



ONE HUNDRED EIGHTEENTH CONGRESS  
REPRESENTATIVE CHRISTOPHER H. SMITH, CHAIR  
SENATOR JEFF MERKLEY, COCHAIR

October 3, 2024

President Joseph R. Biden  
The White House  
1600 Pennsylvania Ave. NW  
Washington, DC 20500

Dear Mr. President:

We request that you devote the remaining months of your presidency to advocating for the release of Americans wrongfully detained in the People's Republic of China (PRC).

There are more Americans wrongfully detained in China than in any other country. American citizens are serving long prison terms in China; most were sentenced with acute due process irregularities or on spurious charges. Many are severely mistreated in detention and have developed serious physical and mental health problems due to a lack of adequate nutrition or medical care in Chinese prisons. They deserve tenacious advocacy to gain their release.

According to the Foley Foundation, the number of unjustly detained Americans globally decreased by 42 percent since 2023, in part because your Administration negotiated prisoner releases with Russia, Iran, and Venezuela. The PRC remains an outlier, despite the recent release of American pastor David Lin after nearly twenty years of unjust detention. American detainees are serving an average of twelve years of imprisonment. American citizen Kai Li has spent more time behind bars than Paul Whelan, Evan Gershkovich, and Alsu Kurmasheva combined. This must change.

The PRC also continues to use "exit bans" to unjustly detain U.S. citizens either to settle economic disputes or to coerce their relatives to return to China to face alleged crimes. If the Chinese government wants to improve relations with the United States, it should release Americans who are wrongfully imprisoned without condition and unilaterally end the use of "exit bans," a form of de facto hostage-taking.

The release of Americans should be a top priority item in any upcoming meetings you have with the PRC General Secretary and President Xi Jinping. The release of Kai Li and Mark Swidan must remain a diplomatic priority, as they are all spuriously charged and deemed "unjustly detained" by your Administration under the criteria set by the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act.

But there are other American citizens incarcerated wrongfully in China who deserve more focused action by your Administration, including Nelson Wells, Jr. and Dawn Michelle Hunt, whose family members offered powerful testimony recently before the bipartisan Congressional-Executive Commission on China. Neither

received a fair and transparent trial with a proper defense and each has been mistreated while in detention, targeted as African Americans because of their race by other prisoners. In addition, both face life-threatening health conditions that Chinese authorities cannot or will not properly address. We believe both their cases meet the criteria set by the Levinson Act and their immediate transfer to the United States should be discussed with PRC officials at the highest level. They have suffered enough and it is time they come home.

While we have not named them all, these cases represent many others who require immediate and sustained attention to be transferred out of Chinese prisons and brought home to the United States.

In order to do so, we ask that you meet with the families of detained Americans in China and have State Department and White House officials meet with them more frequently to provide information about their family's cases, transparency on potential diplomatic avenues to gain a loved one's release, and more clarity on the process of which prisoners are considered "unjustly detained" under the Levinson Act. At the same time, we ask that U.S. consular officials visit these unjustly detained Americans more frequently, secure longer and more frequent visits with their families, and ensure proper access to legal representation and health care.

As the government of the PRC has also unjustly detained citizens from the countries of our allies and partners – including UK citizen Jimmy Lai Chee-ying, Swedish citizen Gui Minhai, and Australian citizen Yang Hengjun – on bogus charges, we also ask that your Administration work closely with our international partners to continue pressing for the release of all those who have been unjustly detained.

On behalf of the family members of Kai Li, Mark Swidan, Nelson Wells, Jr. and Dawn Michelle Hunt, and all others unjustly detained in China, we ask you to bring these Americans home.

Most respectfully,



Representative Chris Smith  
Chair



Senator Jeffrey A. Merkley  
Cochair