Dr. Xu Zhiyong's Essays Translated by ChinaChange.org



Dr. Xu Zhiyong in Beijing Third Detention Center in late July, 2013.

Xu Zhiyong (许志永) is a legal scholar at the Beijing University of Post and Telecommunications and one of the leading figures in China who promote social movements aimed at political change and peaceful transition to democracy and rule of law. He was one of the founders of Gong Meng (公盟), or Open Constitution Initiative, known, among other things, for providing legal assistance to dissidents, activists, petitioners and other disadvantaged groups. In one of his most recent endeavors, he called for a New Citizens' Movement to draw more people into making social and political changes. Over the last ten year, he has been repeatedly disappeared, placed under house arrest, and, in 2009, he was briefly arrested on trumped-up charges. On July 16, 2013, he was again criminally detained for "assembling a crowd to disrupt social order in a public place." While Xu Zhiyong's name is censored in China's social media and his blogs deleted, his arrest has provoked wide response in international media about China's continuation of political persecution and dimming prospect for political reform. It has been only a few months since Xi Jinping took office but China has already criminally detained, or formally arrested, more than 100 citizens for what is perceived by the communist government as political activism that undermines their hold on power.

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New Citizens' Movement

A "manifesto" published on May 29, 2012.



China needs a new citizens' movement. This movement is a political movement in which this ancient nation bids utter farewell to authoritarianism and completes the civilized transformation to constitutional governance; it is a social movement to completely destroy the privileges of corruption, the abuse of power, the gap between rich and poor, and to construct a new order of fairness and justice; it is a cultural movement to bid farewell to the culture of autocrats and subjects and instead create a new nationalist spirit; it is the peaceful progressive movement to herald humanity's process of civilizing.

In the 20th century, China experienced many movements: the Xinhai Revolution, the New Culture Movement, the New Life Movement, etc. In trying to bid farewell to autocracy, they changed the Chinese people's living habits and spiritual realms. Due to internal and external problems, however, the Republican Era ended quickly. These historical progressive movements were unable to complete fundamental changes in the political system; they were but a flash in the pan. After 1949, China's totalitarian regime launched a flurry of movements—land reform, the suppression of counter-revolutionaries, the socialist transformation, the anti-rightist movement, and everything from the Great Leap Forward through the Cultural Revolution. These regressive movements against the tides of history were destined to have tragic endings. In the 1980s, the Communist Party of China initiated the "five stresses, four beauties, and three loves" campaign, but a social reform movement initiated by a dictator, tainted by self-interest, cannot bring real change in society.

Today, China still has not been able to leave behind authoritarianism, power monopolies, rampant corruption, the wealth disparity, violent housing demolitions, education imbalance, and the black hole of social security ... the root of these weighty social

problems is autocracy; the Chinese nation needs a great citizens' movement that moves with the historic tide, moving from bottom to top, from political and social to cultural, from the awakening of individual citizens to the revitalization of the entire Chinese civilization.

The goal of the New Citizens' Movement is a free China ruled by democracy and law, a just and happy civil society with "freedom, righteousness, love" as the new national spirit.

The core of the New Citizen's Movement is the citizen. This is an individual concept as well as a political and social concept. The citizen is not a subject—the citizen is an independent and free entity, and he or she obeys a rule of law that is commonly agreed upon. He or she does not have to kneel down to any given person. The citizen is not a layman—the citizen is the master of the country. The ruler's power must come from election by the entire citizenry, bidding farewell to the barbaric logic of "ruling by the barrel of a gun." Citizens are neither docile nor mob-like; they share happiness and bear of responsibilities in the order of justice; and they are upstanding, magnanimous, moderate, and rational.

The "new" in New Citizens' Movement refers to new historical conditions, new forms of behavior, and a new liberal order. The counterpart of the new citizen is not the citizen, but the subject, of the past. The new historical conditions include technological advancement, market economies, ideological pluralism, and the common democratic trend in human society. The new forms of behavior are the lawful defense of citizens' rights, citizens' non-violent non-cooperation, and peaceful democracy movements, all under a new system of ideas and discourse. The new liberal order is the constitutional order of democracy, rule of law, republicanism. The social background of the New Citizens' Movement is new, the model of behavior is new, the movement's goal is new, and thus it is called the New Citizens' Movement.

The big change in Chinese society needs direction and spirit. The New Citizens' Movement advocates the New Citizen Spirit, which is the direction and spirit of great change.

The New Citizens' Movement is a political campaign. China inevitably needs to complete the civilized transformation of politics, establish a free China that is completely democratic and ruled by law. The New Citizens' Movement is a social campaign. The solution to a monopoly over power, rampant corruption, wealth disparity, education imbalance, and similar problems is not merely dependent on a democratic political system, but also must rely on the continual implementation of the social reform movement. The New Citizens' Movement is a cultural campaign. It completely transforms tyrannical culture, which is corrupt, downfallen, wretched, and hostile; it founds a new nationalist spirit of "freedom, righteousness, and love."

There must be an end to tyranny, but the New Citizens' Movement is far from being just a democratic reformation; the New Citizens' Movement's discourse is not "overthrow," but "establish." It is not one social class taking the place of another social class, but letting righteousness take its place in the Chinese nation. It is not hostility and hate, but universal love. The New Citizens' Movement pursues facts and justice, but from the aspiration and hard work of not giving up and settling differences. In the process of societal change, there must be new kind of spiritual coalescing of the Chinese people as a whole, from the individual citizen to the entire country.

The New Citizen's spirit can be summarized as "free, righteous, and loving."

Freedom implies the sovereignty of belief, thought, expression, life, the pursuit of independence, and the unrestrained, authentic selfhood. People's freedom is the end goal of society, country, and law. Righteousness: it is the fair justice of this world; it is the ideal status of the country and the society; it is equal opportunity.

The strong will have restriction; the weak will have protection, and every person, to the best of their abilities, will build on their strengths, perform their duties, and do what they want. Righteousness implies democratic rule of law is the cornerstone of the system. It implies individual responsibility, defends and pursues rights, cares for the common good, and respects the boundaries of other people's rights. Love is the source of humanity's well-being; it is the highest state of the New Citizen's mind. A people's mind must contain love as well as erase hate and hostility entirely, founding a free and well-off civil society.

The New Citizens' Movement includes the citizens' rights movement, the citizens' non-cooperation movement, and the democracy movement. It follows the lead of the New Citizen's spirit in China's magnificent movement toward peaceful transformation.

The citizens' rights movement is the soil of the democracy movement. It includes the social movement for the defense of the rights of individual cases, rights of building

demolition [property rights], rights of ex-servicemen, rights of the environment, right of the freedom of belief, and right of opposing the housing registration system, which strives for the rights and interests of the group.

The citizens' rights movement emphasizes an individual's or an individual group's demand for rights. However, China's internal power monopoly, rampant corruption, wealth gap, black hole of social security, and other serious societal problems have already reached the point of needing a political solution. The citizens' rights movement, after developing to a certain point, will inevitably enter into a democratic political movement.

The citizens' non-cooperation movement runs through the entire rights movement and democracy movement, including the negative resistance of authoritarianism and the positive protection of free rights. As compared to the citizens' non-cooperation movement, the New Citizens' Movement moreover emphasizes establishment. The establishment of a civil society will do away with tyranny, not only putting an end to tyranny, but also establishing the future of civilized politics and civil society.

In a broader sense, the New Citizens' Movement also includes a campaign appearing in many recent democratic countries that is centered on the demands for fairness and justice. Background to the morally-upright fourth wave of democratization is new technology changing peoples' societal structure. China's New Citizens' Movement gathers the previous democratic era's civil rights movements and democratic revolutions as well as the social revolutions of democratic countries.

The New Citizens' Movement already has a social basis. Thirty years of Reform and Opening Up has established the economic basis of private property and the market process. It has also brought with it a pluralistic society. The party in power has gone from a totalitarian regime to an authoritarian regime and then to an oligarchic regime; the forces of tyranny have already become weak, and therein the citizens' movement already has a certain amount of leeway. The Internet, telecommunications, and other new technologies have sped up China's enlightenment and the formation of citizens' interpersonal networks. The trend of international democratization is transforming and restraining autocratic violence, and imbuing the political movements in newly democratic countries with the peaceful and rational spirit of world citizens.

Without the New Citizen, there can be neither a new civil society nor a constitutional China; the New Citizens' Movement emphasizes the New Citizen, from the individual and the small matters on upward; it practices citizen responsibilities and does not obey the despotism of unspoken rules. It is not concurrent with privilege and corruption, believing instead in democratic rule of law, in the pursuit of freedom and fairness, civil movements, and a constitutional China.

The New Citizens' Movement includes all types of current social movements and political movements: the "Grass Mud Horse" campaign, the displaced residents campaign, the campaign to oppose the household registration stratification, the campaign to remember June Fourth, the freedom of belief campaign, the blogging campaign, the environmental protection campaign, the food and health safety campaign, the campaign to elect deputies to people's congresses, the microblog-based campaign attacking human trafficking, the campaign to oppose monopolies, the campaign to oppose corruption. These social and political movements are brought together by way of the New Citizens' Movement.

The New Citizens' Movement advocates the practice of the New Citizen spirit and societal responsibility in every sector: the New Citizen judge is impartial and evenhanded, loyal to the law and of good conscience. He or she does not pervert the law for the sake of dominance and selfishness. The New Citizen policeman is an impartial implementer of the law, removing the evil and content with the good, never torturing for confession, uncorrupted by dark and evil forces. The New Citizen public prosecutor is loyal to the country's laws, does not appease corruption, does not pervert the course of justice and does not indulge in crime. The New Citizen deputy to the people's congress has the courage to carry out the law for the benefit of the public; it is not a voting machine and rubber stamp.

The New Citizen teacher loves his or her students, never passing lies onto them. The New Citizen physician loves patients and does not accept bribes, arbitrarily prescribe medications, or discriminate against patients. The New Citizen lawyer abides by the law, lawfully defends the rights and interests of clients and does not bribe judges. The New Citizen accountant abides by accounting regulations and does not cook the books. The New Citizen editor and reporter seek the truth and do not report lies.

The New Citizen college student diligently studies, cares for the society—does not cheat on tests or plagiarize essays. The New Citizen scholar seeks truth with professionalism—does not flatter or ingratiate, or use another's ideas as his or her own. The New Citizen artist expresses truth, goodness, and beauty and rejects unspoken rules. The New Citizen sports referee makes calls with impartial independence—does not blow the whistle unfairly. The New Citizen athlete competes fairly—does not throw competitions for profit. The New Citizen entrepreneur faces the market and runs business honestly—does not parlay favor with bigwigs. The New Citizen industrial worker guarantees the quality of products—does not use inferior materials to turn out substandard products or make fake, shoddy products. The New Citizen food manufacturer does not mix in poisonous and harmful materials. And so on.

To push forward the New Citizens' Movement, the New Citizen can:

Disseminate the New Citizen Spirit: Explain the "freedom, righteousness, and love" of the New Citizen Spirit by way of online posts, street fliers, t-shirt slogans, and any other method of spreading the New Citizen Spirit. The New Citizen Spirit must appear on the Internet, flourish in the streets, and, most of all, take root in the deepest part in our hearts.

Practice New Citizen Responsibility: Promise to practice New Citizen Responsibility, stand fast to New Citizen behavioral standards, reject corruption in one's life, reject the practice of seeking private gain at the expense of the public, be loyal to good conscience and do not actively do evil, do good service for society, and mutually supervise one another to carry out this promise. The New Citizen Spirit is the spirit of commitment, sacrificing one's profit to be an example, to maintain good conscience and righteousness, up until righteousness exists all over the Chinese nation.

Use the "Citizen" sign or other identifying methods: Citizens design their own "Citizen" insignias, and strengthen their own Citizen status and self-affirmation by wearing the insignias in everyday life.

Participate in civic life: Hold regular mealtime talks, discuss current political situation, pay close attention to people's livelihood, care for public service as well as public policy, help the weak, serve society, promulgate fairness and justice. Every place has a group of modern citizens. Everybody needs to group together for society to progress. Unity begins with acquaintance.

Unite to share labor and coordinate work. Repost messages, file lawsuits, photograph everyday injustices, wear t-shirts with slogans, witness everyday events [specifically referring to the phenomenon of standing in a circle around someone causing a scene to witness it], participate or openly refuse to participate in elections, transcribe [things that you see happen], hold gatherings or marches or demonstrations, do performance art, and use other methods in order to jointly promote citizens' rights movements and citizens' non-cooperation campaigns—such as assets reporting, openness of information, opposition to corruption, opposition to housing registration stratification, freedom of beliefs, freedom of speech, and the right of election. Practice the New Citizen Spirit in action. Citizens' power grows in the citizens' movement.

(Translated by an anonymous friend of the <u>Seeing Red in China</u> blog, edited by Human Rights in China.)

Chinese original

Link to original post

An Account of My Recent Disappearance

One of a series of disappearances.

Going downstairs around ten o'clock in the morning of June 7th, [2012,] I was met by seven men. Two of them were security officers from Security for Cultural Institutions, Beijing Public Security Bureau, others I had never met before. Lieutenant Cao walked up to me, said he needed to talk to me, and proposed that we find a place to have a question-and-answer session with a written record (笔录).

With me in it, their car drove towards north in the direction of Changping (昌平, an outlaying district of Beijing). A few minutes later, they took out a black cloth and covered my head with it, telling me that they wanted me to rest. Knowing that many of my friends had gone through this before me, I did nothing to resist. No use to resist anyway.

Having traveled for about half an hour, first on highway and then over a bumpy road, we arrived and got out of the car. Intuitively I tried to remove the black cover over my head when a man huffed, "Don't!" and two men seized me by the arms.

We got into a room, as I sensed, and I was pressed down into what seemed to me like the corner of a sofa. I was stripped of my belt, my shoe laces and everything I had with me. People were shuffling in and out of the room. One voice said to me, "For now, think what you have done lately. Think hard! We'll ask you questions in the afternoon!" I sat still and said nothing.

Many friends of mine, such as Tang Jitian (唐吉田), Teng Biao (滕彪), Li Xiongbing (黎雄兵), Li Fangping (李方平) and Jiang Tianyong (江天勇), had gone through this before [all of them rights lawyers--Yaxue]. I waited for insults, fists and feet that could rain on me at any moment now. I waited.

About one hour passed when a man came in and asked me whether I had done my thinking. I said nothing. Someone came over and removed the cloth over my eyes. Now I saw I had been sitting at the corner of a bed in a hotel room.

Lieutenant Cao came in. He said this wasn't a big matter, and all he wanted was to ask me about the activities of Citizen and keep a written record of the inquiry. I said, "You don't have to employ such method to just have a talk, and, to protest against the use of the black hood and illegal detention, I will not answer any questions." I asked them for their understanding.

For most of the time thereafter, there would be silence except for brief exchanges here and there. Two of them are worth mentioning.

At one point when I was going to the bathroom, a thirty-something man by the last name Wen (温), who had probably also guarded Teng Biao before, insisted on keeping the door open and watching me. I said, when I came out, "You don't have to be so keen on me." He said, "I'm not keen on you; people like you must be guarded with extra care." I said, "People like me'... Do you know what you are doing?" He said, "I don't care what I am doing."

Then there was another man by the last name Zhao (赵) who was in his 50s and rather straightforward. He was convinced that "people like me" believe China is up to no good at all while foreign countries are flawless. He was sure I don't watch CCTV's Evening News, and I said I often do. Then he said, "Since the West is so great in your eyes, why don't you go there?" Upon this I raised my voice, "This is my country, my own motherland! Of course I will stay here! And I have a responsibility to make her better! At least I would not allow that —ism of the West to destroy my country!" He asked me what "-ism of the West" I was talking about, and I replied, "Didn't your Communism come from the West?"

In the evening they gave me a carry-out meal. I said, "I'm sorry, but I don't eat during illegal detention." This is a decision I made a year ago. If no room is left for me to do things to improve the society, I can at least protest against illegal detention with hunger strike—that's the least I can do.

Last June when I was taken to a hotel in a hot-spring resort because of a relatively large-scale petition for equal rights for education. The security police said to me, "We are taking you here to have a good time and to relax. Now that you refuse to eat, we can't have fun anymore." They repeatedly said to me, "Take it easy. Wouldn't it be wonderful if we could all go out and have fun? To wherever you want to go." But for me, of course, there is no such "tourism." I said to them, "When you are no longer in this profession,

we could go and travel together, but illegal detention is what it is, and as a free citizen, I oppose it."

Because of the wide attention I was receiving, I was treated humanely. But that was not the case with many, many anonymous people in China who suffered horrendous brutality. One day in March, 2009, a 16-year-old high school student from Henan province (河南) was beaten so badly that he sustained concussions in a black jail in a youth guesthouse near Tao Ran Pavilion Park in Beijing (陶然亭公园). During Mid-Autumn Festival of the same year, petitioner Li Shulian (李淑莲) from Shandong province died in a basement black jail in Longkou (龙口), and her relatives were tracked down by police for demanding justice. In a black jail in Beijing maintained by the municipal government of Xiangfan, Hubei (湖北襄樊), an old man became ill during the Two Meetings in March, 2012, was not allowed to see doctors, and died ten days later. When his family demanded compensation, they too were detained. These are cases I have witnessed myself. There have been many religious believers who have been detained illegally for years on end, some of them tortured to death. Over the last ten years or so, so many Chinese have died in all sorts of black jails as a result of torture; what I was going through was nothing.

I didn't sleep well that night. Guards who took turns to watch me chatted. Some snorted later on. At 8 o'clock in the morning, Lieutenant Cao woke me up, telling me his boss was coming over to speak to me. Now I understood the black-hood strategy. It was a ritual leading up to this talk with the boss. I was to be intimidated first, a "mild" boss would then come forth. Stockholm syndrome is a common psychological phenomenon in which one captor plays rough while the other plays nice. You would have the induced illusion that the mild man is nice and you would want to pour out to him. It's a common tactic of the police, and of dictators in general.

Minutes later Deputy Captain Hao (郝) came in. We met once two years ago. He said, "This time all we want is to have a good communication." I said, "Sure, but to do that, there is no need to use something as ridiculous as a black hood."

With three of his subordinates present, he started the "talk". He said that it was a very serious matter that Citizen was organizing, and I could be charged according to Article 105. "This time it won't be 'tax evasion," he said. So on and so forth. [Article 105 is "Inciting subversion of state power." *As director of Citizen, Dr. Xu was arrested with*

"tax evasion" charges in August, 2009. The case was withdrawn ten days later after much protest from intellectuals and activists.

I said, "All of our efforts are to protect the liberty and human rights of each and every Chinese, including everyone here, and I hope we understand and respect each other's position and role. No one will be able to reverse the historical tide, so don't over do it." I gave the example of Wang Lijun ($\pm \dot{\Sigma} \mp$), but he cut me short. "Wait here for our deliberation," he said and left the room.

I felt I had made a mistake. During a Haidian District People's Representatives Meeting [*Dr. Xu had been a two-term district people's representative until earlier this year when the university he works for warned the students not to vote for him.*], an elder once reminded me to pay attention to the way I delivered my criticism and that I should give "face" to others. So I said to Lieutenant Cao that I had been too straightforward and I would like to have a few words with Captain Hao again to explain myself.

Half an hour later, Captain Hao returned. He said he wasn't upset. I said "I am glad you were not." We went off, just the two of us, to the courtyard to chat. We talked about equal rights for education, about corruption, and whatnot. All in all, he continued to warn me that I was courting danger; I must restrain myself and be more cooperative with them. I thanked him for reminding me that, but I said I didn't mean to create trouble for them. The country needed change, I said, and I was willing to pay a price for the freedom of the people. I said, "You may not believe me, but for me, life is very simple, which is to use wisdom bestowed on humans to make the society better."

The new civil movement calls individual citizens to spread the principles of democracy and rule of law, to abide a civil code of actions, to reject privileges and corruption. And we advocate liberty, justice and love, which is the spirit of the new civic movement. Our mission is to end, from the root, the cycle of regime change through violence and give freedom back to each and every Chinese. This is the reason for which I lost my own freedom for the time being.

Lieutenant Cao motioned me to renew the interrogation session. I said, "I am sorry, but you have stepped way over the boundaries. I have a responsibility to reject the black hood treatment and illegal detention. I won't answer any questions, nor will I sign anything. Your transcript will have nothing to do with me." He asked me about the "Citizen" pins. I replied, "Ask no more."

He wrote a few lines and left.

Another group of men came in. All in all I had seen 12 of them. I knew these newcomers; one of them was in poor health. I said, "What a fuss to have this many people dealing with me. Besides, it's such a waste of taxpayers' money." Then we argued some more about equal rights for education.

3 o'clock passed in the afternoon, they began to gather their stuff and, finally, returned me my belt and shoe laces. Before getting into the car, Lieutenant Cao asked me, "Do you have things to do this afternoon?" "Of course I do," I said. When he asked what things, I said "I'm a free citizen, and I am free to do whatever."

He made a call. Then he said things seemed to have changed and he was taking me home.

So they took me home, but didn't leave [and stayed outside Dr. Xu's apartment building].

I know that, for some years to come, my freedom will be more and more restricted, but the free China I have dreamed of will be closer and closer. More and more people are emerging as new citizens, and with their actions, they are heralding a beautiful future for the Chinese people. I am grateful.

Citizen Xu Zhiyong

June 10, 2012

(Translated by Yaxue Cao)

Chinese original

Link to original post

The Plight of a Young Chinese Volunteer

In China, a young idealist is pretty much bound to be a criminal.



Around noon on May 4th, 2012, Song Ze (宋泽) received a phone call in which the caller said someone who had been put in a "black jail" [an illegal prison used mostly to detain petitioners, disempowered citizens who went to Beijing to file a complaint about his/her local government] hoped for help, and asked Song Ze to meet him in the lobby of Beijing South Railway Station at 2 o'clock. Same as ever, Song Ze did not hesitate to respond.

As Song Ze waited at the bottom of the designated escalator, an unexpected thing happened — his phone suddenly lost its signal. But he waited patiently anyway. After ten minutes or so, the signal returned, and with it suddenly appeared several men, who forcibly carried him off. A day later, he was spotted by a petitioner in the basement of the You Anmen (右安门) police station. More than ten days after Song Ze had gone missing, lawyer Liang Xiaojun (梁小军) finally managed to meet him in Fengtai District's Detention Center. At that point Song Ze had already been detained as a criminal suspect, charged with "provoking disturbances."

What had Song Ze done?

Song Ze's original name is Song Guangqiang (宋光强), born in 1985 in a mountain village in Xiangyang (襄阳), Hubei Province. He graduated from Zhongnan University of Economics and Law in 2010, majoring in international politics, and also minoring in finance. He received a dual-degree in law and economics. After graduating from college he worked at a foreign-capital enterprise, but he could not give up the ideals in his heart. In October 2011, he wrote a long letter to me, relating his own experience and dreams growing up, hoping to join the team of the *Open Constitution* Initiative (公盟).

The first impression Song Ze gives people is that he is reticent and shy, but deep down he is a passionate idealist. He does not care how much money he makes, how hard he has to work; all he cares about is how his own actions would affect society.

As it turned out, the Petitioners' Rescue Program was lacking in manpower, and so Song Ze's responsibility was to contact the volunteer rescuers, to purchase new, or pick up donated, clothes and blankets, to distribute clothing and give sick people emergency aid. All winter long, Song Ze more or less had no Sundays and no holidays, keeping busy with volunteers at Beijing South Railway Station's nearby ghetto, in the underground tunnel and other places where poor petitioners gathered. For many cold, cruel windy nights, he checked the bridge tunnels one by one to make sure new petitioners had cotton-padded blankets.

In China, even if it is just pure aid for the needy, humanitarian efforts face huge pressure because of the special identity of rescuees on the one hand and the social ideals of the rescuers on the other. On the night of the Lantern Festival (*lunar January 15th*), volunteers who were distributing rice dumplings to petitioners were blocked forcibly by police. Volunteer Yuan Wenhua was taken away, so was Song Ze when he asked the policemen to show their IDs. The rest of us waited outside the police station until they were released.

As winter passed and there was no need to worry about people freezing to death, Song Ze turned to providing emergency medical aid and to watch "black prisons."

Black prisons are places where local governments illegally detain petitioners. If the petitioners try to go to the Prime Minister's house or foreign embassies near Dongjiaominxiang (东交民巷), Wangfujing Street (王府井大街) or other places where they are not supposed to petition, they could be taken away by police. During the so-called sensitive time of Two Meetings each year, they could be apprehended just passing

through Chang'an Street (长安街) and being found carrying petitioning materials. All these are labeled "irregular petitioning" and the petitioners who have been rounded up are sent to Jiu Jing Zhuang (久敬庄), the detention and deportation center run by the State Bureau of Letters and Calls. Jiu Jing Zhuang would order local governments' Beijing offices to take away petitioners from their jurisdictions on the same day they arrive in Jiu Jing Zhuang. However, most petitioners cannot be dispatched back to their homes that same day. They must wait to be sent home, perhaps needing a few days or a few weeks, and this turns into a profiteering opportunity for some people.

People running the black prisons are those who have connections with officials in the State Bureau of Letters and Calls or local governments' Beijing offices. They rent hotel basements, hire thugs, forcibly take the petitioners from Jiu Jing Zhuang, illegally detain them, and then order the local governments to come to get the petitioners and pay a fee for the latters' stay. They fetch 80 to 200 RMB per petitioner per day.

Each year the black prison atrocities reach their height during the Two Meetings (National People's Congress and National Committee of the Chinese People's Political Consultative Conference). On the eve of the Two Meetings this year, Song Ze verified 49 black prison locations and sent out a map of Beijing's black prisons. On March 5, 80-year-old petitioner Hu Yufu (胡玉甫) was put in a black prison. On the 7th he fell ill, begging to get treatment. To this, the secretary of the Committee of Politics and Law said, "Petitioners cannot be indulged! If he is sick, let him figure out what to do." Hu was finally sent to the emergency room on the 12th, and died on the morning of 13th. Song Ze helped his son sue the Party secretary, mayor and other officials of Xinxiang municipality (*in Henan province*) for illegally detaining his father.

Starting from September of 2008, our organization's volunteers visited and watched black prisons, exposing this crime to the public, and rescuing the petitioners. Over the last few years, conditions in black prisons have had improved, and police have taken more action to investigate them upon receiving reports. But black prisons still exist in large numbers. To visit black prisons and to try to rescue prisoners there exemplifies a citizen's willingness and courage to right a wrong, but in this upside-down country, Song Ze was thrown in jail for this very reason.



Why was Song Ze detained?

On January 11 of this year, Zhao Zhenjia (赵振甲), Song Ze and others received an urgent text message from Hunan petitioner Yu Hong seeking help. They braved the severe cold of Beijing searching for four hours, and finally found the exact position of Chenzhou's (of Hunan province) black prison. Afterwards they got in contact with over ten reporters and volunteers, and together they went on a rescue mission.

On the morning of January 13, Zhao Zhenjia, Peng Zhonglin, Guan Weishuang, Song Ze, and others, ten people in total, came to the black prison. While videotaping the process, they broke into the room and rescued three elderly people who had sought help. They were 73-year-old Yu Hong, 57-year-old Chen Bixiang and 82-year-old Long Jiangbao. One of them had been detained for over 40 days already. The living conditions there were awful with no heat, and each person had only a thin blanket. They were not given enough food either, often just one pack of ramen noodles per person per day.

There were only a few guards on duty then, and before they realized what was going on, the petitioners had already been rescued. But soon the police came. Instead of punishing the real criminals, they tried to take away these courageous citizen volunteers. While arguing with the police, they managed to take the three petitioners onto a bus, even though some guards followed them onto the bus.

That day, when I hurried over to the scene, the rescuers had already gotten onto the bus and left. I told Song Ze (*over the phone*) that I would be waiting for them near OCI's office on the East Third Ring Road. They got off the bus, with four guards from the black prison in tow. I stopped a taxi, Song Ze and three petitioners got in promptly, and I blocked the door to fend off the guards. The taxi made a loop and took Song Ze and the

three petitioners to the office of OCI. He bought meal for them, and send them to the nearby long-distance bus station with enough money for them to go home.

This rescue mission became the very reason for Song Ze's arrest, the charge being "provoking disturbance" and the reason for the charge being "disrupting the public order." Before Song Ze, 60-year-old Zhao Zhenjia (赵振甲) had already been given a year and a half of reform-through-labor, a form of imprisonment, for his participation in the same event.

Of course, Song Ze could have been retaliated against for another reason. Several days before his arrest in early May, he did something that irked the authorities: he took a cab to Shandong, picked up the wife of Chen Kegui (nephew of the blind lawyer Chen Guangcheng), took her to Beijing and hid her. I regret to have sent him to do this—he risked too much.

But I had never imagined Song Ze would end up in prison.

Citizen Song Ze

Song Ze's case was one directly handled by Beijing Public Security Bureau. Lawyer Liang Xiaojun (梁小军) made several trips to the detention center before finally being granted a meeting with Song Ze. Apart from the rescue on January 13, he was interrogated about how he met me and what he had done at OCI.

When the 37 days that he was sentenced were up, Song Ze was not freed. It is now such a preposterous case that the charges against Song Ze are too ridiculous to show to the world. The prosecution has not issued approval for an arrest, but the PSB does not want to let him go. Now they have placed him in residing under surveillance (监视居住).

In reality, residing under surveillance is more formidable than imprisonment. According to the new Criminal Procedure Law, the authority may designate the location for residing under surveillance, but it shall notify their relatives. But China being China, Song Ze's family has not received any notification. He can still meet with his lawyer when detained in the detention center, but it's been more than 40 days since he was put under residential surveillance, no one has been able to see Song Ze; and the PSB has refused to answer any questions on his whereabouts.

In our time, Song Ze is hard-to-find idealist. As he wrote in his letter to me, "I tried to force myself to just live my own life, but I discovered that this is quite difficult to do. If I

see someone on the roadside in need of help but give no hand, I would be pained afterward. If I see something unfair around me but do nothing about it, I feel ashamed. When I see others who are able to give lot of help to the needy, I would blame myself for being useless, wishing I could do more......" We are all very concerned about Song Ze, and worry about what he is being putting through.

Xu Zhiyong, July 12, 2012

(Translated by Hannah)

Chinese original

Link to original post

Ngaba

A trip to Ngaba, the Tibetan prefecture in Northern Sichuan province where many Tibetans have self-immolated over the last four years or so. A shorter version of the essay was published in the <u>New York Times</u> in December, 2012.

After spending the night in Chogtse Laird's Castle (卓克基土司官寨) township, I took a cab in the early morning to Barkam (马尔康), the capital of Ngaba, or Aba, Prefecture (阿坝). Along G317, the main thoroughfare across town, stood brand new buildings with Tibetan-themed windows. But that was about the only thing Tibetan about them: the interior and the speed with which they had been erected were the same as elsewhere in China. You could see such new towns in almost every Tibetan area, likely a new round of development after the March 14th unrest in 2008.

In Barkam, I got on a bus to Zamthang (壤塘). I was going there to look for the home of a young man named Nangdrol (朗卓).

Almost all of the passengers were Tibetans. Half of them wore ethnic clothes, others dressed just like me, and a girl in jeans told me she was a nurse in Barkam. A crowd of two dozen or so from Qinghai was on their way to worship Chenrezig (观音), goddess of compassion.

Ngaba, along with Golok in Qinghai (青海果洛) and southern Gansu province (甘肃南部), are traditionally the Amdo Tibetan region. I first visited the plateau 21 years ago with college friends from Lanzhou University. In Labrang Monastery in Xiahe (夏河拉卜楞寺), we met a young lama with a Chinese name Chen Lai. "Our tulku suffers great pain and humiliation," he told us. Back then it at least *looked* peaceful, but now, sad news keeps arriving.

The bus passed by large, roadside billboards for China Unicom. A robed, dark skinned young man smiled to me after talking on his cellphone. From his scruffy look, I could tell he came from a herding community. He reminded me of my stop in Ngaba in 1990s on an aborted journey to Tibet. Having crossed the Erlang Mountains, the great pastureland suddenly came into sight, a sea of flowers, colors and fragrances. Beyond, a rich brown, not green, extended all the way to the horizons. Fortunately for us, the bus broke down midway, and the enthralled passengers dashed to the meadow under the

curious watch of fat moles on the roadside. That was the Ngaba I remembered, and for me, that was the eternal Ngaba.

The young lama next to me was from a monastery in Hongyuan County. He had accompanied his mother to Barkam for treatment, and, taking the opportunity, he was visiting Chenrezig too. He invited me to visit his monastery. Passing by a checkpoint where a red banner read, "Stability Maintenance Calls for Fast Response to Emergencies," the young lama said he hated the sight of armed soldiers as he struck a gun-toting pose.

Zamthang is a county in Ngaba prefecture with a population of over 30,000 Tibetans in 6,000 square kilometers of meadows and gorges. The county seat resembled a small township in interior China where the government building commanded the view and small eateries and shops lined the two streets. The biggest monastery, situated in Barma township (中壤塘乡), was about 50 kilometers to the east in a basin.

Because of a road closure due to construction, I didn't leave for Barma until seven o'clock in the evening in a brand new Chang'an economy car on which I had hitched a ride earlier. The driver, also the owner, a 24-year-old young man named Sonam, had just bought the car days ago in Chengdu. We had agreed on a charge of 100 yuan for my ride.

I was Sonam's third passenger, the other two being two young Tibetans going to Nanmuda township (南木达乡). Are you Buddhist followers? I asked them. They were. One of them took out a pendulum portrait of the Dalai Lama from his chest and asked if I knew who he was. He is our true Holiness, he said.

Have you..... heard about the..... self-immolations? Like, burning oneself? I finally breached the topic.

We know, they said.

A mix of snow and rain had begun to fall. Hail beat against the windows.

Pardon me, but do you hate the Hans? Do you? I asked them because Nangdrol used the word "Han devils" in his death note before he set himself on fire here in Barma.

Do you happen to know Nangdrol? He's a 18-year-old young man who self-immolated. I want to visit his parents.....I am so sorry.

Surprised, my fellow travelers became friendly. They said they had been to the site as many Tibetans had. People set up white tents at the intersection where he had self-immolated. Many, many Tibetans, hundreds and thousands of them, came. He is our hero.

Thank you for trusting me. Thank you.

It was completely dark when we arrived in Barma township. At a lamppost, Sonam got off to ask a middle-aged man for directions. The latter waved his hand to signal no. So did the next few people Sonam asked. At an intersection, he asked two men on motorcycles, and the three seemed to break into an argument. A lama came to the window to examine me. "Sorry," Sonam returned, "they scolded me for taking you here."

A minivan approached us. Two men jumped out of it and upbraided Sonam indignantly. Fear and hostility shrouded the place like night. In silence, we left Barma township.

"We are Tibetans," Sonam started all of a sudden. "We are Buddhists, but we can't go to Lhasa."

I knew. These days Tibetans have to obtain permission to go to Lhasa. Years ago in Golmud (格尔木), I had seen many of them on their prostrating pilgrimage to Lhasa, but not anymore. Since the self-immolation in Lhasa last year, they had not been able to go on pilgrimages.

I spent the night in Nanmuda, in a small lodging called "Pengzhou Hotel" run by a Chinese. It rained again. I tossed to and fro and had a high-altitude headache. I regretted having sent Sonam for directions—I should have faced those angry Tibetans myself.

The next day was a beautiful autumn day in the valley. The gilt roof of a magnificent temple pointed to a blue sky dappled with clouds, colorful sutra streamers fluttered above green meadows, and the air brought sutra chants from afar. I went back to Barma in a cab.

In Zamthang Monastery, crimson cloaked lamas were having their morning session in the main hall. I waited outside until a young lama—he couldn't have been more than 20 years old—passed by to fetch water. He took me to the adjoining hall where a middleaged lama sat cross-legged in a corner. Do you have Nangdrol's photo?

Sorry I don't have it with me.

Then I can't help you.

A teen lama offered that there was a Nangdrol among the second-grade Buddhism students, but asking several second-graders nearby, no one knew about any self-immolators.

Asking passersby, they didn't know or merely shook their heads. An old Tibetan woman took me to the construction site next to the monastery where another monastery was being built to no avail.

In the elementary school near the monastery I asked an armed soldier guarding the gate where the secondary school was. Online reports said that Nangdrol was a student. The soldier suggested that I check out the nearby compound where a Chinese flag flew. Inside the school yard there were soldiers in fatigues.

"There is no secondary school here," people told me.

The road back to Zamthang was open only for an hour from midday to one o'clock. I had to leave. Along a creek, a row of poplars basked in the golden sun, and a group of young lamas in crimson robes were holding a session. Reluctantly I climbed into a cab, trying to remember my last view of Barma. I had been to many places over the years but never felt so lost.

A mile or so down the road, we passed by a village on a slope. I stopped the driver and begged him to wait for me—for half an hour at most. In the little roadside shop, the owner hesitated to answer my inquiry. "I don't want to leave like this," I pleaded. Finally he told me that Nangdrol's home was right behind the old school near his shop. Up on the slope, an old couple pointed to a house not far away. Over there, the old woman said, he was a good boy.

It was a small, mud-plastered house enclosed in mud-brick walls, similar to those found in the countryside of Gansu province. Near one side of the walls stood five tall sutra streamers, the tallest in the village.

The iron gate was locked. I prayed, my head dropping low. Nangdrol, I love you.

Perhaps his parents would emerge from behind the gate, and accept me on my knees. Perhaps they would drive me away angrily, like the old woman did by the celestial burial platform in Lhasa years ago. But I would not leave; I would take it and take everything. I would tell them I am sorry, and this is a place I have come many times......

A middle-aged woman and a boy passed by. She said she knew Nangdrol and he was the most handsome young man in Barma. His parents live in a faraway cattle farm, he also grew up there, and sometimes you could see him on his motorcycle. That day, he wore new clothes, freshly bathed, new from top to bottom, with a fresh haircut too. He wore a pair of glasses that day, asking people, "Am I handsome? Am I?" Then he came to the intersection. Then he......

I don't hate Han Chinese, she said, we are a peace-loving people, and we would rather endure our pain.

He raised his hands over his head, the boy said, with palms pressed together, kneeling down. He did this six times.

He was only 18 years old. Around noon on February 19, 2012, Nangdrol set himself on fire at the intersection near the Zamthang Monastery. In a note left behind, he said, "Raise your unyielding head, for the dignity of Nangdrol. My loving parents, brothers and relatives, I am leaving this world. I am going to set myself on fire for the benefit all Tibetans......I pray the Tibetan people's liberation from the Han Devils. Under the rule of the Han Devils there has been immense suffering, and it is unbearable. The Han Devils have invaded Tibet and seized Tibetans. It is impossible to live under their evil law, impossible to bear this torture that leaves no scars. The Han Devils, having no love and compassion, and they destroy Tibetan lives. I pray for the long life of (Gyalwa Tenzin Gyatso) his Holiness the Dalai Lama!"

Over the last three years, more than 70 Tibetan monks and laypersons self-immolated, more than 40 of them from Ngaba. Everywhere on this plateau, the scarless torture continues.

I don't know how else to express my sorrow. I gave 500 yuan to the woman and asked her to give it to Nangdrol's parents, letting them know that a Chinese had been here.

I am sorry, Nangdrol, we are mute as you and your fellow Tibetans are dying for freedom. I am sorry that we have too many inhibitions. The Hans are a cursed people, victims themselves, living in estrangement, infighting, hatred and destruction. Nangdrol, I love the cities and villages to the east as well as this beautiful plateau, your homeland. I hope that, when this land is free one day, your people will enjoy the cities, plains and coasts where I have lived. We share this land. It's our shared home, our shared responsibility, and it will be our shared deliverance.

(Translated by Yaxue Cao)

Chinese original

Link to original post

The Artificial, Shameful and Evil Supreme Body of State Power

An excerpt of Dr. Xu's Open Letter to Xi Jinping during the Two Sessions in March, 2013.

Once again the meetings have started. At the meeting of the National People's Congress (NPC), you will be "elected" as the nation's President. There will be no surprises, as there have never been over the last 60 years or so. Meanwhile, tens and thousands of people, myself included, who seek a just society, continue to face illegal restrictions on our freedom of movement in the name of "stability maintenance."

The Chinese Constitution states that the NPC is the ultimate authority in legislation, election, supervision, and decision-making on important matters of the country, having more power than any parliament in the world, but in reality, NPC is nothing more than a rubber stamp, and its annual convention more like a press event for the emperor's new clothes, a grand show full of artifice, disgrace and evil.

CCTV's Evening News claims that the NPC has representatives from every ethnic group, every occupation, every level of social status, with many young people, many with advanced degrees, many workers, many farmers, etc. In the previous era, the most classic example was Vice-Premier Chen Yonggui (陈永贵) wrapping a white towel around his head, to show he was a representative of the peasants. Today we have Shen Jilan (申纪兰) who has been a "peasant representative" for sixty years. Does she really represent China's rural population? Who has voted for her? On what basis can she say she represents the farmers? Besides applauding and voting "yea," what else has she done as a "representative?"

This year, a young woman of the post-'90s generation has become a representative because she had helped someone courageously, but she has no idea why she has become a representative. A woman told the media that she represented the "foot washing girls." Do they know who they are and why are they there?

The most absurd aspect of "people's representatives" in China is the idea of representatives having to represent a certain class. According to the system of representation, no matter what your profession is, once you are elected to be a representative, you assume the duty of a member of the country's legislative body according to the law. This is a representative's most important duty, so much so that it becomes their only professional identity. A representative's basic job is to draft laws, elect the head of the nation and national officials, and decide the nation's budget, and his or her job has no connection to their original identity as a worker or a farmer. But this plain and simple truth has been distorted by the propaganda machine. It makes it look like only workers may represent workers, and only farmers may represent farmers; that, instead of enacting laws and welding the power to vote, the representatives are meeting just to give the leaders "advice." Look, it says, we have workers, farmers, ethnic minorities, intellectuals, 90's generation, even foot-washing girl, how broad the representation is and how splendid our socialist democracy truly is!

Since only farmers may represent farmers, in the old time when two third of the Chinese population was farmers, the NPC would have necessarily been the National Congress of Farmers' Representatives. To avoid such awkwardness, China reduced the representation of the farmers to one eighth, and later raised it to one fourth. Such discrimination, worse than the racial discrimination over one hundred years ago in the United Stated, wasn't corrected until 2010. But the absurd idea of identity representation is still being widely touted as a "superiority of socialism."

In name, the NPC is China's supreme body of state power, but its members are moonlighters. Each year they convene for two weeks only, but even that is too long. Making legislative proposals is supposed to be their job, but in reality, each proposal is screened by the head of the delegation and then by the presidium. China has no shortage of serious issues to discuss, such as elections, the budget, anti-corruption efforts, frontier ethnical groups, territorial disputes, so on and so forth, but the main job of the representatives is actually to hash out the wording of the "Report on the Work of the Government."

Housed in heavily guarded hotel rooms according to strict hierarchy of each representative's worth, ordinary representatives are no more than "extras" on a movie set who have no independence whatsoever to speak of. On the other hand, during China's district/county level of elections of representatives, the state has employed almost every form of the state power to clamp down on independent candidates, including tearing the candidates' posters, summoning them, investigating their tax records, intimidating voters, sabotaging meetings, refusing to accept lawsuits against

government wrongdoings, illegally restricting candidates' freedom of movement, and more.

The Congress conducts "elections" and voting without the least competition, for there is only one candidate for each position, and that candidate is likely to have been decided beforehand, if not several years before. On top of that, the representatives know nothing about the candidates, nor do they care whether the candidates are competent or corrupt. After all, some of China's most corrupt officials, such as Cheng Kejie (成克杰), Wang Huaizhong (王怀忠), Wang Baosen (王宝森) and Liu Zhijun (刘志军), have all been elected in such a manner through each level of People's Congress. And on each level, the process is controlled strictly by the Communist Party.

The representatives don't bother to ask questions about how the country's trillions are spent, the gapping deficit in China's social security fund, the monstrous spending on stability maintenance that surpasses the military spending. No, they have no questions. Each resolution is passed in near-perfect vote of yea, and the rubber stamp is thus stamped. Inside the system, this is called "walk the procedures." The representatives don't care. Their positions don't come from the people; for them, being a representative is an honor bestowed on them by the power holders, and it is a cherished ticket to the club of the privileged.

For being so artificial, the NPC cannot help but being ugly. Everyone is canny with his or her own calculations, fathoming carefully the intention of a superior, speaking only the "right" things, making only the "appropriate" proposals. Shen Jilan, who has never voted a no is able to hold onto her representative status for over sixty years, while Yao Xiurong (姚秀荣), who began to speak up for the disempowered in her second term, has since disappeared. They show one face when they are sitting at the podium and another when they are not. What they speak is never what they think. They discuss trivial matters, falling asleep listening to reports. In the evenings they swirl around dinner parties to forge connections. The few young and fresh faces in their midst look more like decoration than anything else. In front of the media, they would sometimes talk about the livelihood of the people; and their proposals are forgotten as soon as they are made. When they speak during the sessions, they do so in the order of their official rankings and seniority, in the style of partyspeak. They are unanimously "inspired" when they review the government's work report; they ingratiate their superiors but also take the

opportunity to promote themselves. They pledge loyalty before the voting; during panel discussions they condemn in unison petitioners, a nuisance for their officialdom.

Ordinary citizens don't care who represent them. Not that it matters if they do. Year after year, the citizens of this country make the annual NPC and CPPCC their pastime by picking the most flabbergasting proposals and speeches, laughing at the yawning and slobbering representatives, gossiping the movie stars' luxurious homes, the fallen corrupt officials, and the mistresses of the superrich. It gets more ridiculous every year.

Hidden behind such falsity and shamefulness is the inevitable evil. Some lies go away, such as that of the Great Leap Forward, but other lies have been paraded for more than six decades. Among them are lies that the system of *people's* congress is China's "fundamental political system," and that the NPC is "the supreme body of state power." Moreover, the system is billed as the most advanced democracy, and presented every March in a grand ceremony! Behind the extravagant show, however, black jails dot the capital city from Jiujingzhuang camp (久敬庄), run by the state, to certain outlaying, walled-in residences in Changping (昌平), from the backyard of the Youth Guesthouse (青年宾馆) to the basement of Juyuan Guesthouse (聚源宾馆), not to mention the Beijing Offices of all levels of local governments. Thousands of government employees and temporary hires crowd the entrances of the Commission for Discipline Inspection of the Central Committee of the CCP, the Supreme Court, and the State Bureau for Letters and Calls [to intercept petitioners], while petitioners, in the number of tens and thousands, are subjected to harassment, illegal stalking, illegal detention, and brutal physical abuses.

In November 6, 2012, Petitioner Zhang Yaowen (张耀文) from Henan province was taken away from Jiujingzhuang relief center by force, and was beaten to death in a car with tinted windows because he refused to surrender his cell phone. Since his death, his sister Zhang Yaohua has not been able to file a case in any court.

I hope there will be no more sacrifice of innocent Chinese citizens to the show in 2013!

The grandiose National People's Congress has nothing to do with the people. The most deep-rooted belief of China's political system is still "power grows from the barrel of the gun," and the operation of the regime is built on this terror-based ideology: Politics is barbaric; whoever wins the power struggle will rule; the harder your fist the more say you have; politics is for self-enrichment; the red regime cannot change color, and

stability is above everything else; politics is cruel, a life-and-death game in which one must have no qualms in pursuing one's objectives. In short, China's foundation is not the people, not humanity, not conscience, but guns, the law of jungle, and the duo of violence and lie.

Over the decades, citizens of China have grown indifferent to whoever become the representatives, to the "rubber stamp" itself, to the trillions in taxpayers' money, to the lavish show itself. Never do they think the country is theirs. But in a country where even monks are fitted with administrative grade levels, how can anyone truly stay away from politics? When a country is built on an artificial, shameful and evil foundation, how can we expect to have a sound society?

Every March, the state propaganda apparatus hangs out the "Learn from Lei Feng" flag in an attempt to rebuild "socialist morality." CCTV's "Touch the Heart of China" evening gala was all about smuggling goods for the party: the honorary president of the Red Cross recommended legislation to punish private charities; "the most beautiful bornafter-1990"girl was bewildered that she had become a people's representative; "the most beautiful female teacher" propped herself up from her sickbed to pledge life-long commitment to communist ideals, so on and so forth. On the other hand, the last thirty years have seen a slow awakening of civil awareness with citizens taking initiatives to claim their civil rights and responsibilities, but the dirty hands of the government have been everywhere to obstruct them and sabotage them.

I understand there isn't a society that's perfect. I don't expect every official to be a role model and a clean civil servant, but they at least cannot be such a hypocritical, greedy, cruel and despicable group as they are today. I don't expect everyone to be an angel, but at least they should not be distrustful, hostile and mutually harmful as they are now. It might be too much to ask for perfect fairness and justice, but China must not be a place shrouded in the smog of injustice as it is today. This country must change its foundation and bring to an end the authoritarianism. China shall be reinvented on the principle of liberty, justice and love.

I hope Mr. Xi Jinping will be one of the greatest idealists of our time. The mission of a real man is not to prolong the life of a rotten interest group, but to build a free and happy future for the 1.3 billion Chinese. It's been over sixty years, and now it's time to put an end to the lie of "the supreme body of state power," to eradicate the belief in

"gun-barrel regime." And it is time to finally make good on the promise of the "People's Republic."

(Translated by Yaxue Cao)

Chinese original

Link to original post

The Last Ten Years

China's rights movement through the work of Gong Meng.

1



XU ZHIYONG (许志永)

April 25, 2003, as SARS emptied out the streets in Beijing, I sat in front of my computer reading about the Sun Zhigang (孙志刚) coverage, tears quietly welling up in my eyes. Over the second half of 2002, I had started to investigate the laws concerning custody and repatriation (of migrant populations), and knew what Sun had gone through. Following Sun's tragedy, Yu Jiang (俞江), Teng Biao (滕彪) and I proposed a constitutional review of the case. We mailed our recommendation on May 14 because, on the 13th, the propaganda department of the government banned further "hype" about Sun's case. Headlines like "Three PhDs Request Constitutional Review" gave the media new fodder, and our action was a part of the public opinion campaign.

More than a month later, while I was interviewing a boy who had been given aid in a room in Tianjin's Custody and Repatriation Center, I turned my head and saw CCTV's Evening News announcing the abolition of the Custody and Repatriation system.

For many, that was a moment of joy and hope, and it became a symbol of the "new politics" of Hu and Wen. That night, the three of us talked on the phone, thankful for the moment but also full of regret – we were afraid the constitutional review we had hoped for was not going to happen. And it didn't.

We moved on in 2003, registering a public interest organization. We represented Sun Dawu's (孙大年) case, and we promoted the election of the People's Congress. Starting from the Sun Zhigang case, we focused on individual cases that had wide significance for the defense of civil rights and the push for system building. Many people referred to 2003 as the start of what would be known as citizens' rights movement.

Ten years on, Sun Zhigang has become taboo for media coverage; Teng Biao and I have become dissidents of this country; Dingjia Xi, Zhao Changqing, Dong Yuan, and many other brave citizens have been locked up in prison. A media friend asked me the other day: How do you evaluate this past decade, have we progressed or regressed? Suddenly I feel that this is a rather complex question to answer, and it prompted me to think about the path we have come along.

2

In July 2003, the *Southern Metropolis Daily* was first, and then repeatedly, investigated by Guangzhou's judiciary and law enforcement system as a result of its vigorous reporting on the Sun Zhigang case. By the end of the year, the investigation "found" that there had been procedural violations when the paper's management distributed a bonus of RMB 580,000 a few years back, and its general manager Yu Huafeng (喻华峰) was arrested on charges of graft and bribery. Our entire team got involved in the case, and I was one of the defense lawyers. It was also our first encounter with the stability maintenance. Our website was closed down, and the third meeting with netizens to spread the truth was "harmonized." The day the "Sunshine Constitutionalism" website (阳光宪政网) was shut down, I wrote *We Are Still Sincere*:

"Perhaps we will face more difficulties even after constitutionalism is realized. We know very well that, there is the shadow of 2000 years of autocracy on this land, and the road to constitutionalism is bound to be long and arduous. But the endeavor for justice must be made by someone, and that's why we are making it. ...We are a group of Chinese citizens who take up this responsibility...... We are not just critics; we are also builders."

In the second half of 2004, I was in the United States to study its constitution and elections, experiencing firsthand how an ordinary voter participated in politics as a grassroots volunteer for a presidential candidate. In the meantime, Guo Yushan and Teng Biao hosted the people's representative election forum in our

office in Huaqing Jiayuan (华清嘉园, a residential neighborhood in Beijing's university district). In September, when Peking University's "yi ta hu tu" bbs (一塌糊涂) was shut down, Teng Biao, Yu Jiang and I co-authored a letter of protest while the students staged a lawn assembly to demonstrate in Jing Yuan (静园). Our action drew attention from "the relevant organ" and we were forced to suspend the use of the office. In March 2005, six private organizations for public service were shut down without being given any reasons, including the research center we had registered as well as Mr. Mao Yushi's Unirule Institute of Economics (天则经济研究所). What I heard was that these NGOs caused someone to fear a "color revolution." I asked the local director of Industry and Commerce why, and he said it was an order from his superiors. We gave up without bringing a lawsuit. In June, we registered Gong Meng, or the Open Constitution Initiative.

2005 was a year full of moving moments. In April, I lived in a petitioners' village, and witnessed too much unwarranted suffering. At the hutong where the State Bureau of Letters and Calls was located, many petitioners were beaten, and my pants were covered with footprints after I passed through that alleyway packed with petitioners and those sent by local governments to intercept them. In May, we prayed for Christian Cai Zhuohua in a church in Poshang village, located next to the Party School of the Central Committee of the CCP, who had been arrested for printing Bibles. In July, Teng Biao and I visited a small town in Yulin, Shaanxi province, in an attempt to rescue lawyer Zhu Jiuhu who had been thrown in prison for his involvement in the case of a private oilfield development in northern Shaanxi. There we witnessed how greedy and domineering the regional government was and how utterly helpless the local private enterprises were. In October, lawyer Li Fangping and I were beaten by guards at Dongshigu village when we tried to visit Chen Guangcheng. That day, Chen Guangcheng broke through the line of guards, and, in the midst of over a hundred villagers and guards pushing one another, we hugged each other in a tight embrace. At the end of 2005, Asia Weekly (《亚洲周刊》) in Hong Kong named China's human rights lawyers as their people of the year, and it marked the emergence, for the first time, of a citizen group outside the existing structure that had the ability to take sustained actions.

This group of rights lawyers was dealt a blow in the summer of 2006 as Chen Guangcheng and Gao Zhisheng were imprisoned. The rights movement dropped to its lowest point since 2003. For all these years, I had been feeling guilty for their imprisonment. I was Gao Zhisheng's representative in his firm's penalty hearing, and I was a member of the defense team as well as the coordinator of support actions in Chen Guangcheng's case, but I was unable to help either of them. By September, circumstances improved, and it was again election time for the district/county-level People's Congress. We sent letters to a few hundred of Property Management Committee directors in residential neighborhoods, to NGOs, and to more than a thousand lawyers, to encourage them to become candidates. We organized teams of volunteers to help various candidates design and distribute their posters and organize election gatherings for them. Thanks to the support of faculties and students at Beijing University of Posts and Telecommunications, where I was employed, thanks to my election team led by Jin Huaiyu and Gu Xin, and also thanks to the University's party secretary Zhang Shulin who openly supported the election, I was elected the people's representative to Haidian District's People's Congress.

In 2007, we provided legal assistance to victims of illegal brick kilns in Shanxi province in administrative compensation suits, but to no avail. (In fact, lots of the cases we have provided legal assistance to have gone nowhere, such as the robbery case of Chen Guoqing and three others in Chengde. The four innocent men have served 19 years already, and in the 9 years when we have been representing them, we have made countless petitions, each in vain.) What was most shocking to me, in my first trip to the black brick kilns, was that the brickyard didn't have encircling walls and it was right next to a village, less than one hundred meters away from the nearest house. Because of the fear from living under ruthless violence, because of the corrupt government that didn't do its job, and because of the numbness commonly found in the Chinese countryside, all the Chen Xiaojuns were openly enslaved in a land that had lost its sense of right and wrong, good and evil. So big is this land of injustice that those who are underprivileged and powerless may never see an end to their suffering in their lifetimes.

A lot of things happened in 2008. Apart from the Olympics, there were the <u>March 14</u> <u>Unrest</u> in Tibet, <u>Wenchuan Earthquake</u>, <u>the poisonous milk powder scandal</u>, and more. In August, we sent an investigative team to Tibet to find out about the economic and social causes of the March 14 unrest. In September, we organized a team of lawyers to provide legal assistance to child victims of the melamine-tainted milk formula. In the first stage, it took us three month of work to push the government to announce a

compensation plan, but for many victims, the compensation fell far short of the harm they had suffered. In some cases, parents had spent close to RMB 100,000 on surgery for their sickened children alone, but were only compensated with RMB 30,000. Peng Jian, Li Xiongbing, Li Fangping and over 100 other pro bono lawyers continued to bring cases to the Supreme Court as well as to a few hundred local courts, but all in all, they succeeded in getting only ten cases filed, and of the ten cases, only two were tried and none received a verdict. The lawyers did everything they could, all the way to suing the largest shareholder of SanLu Group in a Hong Kong court. By September 2011 when the project concluded, we had fought for, and secured, compensation for more than 200 child victims in addition to the government's compensation plan. The biggest single compensation was RMB 350,000, thanks to a court in Zhejiang that forced Yili Group to make concessions by insisting on a trial. The largest compensation settlement from a single source was almost the result of "blackmailing" a company. We had discovered falsehood in the company's advertisement, and we sued them as consumers. Haidian Court in Beijing accepted the filing, and we told the company's CEO quite frankly, when he came to Beijing to negotiate with us, that all we wanted was for his company to compensate the 50 or so victims of its brand. The CEO was moved by our sincerity and decency. Right around the time when Gong Meng was raising money to pay for the government fine on a trumpedup charge meant to destroy the organization, Lin Zhengzheng in the south sent a reparation of RMB one million yuan to the victims.

No matter how we upheld our conscience and our sense of justice, the regime was intuitively hostile to any entity that existed independently outside its grip. By 2009, our team had grown considerably, our office in Huajie Building became busier than ever, and we had provided legal services in the dog culling incident in Hanzhong, Shaanxi, the Green Dam uproar, and the Deng Yujiao case. In July, Gong Meng, the notfor-profit, public interest organization was fined for "tax evasion," and Zhuang Lu (the accountant) and I were arrested. But thankfully, we live in a time when technology gives us room for expression, when NGOs for public interest mushroomed after the Wenchuan earthquake, and, more importantly, when people have elevated moral standards. The arrest upset many ordinary citizens, and in four days Gong Meng received more than RMB 400,000 in donations in a fundraising campaign to pay for the fine. Jiang Ping and Mao Yushi of the older generation made appeals in support of us. Hong Kong high school student Zheng Yongxin wrote an open letter to

Wen Jiabao, and friends we had never known we had protested with T-shirts, pins and postcards. Confronted by powerful waves of support, the authorities retreated. We moved forward.

In a routine meeting at the end of 2009, Wang Gongquan, one of our members, proposed a new initiative: campaign to abolish the household registration, or hukou, requirement for children to take college entrance exams where they live. We had been pushing for hukou reform, and with this initiative we found a new focal point. We had the four parents, who had made the initial call for help, work as volunteers with our team to collect signatures. Two years later, we collected more than 100,000 signatures, and organized petitions in front of the Ministry of Education on the last Thursday every month. We also mobilized several thousand people's representatives to submit proposals; we organized panel discussions of experts; we researched and drafted a plan for children living with their parents without a local hukou to take college entrance exams where they live, not where their hukous were; and we organized the "new Beijingers" to plant trees in parks. Two-and-a-half years on, we made a breakthrough when the Ministry of Education adopted a policy allowing youth to take the national entrance exams where they currently live, not where their hukous are. By the end of the year, 29 provinces and municipalities implemented, or promised to implement, the policy. However, the Ministry of Education's policy was met with obstacles in Beijing and Shanghai where tens of thousands of parent volunteers had worked the hardest to push for the policy, but in the end were denied of its benefits. I am deeply sorry for them. They've strived for three years under the slogan "abolish hukou restrictions for the national college exams by 2012," but as they themselves put it, they "succeeded in liberating all of China except for ourselves!" We need to continue the fight against the last two fortresses.

From the abolition of the Custody and Repatriation System, triggered by the Sun Zhigang case, that allowed millions upon millions of new immigrants to move away from home without fear of being captured and repatriated, to the equal education movement that enabled millions of children to attend schools where their parents work and live, we have labored for ten years to break the hukou segregation and to fight for the freedom and equality of new immigrants.

After the trumped-up "tax evasion" case in 2009, we registered a new company although Gong Meng was still a legal entity. Regardless, such a name ceased to mean much any longer, for it was far from enough to have a small group of brave citizens. The pursuit of democracy and constitutionalism requires broad participation by as many people as possible. We gave up on the name Gong Meng, and began to use a name that's not a name—Citizen. "Citizen" is the common identity of all who are pro-democracy, and it serves as an open platform that belongs to every citizen who shares the same aspiration for democracy and constitutionalism.

In May 2012, we began to promote the "New Citizens' Movement" in which we became real citizens working and moving forward together. We have been holding same-city dinner gatherings (同城聚会) across China to meet, and exchange views with, each other; we push for democracy and rule of law through legal assistance and civil actions such as demanding that officials disclose personal assets. Through these collective activities, we want to grow to be a healthy force outside the existing structure and to help eventually transition China peacefully toward a constitutional civilization. It is a movement for social change, but more importantly, it is a political movement for democratic constitutionalism. We don't shun politics; in a jungle-like society where power is uninhibited and corruption rife, conscience is politics. We strive to tread out a new path for the Chinese nation, a path toward liberty, justice and love. Fear and hatred are the foundation on which tyranny has thrived, but overthrowing tyranny doesn't necessarily mean the disappearance of its foundation. Until we dispel the fear and hatred that cloud over the deepest recesses of our hearts, we will not have a free and democratic China.

We have been the opposition throughout the last ten years. We oppose authoritarianism, we oppose autocratic culture, and we oppose lies, false accusations, and unscrupulousness whether they are on the part of the power holders or anyone else. We have been pious builders promoting social progress and building rule of law and civil society rationally. In the *Investigation on the Mechanism of Letters and Calls in China* that we issued, we pointed out that the authoritarian system was the root of the petition problem, and recommended judiciary independence and initiation of political reform through direct election on the county level. In our *Report on the Investigation over the Truth about the Death of Qian Yunhui*, we published our findings that Qian's death was a traffic accident despite overwhelming public opinion that believed

otherwise, and criticized the unfair land policies that were the underlying causes of the incident. In our *Legal Opinions Concerning Compensation for Personal Injury inthe High-Speed Train Accident on July 23rd*, we criticized the government for offering too little compensation, of RMB 500,000, and recommended compensation over RMB 900,000. Public opinion forced the government to quickly accept our recommendation. In the equal education movement that fought against hukou segregation, our *Plan for Children Living with Parents without Local Hukou to Take the National College Entrance Exam Locally* has been accepted by most provinces and cities. Just before the ten citizens were arrested in Beijing, we had been preparing to draft a law concerning publishing officials' personal assets. We are a group of responsible citizens. We oppose for the sake of building.

For ten years we have persevered to build the foundation, next to the decaying palace of the dictatorship, for a lasting democracy and constitutionalism. In our fight for freedom over the last ten years, it has become a commonplace for many of us to lose our own freedom fighting for freedom of strangers. We are proud to be living in this era. From the "citizens' rights movement" to the "new citizens' movement," we have been walking on the same road, the road of conscience, the road toward liberty, justice and love.

The last ten years have been years of progress. With the fireworks of the Olympics, China continued to mix with the world; new immigrants have settled down; high-speed trains have compressed time and space; the remotest villages began to have rudimentary social security coverage; and internet and communication technologies connect different civilizations. Over the last ten years, the goodness in human nature has been reviving in China, the market economy has been deconstructing totalitarianism, and an independent spirit has been sprouting bit by bit. Public opinion condemns barbaric demolition; ten thousand people came out to lay flowers at the site of a fire disaster in Shanghai. The "Red Cross" might be dead, but the conscience is growing. Over these ten years, the new contended with the old, but the old does not just go away: the custody and repatriation policy was gone, but there have been black jails. The Criminal Procedure Law was amended, but the little bit of judiciary independence was taken away. The Electoral Law of the National People's Congress and Local People's Congresses was amended, but during the 2011 election, the media as a whole was forced to keep their mouths shut. The gap between the rich and the poor has continued to

widen, graft and privilege are more rampant than ever, and the chasm between the government and the people is growing ever greater and deeper.

Entering 2013, China bid goodbye to the ten years of "raising no havoc" (*Hu Jintao's watchword*) and arrived at the threshold of change. At the moment, the <u>ten citizens</u> have been arrested for advocating disclosure of officials' assets, and the Citizen's community in general is being dealt a new round of persecution. But on the other hand, more and more docile subjects are stepping out to become real citizens. I firmly believe that, after 2000 years of suppression and over 100 years of suffering, this is the time when the Chinese nation will be reborn for liberty, justice and love. We have chosen a beautiful road worthy to be the pursuit of a lifetime. We'll not turn away from it no matter how trying it is ahead. It is a new road, long and arduous, but it's the only road leading to a bright future.

Citizen Xu Zhiyong

May 16, 2013

(Translated by Yaxue Cao)

<u>Chinese original</u>
<u>Link to original post</u>

Citizen's Statement Regarding the Arrest of Ten Advocates for Demanding Disclosure of Officials' Assets

From what we know and have learned, we believe that Yuan Dong, Ding Jiaxi, Zhao Changqing and the seven others who demanded public disclosure of officials' personal wealth are innocent. In recent days, however, the Chinese authorities have announced the formal arrest of the ten one after another. With astonishment, we state:

1. The Personal Expressions of the Ten Citizens Do Not Constitute a Criminal Offense

On March 31, 2013, Yuan Dong, Zhang Baocheng, Ma Xinli, Hou Xin and two others unfurled banners in downtown Xidan plaza, Beijing, calling for officials to publicly disclose their personal assets. Ten or so minutes later, they were taken away by police, and later, four of them were criminally detained on charges of "illegal assembly." According to Article Two of the Law of the People of the People's Republic of China on Assemblies, Processions and Demonstrations, "assembly" refers to "an activity in which people meet at a public place in the open air to express views or aspirations." Assembly differs from average expressions in that assembly must be a collective expression through a gathering of a certain number of people. For example, Hong Kong's *Public Order Ordinance* stipulates that collective expression of views by more than 50 people require a notice of intention. On that day, only four people were there holding the banners while Yuan Dong gave a speech. The others on the scene were onlookers, not participants of an organized event. The five were simply expressing their personal views by exercising their right to free expression and right to "criticize and make suggestions regarding any state organ or functionary" conferred by Article 35 and Article 41, respectively, of the Constitution. Their action does not constitute an assembly in legal term, and there were no such things to speak of as "disobeying an order of dismissal" and "seriously undermining the social order," elements of the offense of illegal assembly as defined by Article 296 of the Criminal Law.

Of the ten arrested for advocating asset disclosure by officials, Ding Jiaxi, Zhao Changqing, Sun Hanhui, Wang Yonghong, Li Wei, Qi Yueying didn't appear on the Xidan scene on March 31, nor were any of them the person-in-charge of that event or

directly responsible for it. Some of them had similarly expressed their personal views in other locations in Beijing, but again, none had "disobeyed an order of dismissal" or "seriously undermined the social order," elements constituting a criminal offence, nor had they been stopped or penalized by the Public Security officers. Their actions cannot possibly constitute illegal assembly or the offence of "provocation and disruption."

2. The Ten Advocates' Call for Asset Disclosure by Officials Also Reflects the Universal Norm and the Will of the People

Fighting corruption is every government's responsibility. Mr. Xi Jinping has also vowed to "shut power in the cage of regulation." Although Chinese government has been talking about fighting corruption every year, and has indeed punished many corrupt officials, corruption is becoming more rampant than ever. Everyone recognizes that corruption is a malignant cancer of contemporary China. The root of the problem is the absence of a system capable of checking it. Public disclosure of officials' personal assets is an effective anti-corruption mechanism, and 137 countries and areas around the world have established or implemented asset disclosure policies.

Out of their sense of responsibility as citizens, the ten advocates stood up to call for asset disclosure by officials. In March they held a discussion to draft a proposal for related laws, hoping to promote the establishment of a mechanism in an incremental way. Unfortunately, instead of adopting their suggestions, the government put them in jail. On the one hand, this is persecution of the healthy elements that work to build a civil society, and on the other it discredits the anti-corruption promises made by China's top leaders.

3. We Therefore Make the Following Appeals:

We first appeal to the Chinese authorities: Please mend this mistake by respecting the rule of law in this case, recognize the innocence of the ten men and return their freedom through proper legal procedures, and provide necessary compensation to them. Mr. Xi Jinping once pledged to "carry out judiciary justice in each and every individual case," and we hold him to his word. We will watch every detail in the development of this case concerning the ten men arrested for advocating asset disclosure by officials to see if that pledge was made in good faith. We will then decide whether we can pay any respect at all to the relevant authorities. We thereby urge the relevant authorities: The trial of the

ten citizens must be independent, public, fair, and meeting all the requirements of judiciary justice.

We also appeal to the public: Please pay close attention to the ten citizens' case. Rights exist for all or for none. Violating one citizen's rights violates every citizen's rights; those whose rights are trampled are not far away from us, and their fate is closely related to our own fate.

Finally, we must appeal to both Chinese and foreign media: Please fulfill your obligation as reporters, zoom in on the case of the ten citizens, ask questions about every detail and every procedure, and report the truth without trepidation.

We solemnly promise: We stand together with Yuan Dong, Ding Jiaxi, Zhao Changqing and rest of the ten citizens to continue to push for asset disclosure by officials. At the same time, we will hold ourselves to our aspiration of being a real citizen, and we will begin to change our country and society by changing ourselves for the better. We will not give up no matter what difficulties await.

Citizen Xu Zhiyong (许志永)

Citizen Xiao Shu (笑蜀)

Citizen Wang Gongquan (王功权)

Citizen Teng Biao (滕彪)

Citizen Liu Weiguo (刘卫国)

Citizen Li Xiongbing (黎雄兵)

Citizen Liang Xiaojun (梁小军)

Citizen Li Fangping (李方平)

Citizen Xiao Guozhen (肖国珍)

May 25, 2013

(Translated by Yaxue Cao)

Chinese original

Link to original post

For Love – Conversations about the New Citizens' Movement

With a top security official in Beijing three weeks before Dr. Xu's detention.

On the three afternoons of June 25th, 26th, and 28th, I had "talks," per appointment made by the police, with one of the heads of the Beijing Public Security Bureau in a conference room of a vacation hotel in Changping, Beijing. We argued about many issues, including democracy, rule of law, constitutionalism, CCP's leadership, socialism, the concept of citizenship, public disclosure of officials' assets, the petitioning system, equal education rights and more, and we each put forward our views. The other party said I had already committed multiple crimes and coercive measures would soon be taken by the authorities. He demanded that I support the Party's leadership and cease committing crimes. I said I would be adhering to the spirit of the new citizens' movement, but I was willing to listen to his opinions on the specific ways and methods [on how to pursue it], but if it was committing a crime to become a citizen, I was willing to pay full price for it.

June 25

The police requested the meeting the day before. The team leader of the guards outside my home told me that one of the municipal Public Security chiefs wanted to have a talk with me, and he promised that I would be able to return home that evening. I accepted it without giving the matter much thought.

It was the first time I went outside my home since April 12, the day when I was placed under house arrest. I rode with three plain clothes policemen to a small, nondescript vacation hotel east of Zhongka Orchid (中卡庄园) in northern Changping. After getting out of the car, I was searched, led to a conference room, and seated in a single chair on one side of the table. Opposite, there were two men in their fifties. One of them would be the main interlocutor who, one could tell, was someone in a high position. Let's call him C and the other D. A young man was fiddling with a video camera.

Sitting down, I said I was Xu Zhiyong, and I asked who they were. C said, "I'm the head of the Beijing Public Security Bureau, and I opted to talk to you this way today." I asked him why I was brought there.

C: It's been almost three months since we took coercive measures in early April against the illegal organization of Citizen (*referring to the detention, and then arrest, in April of ten citizens who demanded disclosure of officials' wealth in Beijing – trans.*). As the

head of this organization, you have committed several crimes of the Criminal Law. We will soon detain you as well, and we want to hear what you have to say.

Me: Citizen is far from being an organization. Instead, it is a voluntary group of people who pursue democracy, the rule of law, freedom, justice and love, and who have been consistently advocating the nation's progress through moderate and reasonable approaches. Our actions, whether it was a dinner gathering or calling for officials to disclose assets, were merely the exercise of citizens' legitimate rights, and were not crimes at all. I will not change in my pursuit of the ideas of citizenship; as for our approaches, they can be discussed. We have always been reasonable and willing to listen to others' input. Of course, if people as moderate and reasonable as me cannot escape being locked up in prison, so be it. It's the misfortune of the Chinese people, and I will surrender myself to my destiny.

C: Are you people reasonable? You displayed banners more than a hundred times in various cities over the last few months. If we don't stop you promptly, it will trigger social turmoil.

Me: Shouldn't officials disclose their assets? If they do so, corruption will be curbed as a result, and we would not have to display banners to call for it. Your fear of theses actions triggering mass gatherings only indicates that asset disclosure is what the people want. Making a call for it is merely an expression and it will not cause tumult. If tumult is upon us one day, it will be because of escalation of conflict caused by privilege, corruption and the perverse stability maintenance.

C: Hasn't our Party been actively campaigning against corruption?

Me: Isn't that great? We are trying to help.

C: Are you people really serious about anti-corruption? If so, why can't you see all the progress the Party has made in anti-corruption?

Me: Of course we are sincere about fighting corruption. We do what we say and vice versa. Shortly before the ten advocates were arrested, we had been discussing a bill called the Sunshine Bill. I don't deny that the CCP is fighting corruption, but the system is the problem, and corruption is becoming more rampant despite the anti-corruption campaign. I ask you to use your reason: Over the last ten years, has corruption in China increased or decreased?

C: Which country doesn't have corruption? Will the country rid itself of corruption if it's governed by your model?

Me: Indeed. Every country has corruption, but the difference is gargantuan. In the US, a ministerial level official taking a bribery of two million dollars would be a huge scandal, but in China, it's nothing. To curb corruption, we need to monitor power; we must have an independent judiciary, checks and balances of powers, and free media. These are effective ways used all over the world. Asset disclosure is another recognized mechanism, so why are they so afraid to disclose?

C: With equal education rights as a pretext, you people besiege the Ministry of Education every month, causing enormous trouble for us. You were a people's representative before, why didn't you make appeals through legitimate channels?

Me: We have been trying everything. We wrote letters to over a thousand people's representatives, we held discussions with many experts. But the most effective way is to petition in front of the Ministry of Education, because your system puts stability maintenance above everything else, and a gathered crowd can place the most effective pressure on you, thus pushing the Education Ministry to change its policies.

C: Beijing is already very crowded. If Beijing opens up the national entrance exams (*gaokao—trans.*) to everyone, then won't students from across the country flood Beijing to take the exams?

Me: That will not happen. Gaokao-motivated immigration is due to inequality in college acceptance. Students in Beijing municipality have an advantage in college acceptance because the city deprived the children of its eight million non-hukou (household registration—trans.) taxpayers of their gaokao rights. If the kids of the eight million new immigrants are allowed to take the gaokao in Beijing, their advantage will diminish. Then, who will want to immigrate to Beijing for the sake of taking the gaokao here? Our fight for equal education rights is not fighting for that privilege, but fighting for the same rights for all taxpayers of the city, and for the rights of millions of left-behind children to unite with their parents. On your part, you think you have maintained stability by suppressing the calls for equal education rights, but have you ever thought: Where will they go, the children of Beijing's eight million new immigrants who have suffered discrimination and whose prospects in life are hurt? They will still come back to Beijing, because their parents live here, and Beijing is their real home. When I was on a jury in a court, I knew very well that crimes among children of immigrants were rising quickly, and it is to a large extent the result of discrimination. (Part of argument omitted here)

C: You can make reasonable recommendations about these?

Me: We have been. For years we have been promoting social progress in constructive ways.

C: Your series of articles, such as *The People's Nation* (《<u>人民的国家</u>》), echo totally the western system, and they are anti-party and anti-socialism. Your organization has grown to several thousand people over only a few months. Your actions have already constituted a crime, actually multiple crimes.

Me: Aren't the communist party and socialism western products? May I ask, what is socialism? If a market economy is socialist, why is democracy and the rule of law, which we are pursuing, not socialist? Does socialism necessarily exclude democracy and the rule of law? As for anti-party, it is such an extreme charge. We support what we think are the right policies, and we oppose what we think are the wrong policies. In addition, I harbor no hostility towards anyone. If the Communist Party continues to rule the country through elections, I will support it. If it's a crime for citizens to gather for dinner, discussing current affairs, serving society, and calling for officials to disclose their wealth, then you are making any accusation you want, and you will be sentencing me however you want. I don't care.

D, at this point, interjected at great length on how awful western countries, especially the United States, were. He said, you, Xu Zhiyong, would most likely be a traitor of the Chinese people in the future, and many online have said the same thing about you. I answered seriously, "Most likely, I love China more than you do! When you have time, you should read my essay *Go Back to China* (《回到中国去》) to see a Chinese's experiences and reflections in the United States. And you, how many of you corrupt officials have sent your wealth overseas?

C: Loving the party, the country and the people is a trinity. Since you don't love the party, how can you possibly love the country and the people?

Me: My fatherland is 5,000 years old, this party from the west is less than 100 years old, and it will not be ruling China forever. How could there be a trinity? I love China, I love the 1.3 billion people, but I don't love the party. One of the reasons is that it has inflicted on my country too many cruelties with millions having died of hunger and the Cultural Revolution thoroughly destroying Chinese culture and the nation's spirit. Another reason is that, the party today is too dirty. There are so many corrupt officials. They lie blatantly when they apply for party membership and they lie blatantly when they swear into it: How many of them are really devoting themselves to communism? I abhor lies; I abhor the unscrupulousness with which some pursue their desires; and I abhor someone who lies even when he or she makes a vow.

C: I would say you are a man when you dare say you don't love the party. Given that it's not bad that you advocate freedom, justice and love, given that your intentions are good, we hope to educate you and we hope you will love the party, give up these civic activities, make more contact with people from all walks of life, and see things more objectively.

Me: Thank you for reminding me. I will do my best to be objective and reasonable. I examine social ills, but I also watch CCTV's evening news. I am willing to take advice on specific activities that might not be perfectly without fault. Some actions might have been too rash, and we can stop for now. All these can be discussed, but don't say anything about committing crimes.

C: I know I will not be able to change your views easily. I have read your files. You have been consistent like a pin for all these years, and your position has been there and has never moved. We'll continue next time. What is a good time for you, tomorrow afternoon, or the afternoon of the day after tomorrow?

Me: Tomorrow will be fine.

Around 7 pm, I was taken back home, still under strict house arrest.

June 26

I had to take seriously the other party's warning about pending coercive measures. I wrote a letter to friends before I left home:

I am still harboring optimistic expectations. I have been trying to tell them that this group of people who call themselves Citizens are reasonable and moderate idealists who work toward freedom, justice and love in China, and that the Communist Party should tolerate the existence of these healthy forces and tolerate political diversity.

At the same time, I am prepared for the worst. If I am taken to a detention center as soon as I leave home this afternoon, I will be at ease with the prospect of ten years in prison. I told them in yesterday's conversation that, if this happens, it would be my destiny personally but would also be a tragedy for the Chinese nation. If things deteriorate today, I will tell them that they are on the wrong side of history by trying the conscience of a people. It will be my glory to be locked in prison for wanting to be a citizen [with full civil rights]. Despite everything, I believe progress has been made in our time, that the new citizens' movement is the correct path, that no one will be able to stop us from promoting civil responsibility in a totalitarian society, that the new citizens' movement is both critical and constructive, and that the movement will push the country to change, not only ending the dictatorship but also by building a beautiful China where freedom, justice and love prevail.

The "talks" resumed in the same location after 2 pm.

C: Yesterday I proposed a few points for you to consider, but really, there are only two

main points: Support the Party's guidelines and policies, if you don't like the wording "love the Party;" cease illegal and criminal activities. What are your thoughts?

Me: I have no particular thoughts. I maintain my position in citizenship. I support the Party's policies when they are right, and criticize them when they are wrong. As for ceasing activities, we are determined to do what citizens do, and you and I should all become citizens. Of course, if our actions are inappropriate somehow, we can suspend them, and we are willing to listen.

C: You must understand that you will soon be taken into custody.

Me: I am willing to pay whatever price to promote the progress of the human race! If we talk about the laws, lawyer Ding Jiaxi (丁家喜) and the others (activists who were arrested in April—trans.) are completely innocent. If you don't respect the law, then you can convict me at any time. But to try the conscience of a people, you nail yourselves to history's "pole of shame!"

C: I don't doubt your willingness to make sacrifices, but I hope things will move in a better direction.

Me: I also hope things will turn out better. Of course I want to be free so I can do more for society, but I must also stand up for what I believe.

C: Your ideals are very good, but you have to consider how viable they are. You must have been pretty frustrated, because you have been facing more and more obstacles in recent years.

Me: Indeed it's been more and more difficult, but I'm completely at ease with myself. When I have my freedom, I do my best to serve society. When I'm confined at home illegally, I read and write. Even when I'm detained illegally in a hotel room, I can still reflect on my religious feelings. It appears that, in recent years, I have moved farther away from the system, but the real reason is that the system is moving farther and farther away from the people.

C: The way you look at things is too lopsided, and you see the country as all dark. Look at Iraq, Lybia, and countries that were taken advantage of by the west, and see how pitiful their outcomes have been. In our country, consider how fast the economy is developing, and that's all because of to the good leadership of the Party. (Omission)

Me: I have never seen China as all dark. Instead, I clearly see the economic progress, the awakening of our better nature, and the emergence of diverse social thought over the last 30 years. In a way, we all see the world through our own prejudices, and, as such, we all make some sense but not all sense. Therefore, don't be too quick to tell others they

are wrong, and more important, don't be too quick to claim we ourselves are the only ones who are correct. My perspective is certainly not without fault, but I try to be objective, for example, I watch CCTV Evening News often. On the other hand, you might be more lopsided than I am, because too much of your information came from the official discourse of the system, to the point that you are moving ever farther away from the public in your views. For example, one year in Haidian District's Congress of People's Representatives, we talked about someone who self-immolated to protest forced demolitions. Almost all the officials regarded him as someone who was recalcitrant, but the rest of us all in all stood on the side of the self-immolator. The confrontation of values between the government and the people has grown so serious that the death of a girl, who supposedly jumped off a building such as in the Jing Wen incident (京溫事件), can trigger massive protests.

D: In the Jing Wen incident, there were a few bad people who incited the masses to go to the streets. I have evidence.

Me: See, that's the path you always go down, how pathetic. Every time something happens, you say it's the work of a few bad people. How could a few people incite big unrest like that? Have you ever thought why so many people don't believe your official conclusions? Because you have lied too much about too many things, you are too corrupt, too unjust, and there has been a buildup of too much resentment. I remember armed police patrolling a grand night bazaar a few years ago when I was traveling in Xinjiang. Is that a normal society? You always say it's only a few bad people, but the more bad people you arrest, the more bad people there are, why?

D: You are too one-sided. Take demolition and relocation for example. You only see isolated individuals who complain about low compensation, and you don't see those who look forward to it. I know that many people are very happy about it. (Omission).

increased value of the land. For example, one square meter of single house (平房) should be compensated with 1.7 square meters of apartment in a nearby location. But the officials rejected our recommendations. Over the last decade, several million rural Beijingers have been hurt by forced demolition and relocation. To our regret, such injury is still going on.

C: We are a country with a big population but limited resources. It needs a process to develop. You are very bright, and you should put your energy into contributing ideas to help the government, not to create trouble.

Me: We are not trouble makers. We tried to help solve problems when they emerged. And I have also been making proposals aimed at optimization. Take the population issue for example. Both Beijing and Tokyo sit on a plain about 6,000 square kilometers in size. Tokyo has a population of 35 million and manages to be orderly, while Beijing is crammed everywhere you turn with a population of 22 million. The problem is that the government, thinking too narrowly with its mindset of a planned economy, always wants to control the population in Beijing, resulting in short-sightedness in planning and lagging in garbage processing and education facilities. Beijing should have long planned the city based on the need of a population of 35 million. Take trash disposal for another example. (Omission).

C: You use petitioners to display banners, but what they want is to solve their specific problems, can you help them solve their problems? Is asset disclosure their demand?

Me: We try our best to help the disempowered, but it's true that what we can do to help them is very limited. We appealed a case in Chengde for nine years and it went nowhere. What we can do, mainly, is to provide advice, and in the winter, we send them some coats and comforters for emergency relief. As for calling for officials to disclose assets, of course they did that voluntarily. They are victims of privilege and corruption. They sincerely hope for asset declaration and they very much want to do something for society to progress.

C: You people listed the black jails and you denigrated the government. The petitioning problem is such a complicated process that it needs time to solve. It's not as simple as you imagine. (Omission)

Me: Illegally limiting citizens' freedom of movement is a serious violation of the law and a crime. It is the black jails that are denigrating the image of the country. There is no solution in the current system. Every country has people petitioning, but only in China has it become a serious social issue, a headache for stability maintenance. The root of it is the unjust power system. The current system is top down in which officials only answer to their superiors but not to the people they govern. An official does not care

about the appeals of ordinary people; only when some of these appeals reach his superiors and the latter orders him to solve them, will he start paying attention. It's like this all over China. As a result, millions of people travel to Beijing every year to petition. If everywhere the local governments solved problems in their jurisdictions, there probably would be only a few hundred cases that would come to Beijing, and the State Bureau of Letters and Calls could form a task force to solve each one of them. Now that there are about 10 million cases, no government entity can solve them. The question again is, what system will be able to reduce such large scale petitioning. If voters directly choose officials on each level and the positions are determined by votes, then officials will do their best to discuss the problems his constituents have and solve them as promptly as possible without his superiors having to ask him. We pursue a democracy, not because we want to emulate the west or the east, but because it is a system that can solve our own problems.

C: Have you not seen that more than 90% of the masses support the leadership of the Party? Hasn't there been progress in the past 30 years?

Me: I don't know how you get this number of 90%. I have always acknowledged the progress of the last 30 years. But I also clearly see huge problems. Social injustice persists; government and the people oppose one another. China will have to continue to reform, to reform politically, to become a great nation. Today, China is second in the world in GDP, but remember that China was also second in the world in GDP 100 years ago, not to mention that most of the developing countries in the world today are also developing quickly. China's problems are not minor ones, and corruption is not a few isolated cases. We want to acknowledge the country's progress, but you also have to realize the seriousness of its problems. I hope we have consensus, that is, we are all citizens of China, none of us want to see the country in turmoil, and we all pursue a beautiful China with democracy, rule of law, fairness and justice.

Me: When are you going to free those nine people? (referring to nine of the ten arrested in April for demanding publicly declaration of officials' assets, one is on bail pending trial – trans.)

C: It will depend on how you see the issue.

Me: I have said before that, in terms of specific actions, we could make concessions. If they are too premature, we can stop because we need to consider the extent to which you can accept and the extent to which the society can accept.

C: All the same, it will have to go through the legal process. You are not negotiating with us. You have committed crimes and you will soon be taken into custody.

C: Another four hours have passed. We have talked twice. With regard to loving the party and ceasing the activities, write down your thoughts, all right?

Me: I don't see the point of writing it down. I have said everything.

C: Well, it's better to have it in writing. Let me take a look when you're done.

Me: Fine.

Around 7 pm, I was sent home.

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I wrote down my thoughts about the ideas and actions of being a citizen. After sharing the result with a few friends, I revised it as *My Civic Ideals* (see below). I was saddened thinking that I might not be returning home for years. In my prayer appeared the following sentence: "I am grateful that God give me forty years of life, experience and happiness. I love the human race, for that love, I'm willing to face death." I became completely calm. (*A close associate of Xu Zhiyong told me that he is not an adherent of any specific religion, but embraces a more general deism. – trans.*)

Around three o'clock in the afternoon, I arrived at the same location. C hadn't arrived, and D asked, "The thing we asked you to write, what are the main points?"

Me: My ideals as a true citizen are to stay reasonable and constructive, and pursue freedom, justice and love. Our methods can be discussed, and we will try our best to take action within the constitutional and legal framework.

D: What do you mean "try our best?" You must take actions within the legal framework. (Omission)

Me: "Try our best" is to try to do so, but conscience is higher than law.

D: The things you have done – they disrupt the social order, and you have done them for your personal purpose......

Me: (I interrupted him, stating slowly and loudly) The only purpose of my life is freedom -- justice and - love!

C: I have read what you have written about your ideals as a citizen. You have shown no intention to admit your guilt and surrender yourself to the law. And you still talk about the same things. Your write-up should have included at least three points: Number one, you support the party's guidelines and policies. Number two, you admit your guilt and

surrender yourself to the law. Number three, you avow that you will not go back on your word. When you are done, we can get it in the media to disseminate.

Me: Pardon me, the promises you want me to make are unrealistic. You will have to understand that Xu Zhiyong will never sell out his conscience and his beliefs. Not at any time, never, should you expect me to give up my dignity, not a bit. I am not a radical person. I can consult with you but I have my bottom line, and I am willing to pay any price for my beliefs.

C: Based on these articles of yours, you don't support the party's leadership, you are anti-party.

C: You are against socialism.

Me: What is socialism, may I ask you? The fundamental attributes of scientific socialism are a planned economy and public ownership, and you have long been opposing it. Socialism cannot be separated from democracy; one-party rule is completely detrimental to socialism, so you are against socialism as well. We pursue democracy, rule of law, fairness and justice, and these pursuits are not contradictory to the original ideals of socialism. In all likelihood, I am more of a socialist than you are.

C: You oppose the socialist system. For example, in your open letter (a partial translation by ChinaChang.org), you brazenly reject the system of the Congress of People's Representatives.

Me: The National People's Congress is the country's highest organ of power, do you believe that? The highest organ of power is subject to the leadership of the party? Aren't you disgusted by that flagrant and dirty lie? If a country's basic political system is such a hypocritical lie, how do you hope for an honest society? Fundamentally speaking, the politics we pursue is truthfulness, bidding goodbye to dishonesty and living an honest and truthful life.

C: You sound really pretty, but you are in fact a political swindler.

Me: (Sorry, I was angered) If you haven't met me, perhaps you would hear how calculating and foxy Xu Zhiyong is, so on and so forth. But you and I have talked for two afternoons. Look into my eyes and put your hands on your conscience, do you think Xu Zhiyong is a swindler? Political hooligans and swindlers are the people I detest the most. I am not like them at all, those who do not need a draft when churning out lies.

C: What I am saying is that, you have your political purposes but you got parents without Beijing household registration to campaign for fair education. Did you tell them your political purposes?

Me: My political purposes are very clear and I have never hidden them from anyone: for a beautiful China where freedom, justice and love prevail. To fight for equal education rights is to fight for justice, for love, and it is part of the ideal of being a citizen. The campaign for equal education rights is for the children, and once it succeeds, it ceases. Serving society is a citizen's responsibility, and I don't have to talk about that lofty political vision with them every day, but I have never hidden it from anyone.

C: You are anti-party but you wouldn't dare to admit it, nor would you dare to take the responsibility for it.

Me: You are so perverse! What is there that I am afraid to take responsibility for? For what I believe, you can take me away right now. Haven't you told me that I have committed several crimes? As a citizen with reason, I do not oppose for the sake of opposing; our goal is true democracy, not just overthrowing and beating down. Freedom, justice and love, these are my beliefs. I'm a simple man, and I do not conspire behind the banner of idealism. It's an insult when you say the goal of my life is to seek power and status. I don't pursue anything for myself; I live for my sense of mission.

C: Li Yiping's (李一平) *Strategy for Regime Change* (《变局策》) has clearly summed up what you have been doing, that is, to overthrow the socialist system. But you wouldn't dare admit it.

Me: Their ideas are very different from ours. I have already written an article to clarify. What we do is to encourage everyone to do what a citizen does and to pursue freedom, justice and love, and to seek real democracy and the rule of law. We welcome any party as long as it is elected by the people. I have stated this position many times. There is nothing that I believe but wouldn't dare to admit. Don't think everyone else is like you, who make dark assumptions about others.

(Long silence.)

C: Why aren't you talking anymore? I can tell you are having complicated feelings.

Me: No, not at all. I am thinking: how could your mind be so distorted as to imagine that Xu Zhiyong is a swindler? In your imagination, everyone is a conspirer who says one thing and does another. Is this your idea of politics? How terrible such a society is, and I am sad for the human race. I detest nothing more than political hooligans and swindlers who have no moral scruples whatsoever. The mission of my life is to change this.

C: You must know that what you have done constitutes crimes, and you will be subjected to coercive measures.

Me: I am willing to pay any price for my beliefs, and a decade more in prison will be my glory.

C: Of course, taking coercive measures is for the sake of education.

Me: No, that will be impossible. If I am arrested, I will speak only in the court. Otherwise, I will be completely silent. I am willing to be silent for a decade.

C: In 2009, you only admitted mistakes and you refused to admit your guilt. We let you go that time, but you are still unrepentant.

Me: I wasn't completely ready in 2009. You (plural) said, if I got out, there would be room for me to do things. So I admitted mistakes to meet you half way. Right now I can still talk to you, but if I am again arrested, there will be no way that I will compromise.

C: Do not be so absolute.

Me: Positively absolute. There will be no room. Do you want to know what I prayed last night? I love the human race, for that love, I am willing to face death.

C: You are too stubborn. If you continue down this path, you will bring to the country disasters that are far more catastrophic than robberies and murders.

Me: No, I am not someone who seeks power and selfish gain without scruples. We are builders with reason. Every step of progress we make will bring to the country not disasters, but light and hope. Disasters are in the making, and you (plural) are the makers of them. All of our efforts are aimed at reducing unfairness, anger and calamity, and mitigating the price ordinary people will pay in the social transformation that will inevitably occur.

C: You are such a hard-to-pick bone.

Me: Pardon me, do not think this way. Do not think you haven't done a good job convincing me. You ought to understand that there are believers in this world who are willing to pay any price. I may not be able to convince you that there are such pure idealists in China, but I will use my entire life to prove that politics does not have to be unscrupulous, does not have to be treacherous, does not have to be a wilderness of the gangs or a jungle where ruthlessness rules. Politics can be beautiful.

C: It's 6 o'clock again. Let's continue another time.

Me: No more need for talks, unless you want to have a personal conversation with me about life, religion and other private issues.

We bid goodbye amiably. C gave me a few copies of study materials for the 18^{th} Party's Congress.

I don't know how long I will be confined. For freedom, justice and love, it doesn't matter anymore. At home, looking outside the windows, the world is both real and illusory, life is an experience without grudges or regrets, and love alone is real.

Citizen Xu Zhiyong, June 30, 2013

Appendix:

My Ideals as a Citizen

(This is Xu Zhiyong's writeup of his thoughts requested by his interlocutor at the end of their conversation on June 26.)

To advocate that everyone be a citizen is to pursue real democracy, the rule of law, fairness, justice, and to seek a society where freedom, justice and love prevail. The people who made up the group called Citizen are not an "organization," but a voluntary alliance of Chinese who pursue the dream of being a citizen. Everyone can regard himself or herself as a citizen, and join others to promote social progress.

The guiding beliefs of citizenship include freedom, justice and love. In the ideas and speech of citizens, there are no concepts such as "overthrowing," "beating down," and "enemy." We oppose hostility and hatred, and try to resolve them. We hope China will transition, with minimal price, to a democratic and constitutional government, thus realizing the dream of democracy and liberty fought for by generations of courageous and idealistic Chinese. This is my conviction.

I am not a member of the Communist Party. But as a moderate and reasonable citizen, I respect the historical reality that the CCP is currently ruling China, and after all, social transformation needs order. But the CCP has the responsibility to make good on the promise of the "People's Republic." For the people to be the masters of the country means the people must have the real right to choose. I am happy to see any political party, by direct, free and fair elections, becoming the ruling party. I sincerely hope that the CCP will emulate the Nationalist Party [in Taiwan], doing away with the dictatorial ideas that see all dissenting voices as enemies, sincerely respecting the will of the people, and returning power to the people. The communists must follow the global trend on the one hand, and answer those Chinese who have made the ultimate sacrifice over more than one hundred years to pursue democracy and liberty on the other.

My ideals are not all that contrary to the original socialist ideals. For socialism to pursue fairness and justice, it has to have democracy and the rule of law. For socialism to

develop productivity, it must have a market economy. Socialism is not the same as one-party dictatorship, a planned economy and collective ownership. There are varieties of socialism. Between 1949 and 1978, China implemented a planned economy and collective ownership, or the so-called "scientific socialism." Since 1978, China implemented privatization of property and a market economy, and it is precisely these "capitalist practices" condemned during the Cultural Revolution that have spurred China's economic development over the last 30 years. But in the end, whatever —ism is not important; what's important is to solve the country's problems and bring freedom and democracy to the country.

We want to behave like real citizens who enjoy the universal rights provided for by the Constitution, and we want to promote social progress in rational and constructive manners. If it is committing a crime to want to become a real citizen and to seek freedom, justice and love, then I am willing to pay the full price for such a "crime" – it is something I will be forever proud of.

Of course, it is possible that some of my approaches might have been inappropriate in my actions as a citizen, and I am willing to listen to anyone in order to better realize my ideals. I will try to advocate the ideas of freedom, justice and love. I hope everyone will adhere to moderation and reason, taking into consideration of the viability of our actions and carry out actions within the framework of the constitution and the law.

The people under the banner of Citizen are advocates for, and builders of, democracy and constitutionalism, not creators of social turmoil. Anger over privilege and corruption is the source of social instability, and the trigger often is a sudden and unforeseeable incident. We are a group of responsible citizens who love China and want to improve her. If such a group of people, moderate with reason, cannot be tolerated, desperate violence will lead the entire Chinese people to tragedies. I hope the ruling party will make a concrete effort to submit to the trend of civilization, and push China to transition to democracy and constitutionalism of its own accord. That will be a blessing for the Chinese people.

Citizen Xu Zhiyong, June 28, 2013

(Translated by Yaxue Cao)

Chinese original

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