and the occupant being prohibited from taking any counter-action. Attacks have, in fact, already taken place.

"If we should enter into a debate of the Taiwan situation, the Chinese people would not consider you impartial but as a defender of the United States whose acts have aroused the strongest indignation of the Chinese people.

"You are quite right in saying that history cannot be rewritten. As to the Chiang-US treaty history will draw its own conclusions. I would like to add that history is written by the peoples themselves so in the final analysis the peoples will judge whether China or the United States committed aggression. I hope that you will listen to the voice of the people.

"To sum up: ever since the signing of the treaty, the United States has been increasing tension in the far East. As long as Chiang is under American protection and receives American support the war against our coasts and the detention of ships will continue. The Chinese people are not afraid of war threats. This is the foremost question in Asia and China. To tolerate this situation would be the same as having tolerated the Japanese aggression in Northeast China in 1931 which was the first spark to World War II. I beg you to consider this as an important fact in your appraisal of the world situation."

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At this point the Secretary-General intervened. He wished to point out that he had been misunderstood in Mr. Chou En-lai's reference to his statement concerning the Cold War. The Secretary-General had referred not to Mr. Chou En-lai's presentation as such, but to the facts to which reference had been made by Mr. Chou En-lai and the light in which those facts had been presented. Nor had he said that the reactions on the two sides were determined by ideological considerations.

The Secretary-General further wanted to make it clear that just as he did not represent any country, he did not speak against any country either. If and when he had any criticism against the policy of any government to which he wanted to give expression, he would do so to the government concerned. Thus he neither could nor would engage with Mr. Chou En-lai in a discussion of the policy of other governments.

He added that he had listened with the greatest attention to the views expressed by Mr. Chou En-lai, of which he obviously wanted to take note because of the importance those views had as part of the general picture on which the Secretary-General had to base his judgment.

Mr. Chou En-lai continued:

"As I said a little while ago, the Chinese people have no fears. What they regard as correct, such as truth and the struggle for peace, they would do their utmost to uphold. What they consider not rightful, such as war or aggression, they would definitely resist.

"With regard to the question of United Nations and China, it was obvious that during the last five years, the United Nations had been unjust. This, even you could not completely deny. To give two outstanding examples: at the same time as the outbreak of the Korean war the United States had occupied Taiwan. On this question, the United Nations had been silent. On the other hand, when China had assisted Korea, the United Nations had condemned that action.

"A second example was that over fourteen thousand Chinese had been forcibly sent against their will from Korea to Taiwan in violation of the Armistice Agreement, which had caused continued objections i.a. in the Indian Press. In this case again, the United Nations had been silent. But when the Chinese tribunals convicted the US airmen as spies the United Nations condemned China and created an uproar. This shows that the United Nations has become a tool of US aggression. These are indisputable facts on which we base ourselves. It is on this stand that the majority of the United Nations show unanimity, but this unanimity is not for the benefit of peace but serves, in co-operation with the United States, to increase tension.

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"An even more important question is that China is deprived of her right and status in the United Nations. It was in an objective way that I had said that this state of affairs was likely to continue, but this did not mean that China did not find it most unjust. This is the second point to which I want to call your attention.

"As regards the legal questions, we have agreed not to enter into any lawyer's debate and our purpose therefore only is to clarify certain facts relevant to these cases. In pointing out some basic facts we have a two-fold purpose, namely first to show the basis of the judgments of the Chinese courts and second to reject the eight points made by you.

"We have different ways of looking at these cases. You base your conclusions on superficial elements presented by the United States whereas we base our conclusions on the essence of the matter as it emerges from the evidence as presented to the courts. The following are some essential facts:

- "1) According to material in our possession, the 581st air wing is a special operations wing with the exclusive task of carrying out operations for the Central Intelligence Agency, which is the same authority under which Downey served. This wing is controlled and used by the Central Intelligence Agency through the US Air Force. Its main task is to drop agents into Communist dominated and Communist countries and to provide these agents with supplies. The wing works under cover of psychological warfare, such as leaflet operations. According to our material, the United States has stationed similar air wings in other parts of the world. The wing has seven air supply squadrons consisting of converted long-range planes. Its special task is to send agents and supplies to agents. This was exactly the duty of Arnold and his men on his spying mission. His plane was specially equipped for airdropping personnel. From all this material it can be seen that the B-29 aircraft ~~of~~ Arnold in intruding in our air space ~~formally~~ operated under the US Air Force, but in effect worked for the Central Intelligence Agency, that is the same agency that directed Downey. In view of the essence of the question ~~we cannot on mere formal grounds defend the persons concerned against the actions taken.~~
- "2) When Arnold's aircraft was shot down, this was not done under circumstances of force majeure. The plane took off from Yukota, passed over Korea and was brought down at Antung. The plane had

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two radar observers instead of the normal one in order to direct the flight, and the entry into our air space by mistake is therefore excluded. The plane also had a check pilot, Baumer, who was equally concerned with the task of directing the flight. So here is another proof of the intention of the air craft to enter into Chinese air space for the purpose of engaging in espionage operations.

"Downey's aircraft was brought down at Antung. As to the exact location we have eye witnesses and also material evidence remaining on the spot.

- "3) On Arnold's aircraft one person, Benjamin, was in charge of parachutes. The presence of this man in the crew is unusual for a B-29. Benjamin had received special training at Fort Benning, Georgia, which was the same special kind of training as that given Downey and Fecteau. This fact proves that the persons involved in the two cases received the same training from the same institution.
- "4) As regards the radio set, it has super-high frequency with a rather short range for use especially on land. The same kind of radio set had been found with captured air dropped agents in other places. Therefore, it cannot be said that the fact that military passenger planes are equipped with such radio sets excluded the use of such sets for espionage activities. We have here the same situation as for instance with regard to parachutes: they could be used in connexion with the conduct of Korean war operations but also for air dropping of agents.
- "5) With regard to the question of uniforms, it is of course true that the personnel participating in the Korean war operations had uniforms although this was not the case with all. Military reconnaissance personnel on the ground sometimes were in civilian clothes. We caught some such persons in Panmunjom. If Arnold used a military plane, why should not he and his crew also use military uniforms to cover up their espionage operation? The fact that they wore uniforms cannot be said to be any proof of non-espionage. If Downey, who has been proven to have engaged in espionage, was in uniform, why could not Arnold and his men have been?
- "6) You mentioned our point 4 of yesterday with regard to the number of times of US intrusions into our air space. If you ever think that this was used as a basis of the conviction of Arnold, you are wrong. We only said yesterday that one aircraft took off from Seoul and one from Yukota. We only mentioned the intrusions as examples of the general picture. The basis for the convictions was instead the special nature of the air wing, the radio set, the special personnel, etc.

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- "7) You mentioned the routine report made at the time on the loss of Arnold's aircraft. But you failed to note what I had said, namely that immediately after the intrusion the Chinese Government on 21 January 1953 had made protests against this intrusion. Later, after the Korean Armistice Agreement and at the repatriation we found among the prisoners none of the Arnold type.

"At Geneva we got a list of military personnel from the US representatives. The Chinese representatives on that occasion acknowledged that Arnold and his men were in China under investigation. The US representatives did not mention these men as prisoners of war, nor did they object to the fact that they were under investigation in China. This proves that Arnold and his men were not considered as prisoners of war from the Korean war. The United Nations, therefore, has no right to deal with these cases and to create an uproar.

"You come from the United States, and it is therefore natural that you should have based your presentation on US material. In fact, what you have brought forward has seemed to us not to differ from the statements made by the US Delegation. We have presented new material, partly emanating from the persons themselves, which is reliable. We hope that our material has had your attention. If so, your trip has not been fruitless, since you have been given a chance to hear the true facts and not only those of one side.

"We cannot agree that Arnold and his men were prisoners of war from Korea or that they are innocent. They, as well as Downey and Fecteau, committed the offence of intruding into China and of espionage.

"We are grateful to you for your concern as regards the requests to you from innocent Chinese students wanting to return to their fatherland. They number many more than thirty-five. We believe that all of them will continue to bring their cases to the United Nations and the Secretary-General.

"I should now like to give my answers to your requests and suggestions:

- 1) The Chinese Government will act on the basis of the policy announced in Geneva to the United States with regard to all persons detained in China. This applies not only to those convicted, but also to those under investigation.
- 2) We would be very glad to supply you with the information requested concerning the prisoners' health and also to give you photos of them in order to comfort the families.

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"We would like to make an additional suggestion: if the families would want to come to China to visit these persons, the Chinese Government would be glad to give every assistance for this purpose. The Chinese Red Cross would be charged with the duty of arranging the trip and of receiving the members of the families. The Red Cross has all the time helped in transmitting letters and packages to the persons concerned."

After having expressed his gratitude for the replies just received, the Secretary-General stressed again that his statements were in no way an echo of views expressed in the General Assembly or from the United States. They reflected the results of a completely independent study which had taken into account not only the material presented by the American authorities-- which was of the nature of evidence normally presented to courts -- but also the information given from the Chinese side, in print and now in the course of the discussions. He thus claimed for the convictions to which he and his colleagues had come, the impartiality of a study based on all available material. The Secretary-General continued:

"Under seven points you have brought out new arguments in favour of your views concerning the nature of the mission of the fliers. I feel that, if I were to reply in any detail to what you have said, we would get just into that kind of lawyers' debate which we both want to avoid. For that reason I will limit myself to a few observations and give you my reply now at once so as to conclude our debate.

"In your first point you referred again to what you considered to be the special character of the 281st Air Wing. Referring to the "essence of the matter" you seemed to wish to base your conclusions concerning the eleven on the views you hold on the character of the Wing. On this point I wish to refer again to my statement earlier today where I have stated in clear terms how I look at the Wing. I wish, also, to draw your attention especially to what I said in my statement concerning the fact that a man can never be judged for anything but his own immediate action. From that it follows that whatever the character of the Wing, it is inconclusive for the judgment on the guilt or innocence of the eleven.

"In points 2 and 3 you mention three members of the crew who were in excess of the normal manning of a B 29. You are right that the extra radar operator and the check pilot as well as possibly Mr. Benjamin, were added to the normal crew. Before bringing this matter up, I investigated the reason for their presence. Again the explanation is a simple one and the fact to which you refer, inconclusive. Colonel Arnold and other members of the crew were flying over this territory for the first time, and for that reason felt that Baumer and the two others with previous experience should accompany them on this flight in order so to say, to brief them, I repeat that under these circumstances their presence in the plane does not show what you wished to indicate.

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"As to your point 4 concerning the radio, you may be right that the URC 4 radio may also be used by spies, but the fact I have mentioned clearly demonstrates that even if that be so, the presence of a URC 4 radio does in no way support your contention that the mission of the B 29 was intrusion for espionage purposes.

"You referred again to the question of uniforms. I can only repeat what I have said in my previous statement that the crew being in uniform most definitely does not support your case, although on the other hand, admittedly, it does not prove that the men were on a UN mission. The uniforms as evidence are inconclusive.

"Summing up what I have said so far it is, thus, obvious that neither the composition of the crew nor the presence of the radio nor the uniforms, are conclusive evidence in your favour.

"I note with satisfaction your observation concerning the statistics as they show that you agree with me that no man should be punished for anything but for what he is personally responsible.

"As to your final observations concerning the report of the loss of the plane, I have nothing to add to my previous statement, that the routine casualty report is evidence of the character of the mission."

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In reply Mr. Chou En-lai said:

"It seems clear that if we continue to argue the spy cases we would not reach any common conclusion. Although you have said that you were not representing the majority of the United Nations nor discussing the Assembly resolution, it is natural, and you cannot help it, that you are influenced by the United States, as it is their material that you have. We have our own material evidence and also confessions, on which basis the courts founded their just judgment. We have based our conclusions mainly on the activities of the 581st Air Wing but also on other evidence, proving the espionage committed by Arnold and his men. As to the other aircraft -- the four jet planes -- these pilots have not yet been convicted, although they have admitted that they intruded into our air space. This proves that the convictions have not been made just because other aircraft intruded into China. I hope that you will bear these facts in mind when considering this question.

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The Secretary-General replied: "I guess you may be right in saying that we cannot here and now arrive at common conclusions as to the facts. However, I feel that in the course of these discussions we have built up a mutual respect which makes us trust that the other party will reach its final conclusion in a spirit of justice and fairness — before his own conscience!"

To this last observation Mr. Chou En-lai replied that he accepted what the Secretary-General had said but that he wanted to add that he hoped that the discussions would not be so treated as to grow into a new source of friction.

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F O U R T H M E E T I N G

10 January 1955 - 4-5.20 p.m.

The Secretary-General said that, as this was to be the last meeting, he wanted to thank the Chinese hosts and Mr. Chou En-lai for what had been done in order to make the visit to Peking both useful and pleasant. He felt sure that the personal contacts established would have justified the visit even if nothing else had come out of it.

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After having expressed his gratitude for these words, Mr. Chou En-lai continued:

"In this last talk I would like to reiterate some statements already made in order to make our position clear. You have come to tell us your understanding of the situation which has been useful to us. We knew something before but now we know more.

"Since the situation in China, the voice of the Chinese people and the intentions of the Chinese Government are not so easily accessible to you as Secretary-General, our views should be worthy of your consideration and attention. It is our hope that you will be able, at times which you consider appropriate, to tell those countries concerned, although not friendly towards us, especially the United States, about China, our views and our position.

"In our opinion the uproar created in the United States is completely unwarranted. As I have already stated, we have ever since Geneva taken steps to bring relations closer. The United States, by bringing the question of the convicted airmen to the United Nations and by engineering the Assembly resolution, which we oppose, has created difficulties and has not contributed to a solution. If the US Government should want to continue the uproar on this question without justification, the Chinese people will

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not be intimidated and will take no step to change its position. With regard to the just measures of exercising our sovereign rights, no interference from the United States or the United Nations can be tolerated.

"What the United Nations should go into and rectify are quite a few things as previously mentioned, for instance the question of the Chinese students in the United States, the question of Taiwan, and the status and rights of China in the United Nations. Every one of these situations should be considered by the United Nations since they are all based on injustice.

"We, on our part, can assure you that we will firmly adhere to the five principles for peaceful co-existence contained in the joint statement by China, Burma and India. By practical steps, we will prove that these intentions are taken seriously. If possible, we hope that you will tell the American people that the Chinese people are friendly towards them. This can be proved by our willingness to provide facilities for the families to visit the American personnel concerned. If the US Government were to give up its policy of aggression and war against China, we are firmly convinced that China and the United States would be able not only to co-exist peacefully but also to co-operate in a friendly way.

"We welcome you on this visit to China and to these talks, and we would like to express our admiration and respect for the expressions you have given to your intentions to fight for the purpose and principles of the United Nations as its Secretary-General. For the reasons already given and the fact that we want to continue our efforts towards a relaxation of tensions, we have voiced the hope that the contact with you personally and as Secretary-General would continue. We have both the wish to maintain this contact in the future in the interest of world peace, in accordance with the purposes and principles of the United Nations. We understand very well that after you leave China you will face some difficulties, but we believe that with the spirit you have manifested and your prestige as an individual and as Secretary-General, you will promote peace."

The Secretary-General then made a concluding statement along the following lines:

He appreciated Mr. Chou En-lai's expressions of trust in him. When Mr. Chou En-lai had said that he hoped that the Secretary-General would find it possible to explain to the other peoples in an objective way the problems and viewpoints of the Chinese people, he had only indicated what was under all circumstances the duty of the Secretary-General; it was obvious that the Secretary-General in his office was obliged to present the problems

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and viewpoints of all peoples as objectively as he could in the light of his knowledge. Thus the Secretary-General would at all events have continued his efforts to present also the viewpoint of the Chinese people objectively. However, in one respect the discussions would help him. It was obvious that they had added much to his first-hand knowledge and thus would make it easier for him to give an objective interpretation.

On this point the Secretary-General wanted "bluntly and frankly" to point out to Mr. Chou En-lai that what the Secretary-General might say about China on the basis of his widened knowledge obviously would carry very much more weight if the Chinese Government saw its way to meet him and accept his viewpoints in the prisoner question; he felt that it would do so without disavowing its own legal conclusions or bypassing the sovereignty of the Chinese courts. He noted that Mr. Chou En-lai in the course of the discussions had reaffirmed the statements from Geneva concerning the traditional Chinese policy of "leniency" and early release.

In reply to this statement at the end of the Secretary-General's declaration, Mr. Chou En-lai said that as regards the spy cases, the Chinese courts had reached their conclusions "on the basis of legal considerations" exercising their sovereign right. The political relations between the United States and China were another matter. Mr. Chou En-lai felt convinced that the Secretary-General, "in an objective way" would find it possible to keep those two aspects of the matter apart.

As to the question about the offer to American families to visit relatives in China, Mr. Chou En-lai indicated that this offer applied to the seventeen (13 + 4) imprisoned persons listed as military personnel plus Downey and Fecteau. In this connexion he added that, since the four jet pilots were not in Peking but in North East China, the health reports and photos concerning them could not be included in the material concerning the other thirteen persons which was now ready for the Secretary-General, but would be sent by air mail directly or through the Swedish Embassy as soon as possible,

The remaining 51 Americans (out of the total of 66) were not in prison and some of them had already been granted exit permits. Any need for visits to them by relatives did, therefore, not appear to exist. However, if in any case such a visit should seem required, the matter could be dealt with between the Chinese and American Consuls General at Geneva.

The text of the joint communique, which had been prepared in advance of the meeting, was thereafter agreed to without discussion.

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