

# Peking story (American prisoners in China) - correspondence, letters and ca...

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Peking story - 1955

6 Jan.

Mutual Defense Treaty with the Republic  
of China.

- a.) - Message from the President of USA
- b.) - Lodge, Henry Cabot (Represent. of USA to U.N.)  
- 1 letter to D.M.

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MUTUAL DEFENSE TREATY WITH THE  
REPUBLIC OF CHINA

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF  
AMERICA AND THE REPUBLIC OF CHINA, SIGNED AT WASHINGTON  
ON DECEMBER 2, 1954

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JANUARY 6, 1955.—The treaty was read the first time and the injunction of  
secrecy was removed therefrom, and together with all accompanying papers  
was referred to the Committee on Foreign Relations and ordered to be printed  
for the use of the Senate

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THE WHITE HOUSE, *January 6, 1955.*

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to  
ratification, I transmit herewith the Mutual Defense Treaty between  
the United States of America and the Republic of China, signed at  
Washington on December 2, 1954.

I transmit also for the information of the Senate a document con-  
taining statements made by the Secretary of State and the Chinese  
Minister for Foreign Affairs on the occasion of the initialing of the  
treaty on December 2, 1954, together with a joint statement regarding  
conclusion of negotiations for the treaty issued simultaneously in  
Washington and Taipei on December 1, 1954.

There is further transmitted for the information of the Senate the  
report made to me by the Secretary of State regarding the treaty.

Finally, there are transmitted for the information of the Senate  
texts of notes exchanged by the Secretary of State and the Minister  
for Foreign Affairs of the Republic of China on December 10, 1954,  
which, while not a part of the treaty, express agreed understandings  
as to certain phases of its implementation.

The Mutual Defense Treaty between the United States of America  
and the Republic of China is defensive and mutual in character, de-  
signed to deter any attempt by the Chinese Communist regime to bring  
its aggressive military ambitions to bear against the treaty area.

This Mutual Defense Treaty, taken in conjunction with similar treaties already concluded with Japan, Korea, the Philippines, and Australia and New Zealand, reinforces the system of collective security in the Pacific area. It is also complementary to the action taken in the signing of the Southeast Asia Collective Defense Treaty at Manila on September 8, 1954.

I recommend that the Senate give early and favorable consideration to the treaty submitted herewith, and advise and consent to its ratification.

DWIGHT D. EISENHOWER.

(Enclosures: (1) Report of the Secretary of State, (2) Mutual Defense Treaty with the Republic of China, (3) joint statement regarding conclusion of negotiations for the Mutual Defense Treaty, (4) statements by the Secretary of State and the Chinese Foreign Minister on the occasion of the signing of the treaty, (5) texts of notes exchanged on December 10, 1954.)

DEPARTMENT OF STATE,  
*Washington, December 22, 1954.*

The PRESIDENT,  
*The White House:*

I have the honor to submit to you, with a view to the transmission thereof to the Senate for its advice and consent to ratification, the Mutual Defense Treaty between the United States of America and the Republic of China, signed at Washington on December 2, 1954.

The history of the negotiation of this treaty extends over the past year. Preliminary consideration of such a treaty was given following a proposal first made by the Republic of China in December 1953. Following the signature of the Manila Pact on September 8, 1954, it seemed more than ever appropriate that this treaty should be made. I, therefore, visited Taipei on September 9, 1954, and discussed the scope and nature of the projected treaty with President Chiang Kai-shek. Following my return to the United States, it was decided in principle to proceed actively to conclude the treaty, and to this end the Assistant Secretary of State for Far Eastern Affairs, Mr. Robertson, went to Formosa (Taiwan) in October 1954. Subsequent negotiations were conducted at Washington. The principal negotiator for the Republic of China was His Excellency Yeh Kung-ch'ao, Minister for Foreign Affairs, who was available in Washington concurrently with his work as head of the Chinese delegation to the United Nations.

This treaty represents another link in the chain of collective defense arrangements in the West Pacific which bind the nations of the free world together in their common determination to resist further encroachments by the forces of communism. The treaty is entirely defensive in character and intent. It is based on a mutuality of interest and responsibility. Even though bilateral and limited in scope to but one area of the world, the treaty reaffirms, in the first paragraph of the preamble and repeated elsewhere through the text of the treaty, the signatories' faith in, and deep sense of responsibility in working toward fulfillment of, the principles and purposes of the United Nations.

The treaty consists of a preamble and 10 substantive articles. The preamble reaffirms the adherence of both Governments to the aims of the United Nations and their peaceful intentions, recalls their relationship during World War II, declares their sense of unity and determination to defend themselves against external armed attack "so that no potential aggressor could be under the illusion that either of them stands alone," and contemplates further development of a more comprehensive system of regional security in the West Pacific area.

Article I contains provisions similar to those in comparable articles of other security treaties. By its terms the parties reaffirm their solemn obligations under the Charter of the United Nations to settle by peaceful means any international disputes in which they may be involved, and to refrain in their international relations from the threat or use of force inconsistent with the purposes of the United Nations.

Article II incorporates in the treaty the principle of the Vandenberg resolution (S. Res. 239, 80th Cong.), which advises that regional and collective security arrangements joined in by the United States be based on continuous self-help and mutual aid. The parties pledge themselves by such means to maintain and develop their individual and collective capacity to resist armed attack and Communist subversive activities directed from without against their territorial integrity and political stability.

Article III confirms the agreement of the two parties to strengthen the base of freedom and to cooperate in economic and social advances which are so closely connected both with a successful resistance to communism and also with the greater welfare of the people.

Consultation regarding implementation of the treaty, as the need arises, is provided for under article IV.

By article V, each party recognizes that an armed attack in the West Pacific area directed against the territories of either party would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes. Here again the treaty makes it clear that there is to be no conflict with the United Nations, for measures taken to deal with an external armed attack are to be reported immediately to the Security Council of the United Nations and such measures as are taken will be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

The territories to which articles II and V apply are specified in article VI to be—

in respect of the Republic of China, Taiwan, and the Pescadores; and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction.

It is also provided that articles II and V will be applicable to such other territories as may be determined by mutual agreement.

Article VII grants to the United States the right to dispose such land, air, and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement. It does not make such disposition automatic or mandatory.

Article VIII makes clear that the obligations of the parties under the treaty do not affect in any way their obligations under the United

Nations Charter. It recognizes the primary responsibility of the United Nations in maintaining international peace and security.

Articles IX and X specify that the treaty is to come into force with the exchange of ratifications at Taipei and that the treaty has indefinite duration, with provision for termination on 1 year's notice.

There are also enclosed, with a view to their transmittal for the information of the Senate, the texts of notes exchanged between the Secretary of State and the Chinese Foreign Minister, dated December 10, 1954. These notes express the understanding of the signatories with respect to some phases of the implementation and operation of the treaty. They make clear the recognition by the parties of the inherent right of the Republic of China to the self-defense of all territory now or hereafter under its control. They confirm the understanding of the parties that the use of force from such territories will be a matter of joint agreement, subject to action of an emergency character in the exercise of the right of self-defense. They recognize the mutual interests of the parties by providing that military elements which are a product of joint effort and contribution will not be removed from the treaty area to such an extent as substantially to affect its defensibility without mutual agreement.

I believe that the treaty will serve as an important deterrent to possible Communist efforts to seize positions in the West Pacific area, which seizure, if attempted, would, in fact, provoke a reaction on the part of the United States. By making clear that we recognize that an armed attack on the treaty area would be regarded by us as dangerous to our own peace and safety and that we would act to meet the danger, we give the world notice which, we are entitled to hope, will prevent hostile miscalculations and thus contribute to the peace and security of the area. Therefore, I hope that this treaty will be given early and favorable consideration by the Senate.

Respectfully submitted.

JOHN FOSTER DULLES,  
*Secretary of State.*

(Enclosures: (1) Mutual Defense Treaty with the Republic of China, (2) texts of notes exchanged on December 10, 1954.)

#### MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the West Pacific Area,

Recalling with mutual pride the relationship which brought their two peoples together in a common bond of sympathy and mutual ideals to fight side by side against imperialist aggression during the last war,

Desiring to declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the West Pacific Area, and

Desiring further to strengthen their present efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the West Pacific Area,  
Have agreed as follows:

## ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace, security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

## ARTICLE II

In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

## ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with each other in the development of economic progress and social well-being and to further their individual and collective efforts toward these ends.

## ARTICLE IV

The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty.

## ARTICLE V

Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

## ARTICLE VI

For the purposes of Articles II and V, the terms "territorial" and "territories" shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement.

## ARTICLE VII

The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such

United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement.

## ARTICLE VIII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

## ARTICLE IX

This Treaty shall be ratified by the United States of America and the Republic of China in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Taipei.

## ARTICLE X

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate, in the English and Chinese languages, at Washington on this second day of December of the Year One Thousand Nine Hundred and Fifty-four, corresponding to the second day of the twelfth month of the Forty-third year of the Republic of China.

For the United States of America:

JOHN FOSTER DULLES

For the Republic of China:

GEORGE K. C. YEH

JOINT STATEMENT REGARDING THE CONCLUSION OF NEGOTIATIONS FOR  
MUTUAL SECURITY PACT BETWEEN THE UNITED STATES AND THE  
REPUBLIC OF CHINA

Secretary of State John Foster Dulles, at his news conference today, made the following announcement:

The United States of America and the Republic of China have concluded negotiations for a mutual security pact. The treaty will follow the general pattern of other security pacts which the United States of America has concluded in the Western Pacific.

The treaty will recognize the common interest of the parties in the security of Taiwan and the Pescadores and of the Western Pacific islands under the jurisdiction of the United States. It will provide for inclusion by agreement of other territories under the jurisdiction of the parties. It is directed against threats to the security of the treaty area from armed attack and provides for continuing consultation regarding any such threat or attack.

This treaty will forge another link in the system of collective security established by the various collective defense treaties already concluded between the United States and other countries in the Pacific area. Together, these arrangements provide the

essential framework for the defense by the free peoples of the Western Pacific against Communist aggression.

Like the other treaties, this treaty between the United States and the Republic of China will be defensive in character. It will reaffirm the dedication of the parties to the purposes and principles of the Charter of the United Nations.

The above joint United States-Chinese statement is being released simultaneously at Taipei.

DECEMBER 1, 1954.

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STATEMENTS BY SECRETARY OF STATE JOHN FOSTER DULLES AND FOREIGN MINISTER GEORGE K. C. YEH UPON THE OCCASION OF THE SIGNING OF THE MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA AT WASHINGTON, DECEMBER 2, 1954

Secretary Dulles:

It is a great pleasure to welcome Foreign Minister Yeh, Ambassador Koo, and the members of his staff here this afternoon for the signing of this Mutual Defense Treaty between the United States and the Republic of China. I wholly concur in what President Chiang Kai-shek said in his message to me yesterday, that "a necessary link in the chain of Far Eastern defense has now been forged." It is my hope that the signing of this Defense Treaty will put to rest once and for all rumors and reports that the United States will in any manner agree to the abandonment of Formosa and the Pescadores to Communist control. The signing of this treaty is not only an expression of the good will and friendship existing between the Governments of the United States and of Free China, but also of the abiding friendship of the people of the United States for the Chinese people.

Foreign Minister Yeh:

It has been my privilege and honor to be associated with Mr. Dulles in the making and signing of this Treaty of Mutual Defense between my country and the United States of America. I am happy to recall that throughout the negotiations for this treaty, conducted at Taipei and Washington, we have been guided by the principle of mutuality and the spirit of friendly cooperation.

It is the hope of my Government that this treaty will serve to promote the common cause of freedom, particularly at this juncture of the world situation.

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DEPARTMENT OF STATE,  
Washington, December 10, 1954.

His Excellency GEORGE K. C. YEH,  
*Minister of Foreign Affairs of the Republic of China.*

EXCELLENCY: I have the honor to refer to recent conversations between representatives of our two Governments and to confirm the understandings reached as a result of those conversations, as follows:

The Republic of China effectively controls both the territory described in Article VI of the Treaty of Mutual Defense between the Republic of China and the United States of America signed on December 2, 1954, at Washington and other territory. It possesses with respect to all territory now and hereafter under its control the inherent right of self-defense. In view of the obligations of the two Parties under the said Treaty, and of the fact that the use of force from either of these areas by either of the Parties affects the other, it is agreed that such use of force will be a matter of joint agreement, subject to action of an emergency character which is clearly an exercise of the inherent right of self-defense. Military elements which are a product of joint effort and contribution by the two Parties will not be removed from the territories described in Article VI to a degree which would substantially diminish the defensibility of such territories without mutual agreement.

Accept, Excellency, the assurances of my highest consideration.

/s/ JOHN FOSTER DULLES,

*Secretary of State of the United States of America.*

DECEMBER 10, 1954.

His Excellency JOHN FOSTER DULLES,  
*Secretary of State of the United States of America.*

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honor to refer to recent conversations between representatives of our two Governments and to confirm the understandings reached as a result of those conversations, as follows:

"The Republic of China effectively controls both the territory described in Article VI of the Treaty of Mutual Defense between the Republic of China and the United States of America signed on December 2, 1954, at Washington and other territory. It possesses with respect to all territory now and hereafter under its control the inherent right of self-defense. In view of the obligations of the two Parties under the said Treaty and of the fact that the use of force from either of these areas by either of the Parties affects the other, it is agreed that such use of force will be a matter of joint agreement, subject to action of an emergency character which is clearly an exercise of the inherent right of self-defense. Military elements which are a product of joint effort and contribution by the two Parties will not be removed from the territories described in Article VI to a degree which would substantially diminish the defensibility of such territories without mutual agreement."

I have the honor to confirm, on behalf of my Government, the understanding set forth in Your Excellency's Note under reply.

I avail myself of this opportunity to convey to Your Excellency the assurances of my highest consideration.

GEORGE K. C. YEH,

*Minister for Foreign Affairs of the Republic of China.*



THE REPRESENTATIVE  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS

Two Park Avenue,  
New York 16, New York,  
January 6, 1956.

CONFIDENTIAL

Dear Mr. Secretary-General:

I have been asked by Assistant Secretary Robertson to convey to you information regarding the steps which have been taken recently by the United States Government to try to obtain from the Chinese Communists an accounting of the United States military personnel missing in Korea. Since the information which follows has not been released to the press, it would be appreciated if you could treat it as confidential.

On instructions from the Department of State, Ambassador U. Alexis Johnson in Geneva on October 27, requested from Wang Ping-nan an accounting for the 450 missing American military personnel from the Korean War. He explained that the list of names had been carefully compiled to include all those servicemen about whom we had sufficient evidence to suggest that the Chinese Communists should be able to provide information regarding their fate. Wang Ping-nan refused to accept the list and maintained that he had already provided us with a complete list of all Americans in Communist China. On November 3 Ambassador Johnson repeated his request, and Wang Ping-nan again refused to accept the list of names, insisting that this was not a proper topic for discussion in Geneva because it should be taken up through the Military Armistice Commission in Korea. Ambassador Johnson requested Wang Ping-nan to ask that the Chinese Communist representatives on the Military Armistice Commission be instructed to discuss this question in the Commission.

The American representative on the Military Armistice Commission raised this question at a meeting of the Commission

His Excellency  
Dag Hammarskjold,  
Secretary-General of the  
United Nations.

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on November 26. He said that Wang Ping-nan had stated in Geneva that the Military Armistice Commission was the proper channel for accounting for missing United States military personnel and that the United States Government concurred in this view. He then presented a revised list of 2,720 United Nations personnel which included the 450 United States servicemen, and he offered in return to give an individual accounting for 98,739 personnel of the Communist side whenever the Communists presented an accounting for the United Nations personnel. The Communist representatives accepted the list, but stated that (1) individuals held outside Korea do not come under the authority of the Military Armistice Commission and therefore it is irrelevant to discuss them in the Military Armistice Commission and that (2) the Military Armistice Commission has no connection with prisoners of war disposed of by the Chinese Communists. It is hoped that the Communist representatives in the Military Armistice Commission will give an accounting for the missing personnel as soon as possible, and for the time being Ambassador Johnson has been instructed not to raise the question again with Wang Ping-nan.

If any information is received on this question from the Communist side you may be sure it will be conveyed to you without delay.

Sincerely yours,



Henry Cabot Lodge, Jr.