VOICES OF THE SMALL HANDFUL: 1989 STUDENT MOVEMENT LEADERS ASSESS HUMAN RIGHTS IN TODAY'S CHINA

ROUNDTABLE

BEFORE THE

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

JUNE 2, 2003

Printed for the use of the Congressional-Executive Commission on China

Available via the World Wide Web: http://www.cecc.gov

U.S. GOVERNMENT PRINTING OFFICE

89–006 PDF WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

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VOICES OF THE SMALL HANDFUL: 1989 STUDENT MOVEMENT LEADERS ASSESS HUMAN RIGHTS IN TODAY'S CHINA

MONDAY, JUNE 2, 2003

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The roundtable was convened, pursuant to notice, at 2:30 p.m., in room 2200, Rayburn House Office building, John Foarde [staff director] presiding.

Also present: David Dorman, deputy staff director of the Commission; Karin Finkler, office of Representative Joe Pitts; Susan Weld, general counsel; Andrea Worden, senior counsel; and Keith Hand, senior counsel.

Mr. FOARDE. Good afternoon. Today, our Commission joins the many people around the world who commemorate the 14th anniversary of the brutal government suppression of a peaceful student and workers' protest in and around Tiananmen Square in Central Beijing on June 3 and 4, 1989.

All of us who care about China, who care about the Chinese people and their future, and who care about U.S.-China relations remember June 4, 1989, very well, and we continue to be affected by it.

But rather than look back, we have asked our three distinguished panelists this afternoon to give us their views about the human rights situation in China today and offer some thoughts about what the immediate future in China might look like.

Each of our three panelists was active in the democracy movement in China during 1989 in his or her own way, and all three continued this work after June 4. Each suffered detention and punishment for his or her activities. Each eventually made his or her way to the United States.

So we are especially privileged to have Liu Gang, Tong Yi, and Wang Dan here this afternoon to share their views with us.

Panelists, as we have done in previous roundtables, we will ask each of you to make a presentation of about 10 minutes in length. After 8 minutes, I will tell you that you have 2 minutes remaining, and that is your signal to wrap things up.

Inevitably, there are more points that you want to make than you have time for, and we will try to pick up those points during our question and answer session after each of you have had a chance to speak.

So let me now introduce our first speaker, Mr. Liu Gang. Liu Gang started the Democratic Salon in 1988 at Beijing University, and also established the Beijing Autonomous Association of Students in 1989.

Both of these organizations played important roles in the pro-democratic movement in China, especially the 1989 Beijing Spring democracy movement. Most of each group's members became leaders of the students at Tiananmen Square.

Liu Gang and the Beijing Autonomous Association of Students organized most of the demonstrations in 1989, and after the democracy movement was crushed, Liu was arrested and sentenced to 6 years in prison.

He escaped from China and moved to the United States in 1996. Since he began working as a scientist at Bell Laboratories, Mr. Liu has published many technical papers and has been granted over 10 patents.

We are delighted to have you here this afternoon. Thank you for coming all the way to the east coast to join us. Mr. Liu Gang.

STATEMENT OF LIU GANG, SENIOR ENGINEER, AERIE NETWORKS, DENVER, CO

Mr. LIU. Thank you. First, I want to thank the members and staff of the Commission for inviting me to give my views on the democracy movement in China.

The democracy movement of 1989 was not a new occurrence that suddenly sprang to life in the spring of that year. The movement of 1989 had many ancestors in China.

All of us who participated could look back in history to Sun Yat-sen and Lu Xun for inspiration and even to such Communist Party leaders as Peng Dehuai and Hu Yaobang.

The jailed dissidents such as Wei Jingsheng, Zhang Zhixin, and Liu Xiaobo were the fathers of our modern movement. Physics professor Fang Lizhi was our teacher and showed us how to stand up to the Party and to speak out for democracy and reform.

The students who joined the democracy movement had the opportunity to learn about the importance of non-violence from reading about Mahatma Gandhi and Martin Luther King, Jr.

Certainly the dissidents in other Communist countries were examples for us. We learned about resistance from Lech Walesa, Vaclav Havel, and Alexander Dubchek from foreign literature.

The students of the 1980s were different. The student movement itself had been preparing for several years before 1989. Many students, teachers, and middle-level government employees had been holding meetings in Beijing and all of China to discuss how to organize a democratic movement and what democracy would mean to China.

We even held outdoor meetings, what we call "Democratic Salons," on the Beijing University campus. The Beijing Social Economic Institute and other groups had laid the groundwork for the democracy movement, and many of their members played a key role in Tiananmen Square.

Only the timing of the demonstrations was spontaneous. It was initiated by the death of Hu Yaobang, who had been dismissed in

disgrace for being too soft on the students who had held demonstrations in 1986.

So none of the planners controlled the actual start of the movement. It just erupted hours after Hu's death in Beijing and on campuses throughout China. Chinese students in 1989 were much more active than other groups. There are many reasons for this.

Groups other than students, such as workers and the mid-level employees, were easily punished by the Chinese Communist Party [CCP] Government. Since they could lose their jobs and even be jailed, it was hard for them to join the democracy movement in China.

However, once the movement had been started and many people became involved, it became harder for the government to track down all the participants, so workers and other groups would feel less risk and join the democracy movement.

Many workers joined 1989's democratic movement because of massive corruption they had to deal with daily. Their participation also shows that most of the Chinese want to enjoy freedom and want to change the Communist regime. They were fully aware that the movement was about freedom.

The Voice of America [VOA] is still one of the best ways of communicating with the Chinese people and getting the truth out. Before and during the 1989 democracy movement, we could find out what was happening in the world and we could speak out to the world through the VOA.

The VOA also gave us the news inside of China. We had pretty primitive communications in 1989, fax, long-distance phone lines, and students traveling from one place to another. All of this took money, when the students had very little money.

But Voice of America broadcasts every day told us in what cities the demonstrations had started and how large they were. From VOA, we knew the Solidarity labor union in Poland, the Prague spring, as well as other democratic movements happened all over the world.

Then we were inspired to have our own solidarity union and to start our Beijing spring. I do not think we could have made the advancements we did without the VOA. I hope that the U.S. Government will continue to support such kinds of priceless services, including VOA and Radio Free Asia.

Western journalists broadcasted our story and interviewed many Chinese students. They explained our positions to the outside world and other parts of China. Western news reports were copied and circulated through the student community. Our petitions are usually first broadcast by Western news agencies. Western diplomatic officials in China also played important roles in the democratic movement in China.

Winston Lord, the former American Ambassador in Beijing, and Betty Bao, his wife, frequently gave speeches at our Democratic Salon and other cultural seminars in Beijing. Their attendance and speeches inspired our Chinese people to a great degree. The opportunities to meet with Western diplomatic officials are considered a great honor for most Chinese.

I must say that most Chinese, including high-ranking CCP officials, would be more interested in meeting with the American

Ambassador than meeting with the highest ranking CCP officials, including Deng Xiaoping, at that time.

After Winston Lord gave a speech on June 1, 1988, at our salon in Beijing University, some other Western diplomatic officials, including those from Britain, Australia, and even some high-ranking CCP officials, including Wang Meng, the former minister of the Ministry of Culture, and Deng Pufang, the eldest son of Deng Xiaoping, all showed interest in giving speeches to our salon.

By meeting with Western officials, we Chinese not only knew more about the way of freedom, but also felt more safe and protected. The CCP Government seldom punished people because of contacts with Western officials. If anyone was punished because of these contacts, we believed that Western countries would strongly appeal for our freedom and human rights.

Believe me, the CCP Government listens more to the American Government, to the American Ambassador, than to the Chinese people. Furthermore, the Chinese people respect the American Ambassador more than the Chinese Government. So, I wish that the current American Ambassador in Beijing would do the same as Winston Lord and Betty Bao did during the 1980s.

I would also like to mention Congresswoman Nancy Pelosi. When I was in prison, my sister delivered to me some postcards from her. I heard that she went to Tiananmen Square and expressed her concern about human rights in China when she visited in China in 1992.

I was really excited and inspired when I found out that she and other American politicians were consistently appealing for us. I am really thankful to her and all other Congress members who paid attention to my case, and the cases of other who were imprisoned for supporting democracy in China.

Finally, my thanks to all of you for your consistent concern and appeals for releasing Chinese political prisoners. I want to thank the American people for providing us with political asylum here.

I hope you do not forget the political prisoners, including Wang Bingzhang, Wang Youcai, Yao Fuxin, Xiao Yunliang, Huang Qi, as well as the thousands of Falun Gong practitioners who are jailed in China.

I hope you will continue to speak out for them until all political prisoners are released. Please remember that your voices are a very effective tool when talking with the CCP Government.

Thanks.

[The prepared statement of Mr. Liu appears in the appendix.]

Mr. FOARDE. Mr. Liu, thank you very much.

Our next panelist is Ms. Tong Yi. Tong Yi was a student at the China University of Political Science and Law in 1989 and served as first secretary to the Beijing College Students Dialogue Delegation during the Tiananmen demonstrations.

She later served as an international liaison to Wei Jingsheng, and for this work was detained and sentenced to 2½ years of administrative detention in a reeducation through labor camp in 1996.

In 1997, she came to the United States and subsequently obtained a law degree at Columbia University. Information that she provided about her time in reeducation through labor formed the

basis of Human Rights in China's first report on the practice of "custody and repatriation [C&R]." The report was called "A Report on Administrative Detention Under Custody and Repatriation," which was released in 1999.

Ms. Tong currently serves on the board of directors of Human Rights in China and is an associate in the litigation department in New York city of the international law firm, Gibson, Dunn, & Crutcher.

Ms. Tong.

STATEMENT OF TONG YI, ASSOCIATE, GIBSON, DUNN, & CRUTCHER, LLP, NEW YORK, NY

Ms. TONG. Thank you very much for having me here. Today I am going to talk about a specific administrative punishment system in China, "custody and repatriation."

While the SARS outbreak has drawn attention all around the world, an individual murder case has attracted attention inside China. The case exposes the serious police abuse that routinely takes place within the PRC's custody and repatriation system.

My own personal impressions of this system are very vivid, because in 1996, I spent a hellish 11 days within its clutches. I am now glad for the opportunity to call your attention to this system of police-sponsored kidnapping that relies on "regulations" that are unconstitutional by PRC legal standards. On the C&R issue, China's human rights certainly have not improved since 1989. They clearly have gone the other direction.

Sun Zhigang, a college graduate from Hubei Province, went to Guangzhou early this year to take up employment. On the night of March 17, police in Guangzhou detained him for failing to show a temporary resident permit and sent him to a C&R center. Three days later, a friend of Sun's was notified to collect his body from the center's infirmary.

Sun's parents in Hubei, incredulous at what had happened to their son, traveled to Guangdong and approached government agencies seeking a "reason" why their son had died.

After a month of watching their inquiries fall upon deaf ears, they decided to bring the story to the Southern Metropolitan News, which did its own investigation and then published a full account on April 25. Their conclusion was that Sun was beaten to death during his 72-hour stay in the C&R center.

Other local and national newspapers then picked up the story and it quickly became a national issue. Controversy now centers on three questions: (1) the criminal investigation of cases like this; (2) the prevalence of police brutality; and (3) the constitutionality of the C&R system.

The C&R system arose from a 1961 Party directive entitled "Forbidding Free Movement of the Population." In 1982, the State Council added "Measures for the Custody and Repatriation of Vagrant Beggars in Cities."

The ostensible purpose of these orders was to provide shelter for homeless people in cities. More fundamentally, though, the goal was to strengthen the "hukou" registration system, which privileges urban over rural residents in many ways.

A full account of the evils of the "hukou" system is beyond my scope here, but the system's fundamental purpose from the government's viewpoint has always been to enforce the social stability upon which the security of its political rule depends.

The Party and State Council directives provide a warrant for arresting and deporting back to the countryside any farmer who enters a city "illegally," even sometimes any urbanites who came from another city illegally.

Because of the original claim of connection between C&R and welfare, the day-to-day activities of C&R centers fall under the Ministry of Civil Affairs. In practice, however, the public security apparatus, especially local police, run the system.

Detainees in C&R centers tend to be the poor, the mentally ill, migrant workers, women and children who have been kidnapped for sale on an underground market, and "petitioners," meaning people who have entered cities to seek redress of injustices from government officials.

Estimates of the numbers detained since 1989 run into the tens of millions. According to the recent report by Human Rights in China, in 2000 alone the number was 3.2 million. So now C&R really is widely and expansively used by the Chinese Government to control population movement.

High-sounding language about "welfare" notwithstanding, the C&R system for more than a decade has been dominated by extortion. Police use it to kidnap the powerless and demand ransom from their families or friends.

The state goes along with this because it serves "stability," and because the system can be used to clean up riffraff, and thereby "beautify" city streets in advance of august events like a Party Congress, the visit of a foreign dignitary, especially during President Bush's visit, or a bid to host the Olympics. All such values trump the rights of ordinary citizens.

Arbitrary detention. The most vulnerable citizens are "Three No's" people, those with no ID card, no temporary resident permit, and no work permit. Even people who have such documents can be swept up if they dress shabbily, have funny-sounding accents, or seem to loiter.

Recently, a migrant worker who was picked up for his outlandish accent made the mistake of showing his documents, only to have he police rip them up and bring him to a C&R center anyway.

Physical abuse. The conditions in the C&R centers are about as bad as one can imagine. Food and sanitary conditions are abominable, worse than in regular prisons and labor camps.

I had very acute experiences in three places, one in the detention center, one in the "reeducation center" the labor camp, and one in the C&R center. Among these three, C&R's conditions definitely were the worst.

Detainees are routinely subjected to beatings by police or by cell bosses. Sun Zhigang is by no means the only detainee to have died from the torture and the beatings.

Extralegal ransom. For the police, the possibility of using the C&R system to collect ransom becomes an incentive to detain as many people as possible. With the collapse of public morality during China's post-Mao years, added to the devil-take-the-hindmost

pursuit of money, there are no effective brakes on this kind of abuse of police power. C&R becomes an open field from which police rip off whatever they can.

I experienced a small taste of this practice in my own case. In late 1996 when I was released from 2½ years of reeducation through labor, I traveled from Wuhan to Beijing to see my sister. Police met me at the Beijing railway station and sent me straight to an C&R center with no explanation.

I spent 11 days without enough food. Then the police repatriated me back to Wuhan. When I arrived, my parents were forced to pay for my room and board during C&R and my train ticket back.

After the media publicized Sun's story, the central government very quickly released investigation results, where 30 suspects have been arrested. None of them were police officers. But among the Chinese, people are very suspicious about the results. This was widely spread among the Chinese who believed that Sun Zhigang was beaten to death by uniformed policemen.

Another interesting development is that three citizens petitioned the National People's Congress to question the constitutionality of the whole C&R system. They argued that, according to article 37 of the Constitution, a citizen's freedom can only be infringed through court with a trial.

Now, the C&R system can deprive citizens' freedom just randomly, just according to the whim of the police. So anybody who's interested in China's rule of law development may follow this case very closely.

In conclusion, I call your attention to the very horrible custody and repatriation system, and hope you can put whatever pressure you can to abolish the entire system.

Thank you very much.

[The prepared statement of Ms. Tong appears in the appendix.]

Mr. FOARDE. Ms. Tong, thank you very much, not the least for your discipline. You were right on time. We appreciate that.

Our third panelist this afternoon is Mr. Wang Dan. In 1989, Wang Dan was a freshman at Beijing University and became a leader of the Autonomous Federation of Students. After the student movement was suppressed on June 3 and 4, Wang was arrested and sentenced to 4 years in prison.

Released in 1993, he was re-arrested in 1995 for subversion and sentenced to 11 years. In 1998, after 3 more years in prison, he was released on medical parole and came to the United States, where he is currently a graduate student in history and East Asian languages at Harvard University.

Welcome, Wang Dan.

STATEMENT OF WANG DAN, STUDENT, DEPARTMENT OF HISTORY AND EAST ASIAN LANGUAGES, HARVARD UNIVERSITY, CAMBRIDGE, MA

Mr. WANG. Thank you very much. First, I want to thank the Commission for allowing me the opportunity to share some of my opinions and ideas. It is my great honor to be able to speak before you today.

It has been 14 years since the June 4 Tiananmen Massacre of 1989. If we want to attempt to summarize the changes in China

over these past 14 years, I think there are three things that need to be noted.

First, I think we can all agree that there has been much progress in China in terms of economic freedoms. Second, even at the social level, people have more space for freedom.

But in terms of democratic politics and political reform, I can say that there really has been no change or progress whatsoever. The lack of transparency and openness was most notably revealed in the recent case of the cover-up of the SARS epidemic.

With respect to this latter situation, I have five points to share with you today. I think we can admit that there has been some progress on human rights. But I think that this progress, at least partly if not completely, is due to the pressure from the international community.

As an example, we can look at the period between 1992 and 1997. During that time, there was consistent, considerable pressure from the West. As a result, human rights violations in China decreased notably.

After 1997, however, when the pressure was relaxed, there was substantial erosion of China's human rights record. Therefore, I strongly believe that the United States and other Western countries should keep up their pressure on China to improve its human rights situation.

I disagree with those who fear that if the United States keeps up its human rights pressures on China, that this will have a negative effect on Sino-U.S. relations.

Second, it is obvious that China still lacks a mature civil society. However, over the last 14 years we have witnessed the gradual emergence of a developing civil society. I think it is very important that the United States pay attention to these sprouts of civil society in China and do all that it can do to cultivate them.

I believe that it is short-sighted for the U.S. Government only to focus on the actors in the Chinese Government and the Chinese Communist Party. Therefore, I think that U.S.-China policy should move from only on human rights issues to other issues of political reform and democratic politics.

One of the things that the United States can do is to provide support for NGOs and universities in China as a way to promote social contacts.

Third, as the United States is facing the challenge of terrorism in the new century, I can completely understand the necessity to strengthen its strategy against terrorism.

However, I am worried that an unfortunate side-effect of this strategy may be a tightening of the U.S. policy that allows Chinese students and scholars to come to the States for exchanges, studies, and visits.

As one of the beneficiaries of this program myself, as well as a beneficiary of the human rights pressure from the international community, I sincerely hope that this will not occur.

The current generation of overseas Chinese students sooner or later may return to China, and I believe they will be a motivating force for the further development of reform in China, including political reform.

Therefore, I think it is important that the U.S. Government allow this door to remain open, and to even open it wider by expanding its contacts with the Chinese students already in America.

Fourth, it is not enough for the U.S. Government merely to take a general stand to promote democracy in China. I think a more detailed and in-depth strategy is required, for instance, based on specific cases such as projects promoting the rule of law, freedom of the press, or workers' rights.

There are many worthwhile projects that are being undertaken in China today and my colleagues and I would be happy to introduce them to you. However, I think a note of caution is necessary with respect to support from the United States to projects being carried out within China.

This is a very sensitive issue. There is a thin line between seeing support for such projects because they are meant to help China and seeing support for such projects because they are meant to prevent China from becoming strong.

It is very easy for many Chinese people to misinterpret the intentions from abroad. Therefore, it is advisable to first make contact with the liberal intellectuals in China who are more open-minded about aid and support from abroad.

Finally, when I noted above that the United States should transfer its focus from human rights issues to democracy, I do not mean to imply that human rights are not important. I would like to use this chance to raise the cases of Wang Bingzhang, which I am sure you are all aware of; Yang Jianli, who attempted to return to China last year and since then has been held incommunicado by the Chinese Government; and Li Hai, who reported information to the outside world about prisoners in China and as a result was sentenced in 1995 to 9 years; and Yang Zili, who organized political discussions and now faces a long-term sentence; and Huang Qi, who uses the Internet to spread ideas of political reform and last month was sentenced to 5 years in prison.

I think China is now entering a crucial period. It is impossible to predict whether future development will be positive or negative. But there is one thing that we certainly can all be sure of: there are a number of things that we on the outside can do to help China. Even though I am studying now in America, my long-term plan remains to return to my country.

Working together with a group of young, educated Chinese in the United States and elsewhere who are concerned about China's future, we hope to increase cooperative efforts with all parts of American society, including Congress, to bring about eventual political change in China.

Thank you very much.

[The prepared statement of Mr. Wang appears in the appendix.]

Mr. FOARDE. Thank you very much, Mr. Wang.

Three excellent presentations, lots of interesting ideas, with a look backward, but also a look forward.

We would now like to go to our question and answer session. Each of us up here will get the chance to ask and listen to the responses to questions for 5 minutes, then we will pass the privilege of questioning you on to another colleague. We will keep going until we either run out of steam or 4 o'clock, whichever comes first.

I would like to exercise the privilege of the Chair and ask a question or two to begin with.

The first question is addressed to Ms. Tong. The photograph that you showed, I want to just establish for the record what it is so we can get it into the written record. It is definitely a picture of a prisoner being abused by uniformed personnel, right?

Ms. TONG. Yes.

Mr. FOARDE. Do you have any idea who the person is or when the picture was taken, and where it was taken?

Ms. TONG. I do not. I just received this photo in my e-mail box last week, or 2 weeks ago.

Mr. FOARDE. All right.

Ms. TONG. It is widely believed that Sun Zhigang was beaten to death in this fashion. In this photo, the victim is apparently in the police station, beaten up by three uniformed police officers.

Mr. FOARDE. And he looks like he is being forced to drink something, probably.

Ms. TONG. No. I think he is in a coma already and the police are trying to wake him up by pouring water on his face.

Mr. FOARDE. All right.

Mr. WANG. Actually, I found this photo on the Internet. Some people just change the picture. They asked, who took this picture? The person who distributed this picture said that some of the friends of the police took the photo, and the person who was persecuted there was a Falun Gong practitioner. Some people asked why these policemen can permit people to take such pictures.

Mr. FOARDE. People take pictures of very strange things, I agree. But there is no telling exactly when or where the picture was taken, as far as you know. It is circulating relatively widely in China, is that correct?

Mr. WANG. Right.

Ms. TONG. Right.

Mr. FOARDE. All right.

Ms. Tong, I would ask you another question or two about custody and repatriation, an issue that we have been looking at and are very concerned about, as you are.

Are the authorities using C&R as a technique in either Beijing, Shanghai, or elsewhere to relocate residents for the purposes of redeveloping neighborhoods for modernization?

Ms. TONG. I think not. I think the C&R system is designed to keep outsiders, especially people from the countryside, from entering into the cities. But the current economic developments made the leadership realize that restriction on the movement of the population is impossible, so they set up this very complicated regulation system.

In each province, in each city, they have a local regulation to limit the free movement of the outsiders. The victims of this system mostly are the people from rural areas, and sometimes people like me.

I come from Wuhan, and when I went to see my sister in Beijing, right at the railway station, the police picked me up, without telling me why they detained me, why they sent me to the C&R center.

Later, the Wuhan police told my parents at their end that my arrest was because I did not have an ID card. I did not have a resi-

dency permit card or a work permit card, either, so I was a "Three No" person.

But my parents said, "Oh, she went to Beijing to pick up this ID card from the Beijing police. That is why she went there in the first place. How could you detain her?"

Also, they did not give me a 3-day grace period. According to the regulation, everybody who goes to a different city has a 3-day grace period. Within those 3 days you can go to report to the local police and register. In my case, I was picked up directly from the railway station.

So they used this system to persecute political dissidents as well. In the Beijing center, there is a group of petitioners. Their fate is least known to the outside world. I had very intensive interaction with them during my 11 days, I feel as though these people were the real heroes. They got no attention, but they persisted. The injustice imposed on them was horrendous.

Mr. FOARDE. I am out of time. I am going to yield the floor to my friend and colleague, Dave Dorman, who is the deputy director of the Commission staff and represents the office of our Co-chairman, Senator Chuck Hagel.

Dave.

Mr. DORMAN. First of all, I would like to echo what John just said and thank each member of this very distinguished panel who came today to speak to us. We are addressing an important issue today and are certainly grateful for you coming to help us understand it.

I would like to focus my question on a comment that was in Mr. Wang Dan's testimony, and perhaps ask each of you to comment on that, if you would be willing.

In your testimony, Wang Dan, you mentioned that there have been improvements in economic freedom in China, perhaps improvements in social freedom as well, but absolutely no change in terms of political freedom or democratic reform.

As you know, there are many people in this country who believe that increased economic freedom, and perhaps increased social freedom, may create the environment, or may create the open space necessary, for political freedom to develop. I am wondering the extent to which you think that is possible in China. Could each of you address this issue?

Mr. LIU. By all means, I personally disagree with this point. I know where this point comes from, but I disagree with it. I do think we have a real middle class in China. There are officials that have a lot of involvement with the government. They are now the real middle class. So there is no hope for the middle class supporting democracy. That is one problem.

I think even though we have economic freedom, we are not seeing democracy, because of what happened in Malaysia or Indonesia. They all had a very good economy a long time ago, and then they got into trouble. So these cases show me that is not a necessary situation in the future.

Ms. TONG. I want to add a point. I call your attention to the Chinese community here in the United States, which is a highly educated and most cultivated group of people among the Chinese. Yet

most of them want to go back to business in China and they try to take advantage of both worlds.

Here, they can take advantage of political freedom. They have freedoms of all kinds. Then in China, they can take advantage of the economic development. Yet, even under the very tight political oppression, they can still develop. Some people really become millionaires overnight, and they enjoy that.

I am trying to point out that this phenomenon needs your attention. I totally disagree with the premise that economic development can lead to political freedom in China automatically. The fact of the matter is that the opposite is true.

The Chinese Government has actually used the political control system to control the Internet, for example, which is a new phenomenon, and used economic opportunity to develop their control system.

For example, they give money to the State Security Ministry and also give money to the Public Security Bureau so that they can better control the migration of the population, and their freedom of speech. They also control the media. The recent events have shown that the government has more power and more capacity to do that.

Mr. WANG. Actually, I want to say that most Chinese want freedom, both economic and political. But which will come first? I think most Chinese do not care whether economic freedom comes first or political freedom comes first. They will be fine. They are hoping for both of them. But no one knows what the relationship is between the two, if economic freedom comes and political freedom follows up immediately.

Mr. DORMAN. Thank you very much.

Mr. FOARDE. Next, I would like to recognize a colleague representing the office of Congressman Joe Pitts of Pennsylvania, Karin Finkler.

Karin.

Ms. FINKLER. My question is for Tong Yi about the C&R centers. Can you give some insight into how you think that U.S. officials should address this issue with Chinese officials in discussions or through whatever method you think?

Ms. TONG. The C&R system is like the "Reeducation Through Labor" system, which is an administrative punishment that can deprive normal citizens of their freedom without going through a trial or legal procedure. I think another aspect of the Sun Zhigang case, which I did not have time to address, is the two petitions made to the National People's Congress [NPC] recently, one on May 14 and one on May 23.

Eight legal scholars filed two petitions to the NPC, saying that the Administrative Punishment Law and the Legislation Law both provide that a person's freedom cannot be infringed upon just by the whim of police officers. The conditions under which the police can do this should be promulgated by laws. And laws, by definition, should only be passed by the NPC, not the State Council or the councils of each province.

This challenge to the constitutionality of the C&R system is a phenomenal development in China because it means that Chinese citizens used the Constitution as a weapon to restrain the power of the State entities. This is the first incident.

So I think the U.S. Government may follow up from the rule of law perspective with this constitutional challenge. I think it is a very important development. I am very eager to see how the National People's Congress will respond to these two petitions.

Ms. FINKLER. Thank you.

Mr. FOARDE. We will go on and recognize the general counsel of the Commission, Susan Roosevelt Weld.

Susan.

Ms. WELD. Thank you very much.

I wanted to say, in 1989 the demonstrators called for democracy in China. One of the things that we know is that the idea of democracy is seen differently from what we all see democracy to mean. Do you agree with that statement or do you see that the idea of democracy you feel is right for China now is the same? I will address it first to Wang Dan, then I would love to hear from the rest.

Mr. WANG. As a student, democracy for me is always political. But after 4 years in jail, then coming over to the United States, especially since I had a lot of experience with American society and American democracy, it is not only something political, it is also something cultural or educational.

So that is why I pay more attention to civil society more than I do to political democracy. I think the most important thing is that we must have a very strong and mature civil society as a basis of democracy. So then will follow democracy due to civil society.

Mr. LIU. From my understanding, and for most of the Chinese, democracy is something like freedom. They want freedom of speech, they want freedom to move to other cities, and other freedoms.

Then for people who are in prison, what does freedom mean? That is, to escape from prison or be released. So most people understand that if they do not have freedom, they know what freedom they want. Most people just want freedom like that.

Ms. TONG. I just want to add that my initial understanding of democracy, just like Wang Dan told you, now I sense that the rule of law really is the core of how democracy can really function in our daily lives. Just from my study and my practice in a law firm, I have a very acute sense that China needs to have a true rule of law, not rule by law, to be able to develop a functional democracy.

So I think the legal profession in China needs to beef up its basic understanding and be more independent. An independent judiciary is also essential. The government should be able to fulfill the commitment they make in the Constitution and in the recent laws they promulgated, they passed, like the Legislation Law.

The C&R system obviously is contradictory to the spirit of the Legislation Law. How do you correct existing local rules according to this law? That is a very practical issue for the Chinese leadership right now.

Mr. FOARDE. Susan, you have a couple of minutes. Do you want to ask another question?

Ms. WELD. Let me pass it to Keith and I will get another chance.

Mr. HAND. I had a question about the scholars' petition and the Sun Zhigang case. This is something that the Commission is watching with a great deal of interest. It seems to be coming on the heels of some very significant discussions of constitutional law in China such as Hu Jintao's speech in December on the 20th anni-

versary of the 1982 PRC Constitution discussions in the National People's Congress session on constitutional enforcement, and discussion on constitutionalism in the Chinese media.

Do you see these events as connected to the scholars' petition? Also, what do you think the most likely response of the National People's Congress Standing Committee will be? This issue, I imagine, presents a very difficult problem for the National People's Congress Standing Committee.

Ms. TONG. Thank you for the question. That is a very pointed question, but I do not think I can give you an answer. I do not think that the National People's Congress can give you a straightforward answer either, because if it answers no, it will ignore the petition.

It would mean that the National People's Congress will ignore article 37 of the Constitution, which means the legislation itself ignores the Constitution, which looks very bad in front of the world, in front of the Chinese people.

Second, if the NPC is willing to say yes, the C&R system violates the Constitution, then it means that it has to reform the whole "hukou" system, which is the core of the Chinese control system. The evils of the "hukou" system are myriad. There are just so many bad things that happen.

I will just give you one example. I do not want to compete against my colleagues here, but I will just give you one simple example. I grew up in Wuhan. I had to score 100 points more in order to get to the same college that my peers from Beijing or Shanghai went to. It still stays in that fashion.

People who grew up in Shanghai or Beijing are very privileged. They develop this snobbish attitude toward people from other provinces or from the countryside. This cultural attitude is deeply entrenched and it is very hard to shake the "hukou" system in China.

So I do not know how the National People's Congress will respond, but I am very glad that there are legal scholars in China that dare to challenge this existing system, who dare to speak out against this horrendous system. I hope we can succeed eventually. This is a really phenomenal development.

Mr. FOARDE. All right. Ms. Tong has expressed her views.

Mr. Wang.

Mr. WANG. I cannot see the connection between these scholars, with encouragement from government. Since there is a group of intellectuals, it is time for them to appeal for political reform and legal reform.

Mr. FOARDE. Let us go on. I would recognize our friend and colleague, Andrea Worden, also a senior counsel with the Commission staff.

Andrea.

Ms. WORDEN. Thanks. It is an absolute honor and privilege to be here today. During April through June, 1989, I was in Changsha, Hunan teaching English. As you all probably know, every day tens of thousands of people—students and workers—were out on the streets protesting in Changsha, including after June 4.

After I left Changsha I kept in touch with many of my students. In fact, many of them are now in the United States.

But during the few years after June 4, 1989 I asked, "So what is going on politically?" And they said, "They were not talking about politics; just that they were interested in making money. Politics will come later; it may be many years away," they said. But they were focusing on trying to make money because they had the freedom to do that.

So my question is—I guess, first to Wang Dan, then I would like to hear from the rest of the panel—how political are Chinese students today? Is there still a sense of just wanting to focus on making as much money as they can because they have learned a lesson from Tiananmen? For example, are there salons like the one you started?

Mr. LIU. Actually, I originally prepared a presentation on the relationship of the democracy movement and the freedom they had. In China, the more freedom people have, the more freedom they want. During the 1980s, the CCP, Hu Yaobang, and Zhao Ziyang, at that time both of them wanted to give more freedom to the Chinese people.

So at that time we enjoyed more freedom than people enjoy now. I think in Chinese history, especially after the Communists took control of China, that is the first time that the Chinese had more freedom. So the demonstrations, the democracy movement, almost every year we held that kind of demonstration. Since 1985, I have set up several discussion groups in Beida and in some hotels. And other high-ranking officials joined the discussion groups.

At that time, some of them wanted to arrest me, but they did not do that because at that time they thought that type of activity was good. Now I believe that if I did the same thing in China, I would be sentenced to at least 15 years just for setting up such panel discussion groups.

Wang Juntao was sentenced to 10 years, and Yang Zili was sentenced to 8 years just because they set up such discussion groups. In 1986, thousands of people joined our discussion groups.

Ms. TONG. I just wanted to add one aspect, and that is the Internet's impact on the Chinese. I think, due to people's nature they are interested in everything. So they posted political commentary on the Internet, like Liu Di, who is a very young student at a university and who is detained right now for her very pointed comments on the Internet.

The Internet in China is a very complicated story. You cannot say that, since you will be behaving this way, all the other Chinese students will behave in this way. For example, after the embassy bombing, you can tell the Chinese students' reaction to what happened at the embassy. They threw stones into the compound. Yet the next week, they were lining up for visas. So this fundamental cynicism also exists there.

I think another aspect is this "hukou" system, again. So many Chinese students who go to college from other provinces, for example, go to a Shanghai college or a Beijing college, but after their graduation they cannot stay there. All of them cannot stay in Beijing or Shanghai. So what's their venue? They want to come here to the United States to study and have a better life here.

So this is an overflow of the "hukou" system. You might pay more attention to this unfair, discriminatory system. The United States actually feels its impact and should pay attention to that.

Mr. FOARDE. That is very useful. We are going to continue. I would like to pick up the questioning and ask Wang Dan, in your presentation you mentioned an issue that is very important to me, and I think to all of the Commission members as well, and the staff here.

That issue was when you said that there are those people in China, young people, some old people, who believe that the United States wishes to keep China weak and powerless, and dominate China and keep China from developing.

I am wondering what you think we could do as a people, the American people, and as a government, the U.S. Government, to combat that impression.

Mr. WANG. My concern is the trend toward nationalism. I think nationalism is a very important issue. So due to this reason, I think there are two things we should be careful of. One thing is to help the American people know more about China.

I do not think the American people know China very well now. So, just enhance their understanding of what is happening in China. This is important. Another thing is to try to pay more attention to China. We have a responsibility.

Mr. FOARDE. I am glad you mentioned that, because one of the answers I always give to my Chinese friends when discussing this very question, is that the thing that should bother you the most about the United States, about the American people, is how little they know about China. Normally I get a very funny reaction from my Chinese friends when I say that, but I am glad that you said it as well.

I would like to pick up on another theme that you just mentioned in your response, and perhaps ask all three panelists to address it. That is whether or not China's increasing participation in the international community is having any positive effect. China has been a longtime member of the United Nations and participated in the U.N. system, is newly in the WTO, and is more and more integrated into APEC and other regional bodies.

Is this helping the Chinese Government become more sensitive to international human rights standards and improved human rights practices or is it having no effect? What do you think? We can start with Wang Dan, if you would like.

Mr. WANG. Not only the government, but people have a chance to go to Western countries.

Mr. FOARDE. Ms. Tong.

Ms. TONG. I think the interaction between the world and China is very important because the Chinese people, especially the Chinese leaders, always view their prestige by their contacts with foreigners. This is a very snobbish view, but it is there. Chinese people who can act more sophisticated with foreigners will be viewed higher than other Chinese. That is just the way it is.

Also, I think China's accession to the WTO is very helpful to push legal reform, at a minimum, because a lot of Chinese regulations have to be abolished and redesigned to fit into the scheme of

the WTO. So that is a very strong incentive, so I think that is positive.

On the other hand, I think that U.S. Government officials should have more direct interaction with the Chinese people, not only with Chinese Government officials. That is just one dimension.

I think if you go out there more to reach out to a large group of citizens to help them understand what the American people are, the U.S. Government is for, their nationalism will probably decrease rather than increase.

Mr. FOARDE. Mr. Wang.

Mr. WANG. Actually, I think that the more interactions between the Chinese culture and the international community, the better for the Chinese people. Actually, they give all of the rules and they do not follow the rules themselves. No one can control them.

But once they join international organizations like the WTO and such kinds of organizations, finally they find out that they have to follow the rules. In these organizations, they are willing to follow these rules. I think for the Chinese people, there is a history of pushing the government involvement so that they follow the rules. The people know that there are some organizations working on that in China.

Mr. LIU. Could I have one comment?

Mr. FOARDE. Please go ahead, Mr. Liu.

Mr. LIU. There are many ways for Western countries to help the Chinese—many travelers, and the government officials travel widely. So what the U.S. Government can do is give them more support, send them to China.

Mr. FOARDE. Thank you.

Let me pass the floor on to Susan Weld. Susan.

Ms. WELD. Thank you very much. I want to go back to some of the detention camps. Especially this question is for Tong Yi. I believe there are special camps for drug addicts. Is that so?

Ms. TONG. What?

Ms. WELD. For people who are addicted to drugs.

Ms. TONG. Yes.

Ms. WELD. Are they run, as far as you know, more or less the way the C&R camps are run? What systems are there? I am familiar with "laojiao" and C&R and the drug camps that are similar.

Ms. TONG. Yes. The drug camps can detain people for 2 years. So that is very similar to reeducation through labor camps. The C&R system really detains people just temporarily, for 10 or 12 days, except for those petitioners.

Those petitioners sometimes stay there for 6 months. And each time they were detained, the duration is longer than the previous one, as a way to punish them from coming into Beijing to petition again.

So far, I think the reeducation through labor and the drug camps and the C&R centers—one that I know well—I think these are all extralegal mechanisms in place.

Ms. WELD. So these would all be forbidden by that article of the Constitution that you mentioned.

Ms. TONG. Yes.

Ms. WELD. All right. But the petition that has been filed so far, is it filed under——

Ms. TONG. The "Lifa Fa," Legislation Law.

Ms. WELD. Which makes the Constitution the supreme law of China.

Ms. TONG. Yes. Yes. The funny thing is that in China, it is a very sad fact, the government, the rulers violate the Constitution and nothing happens. Yet, if normal citizens violate a tiny regulation, they have to pay heftily. It is just a reality.

It is very sad, but true. So how to change the Constitution from a piece of paper to something very effective, like the way the U.S. Constitution is, this is a long-term project for Chinese legal reform.

Ms. WELD. Thank you.

Would either Liu Gang or Wang Dan want to talk about that question, that issue?

Mr. LIU. Yes, I could give some comments. Just recently, there was news that the Chinese Government has a police bureau that is trying to make more money.

So sometimes they just detain some people. If they do not have an ID card, they will be sentenced. So after 24 or 48 hours, they will call your relatives, your parents, and if they can pay 300 yuan or something like that, then they can go free.

If they cannot buy their freedom, they have to be sent to the C&R center to work hard to buy themselves free. So this answers the question of why products from China are so cheap. Some people wonder why their Chinese neighbors can work so cheaply.

I realized that Chinese labor has to be so cheap because they are using prisoners. If they do not have some type of job, a low-paying job, they have to do it. If they do not have enough prisoners, they just randomly detain some people and send them to C&R.

So, I hope the American Government can pay attention to the Chinese products, some of them produced by C&R and prisoners.

Mr. FOARDE. All right. Let us go on to Dave Dorman for another question.

Mr. DORMAN. Thank you, John. There are many people in this country who are looking at the new leadership of China, studying their biographies, studying their histories, and trying to make some determination of whether we may be in store for a change in China in terms of new policies or different policies.

Could you share your insights regarding this new leadership? Do you see any room for political reform in China? Will the window open slightly with this new leadership or will it just be more of the same?

Mr. LIU. Let me, if I can, fill in a definition. I do not think we have a real definition of real legal reform.

Ms. TONG. I think all of us are not from the inside of the leadership, and we do not know any more about these people than you do. On the other hand, I was encouraged by Hu's talk on the Constitution last year. I do not know whether he will do something real about turning the Constitution from a piece of paper to something really meaningful for all the citizens in China.

I hope there is some positive development there. I certainly sense the legal scholars in China may think there might be an environment change. I sincerely hope to see something positive coming out of it. But on the other hand, just as when were playing under this

system, under Deng's leadership, and Jiang's leadership, there are certainly power struggles within the leadership.

From the SARS cover-up, we got a sense of that. So the future of China's leadership is anybody's guess. I really cannot say anything positive or negative about it, probably more negative than positive.

Mr. WANG. Just one comment. I think there is always the probability among China's leadership to do political and economic reforms. But I believe that they will not do it if there is no pressure from the Chinese people and from the international community. So, I hope the U.S. Government will put pressure on them. I do not expect that they will do that automatically.

Mr. LIU. There are 30 or 40 years of transition. They are the hope. They are all of my colleagues or classmates. They all have changed since 1989. So 5 to 10 years later, there could be new ideas.

Mr. FOARDE. Very useful comments, indeed.

Let us go to Keith Hand for another question.

Keith.

Mr. HAND. I was interested in the observation made by one of you that information control, or the Chinese Government's capacity for information control, has increased. We have heard some testimony in this Commission about a sort of technological arms race in terms of controlling the Internet and other mediums of information exchange.

In this most recent case with the SARS outbreak, we have read a lot here about how e-mail, text messaging, and other new forms of electronic communications help get the word out about SARS.

Looking back on your experiences in the 1980s, do you feel it is more difficult now to exchange information freely?

Ms. TONG. I think I made that comment before. It is certainly easier to communicate with the Chinese people right now through different mediums, through the Internet, by e-mail, by telephone, by fax, by letters. Probably people do not use letters anymore.

But I think the Chinese Public Security Bureau is working very hard to establish firewalls against the free flow of information. I wish the U.S. Government could do something about that, to get around or abolish the firewalls on the Internet.

The Internet is a medium which everybody around the world can have access to. How the international community can do something about regulating Internet traffic, I think that might be something the U.S. Government can do with other countries.

Mr. WANG. I think that there are certainly more methods and it is easier in the 1990s compared with the 1970s and the 1980s. But it is also more dangerous at this time. People do not know that. Most people think, if you get something off the Internet, no one will know.

But actually the police have ways to find out and can get it. But during the 1970s, during the Cultural Revolution, with Chairman Mao, they knew that it was dangerous. Now, people whose e-mail is monitored will be sentenced, so I think it is more dangerous.

Mr. LIU. I agree.

Mr. FOARDE. Let us give the final round of questioning to Andrea Worden today.

Ms. WORDEN. One of you said earlier that there is a link between civil society and democracy. I was wondering if you could maybe take another minute to expand and explain your ideas.

Mr. LIU. You know what is happening in China about AIDS. Journalists or maybe labor organizations, they are an element of civil society that has tried to change things.

Ms. WORDEN. That is very helpful. Let me ask a follow-up question. In your thinking, will a developed civil society automatically lead to political reform? Is that an idea that you——

Mr. WANG. I think that to have democracy in China, we must have legal reform, which will have to operate in the political system. Another thing, more important than this, is to appear as a democratic anchor. So that is why I say that civil society is more important.

Mr. LIU. Just one comment. I believe that the more ways we have for China to move toward the kind of democracy movement we had in China—for example, Pat Dyson was here attending this meeting today. When I was at Beijing University in 1986, Pat Dyson was there and had a lot of friends and students.

Most of these students were a part of the democratic movement and set an example, and people fought for contact with Western people, and the Chinese people were influenced and knew much better about freedom and democracy.

Ms. TONG. I agree with what Wang Dan said. I think a civil society is essential for a functional democracy. People who have their own homes and property tend to be more stabilized in their country. If they have nothing, if they do not own anything, then they tend to be more frustrated.

So I think civil society is tied with a functional rule of law scheme. If China has an effective legal system and then the civil society can come out of it and maybe someday China's democracy will really be realized. That is certainly what we are hoping for here. Thank you.

Mr. FOARDE. Each of you have mentioned history, some of you recent history, some of you more ancient history. We are all interested in Chinese history as well. We learn at the feet of our guru, our resident historian, Susan Weld. So, I am going to give her the last question today.

Susan.

Ms. WELD. I was very excited to read a speech by Wen Jiabao, who gave a speech at Qinghua University on May 4, because he referred to the ideals of the May 4 movement as an important way now for China's path to the future.

Since all of you were involved in that important experience in 1989, I would like to see now whether those ideals could, in fact, be part of the future for China and in what ways they might actually play out. Perhaps, Liu Gang.

Mr. LIU. Actually, I remember that when I was with the democratic movement at Beida, it was before June 4. But usually that was not allowed, even for such kind of activities in China. We, just to ourselves, started the democratic movement.

I think that there is a relationship and I believe that the May 4 movement was the first democracy movement in China's history. After that, for a long time, after the Communists took control of

China, from 1949 until 1976, the democracy movement was quiet. But after that, the 1989 movement and the 1976 movement all take a look back to May 4.

Ms. TONG. The slogan of the May 4 movement is: "Mr. Democracy and Mr. Science." In China, so far the Chinese leadership has paid great attention to Mr. Science. The majority of the Chinese who are studying here are science majors.

The sad fact of China's leadership, is the first generation was ruled by revolutionaries, professional revolutionaries. The second generation were technocrats who were trained mainly in the Soviet Union.

We are looking for new leadership, who will be the professionals, like the lawyers, doctors, political scientists, like what is happening in the United States. Yet, this process, to go from technocrats to professional leadership, probably will take a long time. But I hope someday China will turn into that kind of leadership.

Mr. LIU. I think science and democracy are still very important issues in China. The May 4 movement passed, almost 90 years have passed, and we still do not have a democracy.

Mr. FOARDE. Well, our time is up. We are going to have to leave it there for today. Liu Gang, Tong Yi, and Wang Dan, thank you very much for your views and expertise, and coming all the way to Washington today to help us.

We will make an announcement soon about our next issues roundtable. But for this afternoon, we will bring this session to a close. Thank you all very much.

[Whereupon, at 4:05 p.m. the roundtable was concluded.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF LIU GANG

JUNE 2, 2003

I want to thank the members and staff of the Commission for inviting me to give my views on the Democracy Movement in China.

PEOPLE WHO INSPIRED THE DEMOCRACY MOVEMENT OF 1989

The Democracy Movement of 1989 was not a new occurrence that suddenly sprung to life in the spring of that year. The Movement of 1989 had many ancestors in China. All of us who participated could look back in history to Sun Yat-sun and Lu Xun for inspiration and even to such Communist Party leaders as Peng Dehuai and Hu Yaobang. The jailed dissidents such as Wei Jingsheng, Zhang Zhixin and Liu Xiaobo were the fathers of our modern movement. Physics Professor Fang Lizhi was our teacher and showed us how to stand up to the Party and to speak out for democracy and reform. The students who joined the Democracy Movement had the opportunity to learn about the importance of non-violence from reading about Mahatma Gandhi and Martin Luther King. Certainly the dissidents in other Communists countries were examples for us. We learned about resistance from Lech Walesa, Vaclav Havel and Dubcek from foreign literature. Gorbachev was a leader that we hoped would prod the Chinese Communist Party to reform.

THE STUDENTS OF THE 1980S WERE DIFFERENT

The student movement itself had been preparing for several years before 1989. Many students, teachers and middle-level government employees had been holding meetings in Beijing and all of China to discuss how to organize a democratic movement and what democracy would mean to China. We held what we call "Democratic Salons" in Beijing. There were even open outdoor meetings on the Beijing University campus. The Beijing Social Economic Institute and other groups had laid the ground for the democratic movement and many of their members played key roles in Tiananmen Square. Only the timing of the demonstrations was spontaneous. It was initiated by the death of Hu Yaobang who had been dismissed in disgrace for being too soft on the students who had held demonstrations in 1986. So none of the planners controlled the actual start of the movement. It just erupted hours after Hu's death in Beijing and on campuses throughout China. Chinese students in 1989 were much more active than other groups such as workers. There are many reasons for this. Students had a good deal of independence from the CCP. They were selected for admission to universities through examinations, rather than Party connections. (Although some of that system still existed.) Their parents paid their expenses and the Party could not penalize the students very much. The students were also more educated, and they had more freedom to assemble in groups for discussions. The increased degree of freedom was a most important factor. The more freedom they had, the more freedom they wanted. In addition, there were many more opportunities to have contacts with the Western world and to find out how much freedom to speak and to publish existed in other countries. Almost every campus had foreign teacher and students. But groups other than students, such as workers and mid-level government employees were easily punished by the CCP government. Since they could lose their job and even be jailed, it was hard for them to join the democratic movement in China. However, once the movement has been started and many people have been involved, it became harder for the government to track down all the participants. So, workers and other groups will feel less risk and joined the democratic movement. While many workers joined the 1989 democratic movement because of the massive corruption they had to deal with daily. Their participation also shows that most of the Chinese want to enjoy freedom and want to change the communist regime. They were fully aware that the movement was about freedom.

SUPPORTIVE ORGANIZATIONS

The VOA is still one of the best ways of communicating with the Chinese people and getting the truth out. Before and during the Democracy Movement, we could find out what was happening in the world and we could speak out to the world through the VOA. The VOA also gave us the news inside China. We had pretty primitive communications in 1989—FAX, long distance phone lines and students traveling from one place to another. All of this took money when the students had

very little money. But VOA broadcasts every day told us in what cities the demonstrations had started and how large they were. In that way we knew the spread and size of the movement. It is from VOA, we knew the Solidarity Labors Union in Poland, The Prague Spring, as well as other democratic movements happened in the world. Then we wanted to have our own Solidarity Union and to start our Beijing Spring. I hope that the U.S. government will continue to support this priceless service generously. I do not think we could have made the advancements we did without the VOA. Western journalists broadcast our story and interviewed many Chinese students and senior supporters of democracy. They explained our positions to the outside world and to other parts of China. Western news reports were copied and circulated throughout the student community. Our petitions are usually first broadcast by Western news agencies. Western students in China also played their part. They helped spread our story and since they lived with us in universities, they knew our views and understood them better than anyone. I am sure that these two groups will continue to be valuable sources for information about China's democracy movements in the future.

Western diplomatic officials in China can also play important roles in the democratic movement in China. Winston Lord, the former American ambassador in Beijing, and his wife Betty Bao frequently showed up and gave speeches in our Democratic Salon at Beijing University and other cultural seminars in Beijing. Their attendance and speeches inspired our Chinese people to a great degree. The opportunities of meeting with western diplomatic officials are considered as great honor for most of Chinese. I must say that most of Chinese including high rank CCP officials would more interested in meeting with American ambassadors than meeting with the highest rank CCP officials, including Deng Xiaoping at that time.

I'd also like to mention Congresswoman Nancy Pelosi. When I was in prison, my sister delivered to me some post cards from her, and I heard that she went to Tiananmen Square and expressed her concern about human rights in China when she visited China in 1992. I was really excited and inspired when I found out that she and other American politicians were consistently appealing for us. I'm really thankful to her and all other Congress members who paid attention to my case, and the cases of others who were imprisoned for supporting democracy in China.

By meeting with western officials, we Chinese not only can know more about the value of freedom, but we also felt more safe and protected. The CCP government seldom punished people because of contacts with western officials. If anyone was punished because of these contacts, we believed that the western countries would strongly appeal for our freedom and human rights. After Winston Lord gave speeches on June 1st, 1988, at our Salon in Beijing University, some other western diplomatic officials including those from Britain, Australia, and even some high rank CCP officials including Wang Meng, the former minister of Chinese Culture Department, and Deng Pufang, the eldest son of Deng Xiaoping, all showed interest in giving speeches to our Salon. So, I wish the current American ambassador in Beijing would do the same as Winston Lord and Betty Bao Lord did during 1980s. Believe me, the CCP government listens more to the American ambassador than to the Chinese people, and the Chinese people respect the American ambassador more than the Chinese government!

DEMONSTRATIONS AND ORGANIZING

In most cases in Chinese political movements, demonstrations start first and then organizations are set up during the demonstrations. The June 4th Movement is an example of demonstrations first, then followed by organization. But political movements are much more successful, if started by mature well-organized groups. The Falun Gong demonstration in Beijing was successful because it was a well-organized organization. Unfortunately, it has since been brutally suppressed.

Independent political organizations cannot exist for long in present-day China. The government soon arrests any leaders such as those of the Chinese Democracy Party, when they become widely known. I still recommend that any group that intends to have an effect on Chinese politics to stress organization before demonstrations. When demonstrations do break out, it is very helpful if American and other politicians issue public statements and pass resolutions of support. They are heard in Beijing. They were in 1989.

MY APPEAL

My thanks to all of you for your consistent concern and appeals for releasing Chinese political prisoners. I want to thank the American people for providing us with political asylum here. I hope you do not forget the political prisoners, including Wang Bingzhang, Wang Youcai, Yao Fuxin, Xiao Yunliang, Huang Qi, as well as the thousands of Falun Gong practitioners who are jailed in China. I hope you will continue to speak out for them until all political prisoners are released. Please remember that your voices are very effective tool when talking with the CCP government.

Pro Democratic Movements in China

Gang Liu

June 2, 2003

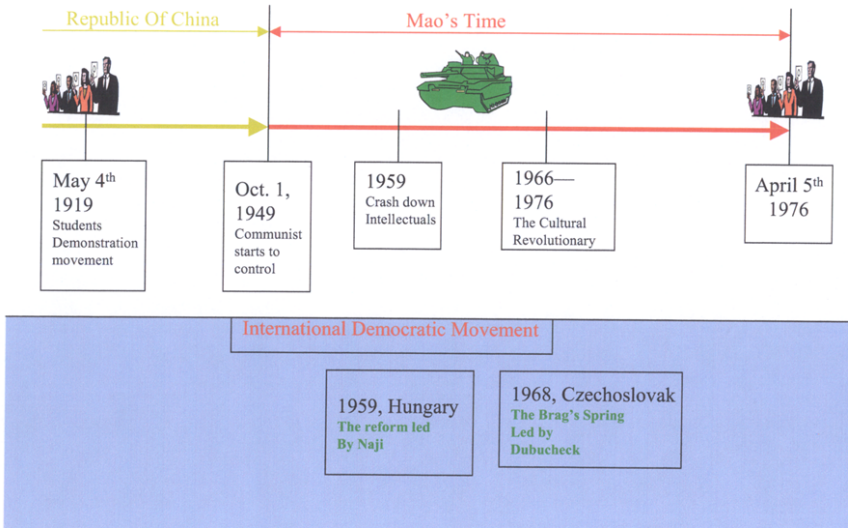
Presented to the Congressional Executive Commission on China

Washington, D.C.

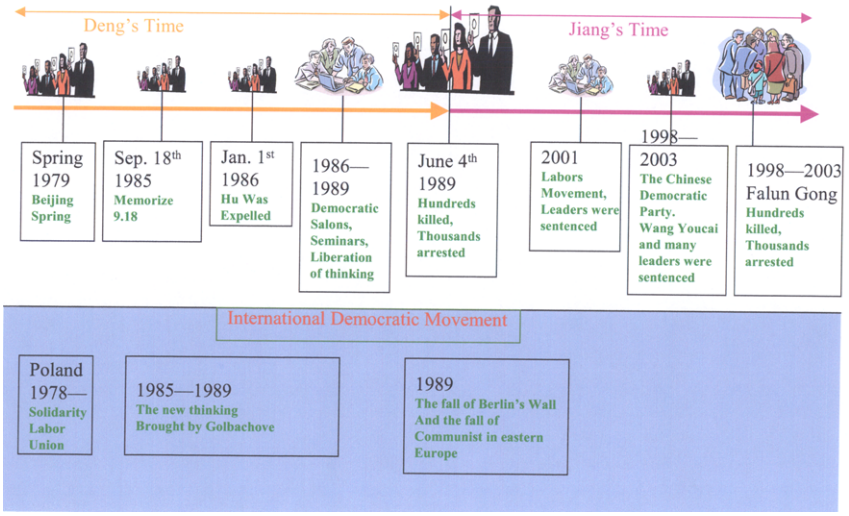
Outline

- A brief history of democratic movement
- Background of June 4th
- The June 4th movement
- People and events that inspired us
- Why students more active?
- Which comes first, demonstration or organization?
- Democratic movement after 1989
- My appeal

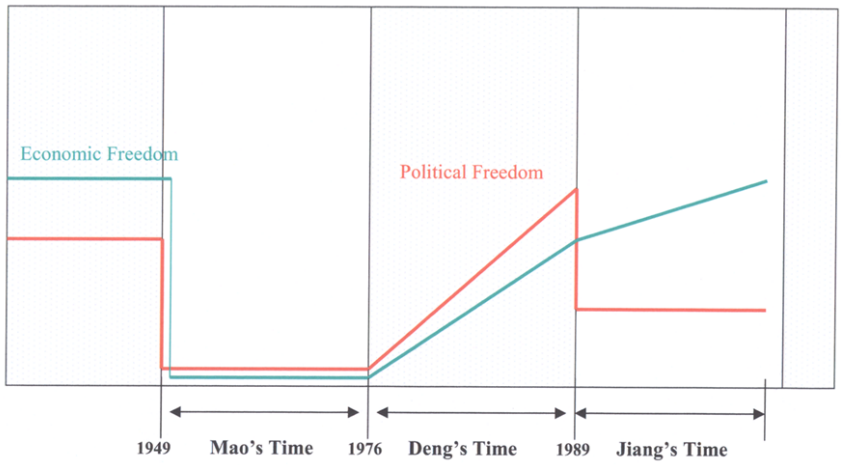
A brief history (I)



A brief history (II)



Freedom Levels in China



June 4th (1): Initiation

June 4th (2): Started on Campus

June 4th(3): Demonstration

June 4th(4): Hunger Strike

June 4th(5): Missing Hero

June 4th(6): Crash Down

一位清華大學研究生爲人民獻出了生命。 64memo.com

June 4th(7): Victims

Rough Statistics

- Millions people joined the demonstration
- Millions were forced to be brain washed
- Thousands were arrested and sentenced
- Hundreds were killed
- Out of 21 students leaders on the most wanted list, 13 were arrested, 8 escaped to western countries

People who affected us

- Mahatma Gandhl (and his nonviolent disobedience movement)
- Matin Luther King, Jr. (and his civil rights movement)
- Nelson Mandela (and his anti-apartheid movement)
- Walsha (and his union of solidarity labors in Poland)
- Hawale (and his 77 constitutional movement)
- Dubuchek (the former communist leader of Czechoslovak)
- Khrushchev-Golbachove-Yalsin
- Andrei Sakharov (Soviet Physicist and dissident)
- George Washington
- Einstein

People who inspired us

- Fang Lizhi (Chinese Physicist and dissident)
- Sun Yet-sen(The Provisional President of the Republic of China)
- Wei Jingsheng (Chinese dissident)
- Liu Xiaobo
- Chen Ziming
- Peng Dehuai (Former leader of Chinese Communist)
- Hu Yaobang (Former leader of Chinese Communist)
- Lu Xun (Chinese writer)
- Zhang Zhixin (and other dissidents jailed by the CCP)

Helpful Agencies and People

- VOA and other news agencies (through which we know what happened abroad and we spoke out to the world)
- Western Journalists in Beijing
- Western students in Universities in China

Our petitions are usually first broadcasted by the western news agencies.

Why students more active?

- Instead of sponsored by the CCP, students are mainly sponsored by parents. The CCP can apply less penalty to students
- Highly educated
- More collectivized and assembled
- Enjoy more freedom
- More desire for freedom
- More opportunity to contact with western world

Which comes first, demonstration or organization?

- In most cases, demonstration comes first for most of movements, and organization are set up during the demonstration, e.g., April 4th Movement
- It is more successful if a demonstration is started by a mature organization, e.g., Falun Gong movement.
- Any independent political organization cannot exist long enough to start up a democratic movement. The Chinese Democratic Party is an example.

Why June 4th is well organized?

- In 1980's, the CCP tried to give more freedom
- We learned lessons from the former movements
- The Democratic Salon, The Beijing Social Economic Institute, and other groups are prepared long time for democratic movement. Most members of these group played key roles in June 4th.
- However, the June 4 movement is started spontaneously. It was initiated by occasional events—Hu's death. The time is not selected by the existed organization. We cannot fully control the movement through our organization.

Movements after 1989

- The Chinese Democratic Party was set up in 1998. Most of its leaders, such as Wang Youcai, were arrested and sentenced to more than 10 years
- The independent labor union movement in 2001. Recently, the CCP sentenced Yao Fuxin to 7 years, Xiao Yunliang to 4 years.
- Dissidents tried to enter into China. Yang Jianli has been detained for more than 1 year now, Wang Bingzhang is life sentenced, Wang Ce served for 4 years in prison.
- Falun Gong followers have continuously demonstrated for the freedom of religion and have been persecuted brutally since 1999.

Falun Gong Demonstration

Falun Gong was persecuted

My Appeals

- My thanks to all of you for your consistent concern and appeal for releasing the Chinese political prisoners, thanks to American people for providing us political asylum here
- I hope you do not forget the political prisoners, including Wang Bingzhang, Wang Youcai, Wang Weilin, Yao Fuxin, Xiao Yunliang, Yan Qichen, as well as thousands Falun Gong practitioners who are jailed in China. I hope you will appeal for them until all political prisoners are released.
- Please remember that your voice are more effective to the CCP government.

PREPARED STATEMENT OF TONG YI

JUNE 2, 2003

KIDNAPPING BY POLICE: THE SUN ZHIGANG CASE EXPOSES "CUSTODY AND REPATRIATION"

INTRODUCTION

While the SARS outbreak has drawn attention all around the world, an individual murder case has attracted attention inside China. The case exposes the serious police abuse that routinely takes place within the PRC's Custody and Repatriation (C&R) system. My own personal impressions of this system are vivid, because in 1996 I spent a hellish 11 days within its clutches. I am now glad for the opportunity to call your attention to this system of police-sponsored kidnapping that relies on "regulations" that are unconstitutional even by PRC legal standards. On the C&R issue, China's human rights certainly have not improved since 1989. They clearly have gone the other direction.

THE SUN ZHIGANG CASE

Sun Zhigang, a college graduate from Hubei Province, went to Guangzhou early this year to take up employment. On the night of March 17, police in Guangzhou detained him for failing to show a temporary resident permit and sent him to a C&R center. Three days later, a friend of Sun's was notified to collect his body from the center's infirmary.

Sun's parents in Hubei, incredulous at what had happened to their son, traveled to Guangdong and approached government agencies seeking a "reason" why their son had died. After a month of watching their inquires fall upon deaf ears, they decided to bring the story to the Southern Metropolitan News, which did its own investigation and then published a full account on April 25. Other local and national newspapers then picked up the story and it quickly became a national issue. Controversy now centers on three questions: (1) the criminal investigation of cases like this; (2) the prevalence of police abuse; and (3) the constitutionality of the C&R system.

THE GOVERNMENT'S STATED REASONS FOR A C&R SYSTEM

The C&R system arose from a 1961 Party directive entitled "Forbidding Free Movement of the Population." In 1982 the State Council added "Measures for the Custody and Repatriation of Vagrant Beggars in Cities." The ostensible purpose of these orders was to provide shelter for homeless people in cities. More fundamentally, though, the goal was to strengthen the "hukou" registry system, which privileges urban over rural residents in many ways. A full account of the evils of the hukou system is beyond my scope here, but the system's fundamental purpose, from the government's viewpoint, has always been to enforce the social stability upon which the security of its political rule depends. The Party and State Council directives provide a warrant for arresting and deporting back to the countryside any farmer who enters a city "illegally."

Because of the original claim of a connection between C&R and welfare, the day-to-day activities of C&R centers fall under the Ministry of Civil Affairs. In practice, however, the Public Security apparatus, especially local police, run the system. The official language of the Ministry of Civil Affairs says:

> Custody and Repatriation is a forcible administrative apparatus under which the Civil Affairs departments and Public Security bureaus may send back to their places of hukou registration any persons whose homes are in the rural areas and who have entered cities to beg; urban residents who are roaming the streets and begging; and other persons who are sleeping in the open or have no means of livelihood. This measure is employed by the State to provide relief, education and resettlement to those persons who are indigent and begging in the cities, so as to protect urban social order and stability and unity.

In practice, detainees in C&R centers tend to be the poor; the mentally ill; migrant workers; women who have been kidnapped for sale on an underground market; and "petitioners"—meaning people who have entered cities to seek redress of injustices from government officials. Estimates of the numbers detained, since 1989, run into the millions.

THE C&R SYSTEM IN PRACTICE

High-sounding language about "welfare" notwithstanding, the C&R system for more than a decade has been dominated by extortion. Police use it to kidnap the powerless and demand ransom from their families or friends. The State goes along with this because it serves "stability," and because the system can be used to clean up riffraff and thereby "beautify" city streets in advance of august events like a Party Congress, the visit of a foreign dignitary, or a bid to host the Olympics. All such values trump the rights of ordinary citizens.

Arbitrary detention

The most vulnerable citizens are "Three No's" people-those with no ID card, no temporary resident permit, and no work permit. Even people who have such documents can be swept up if they dress shabbily, have funny-sounding accents, or seem to loiter. Recently a migrant worker who was picked up for his outlandish accent made the mistake of showing his documents—only to have the police rip them up and bring him to a C&R Center anyway.

Physical abuse

The conditions in the C&R Centers are about as bad as one can imagine. Food and sanitary conditions are abominable, worse than in regular prisons and labor camps. Detainees are routinely subjected to beatings by police or by cell bosses. Sun Zhigang is by no means the only detainee to have died from the torture and beatings.

Extralegal ransom

For the police, the possibility of using the C&R system to collect ransom becomes an incentive to detain as many people as possible. With the collapse of public morality during China's post-Mao years, added to the devil-take-the-hindmost pursuit of money, there are no effective brakes on this kind of abuse of police power. C&R becomes an open field from which police rip off whatever they can. I experienced a small taste of this practice in my own case. In late 1996, when I was released from two and a half years of Reeducation through Labor, I traveled from Wuhan to Beijing to see my sister. Police met me at the Beijing railway station and sent me straight to a C&R center. No explanation. I spent 11 days without enough food and in filthy conditions. Then the police "repatriated" me to back to Wuhan, and when I arrived, my parents were forced to pay for my room and board during C&R and my train ticket back home.

THE INVESTIGATION OF THE SUN ZHIGANG CASE

After the media publicized Sun's story, the Central Government ordered the "relevant authorities" to investigate the case and punish the perpetrators as seriously and as quickly as possible. The criminal investigation was then passed down to Guangdong provincial authorities, where it went forward in secret. There is every reason to believe—because it happens in similar cases—that the "investigation" eventually fell near or directly to the same authorities who were responsible for the original crime. In any case, very quickly, on May 13, the New China News Agency reported that 13 suspects had been arrested. Five were workers at the infirmary where Sun died, and eight were other detainees at the same infirmary.

Few serious analysts take this official report as much more than a whitewashing. There is no explanation, for example, for why Sun was moved to an infirmary in the first place. He had arrived at the C&R center 24 hours before his move to an infirmary. What happened during those 24 hours? What caused his symptoms, apparently of a beating? Records show that Sun was unconscious during his stay in the infirmary—and yet the official investigation claims that other detainees at the infirmary had beaten him. Other sick people were beating an unconscious man?

From a legal point of view, the huge problem that this case points up is that there is no separation of power between the administrative authority and the investigative authority. Essentially, the police are charged with investigating the police. This systemic flaw spawns many other abuses: judgment is rushed, innocents are scapegoated, the true perpetrators are protected, a false story is publicized, and, after it is announced, only leads to widespread public cynicism.

CONSTITUTIONAL SCRUTINY OF C&R

On or around May 16, three citizens with Ph.D. degrees in law from Beijing University submitted a petition to the National People's Congress to re-examine the 1982 "Measures for the Custody of Repatriation of Vagrant Beggars in the Cities." Their petition held that the PRC's Administrative Punishment Act as well as its Legislature Act provide that deprivation of a citizen's freedom can be done only by

laws, and that such laws must be passed by the National People's Congress or its Standing Committee. The State Council and the various Provinces have no power to make regulations that in effect deprive citizens of their personal freedom.

This petition highlights the sad fact that, in China, when rulers violate the Constitution nothing happens, but when ordinary citizens violate a local rule, they can have hell to pay. For this reason some observers feel that the current petition, if successfully pressed, can have at least as large an impact as the publication of the Sun Zhigang case. It is the first example in PRC history in which ordinary citizens are trying to use the Constitution to constrain the power of State organs. Since the core of the rule of law is to restrain governmental power, this petition deserves the careful attention of anyone interested in the rule of law in China.

CONCLUSIONS

In view of the expansion of the C&R system in China over the last 15 years, one can only conclude that the human rights of personal freedom and freedom of movement have suffered setbacks. C&R, like the Reeducation through Labor system, has no legal basis even under PRC standards. It clearly violates international human rights norms. It should be abolished in its entirety.

Sun Zhigang's death has alarmed many people and redirected their attention to the C&R issue. Some even have begun to use the Constitution to challenge the whole system. Whether or not this ferment might possibly lead to an end of the C&R system is hard to say. I sincerely hope that this Commission can help to highlight the issue and do whatever it can to bring pressure to abolish the system.

For more information on C&R in China, please go to Human Rights in China's web site: *www.hrichina.org,* where it posts two detailed reports:

(1) Not Welcome at the Party: Behind the "Clean-Up" of China's Cities-A Report on Administrative Detention Under "Custody and Repatriation" (1999);

(2) Institutionalized Exclusion: The Tenuous Legal Status of Internal Migrants in China's Major Cities (2002).

PREPARED STATEMENT OF WANG DAN

JUNE 2, 2003

First, I want to thank the Commission for allowing me the opportunity to share some of my opinions and ideas. It is my great honor to be able to speak before you today.

It has been 14 years since the June 4 Tiananmen massacre of 1989. If we want to attempt to summarize the changes in China over these past 14 years, I think there are three things that need to be noted. First, I think we can all agree that there has been much progress in China in terms of economic freedoms. Second, even at the social level, people have more space for freedom. But in terms of democratic politics and political reform, I can say that there really has been no change or progress whatsoever. The lack of transparency and openness was most notably revealed in the recent case of the cover-up of the SARS epidemic.

With respect to this latter situation I have five points to share with you today. I think we can admit that there has been some progress on human rights. But I think that this progress, at least partly, if not completely, is due to the pressure from the international community. As an example we can look at the period between 1992 and 1997. During that time there was consistent considerable pressure from the West and as a result human rights violations in China decreased notably. After 1997, however, when the pressure was relaxed, there was substantial erosion of China's human rights record. Therefore, I strongly believe that the United States and other Western countries should keep up their ongoing pressure on China to improve its human rights situation. I disagree with those who fear that if the United States keeps up its human rights pressures on China that this will have a negative effect on Sino-U.S. relations.

Second, it is obvious that China still lacks a mature civil society. However, over the last 14 years we have witnessed the gradual emergence of a developing civil society. I think that it is very important that the United States pay attention to these sprouts of civil society in China and do all that it can to cultivate them. I believe that it is short-sighted for the United States Government only to focus on the actors in the Chinese government and the Chinese Communist Party. Therefore, I think that the United States China policy should move from attention only on human rights issues to other issues of political reform and democratic politics. One way that the United States can do this is to provide support for NGOs and universities in China as a way to promote social contacts.

Third, as the United States is facing the challenge of terrorism in the new century, I can completely understand the necessity to strengthen its strategy against terrorism. However, I am worried that an unfortunate side-effect of this strategy may be a tightening of the United States policy that allows Chinese students and scholars to come to the States for exchanges, study, and visits. As one of the beneficiaries of this program myself, as well as a beneficiary of the human rights pressure from the international community, I sincerely hope that this will not occur. The current generation of overseas Chinese students, sooner or later, will return to China, and I believe they will be a motivating force for the further development of reform in China, including political reform. Therefore, I think it is important that the United States Government allow this door to remain open, and even to open it wider by expanding its contacts with the Chinese students already in America.

Fourth, it is not enough for the United States Government merely to take a general stand to promote democracy in China. I think a more detailed and in-depth strategy is required, for instance based on specific cases, such as projects promoting the rule of law, freedom of the press, or workers rights. There are many worthwhile projects that are being undertaken in China today, and I and my colleagues would be happy to introduce them to you. However, I think a note of caution is necessary with respect to support from the United States to projects being carried out within China. This is a very sensitive issue and there is a thin line between seeing support for such projects because they are meant to help China and seeing support for such projects because they are meant to prevent China from becoming strong. It is very easy for many Chinese people to misinterpret the intentions from abroad. Therefore, it is advisable to first make contacts with the liberal intellectuals in China who are more open-minded about aid and support from abroad.

Fifth, when I noted above that the United States should transfer its focus from human rights issues to democracy, I do not mean to imply that human rights issues are not important. I would like to use this chance to raise the cases of Wang Bingzhang, which I am sure you are all aware of; Yang Jianli who attempted to return to China last year and since then has been held incommunicado by the Chinese government; Li Hai who reported information to the outside world about prisoners in China and as a result was sentenced in 1995 for 9 years; Yang Zili who organized political discussions and now faces a long-term sentence; and Huang Qi who used the Internet to spread ideas of political reform and last month was sentenced to 5 years in prison.

China is now entering a crucial period. It is impossible to predict whether future developments will be positive or negative. But there is one thing that we certainly can all be sure of. That is, there are a number of things that we on the outside can do to help China. Even though I am studying in America now, my long-term plan remains to return to my country. Working together with a group of young educated Chinese in the States and elsewhere who are concerned about China's future, we hope to increase cooperative efforts with all parts of American society, including Congress, to bring about eventual political change in China.

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