

RELEASE IN  
FULL

**From:** Mills, Cheryl D <MillsCD@state.gov>  
**Sent:** Wednesday, May 2, 2012 3:55 PM  
**To:** H  
**Subject:** Fw: Professor Cohen

**From:** Toiv, Nora F  
**Sent:** Wednesday, May 02, 2012 03:11 PM  
**To:** Mills, Cheryl D  
**Subject:** RE: Professor Cohen

## Time

### The Chen Guangcheng Affair: U.S. Denies China Dissident's Account of Coercion

By [Jay Newton-Small](#) | [@JNSmall](#) | May 2, 2012 | ±

U.S. officials and friends of Chen Guangcheng were stunned by reports Wednesday morning that the blind Chinese human rights activist said he was coerced into leaving the protection of the U.S. embassy in Beijing and is seeking asylum in the U.S. with his family.

Chen told the Associated Press that U.S. officials relayed threats from the Chinese government that his wife would be beaten to death if he did not leave the embassy – an account the State Department vehemently disputes. “At no time did any U.S. official speak to Chen about physical or legal threats to his wife and children,” State Department spokesman Victoria Nuland said in a statement. “Nor did Chinese officials make any such threats to us.”

Chen’s interviews with foreign media from his Beijing hospital bed have complicated a delicate and unprecedented diplomatic deal, orchestrated by Chinese and American officials over the last three days, that saw Chen leave the embassy on Wednesday morning after six days under U.S. guard. “I was there. Chen made the decision to leave the Embassy after he knew his family was safe and at the hospital waiting for him, and after twice being asked by [U.S. Ambassador to China Gary] Locke if he was ready to go,” said Kurt Campbell, the Assistant Secretary of State for East Asian and Pacific Affairs, who flew to Beijing over the weekend to handle the negotiations. “He said, ‘zou,’ – let’s go. We were all there as witnesses to his decision, and he hugged and thanked us all.”

The State Department is scrambling to clarify the events leading up to the departure after Chen’s stunning allegations. “U.S. interlocutors did make clear that if Chen elected to stay in the Embassy, Chinese officials had indicated to us that his family would be returned to Shandong, and they would lose their opportunity to negotiate for reunification,” Nuland said. “And at no point during his time in the Embassy did Chen ever request political asylum in the U.S. At every opportunity, he expressed his desire to stay in China, reunify with his family, continue his education and work for reform in his country. All our diplomacy was directed at putting him in the best possible position to achieve his objectives.”

Nuland’s comments were backed up by Jerome Cohen, a longtime China legal expert who had advised Chen, a self-trained legal activist, during his 2005 detention for protesting against forced abortions and sterilizations in his province of Shandong. Chen was found guilty of “disturbing traffic” and “destroying property” in 2006 – an unusual charge against a blind man who’d been under house arrest since 2005 – and Chen and his family were subjected to house arrest and frequent beatings since then. Cohen said he joined negotiations by phone on

Monday at Chen's request as "the only person he could trust," to act as Chen's personal advocate in the talks spearheaded by Campbell and Harold Koh, the State Department's legal counsel.

In unprecedented diplomatic negotiations with the Chinese starting Monday, Cohen and his colleagues laid out Chen's options. He could leave and seek asylum in the U.S. while his wife and daughter would likely remain under house arrest in Shandong, or he could choose to stay in China. If he chose the latter, U.S. negotiators would seek assurances from the Chinese government that Chen and his family would not return to the abusive circumstances under which they lived for the last seven years. Cohen advocated a middle path to Chen, based on a deal forged by Chinese activist Ai Weiwei, with whom Cohen has also worked. Chinese officials released Ai from detention last June after 81 days and allowed him to travel freely within Beijing; he recently gave a Skype speech to hundreds of supporters. "Though this solution has caused some problems for the government, they have tolerated it because they know it's better than the international condemnation of locking him up. Ai is showing a kind of path we are trying hard to create, a space between prison and total freedom," Cohen told reporters on a call sponsored by the Council on Foreign Relations. "That's a kind of precedent I've talked to Chen about."

Chinese negotiators offered to allow Chen to study law – a long-standing request – at one of seven universities that also have blind institutions – none in Beijing or Shanghai, though two in nearby cities. He would be treated as any other law student, they said, and his family could live with him. His wife, who also has an avid interest in law, reads aloud to Chen. "What restrictions he'll be under in terms of talking to friends, making public statements, writing an opinion on one legal ruling or another remains to be seen," Cohen said. "We want to see this new experiment this daring experiment with China succeed." Koh, Campbell and Cohen sought assurances not just from China's Foreign Ministry, which, Cohen said, has relatively weak powers within China, but also China's national and secret police. They also made it a condition that Secretary of State Hillary Clinton and President Barack Obama personally back the deal so as to make it more difficult and embarrassing for China to renege. Cohen said the talks were exceptional in nature. "This isn't 1989. Our bargaining position isn't as strong as it was when Fang Lizhi went to the U.S. embassy," he said. "This is one of the most daring diplomatic arrangements we've ever seen with U.S.-Chinese relations. We think it's the best option and so does Chen."

At least Chen did when Cohen last spoke with him on Tuesday. Cohen said that on Monday night, Chen was undecided and fretful for his family. "I'm very, very fearful. I'm very, very insecure. I'm very uncomfortable," Cohen said Chen told him on Monday. But throughout the talks, Chen maintained that he wanted to remain in China, according to Cohen and U.S. officials, because he didn't want to live without his family and felt he could achieve more in China. "Chen is brilliant and to accept asylum and fade away, that wasn't an appealing option," Cohen said. "He wants this. He told me in the conversations we had in the last couple of days that he wants the rights of any other citizen." By Tuesday, Chen was feeling better about the arrangement and by the time he left the embassy he was comfortable with it, Cohen said.

The reports that Chen now feels coerced took many U.S. officials by surprise. Cohen said that while Chen never told him that anyone threatened his wife, Cohen heard from a friend of Chen's wife on Wednesday morning that local authorities in Shandong had threatened to beat her to death if her husband left the country. Chen told the AP he heard this threat from U.S. officials, but U.S. officials say they had no knowledge of that threat and did not relay it to Chen. "What could've happened when he got to the hospital and met his family his wife told him what had happened and that might have made him regret the decision," Cohen said. "He may be very susceptible. Here's a man who's had a very skewed perspective, living under a lot of abuse for many years."

"I think the saddest outcome would be if events transpired now that put Chen at war with the U.S. government that represents his only secure support," Cohen said. "It could easily happen through confusion, through confusion being sown that would create distrust between him and the U.S., and then he would just be out there and that would be very, very unfortunate."

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**From:** Mills, Cheryl D  
**Sent:** Wednesday, May 02, 2012 2:54 PM  
**To:** Toiv, Nora F  
**Subject:** Fw: Professor Cohen

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**From:** Choi, Sung W  
**Sent:** Wednesday, May 02, 2012 02:47 PM  
**To:** Carlson, Aubrey A; Mills, Cheryl D; Sullivan, Jacob J; Posner, Michael H; Campbell, Kurt M; Moy, Kin W; Wang, Robert S (Beijing); Kritenbrink, Daniel J (Dan) (Beijing); Patel, Nirav S; Paradiso, Darragh T; Hammer, Michael A; Nuland, Victoria J  
**Cc:** Lang, Stephan A; Rosenberger, Laura M; Marchant, Christian M  
**Subject:** RE: Professor Cohen

Dear All,

+ Reuters article quoting Professor Cohen:

Lawyer Jerome Cohen, who was directly involved by telephone in the embassy negotiations, called the resolution "one of the most daring, creative gambles we've seen in U.S.-China relations" and said his friend Chen was "putting his head back into the mouth of the dragon he just escaped from."

"We don't know how it's going to work. We think it's better than any of the other options and so does Chen," said Cohen, a co-director of New York University School of Law's U.S.-Asia Law Institute.

Cohen said that as Chen warily weighed his options a suggestion that Obama could make a statement on the case to keep pressure on the Chinese helped him decide to accept the deal. There was no word from the White House on the idea.

But it is far from certain that Chinese authorities, especially nervous with a leadership succession later this year, will grant him free rein — or that local officials will co-operate.

"The real question is going to be how are they going to put flesh on the bare bones of this agreement," said Cohen, a leading expert on the Chinese legal system.

The U.S. State Department denied reports that Chinese officials made threats to Chen's family during the negotiations or that U.S. diplomats reported any such threats to Chen.

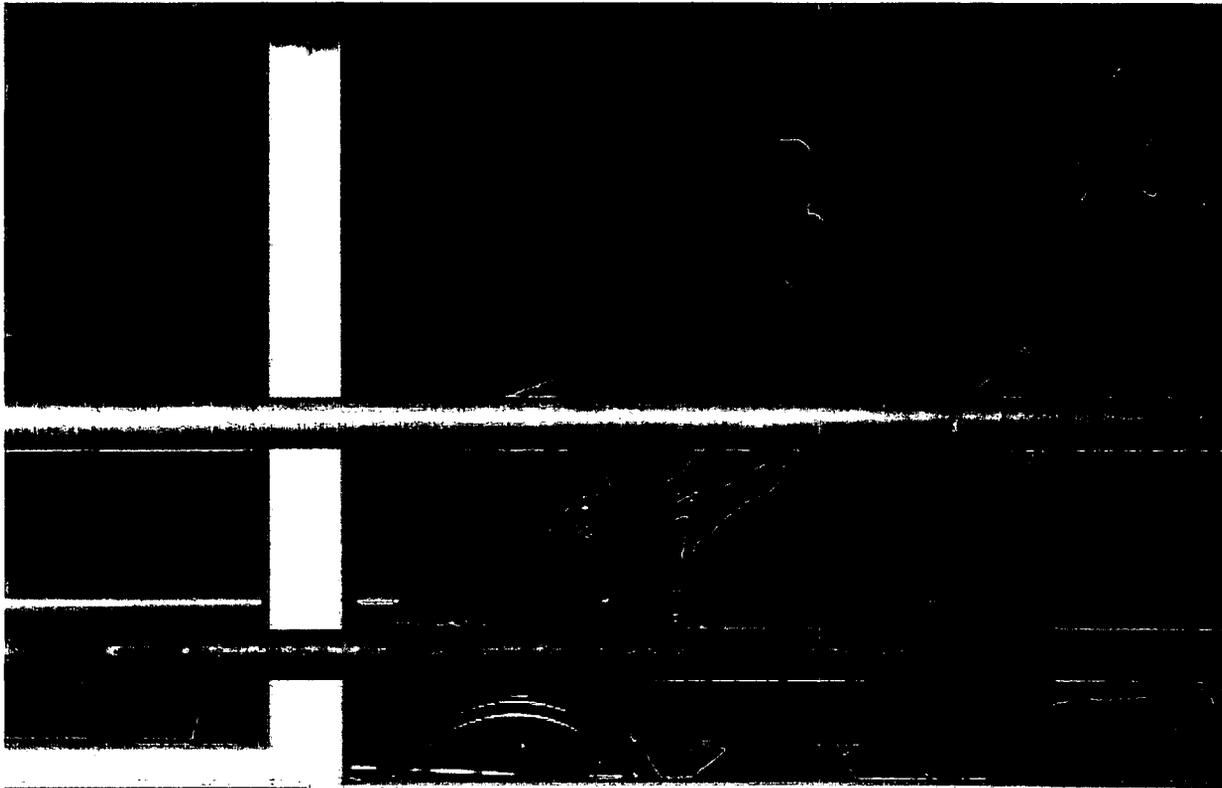
Cohen said he could not confirm the reported threats and added, "Chen himself did not say that to me."

"I do know (Chen) was told that if he chooses to stay in the embassy, that the Chinese authorities were very unlikely to allow him to do so with his family," said Cohen.

# Dissident Chen Guangcheng to stay in China, Beijing denounces U.S. meddling

BY ANDREW QUINN AND CHRIS BUCKLEY, REUTERS

MAY 2, 2012 11:24 AM



Chinese activist Chen Guangcheng is seen in a wheelchair pushed by a nurse at the Chaoyang hospital in Beijing on May 2, 2012. A US official said there would be no repeat of the incident involving the activist Chen Guangcheng, but declined to comment on China's call for an apology.

**Photograph by:** Jordan Pouille, AFP/GettyImages

BEIJING — Blind Chinese dissident Chen Guangcheng left the U.S. Embassy in Beijing on Wednesday after days of negotiation between the two governments, but supporters said Chen agreed to the deal reluctantly after his family were threatened with reprisals.

The terms of the deal announced by U.S. officials, including a commitment to allow Chen to be relocated within China with his family and to study at a university, will keep him as a pivotal figure in China-U.S. relations. But initial statements from Beijing indicated the case would remain a source of contention.

Chen's dramatic escape from house arrest and his flight to the U.S. Embassy have already made him a symbol of resistance to China's shackles on dissent, and the deal struck between Washington and Beijing to have him remain in China will ensure he stays an international test case of how tight or loose those shackles remain.

Both governments said Chen had left the embassy voluntarily and U.S. officials said he never sought asylum.

Nonetheless, China accused the United States of meddling and demanded an apology for the way U.S. diplomats handled the case.

Bob Fu, the president of Texas-based religious and human rights group, ChinaAid, said Chen agreed to leave the embassy only because "serious threats to his immediate family members were made by Chinese government" if he refused the government's offer. Dissident Hu Jia said his wife Zeng Jinyan had spoken to Chen's wife, who also spoke of threats from the government.

Fu of ChinaAid said the group was very concerned about reports from what he called "reliable sources" that Chen's departure from the embassy was involuntary. "Relevant reports show unfortunately the U.S. side 'has abandoned Mr Chen,'" Fu said in a statement.

Chen's departure from the U.S. embassy came as U.S. Secretary of State Hillary Clinton arrived in Beijing for top-level U.S.-China talks.

"I am pleased that we were able to facilitate Chen Guangcheng's stay and departure from the U.S. Embassy in a way that reflected his choices and our values," Clinton said.

"(Chen) has a number of understandings with the Chinese government about his future, including the opportunity to pursue higher education in a safe environment. Making these commitments a reality is the next crucial task. The United States government and the American people are committed to remaining engaged with Mr. Chen and his family in the days, weeks and years ahead."

#### **SEVEN CITIES OFFERED**

Lawyer Jerome Cohen, who was directly involved by telephone in the embassy negotiations, called the resolution "one of the most daring, creative gambles we've seen in U.S.-China relations" and said his friend Chen was "putting his head back into the mouth of the dragon he just escaped from."

"We don't know how it's going to work. We think it's better than any of the other options and so does Chen," said Cohen, a co-director of New York University School of Law's U.S.-Asia Law Institute.

Chinese authorities offered Chen a choice of seven Chinese cities outside Beijing, including Tianjin and Nanjing, where he could study law, Cohen told reporters in a conference call.

China's Foreign Ministry said the blind Chen, who escaped the watch of the world's biggest internal security apparatus, had left the embassy of his own will. But the ministry criticized the United States' role, saying it was meddling in its domestic affairs.

"What the U.S. side must do is not to continue misleading and not to strive by all means to shirk and hide its responsibility for this matter, and even less should it continue interfering in domestic Chinese affairs," said Chinese Foreign Ministry spokesman Liu Weimin.

Washington has said it will watch Chen's treatment closely, and any effort by Beijing to fetter his activities could provide a new source of contention.

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But it is far from certain that Chinese authorities, especially nervous with a leadership succession later this year, will grant him free rein — or that local officials will co-operate.

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Cohen said he could not confirm the reported threats and added, "Chen himself did not say that to me."

"I do know (Chen) was told that if he chooses to stay in the embassy, that the Chinese authorities were very unlikely to allow him to do so with his family," said Cohen.

A U.S. official earlier said that Chen had asked to make a call to Clinton from the car while he was being driven to a Beijing hospital, escorted by U.S. Ambassador Gary Locke. The official quoted Chen as telling Clinton: "I want to kiss you."

The drama over Chen threatens to overshadow this week's U.S.-China talks.

Quite apart from the importance of developing ties between the world's two largest economies, both governments are aware of the impact the case could have on their domestic politics.

Later this year, U.S. President Barack Obama will seek a second term, knowing that his Republican foes are already accusing him of being too soft on China. They may now criticize him for not doing enough to ensure the activist's safety.

Also later this year, China's ruling Communist Party will bring in a new set of leaders, a normally well choreographed process that has been wrong-footed by a scandal enveloping senior leader Bo Xilai. That too was triggered after a senior Bo aide sought refuge in a U.S. diplomatic mission.

Some analysts said the issue appears to have divided the top leadership and may have upset hardliners who want to keep a firm lid on any thing they see as undermining party rule.

## **CHINESE PUBLIC ANGER**

The Chinese Foreign Ministry's first public reaction was anger. "The U.S. method was interference in Chinese domestic affairs, and this is totally unacceptable to China. China demands that the United States apologize over this, thoroughly investigate this incident, punish those who are responsible, and give assurances that such incidents will not recur," ministry spokesman Weimin said in a statement.

Rights lawyer Teng Biao said he had spoken briefly with Chen's wife, Yuan Weijing, and that both she and their two children were now in Beijing. He had no details on how they had been treated since Chen escaped.

Censors were still blocking searches for Chen's name on China's wildly popular Twitter-like service Weibo, but many people were able to skirt restrictions by simply calling him "the blind lawyer."

"I've beaten the censors to find out about this great event - respect to the blind lawyer," wrote one user.

"The blind lawyer has broken out from the stockade to freedom. So gratifying," added another.

<http://www.theprovince.com/news/Dissident+Chen+Guangcheng+stay+China+Beijing+denounces+meddling/6551706/story.html>

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**Sent:** Wednesday, May 02, 2012 2:25 PM  
**To:** Mills, Cheryl D; Sullivan, Jacob J; Posner, Michael H; Campbell, Kurt M; Moy, Kin W; Wang, Robert S (Beijing); Kritenbrink, Daniel J (Dan) (Beijing); Patel, Nirav S; Paradiso, Darragh T; Hammer, Michael A; Nuland, Victoria J  
**Cc:** Choi, Sung W; Lang, Stephan A; Rosenberger, Laura M; Marchant, Christian M  
**Subject:** FW: AFP (Jakarta Globe): Chen left embassy after pledge of Obama support

Here's what we've found so far of Jerry Cohen's comments.

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**From:** Choi, Sung W  
**Sent:** Wednesday, May 02, 2012 2:11 PM  
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**Subject:** AFP (Jakarta Globe): Chen left embassy after pledge of Obama support

FYI – Professor Jerry Cohen on Chen Guangcheng case.

**AFP (Jakarta Globe)**  
May 3, 2012  
**Chen left embassy after pledge of Obama support**

Chinese activist Chen Guangcheng agreed to leave the US embassy in Beijing after receiving assurances President Barack Obama would publicly back the deal, a US friend involved in the negotiations said Wednesday.

"We made a condition of acceptance that President Obama himself show his interest and state the US support for the arrangement and I'm sure Obama, in the light of the campaign, will soon have an opportunity to take that position," leading China expert Jerome Cohen, told reporters.

Beijing pledged the legal campaigner and his family would be treated "humanely" and moved to a safe place, US officials said, hours after US Secretary of State Hillary Clinton arrived in China for pre-arranged talks.

"We agreed if the president of the United States would show sufficient concern of this case and himself make the kind of statement that Hillary made today, that he (Chen) would accept the deal," added Cohen, who is an expert with the Council on Foreign Relations.

Chen, who riled Chinese authorities by exposing forced abortions and sterilizations under the "one-child" policy, fled house arrest on April 22 and sought refuge in the US embassy, where he demanded assurances over his freedom.

On Wednesday, US officials said he had left the embassy after receiving those assurances, and had been reunited with his wife and two children.

Chen agreed to leave the embassy after winning a promise to be allowed to undertake law studies freely with his wife at a Chinese university, Cohen said in a telephone conference with journalists.

He added he had spoken twice with Chen during the six days that he was holed up in the embassy building.

Cohen said he hoped Obama "will make an important statement to show at the very highest level of the American government we want to see this new experiment, this daring experiment with China, succeed."

Clinton said the United States remained "committed" to the 40-year-old legal campaigner, whose treatment she has repeatedly criticized in the past.

"The United States government and the American people are committed to remaining engaged with Mr. Chen and his family in the days, weeks and years ahead," she said.

Cohen said it was understood that Obama would make a similar statement.

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