



Good morning, Chair Smith, Co-Chair Merkley, and the esteemed members of the Congressional-Executive Commission on China. Thank you for inviting me and our advisor, Peter Humphrey to testify at this hearing on Americans detained in China.

BACKGROUND

My name is Nelson Wells, Sr. and I am appearing before you on behalf of my wife, Cynthia Wells, and our family, asking for your assistance in bringing home our son, Nelson Wells, Jr., who has been unjustly imprisoned in China for ten years. We are natives of New Orleans, Louisiana, but relocated to Haughton, Louisiana in the aftermath of Hurricane Katrina. We lost many of our worldly possessions to that storm, but nothing prepared us for the loss we would experience in 2014.

In the Spring of that year, we were awakened in the middle of the night by a call that no parent ever wants to receive. Paraphrasing, the male caller said, "I'm a companion of Nelson's. He's in trouble. He's been arrested in China. Do you have money? Hurry up! They're going to kill him!" Naturally, I said, "hang that phone up." I thought it was a prank, a scam. We didn't even realize Nelson, then a 40-year-old man, was in China. We thought he was at home in Japan, where we had recently spoken to him by phone, and he had been living with his wife and children – two daughters and a son from two different marriages.

I served in the United States Army for more than 20 years, and Cynthia, served at the Department of Defense for nearly 28 years. We have been stationed and traveled all over the United States - from the South to the South Pacific - and the world. At each opportunity, we brought our children, Nelson and his sister, Kendria Wells with us. Thus, Nelson always had a love for travel, and it was not unusual to us that he settled in Japan, where his wife is from. But due to a medical condition he suffered from a traffic accident, we were discussing the

possibility of the family relocating to the United States permanently, so that he could get better treatment and expand his professional opportunities. Unfortunately, it was not to be.

When we called his wife, our daughter-in-law, we learned that he had taken a trip to China. He is a dedicated husband and father, and we are a close family, so after he did not return immediately and we did not hear from him, we knew we had a problem.

Over the next several weeks and months, we reached out to the United States Embassy multiple times to find Nelson or a record of his arrest, but they could not locate him. It was not until we took matters into our own hands and contacted Mr. John Kamm at the Dui Hua Foundation, which tracks and assists American detainees overseas, that we were able to confirm that Nelson had indeed been arrested. We think that somehow, he had not been considered an American citizen, even though he, his wife, and his children all are citizens, and had fallen through the cracks. Only then did the U.S. Government begin working on behalf of our son. By then, precious months had passed.

For Nelson's part, he had been incarcerated all that time in China, a country where he was only visiting, where he did not read or speak the language, and where he did not know if we were looking for him or even knew he had been arrested. It must have been torture for him. It was not until a Chinese lawyer we hired appeared at one of his court proceedings and passed him a note that he learned we were aware of his predicament. The lawyer could not represent Nelson, but he was able to provide him with a lifeline. Frightened and desperate to reach out to us and unfamiliar with the documents he was being presented, Nelson was willing to do anything to improve his conditions, even plead partial guilt so that he could enter the prison system and be allowed phone calls home, more regular contact with American Citizen Services, and other benefits. It was at that time that we were able to speak with our son, albeit on short calls that were heavily monitored and would disconnect abruptly when he attempted to share sensitive details about his treatment or condition or when we would express our own frustration.

We learned that Nelson had been arrested on a drug charge. As he was leaving the country, he naively agreed to carry a bag of what he thought to be baked goods for a so-called friend through security at the airport. Those baked goods were allegedly laced with illegal drugs. That so-called friend made it through, but Nelson did not. For that one mistake - that one betrayal, his life, his wife's life, his children's lives, and our lives will never be the same.

PRIORITY CONCERNS

Though Nelson admitted partial guilt, he did not speak the language, never received proper due process, and did not have adequate legal representation to be able to offer a defense to the allegations or fully understand the terms and consequences of his pleadings. There were some bright spots: Nelson originally received a death sentence, but that sentence was ultimately reduced in 2019 to 22 years. We are thankful to the Chinese government for that, but his sentence did not include time served. This means that Nelson will not be released until the year 2041 when he is in his late 60s, if by some miracle he survives.

In the years since 2014, my wife and I have become consumed with efforts to secure Nelson's release and to ensure his safety and health while imprisoned. At first, we did not have access to trusted lawyers or advisors that we could count on to advocate for Nelson and not take advantage of us. We expended almost all our savings in those early years via trial-and-error efforts to help Nelson and without meaningful guidance from our own government. With the exception of some former prisoners who were able to get messages to us and third-party advocates, we were virtually alone and operating in the blind. For years, we wrote letters to our members of Congress, to the White House, to State Department officials, to Democrats and Republicans, to anyone who was in a position of influence, but our calls for assistance went unanswered.

American Citizen Services in Beijing was helpful in visiting, calling, communicating with, and reporting back on Nelson, but some case officers were better than others and they changed

frequently. One of Nelson's best officers is working with your committee now, and his current case officer is outstanding as well. For that, we are forever grateful. But no matter how good or how well meaning, with each swap of a case officer, it feels like we, like Nelson is starting all over – having to re-tell his story, re-teach his spoken and unspoken language, and recount his mental and physical health challenges. The inconsistency takes its toll on him, as have the years of incarceration.

While in the beginning, we heeded warnings not to shine a public light on Nelson's story out of fear of retaliation against him, his declining health has forced us to escalate our efforts to share his story and gain attention for him in the hopes of mounting political and public pressure and ultimately diplomatic intervention. While it shouldn't be this way, we have seen with other released prisoners that public pressure – and perhaps nothing else – works; it encourages the government to prioritize your loved one and to advocate more aggressively for their release.

Over the years, Nelson has been a target for being one of the few Americans and Black American in the prison, which has exposed him to harsher treatment and sometimes physical attack. He has suffered from debilitating chronic pain, seizures (a Chinese MRI report shows he has an atrophying of the brain), malnutrition, internal issues, dental pain, severe depression and thoughts of self-harm. We also know that based on family history, Nelson needs regular cancer and heart health screenings, which it is not always clear he has received. He also needs regular contact with mental health professionals, regular calls *and* ideally video calls with us, and the ability to speak English with another person on a regular basis. Without these things, we fear that he will die in prison from physical or mental illness and without our ever seeing him again.

Thus, my wife and I built a multi-disciplinary team of China, legislative and communications experts, including Peter Humphrey who is also testifying today, and also with the help of Marc Morial, President of the National Urban League, who is a childhood friend. We decided

to share Nelson's story loudly, beginning in Louisiana with KSLA's Domonique Benn. After her 2023 story on our fight for Nelson's release, we began garnering attention from Louisiana to Washington and beyond. We are especially thankful to Senator Bill Cassidy and his team, who is working on our behalf and the many journalists in the United States and China who have reported on our story. We are also thankful to the Commission for inviting us here today to share our story - the story of everyday Americans who found themselves in midst of an international diplomatic nightmare.

Still, a meaningful change in Nelson's circumstances has remained out of reach and only underscores the difficulty and sometimes hopelessness of our situation, where we feel thwarted at every turn. For example:

1. Nelson is not considered a political prisoner or held unjustly, even though he received an impossibly harsh sentence for a first-time offender and did not receive proper due process, which means his case has not received the same diplomatic attention as others within the State Department.
2. Nelson's declining health, length of time served, and record of good behaviour certainly should make him eligible for some sort of humanitarian release, but we have been told that this is not a possibility. It should be noted that over the past decade, Nelson has been a cooperative prisoner. Indeed, he promised me personally that he would not fight, even if he is provoked or attacked. He doesn't want to do anything to make his situation worse.
3. Nelson has also sought to utilize a 2018 law in China that allows for a prisoner transfer to an American facility, absent a bilateral treaty with the home country. (Law of the People's Republic of China on International Judicial Assistance in Criminal Matters; 中华人民共和国国际刑事司法协助法). Unfortunately, the United States

still requires a treaty to engage in those negotiations and so Nelson remains in Chongqing Yudu Prison.

We are at a loss for what to do next, but whatever the pathway, we are asking, pleading with this Commission, with Congress, with the Administration – including the State Department and the Justice Department, and with the Chinese government to work together on behalf of our son to find a solution that brings him home to us.

When our country asked us to serve, my wife and I did so unreservedly and without hesitation. I even served in hardship posts, including during the Gulf War. I am asking now for your help on behalf of my child. He is a man, but as every parent here knows, he is still my child, and I cannot leave him behind. I am asking you also not to leave him - an American citizen behind. We leave no man behind, right? We are people of faith, but he is losing faith. He feels alone. He feels helpless. We all do. I do not know how long I will be able to implore him to hang-on.

Please help our family by creating a pathway for outright release or prisoner transfer to a home prison. Please make improvements to the process for meaningfully working with detained citizens and their families so that they have help in navigating these crises and are not targets for abuse. The State Department should be focused not only on care for detainees, which is important, but also on offering resources and pathways for release, which is critical.

Finally, we must improve diplomatic relations with China so that our citizens can travel abroad safely and that when an arrest happens, we can ensure their fair treatment. We were once told by a State Department official that Nelson should have never been in China in the first place, and that citizens are warned about traveling there. In addition to this being a callous statement, it is also an unfair one as those types of warnings were less clear in 2014 than they are now. More importantly, what good does that do Nelson or our family now. We

still must bring him home. I am sure the official meant no harm, but no family should ever ask for help from the government only to be ridiculed.

In addition to Nelson, we ask that you collectively help the hundreds of other Americans who are languishing in Chinese prisons and prisons elsewhere, who are perhaps worse off than us. Americans who are not before you today, who have not received media attention, who do not have members of Congress working on their behalf, and who are known only to their loved ones. They need to have their stories told. They need someone to fight diplomatically for their release and at the very least for their fair treatment, their health and their safety.

On behalf of my son and all the sons and daughters who are still incarcerated on foreign soil, thank you for the opportunity to testify today, and I look forward to answering your questions during and after the hearing for the record.

Learn more about Nelson and follow our story at www.nelsonwellsjr.com.