

Congress of the United States

Washington, DC 20515

February 28, 2002

His Excellency Jiang Zemin
President, People's Republic of China
Zhongnanhai
Xichengqu (West City District), Beijing City
People's Republic of China

Dear President Jiang:

We, the entire congressional delegation representing the State of New Jersey, are writing to you to express our grave concern regarding the prolonged detention by the Chinese authorities of Fuming Fong, a United States citizen and New Jersey resident. We respectfully request that you look into his case, and take the necessary steps to ensure that Mr. Fong is treated fairly and humanely by the Chinese judicial system.

Your intervention is very much needed. Despite his fragile and deteriorating health, the 67-year old Mr. Fong has been continuously confined under harsh conditions in Beijing for the past two years. His detention has extended far beyond the time limits allowed under Chinese law.

Mr. Fong was detained on February 28, 2000, at Beijing Airport and did not have a court hearing until October 22, 2001. We believe that this extraordinary delay and detention represents a *prima facie* violation of the 18-month maximum time limit allowed for investigation under Chinese Criminal Procedure Law. The Beijing 1st Intermediate People's Court accepted Mr. Fong's case on September 27, 2001, and since then there have been two court hearings, on October 22 and November 26, 2001.

Today, almost 150 days after court accepted this case, no judgment has been announced. This violates the 45-day, plus one 30-day extension, time limit for rendering judgment under Chinese Law. During the course of Mr. Fong's detention, his family's, lawyer's, as well as the U.S. Embassy's, reasonable petitions, protests, and requests for information have been ignored.

We were particularly dismayed by a recent inflammatory and factually incorrect article in *Beijing Fazhi Ribao* dated November 6, 2001, which appeared to grossly violate Mr. Fong's rights for a fair trial.

Mr. President, cordial and productive relations between the United States and the People's Republic of China must be based on mutual respect and understanding. When an American citizen is mistreated in the way that Mr. Fong has been mistreated, it casts into doubt China's sincerity in promoting and adhering to the rule of law. It is imperative

that Mr. Fong's fundamental rights prescribed in Article 14 of the International Covenant on Civil and Political Rights, which China signed on October 1998, are protected.

Fuming Fong is 67 years old and is in poor health. He has had several operations for cancer, and requires medication to relieve suffering from serious cholesterol and high blood pressure problems. His jailers have cruelly denied him access to his medication for 20 months, causing Mr. Fong needless pain and suffering. He has repeatedly experienced chest pains and dizziness during his incarceration. He is denied use of a chair or other simple humanitarian comforts, and has been forced to sit cross-legged on a concrete slab for the majority of each day for the past 18 months. Due to this cruel treatment he has developed a degenerative spinal disease, his hands shake constantly, and he cannot stand or sit in any one position for any length of time without experiencing severe pain.

Although he is extremely near-sighted and hard of hearing, his jailers, in an act of what can only be considered cruel and unusual punishment, forcibly removed his eyeglasses and hearing aid for at least 18 months. Due to his extremely diminished ability to hear, he has difficulty following the instructions during the daily military-style drills. A recent U.S. Embassy representative's visit with Mr. Fong uncovered the appalling and infuriating news that his reduced ability to hear and follow his jailer's orders has caused him to be singled out and punished by being forced to sit on the concrete slab for extra hours each day. We strongly feel that this type of physical punishment, meted out to an ill 67-year old American citizen, is completely inhumane and intolerable.

Mr. Fong's detention has caused extreme pain and suffering to his entire family. Four generations of Fong's family are anxiously awaiting the resolution of his case and his return to U.S. Mr. Fong is the only son of his 96-year old mother who is being hospitalized with serious heart problems and is in critical condition. His wife's frustration and worry about him has caused her severe depression and other health problems. His family is very saddened by his absence and alarmed about his worsening health. Mr. Fong's twisting and unpredictable case has severely and unfairly punished all the people who love and care about him.

Fuming Fong is an accomplished engineer and researcher in the field of high-voltage electric transmission systems. He has made significant contributions to China -- the country of his birth -- and was awarded several honors for his engineering achievements both at local level and national level in China. You may recall that Mr. Fong's technical leadership resulted in the success of the first World Bank financed power plant project in China, which has become the largest, lowest-per-unit capital investment, and best managed plant in China.

It may be of interest to you to learn that Mr. Fong's father-in-law, the late P.F. Chang, died in a Chinese prison in 1961, three years after being detained on false charges of being "an American spy" and a "counterrevolutionary." This was because of his efforts to preserve the property of Shanghai Electric Power Company, then the largest American investment in China. Mr. Chang was posthumously rehabilitated in 1982.

Please do not let history repeat itself. We urge you to take the necessary steps to learn the truth about Mr. Fong's case, and release Mr. Fong in accordance with Article 75 of the Chinese Criminal Procedure Law.

Mr. Fong's family has deep roots in America. His wife, Sylvia C. Fong, was born in a little town outside Chicago, and she is the first Chinese-American baby ever born in that town. Ever since the 1932 Chicago's World Fair, four generations of Mr. Fong's family have been involved in promoting the mutual friendship and understanding between the American people and Chinese people and expanding trade between U.S. and China, despite enormous hardship and family tragedy.

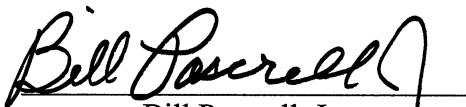
The State of New Jersey also has a special relationship with China. We are proud to say that New Jersey is home to the fastest growing Chinese-American population in the United States, and more than 100,000 Chinese Americans and Chinese permanent residents hail from our state. New Jersey had the opportunity to receive your Excellency in 1997, and we look forward to welcoming you again during your upcoming visit to the U.S.

New Jersey is a melting pot of all races and ethnic groups. We are especially sensitive to protect all our citizens both at home and abroad. Mr. Fong's detention, ill-treatment and ensuing health ordeal during the past two years casts a negative light on China's commitment to following its own rule of law and will have adversely affect the productive and cordial Sino-American relations, if not resolved soon.

We respectfully urge your government to demonstrate its commitment to protecting individuals' rights prescribed in the International Covenant on Civil and Political Rights by speedily resolving the case of Fuming Fong. We are seeking your help to facilitate the immediate release of Mr. Fong according to Article 75 of Chinese Criminal Procedure Law. It would also be a great humanitarian act for China to allow him to rejoin his family and to have a final reunion with his gravely ill mother before it is too late.

Thank you for your consideration of this urgent matter. We await your reply.

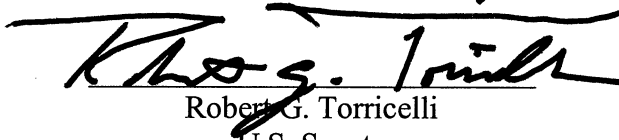
Sincerely,



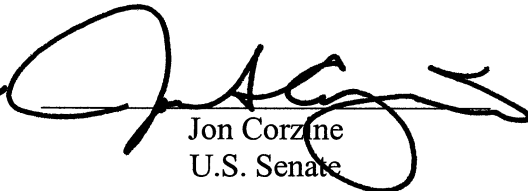
Bill Pascrell, Jr.
Member of Congress



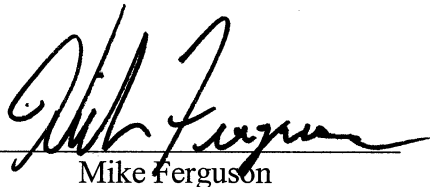
Christopher H. Smith
Vice-Chair, House International
Relations Committee



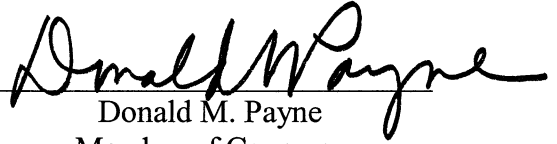
Robert G. Torricelli
U.S. Senate



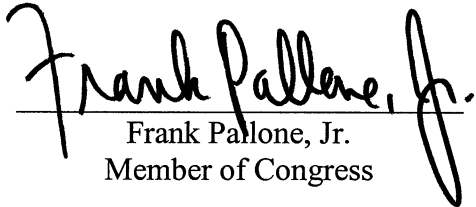
Jon Corzine
U.S. Senate



Mike Ferguson
Member of Congress



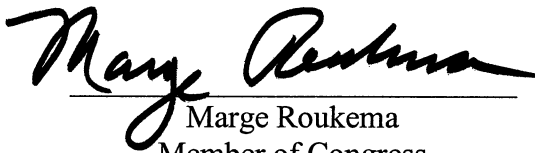
Donald M. Payne
Member of Congress



Frank Pallone, Jr.
Member of Congress



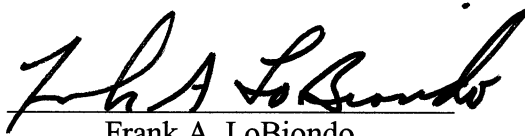
Rush D. Holt
Member of Congress



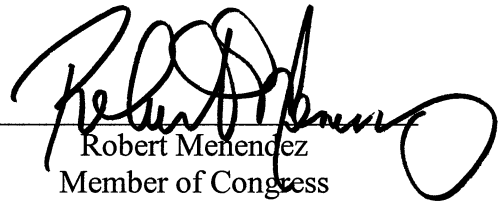
Marge Roukema
Member of Congress



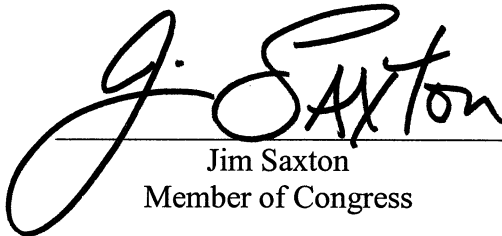
Steven R. Rothman
Member of Congress




Frank A. LoBiondo
Member of Congress



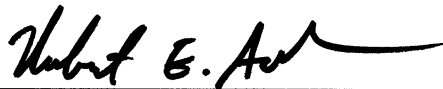
Robert Menendez
Member of Congress



Jim Saxton
Member of Congress



Rodney P. Frelinghuysen
Member of Congress



Robert E. Andrews
Member of Congress