

Xu Zhiyong

A Beautiful China

Nine

The Citizens' Alliance, or Gongmeng

Part Two

The 'Harmonious' Era

In 2006, the Three Gorges Dam was completed, the first trains began running on the new Qinghai-Tibet Railway, and “harmonious society” became a popular phrase. On August 15, lawyer Gao Zhisheng was arrested, and the political atmosphere suddenly intensified.

In 2005, on the eve of the penalty hearing for the Zhi Sheng Law Firm, I met with Teng Biao, Li Heping, Jiang Tianyong (江天勇), Wen Haibo (温海波), Tang Jitian (唐吉田), and more than a dozen others and urged Gao Zhisheng to moderate himself a bit, pointing out that it would be too dangerous to continue as he had been. As his representative at the hearing, I urged him to attend the hearing and show some willingness to compromise. But instead he skipped the hearing and went to Xinjiang.

After Guo Feixiong (郭飞雄) was beaten up in March 2006, Gao Zhisheng and others began a relay hunger strike. The Tiananmen Mothers issued an open letter calling on Gao to return to his work as a rights defender.

The debate over whether to take a radical or moderate path had been going on for many years. My position was to make reasonable compromises when there was still room for action but stick to your principles when that room was closed off. It was not the wisest choice for Gao to compromise only after being arrested and given a three-year sentence suspended for five years. Of course, radicalism has its own value. It's more courageous, and there are more costs associated with it; but it can also open up space for social progress. All sacrifice is valuable. Having been tortured inhumanely and losing his freedom for several years, Gao Zhisheng has borne the brunt of this era.

After September 2006, the atmosphere became a bit better. We started two actions: soliciting

independent candidates to take part in people's congress elections and promoting revision of Beijing's regulations on keeping dogs as pets.

We sent letters to committees of property owners, lawyers, and other public-minded people encouraging them to run for election. We convened volunteers to help with elections. Lawyer Tang Jingling (唐荆陵) launched the "ballot redemption" movement, suggesting that people refuse to vote. This was another way to convince people to take their electoral rights seriously.

In the autumn of 2006, Beijing launched a major campaign to capture and euthanize pet dogs. The Communist Party rules through campaigns that affect all aspects of life. A professor at BUPT came to see me, saying that her dog, at 45cm tall, was 10 cm over the limit and in danger of being caught and put down at any moment. The dog was considered a beloved member of the family and had never harmed anyone. Why should it be put to death?

Our goal was to compel the municipal government to revise its regulations on dog raising. The work consisted of four parts: helping dog owners make a collective appeal; defending people arrested at rallies; comprehensively examining the problems with the existing regulations and drafting new regulations based on the experience of major cities around the world; and lobbying Beijing Municipality People's Congress delegates to push for new regulations.

In fact, we were promoting social harmony, quite unlike the revolutionaries of the past. If revolutionaries would use any means necessary to overthrow their opponents, we would do the opposite. To say goodbye to dictatorship and autocratic culture in favor of a China of freedom, justice, and love, we were true revolutionaries, through and through.

In 2007, the Property Rights Law (《物权法》) was introduced, and the Supreme People's Court restored its sole authority to review death sentences. We were happy about this progress. Reform and opening up meant the gradual ebb of totalitarianism and the gradual promotion of private property, a market economy, and basic human rights.

That year also saw the exposure of the illegal brick kilns. People were shocked that such sinister things existed in China. Only after we got there did we discover that the kilns were not located in some remote backwater. This was happening right inside a village, in the heart of Chinese society.

That was the year of the Xiamen "PX Incident," when "watching" and "strolling" ("散步"), euphemisms for mass protest, became part of the vocabulary. The constitution provides citizens with the rights of assembly, procession, and protest. But in practice very few demonstrations ever receive approval. Our application to demonstrate on a 100-meter-long side street on behalf of the Chengde Four was rejected. Everyone could only hide their actions behind other words: "I've just come out to buy soy sauce" or "I happened to pass by while on a stroll."

In 2008, the year of the Beijing Olympics, unrest broke out in the Tibetan regions. The Open Government Information Ordinance (《信息公开条例》) took effect. There was the Wenchuan earthquake, the poisoned milk powder case, and the elections in the Beijing Lawyers' Association.

We set up a group to investigate the March 14 Tibetan protests. We went to the Tibetan region to investigate the root causes. We were concerned about ethnic problems and hoped that a democratic and free China would still be a united China.

Many people were hopeful when the Open Government Information Ordinance took effect on May 1, 2008. On the back of the information request filed by Beijing residents Zhu Fuxiang (朱福祥) and Chen Yuhua (陈育华), we actively pushed for transparency of government information and hoped that civil society would gradually become a powerful monitor of public authority.

After the Wenchuan earthquake on May 12, the whole country was gripped with anxiety as Wenchuan County lost contact with the world. The massive disaster also inspired love in people's hearts, with millions of volunteers rushing to join the rescue effort. The disaster also exposed the painfully shoddy construction materials used in the area. Tan Zuoren (谭作人) and Ai Weiwei (艾未未) came under severe pressure for investigating the number of primary school students who died during the disaster.

Nowadays, many people remember the era of Hu Jintao and Wen Jiabao with fondness. Although there were problems of all sorts, China's international image remained largely positive. The world had high hopes that reform and opening up would gradually allow China to be integrated into the civilized world. Our attitude at the time was to promote national progress as constructive players.

At the Beijing Olympics in 2008, the fireworks display showed footprints striding forward. I remember the night of July 13, 2001, when the decision to name Beijing as the 2008 host city was announced. I was part of a team of Peking University doctoral students on a visiting tour to Yangzhou. That night in our hotel, we arranged beer bottles to form "2008" and hugged each other in tears when we heard the news. That night, Tiananmen Square was filled with people, their faces beaming with genuine smiles.

We had so much hope for China's progress in those days.

Shanxi's Illegal Brick Kiln

On August 22, 2007, Teng Biao, Zhang Yadong (张亚东), and I spent the entire day negotiating with the Linfen Intermediate People's Court and the Hongtong County People's Court in Shanxi province.

We were representing Chen Xiaojun (陈小军) and Pang Feihu (庞飞虎), victims of an illegal brick kiln, in their administrative lawsuit. They were suing the Hongdong County Public Security Bureau for inaction and seeking compensation. The Hongtong People's Court finally received our filing in the afternoon. It should have been a relatively straightforward process to place the case on the court's docket, but in China "political correctness" was a basic survival skill of public authorities. Everyone was used to self-censorship.

After leaving the court, we went to Caosheng Village (曹生村), where the illegal kiln had been located. We imagined that an illegal brick kiln would be located behind a high wall in some remote corner, far removed from ordinary life. But we were in for a surprise.

We traveled along a flat highway to Guangshengsi Township (广胜寺乡), where a fork in the road took us a short distance south until we reached Caosheng Village. Another 2 km of dirt road brought us to the village of “Three Gullies.” At the edge of the village, beside a mound of dirt, was a patch of earth that had just been flattened. A bulldozer was silently parked there. This was the site of the illegal brick kiln.

If we hadn’t heard the way Chen Xiaojun and the others had described it, it would have been hard to believe what had happened here. Standing there in the clearing, Chen, a veteran worker at the kiln, seemed a bit bewildered.

In March 2005, someone outside the Xi’an train station tricked Chen Xiaojun into going to Ruicheng County, Shanxi (山西芮城县), where he became a slave in a brick kiln run by a village Party secretary named Jiao Jianjun (焦建军). The kiln’s labor contractor, a man named Heng Tinghan (衡庭汉), had been doing this kind of “business” for eight years already.

On the third day after arriving at the illegal brick kiln, Chen Xiaojun tried to run away and was caught and beaten. His attackers struck him repeatedly with iron bars and bricks, and he was lucky to avoid serious injury. From that point on, he basically gave up any idea of running away. The kiln bosses were adept at using terror to maintain their evil order.

One late night in February 2006, the kiln workers were rushed onto a bus and taken to Wang Bingbing’s (王兵兵) brick kiln in Caosheng Village. It turned out that Heng Tinghan thought the kiln owner in Ruicheng County wasn’t paying a high enough commission and so he “mutinied.” But this changed nothing for Chen Xiaojun and the other kiln workers like him.

Gradually, Chen Xiaojun became a veteran kiln worker and was no longer beaten for no reason. He never beat anyone else — just continued to work in silence, not knowing what the next day would bring. He broke his shoulder blade after a landslide and spent a week in the hospital before being returned to the kiln.

The last time he was beaten was in March 2007. A newly arrived kiln worker quietly asked where they were and Chen Xiaojun was beaten severely when he answered, “Guangshengsi Township, Hongtong County.”

Pang Feihu, 20 years old, had never been to school for even a day. It took him almost five minutes just to write his name. Although he had only spent three months at the kiln, he had even more stories about things that had happened there. He, too, had been tricked into going to the kiln by Heng Tinghan at the Xi’an labor market. One time in Zhengzhou, two men nicknamed “Old Xinjiang” and “Little Xinjiang” passed out drunk and awoke to find themselves at the kiln. There was even a 14-year-old boy in Zhengzhou who was beaten unconscious by a man with a club and sold to the kiln.

There are cameras everywhere you go in China, and yet there are untold numbers of families searching everywhere for lost children, untold numbers of parents illegally detained year after year for petitioning about children harmed because of faulty vaccinations, about clenbuterol poisoning, about reused “gutter oil,” or about melamine-laced milk powder. All the people in charge care about is maintaining control, not the powerless little people.

We went over to the southern end of the clearing. Chen Xiaojun pointed to traces of black ash and said that was where they ate. The kiln workers would squat inside there to eat while thugs stood surrounding them and kept guard. They had been doing this ever since a new kiln worker had successfully escaped during mealtime.

There were houses belonging to villagers less than 200 meters away. Village farmland was right beside the kilns, and we could see two farmers working in the fields full of corn.

I pointed toward the villagers and asked, “Was there a high wall there before?”

“No, there was never a wall there,” Chen Xiaojun replied. There was no wall on the west side, and there was only the dirt mound on the east side. The dormitories and kitchen were on the south side. There had been no walls surrounding the kiln at all. This shocked me quite a bit. Only steps away from the kiln was the villagers’ farmland.

But they dared not try to escape. The first thing any of the kiln workers learned after arriving here was how good the thugs were at giving a beating. Anyone who tried to escape would be caught and brought back for the most brutal punishment. Harsh cruelty created a prison without walls.

It’s a metaphor for this country. There are no walls, but deep inside us we feel the presence of a high wall that separates us from the rest of the world and from each other.

The villagers next door recognized Chen Xiaojun. There is no way that the villagers didn’t know that the son of the village Party secretary ran this kiln for five years. But who would be willing to stir up trouble and risk offending the Party secretary by reporting him to the police?

And what would have happened if someone had reported it to the police? Four people escaped from the illegal brick kiln between March and May 2007. At least one of them told the police what was happening at the kiln, and the police went there to have a look. Pang Feihu said he saw a police captain there at least twice. When he asked the captain why he hadn’t come to rescue them earlier, the captain said that they had been waiting to “catch a bigger fish”.

Stability is the only thing that the police — and the entire bureaucracy — really care about. Whether enslaved workers live or die has nothing to do with them. Those villagers, and the entire citizenry, have lost their moral courage and don’t bother themselves with “other people’s business” as long as they themselves are not being harmed.

The greatest damage that totalitarianism has done to this country is the complete destruction of the moral courage and public spirit of the people.

Terror under brutal violence, bureaucratic corruption and inaction, widespread rural apathy and indifference . . . evil sin is hidden in plain sight. In this ancient land, how much darkness and cruelty is right under our noses?

In the end, the Hongtong County People's Court didn't agree to hear our case, so we appealed to the Linfen Intermediate Court. During the appeal period, two of the victims were threatened and bribed to drop the suit. It was only after they dropped the lawsuit that they realized that they had been duped and that no one was going to do anything for them. For a few years after that, Chen Xiaojun would occasionally call me. Each time, I would apologize for having been unable to help him at all.

Direct Elections at the Lawyers' Association

In June 2008, we decided to promote democracy by helping some courageous lawyers push for direct elections at the Beijing Lawyers Association (BLA).

On August 26, Cheng Hai and 34 other lawyers issued an open letter entitled "Go with the Flow of History, Hold Direct Elections at the Lawyers Association: An Appeal to All Beijing Lawyers, the Beijing Justice Bureau, and the Beijing Lawyers Association." This letter brought the idea of holding direct elections at the BLA out into the open. It pointed out that the BLA's articles of association had never been approved by a majority of its members and that the BLA therefore lacked the legal standing to represent the interests of all Beijing lawyers. The letter's authors called for the leadership at the BLA to be directly elected by its entire membership. They also published a "(Draft) Beijing Lawyers Association Election Procedures" that they had prepared.

In a totalitarian regime, all government-sponsored associations serve the function of social control. By challenging this, the lawyers were ahead of their time. Internet users applauded the lawyers for their efforts to advance democracy.

A group of 35 courageous lawyers were the first to sign the open letter. Their names are: Cheng Hai (程海), Zhang Lihui (张立辉), Tang Jitian (唐吉田), Tong Chaoping (童朝平), Zhang Jianguo (张建国), Wu Hongwei (邬宏威), Li Xiongbing (黎雄兵), Wen Haibo (温海波), Jiang Tianyong (江天勇), Xie Yanyi (谢燕益), Bi Jianlin (毕建林), Xi Gongmin (席公民), Ma Guohua (马国华), Feng Jianxin (冯建新), Liu Zilong (刘子龙), Li Subin (李苏滨), Yang Huiwen (杨慧文), Zhang Wenkai (张文凯), Yang Xuelin (杨学林), Li Gang (李刚), Li Shunzhang (李顺章), Wang Yajun (王雅军), Wang Zhenyu (王振宇), Liu Yajun (刘亚军), Gao Peng (高鹏), Lin Xiaojian (林小建), Li Renbing (李仁兵), Zhang Zheng (张征), Cai Murong (蔡木荣), Yan Yanzheng (颜延政), Han Yicun (韩一村), Wu Jianjun (吴建军), Wei Dongtao (魏东涛), Du Jiangtao (杜江涛), and Li Fujun (李付军).

This letter ignited a firestorm. The leadership of the BLA immediately called upon the tried-and-true motifs of class struggle, issuing a "solemn declaration" on September 5 that stated, in part:

"Under the guise of promoting democracy, the appeal letter directly challenges the legal status of the Beijing Lawyers Association....

“It is unlawful for anyone to use any means, including text messaging or the internet, individually or in coordination with others, and under the guise of promoting democracy, to confuse people by using inflammatory language and spreading rumors within the community of Beijing lawyers in an attempt to recruit uninformed lawyers to support the so-called ‘direct election of the Beijing Lawyers Association....’

“In essence, the letter is an attempt to evade the supervision of the judicial administration organs and the management of the profession by the BLA and a total denial of our country’s systems for managing lawyers and the judicial system, not to mention the political system itself.”

Stigmatizing with labels and attacking people has always been their way of doing things.

The group of public interest lawyers responded publicly and immediately:

“We are the lawyers who signed the appeal letter. We have used text messaging and mailed letters to call on the broad community of lawyers to take their own rights seriously and actively participate in the upcoming election for lawyer representatives. Our goals are clear: to mobilize the broad community of lawyers to actively exercise their rights, to prevent the election from being manipulated, and to elect a BLA that will protect the legal rights and interests of lawyers.”

The BLA quickly drafted articles of association, which they published for comment. We had waited six years for these articles to be drafted, and now here they were after only a few days of pressure.

On September 13, Cheng Hai, Zhang Lihui, Li Subin, and Wu Hongwei met in person with a group of officials from the Beijing Justice Bureau, including Deputy Director Dong Chunjiang (董春江). That same day, the group of public interest lawyers launched its “Lawyers Salon” website.

Gongmeng sent a mailing to Beijing’s 16,000 lawyers, including a letter from the group of public interest lawyers, their appeal for direct election and draft election procedure, and their response to the BLA’s “solemn declaration.” I have a vivid memory of volunteers busily putting together these 16,000 mailings and desks covered with stacks and stacks of white envelopes.

The BLA sent a message to all Beijing lawyers regarding Gongmeng’s efforts: “Individual lawyers have sent mailings to law firms and lawyers through a commercial enterprise.... This was not an organized activity of the lawyers association.”

On September 20, the *Economic Observer* (《经济观察报》) published an objective article on the dispute entitled “Controversy Over Direct Elections at the BLA.” The next day, the *Beijing News* (《新京报》) reported on a seminar at Peking University Law School at which around a dozen scholars held a lively discussion on the election issue. On September 28, *Southern Weekend* (《南方周末》) published “Concerned the Lawyers Association Has Become a ‘Rich Persons’ Club,’ Unhappy Lawyers Demand Direct Elections”.

The media played an important role throughout the campaign to promote BLA direct elections. When the public interest lawyers came under pressure, Henan’s *Dongfang Today* (《东方今

报》) newspaper and Sohu's news portal also published reports. Even though the BLA and the forces behind it also used the media, the fact that it was still possible to report openly meant that the situation wasn't completely without hope.

The lawyers were not only courageous, but also smart. They calibrated their actions just right so that they didn't give the other side any excuse to politicize the issue. This left room for action by the media and more enlightened elements within the system. Limiting objectives and avoiding sensitivities had been a basic strategy of rights defense for many years.

In late September, the judicial administration bureau delivered a memorandum to the partners of Beijing's law firms alleging that the direct elections campaign had "foreign backing" and "politically motivated" and that the "Lawyers Salon" website was illegal and that all lawyers must withdraw from it.

The justice bureau in Chaoyang District demanded that the 19 lawyers from the district who signed the appeal provide written explanations of their motives. Three lawyers were forced to resign from their firms, including Tang Jitian, who was urged to leave when his firm came under pressure. A former prosecutor, Tang would go on to endure more than a decade of trials and tribulations.

Cheng Hai also came under tremendous pressure. He had an almost naïve faith in the law and was accustomed to filing lawsuits or making formal complaints and accusations. For more than a decade, he waved the wooden club of the law at the guns pointed in his direction until he was left black and blue all over.

On November 25, the *Beijing News* published "Beijing Lawyers Sign Appeal for Direct Elections, Justice Bureau: Time Not Ripe." The article was republished on Xinhuanet and many other major media sites, clearly revealing the attitude of those in charge.

But we didn't give up. In the second phase of the effort, the group of public interest lawyers campaigned for election as President of the BLA and as delegates to the BLA Congress.

On January 10, 2009, at a BLA professional training session for lawyers held at the Beijing Workers' Club, lawyer Yang Huiwen distributed 1,000 copies of an open letter to the attending lawyers announcing that he was running for a seat on the BLA Congress and election as BLA President. The attending lawyers responded enthusiastically.

On the afternoon of January 18, Yang Huiwen was handing out campaign leaflets at the National Library when he was violently attacked by four security guards, who confiscated the leaflets and injured Yang's hands. Many public interest lawyers then rushed to the library to denounce the perpetrators and hand out leaflets to the lawyers who were there attending a reception.

On February 15, the group of public interest lawyers called on lawyers to actively run for election as delegates in an article titled "Taking Part in Elections is Lawyers' Unshirkable Responsibility." On the 24th, Gongmeng published "Please Cast Ballots for True Delegates Who Care About Justice – Second Letter to Lawyers in Beijing." Lawyer Lan Zhixue (兰志学)

published “Letter to Beijing Lawyers About to Cast Election Ballots” calling on other lawyers to vote for public interest lawyers.

The first round of voting for delegates to the BLA Congress ended on February 26. In the second combined electoral group in the third electoral zone of Chaoyang District, 373 valid ballots were cast for eight lawyers running for election. The top candidate received 97 votes. Cheng Hai was fifth, with 72 votes – clearly ahead of some of the official candidates. Yang Huiwen received 53 votes, Tang Jitian received 48 votes, and Tong Chaoping received 47 votes.

No single candidate received a majority of votes. According to the election rules, a second round of voting should have been held shortly thereafter. If the second round was conducted fairly, the public interest lawyers should have had some hope of being elected.

However, when the BLA announced the candidates for the second round on February 27, Cheng Hai, Tong Chaoping, Tang Jitian, and Yang Huiwen were excluded. The BLA even designed an illegal ballot that left no space for write-in candidates, and which contained warnings saying that writing the name of another candidate on the ballot would invalidate it.

In the end, they didn’t even bother finding a fig leaf to cover the shameful nature of their actions. We lost once again. Who knows how many more such losses there will be on the road to democracy and freedom in China.

First, there was the abolition of custody and repatriation. Then, there was the selection of rights defense lawyers for the cover story in *Asia Weekly*. Then there was the effort at direct elections. This was followed by the New Citizen cases, the July 9th crackdown on lawyers, and the China Human Rights Lawyers Group (中国人权律师团). Mindful of the rules and applying the rules, more and more lawyers have come to the forefront of pushing for progress.

They were ahead of their times, but each effort planted a seed of hope. Inevitably, a new dawn will come to China.

Investigative Report on the March 14 Tibetan Incidents

In March–April 2008, a series of incidents of collective violence took place in Lhasa and the Kanlho and Ngaba Tibetan autonomous prefectures.

What led young people in these Tibetan areas to play leading roles in the violence? There were no doubt external factors behind the March 14 incident, including Tibetan exiles’ political and religious demands. But such a major social conflict cannot have only external causes.

What was the education and employment situation in the Tibetan areas? What about the lives and attitudes of ordinary people? Gongmeng wanted to probe the social climate behind such “unexpected” incidents, better understand the changes in the Tibetan region, and deepen inter-ethnic understanding and tolerance.

We were concerned about China’s future and destiny. In a changing political culture, ethnic problems may become more acute and complex and cannot be ignored.

The investigation team was led by Fang Kun (方堃), a Tibetan graduate student in the Journalism Department at Peking University. Huang Li (黄莉), Li Xiang (李响), and Wang Hongzhe (王洪喆) were the other members of the team who studied the history and immersed themselves in the area. It took more than six months to complete the report.

The team chose to carry out its investigation in Hezuo [Zoi] City and Xiahe [Sangchu] County, two locales in the Amdo Tibetan area located in current southern Gansu province, as well as in Lhasa and Nêdong County, in the Ü-Tsang Tibetan area of the current Tibet Autonomous Region. Amdo is located on the frontier of Tibetan-Han ethnic exchange and assimilation, while Ü-Tsang is the heart of Tibetan culture and the political center of the ancient Tibetan state. A comparison of different historical traditions and structural characteristics would highlight the complexity and difficulty of the problems facing the Tibetan regions.

In addition to collecting and reviewing documents, the research team interviewed academic experts, monks, farmers, herders, artists, merchants, and immigrants in order to get personal insight into local life and paint a portrait of life under which people in the Tibetan areas were living.

The main theme of the investigation was “The Social Roots of the Problems Facing the Tibetan Areas and Changes in Social Life.” The times were changing, and the lives of each ethnic group were also changing. Through the lens of “change,” we were able to cover the elderly who had gone through the phases of “feudalism,” “land reform,” and “reform and opening” periods, as well as pay even closer attention to the younger generations born in the 1970s and later who had grown up in the Tibetan areas and were facing the challenges of globalization and modernization.

As far as the future was concerned, both the lifestyles and perspectives of young people in the Tibetan areas were already quite different from those of their parents’ generation. They approached life with a frame of reference based on their modern lives, not one based on the old feudal society. Theirs is not a world cut off from the outside by the natural environment but rather a world closely connected to China and the rest of the world.

In the midst of intense social change, the unique nature of the Tibetan areas made all kinds of problems and challenges seem all the more serious and urgent.

In Lhasa, the research team found Sichuan restaurants everywhere being run by Sichuanese. Most of the taxi drivers were from Henan, Sichuan, Hunan, or Shaanxi provinces. Most of the shops surrounding the Barkhor area near the Jokhang Temple were run by Hui Muslims from Gansu. Many of the Tibetan handicrafts for sale were made in Yunnan, Zhejiang, or Nepal. An art history professor at Tibet University said it was becoming difficult to find authentic local handicrafts. Most were imported “fake Tibetan” products made in workshops set up by Zhejiang merchants on the outskirts of Lhasa.

The land on which Tibetans were accustomed to living, the traditions they know, their ways of life, their religious sentiments closely tied to the land — all of these were rapidly changing as Lhasa became a “modern city” that they no longer recognized. All the job opportunities at their doorstep were being taken up by outsiders. The sense of injustice from lack of opportunity, the

sense of crisis as one's core belief system came under acute attack, and the sense of panic all of this creates — none of these should be difficult for people to understand.

Our basic conclusion was this: Against the backdrop of modernization, the economy of the Tibetan areas remained relatively backward and unable to adapt to the rapidly changing market economy, creating a sense of relative deprivation. Traditional religion was under attack from modernity, and many young Tibetans felt lost and confused. The top-down system of power created a group of corrupt Tibetan officials, and government economic subsidies went to vanity projects and personal enrichment. Ordinary Tibetans felt that they were not being helped by the state, and they became resentful of government officials. The growing cumulative effects of confusion and anger, together with external influences, led to the events of March 14 and after.

We recommended that the government make a sincere effort to listen to the voices of ordinary Tibetans and guide the economy of the Tibetan areas toward more rational development. We recommended that the government pay more attention to the living conditions of young Tibetans and respect and protect Tibetans' freedom of religious belief. We urged them to find a path of modernization that is more in line with the uniqueness of the Tibetan area and the perspectives of Tibetans.

It's worth pointing out that the way the authorities handled the events of March 14 inflamed Tibetans' ethnic consciousness to an unprecedented level. A young Tibetan woman named Pema told us about her experience in Beijing during the 2008 Olympics: "I went to Beijing to represent a company in Lhasa at a training workshop organized by the Central Committee of the China Youth League. Because I was Tibetan, not a single hotel in Beijing would allow me to stay there. I was so angry that I shouted at them for their ethnic discrimination!"

Given the sensitivity of the issues, we mailed the report to the heads of all the relevant government departments. When more than a month passed without any response, we finally decided to publish the report online. There was some attention from the foreign media and the report had some impact. We also came under pressure, and the relevant authorities brought me in for a chat.

We don't want China to become another Soviet Union. Strong repression is neither sustainable nor a modern, civilized way of governing. We must find a path that is in step with modern political civilization and unite on the basis of freedom and democracy.

There were many similar factors behind the July 5 unrest in Xinjiang in 2009. It is unfortunate that we've seen no signs of improvement.

We remain deeply concerned about China's future.

300,000 Babies With Kidney Stones

The fireworks from the closing ceremony of the Beijing Olympics had barely died down when media reports revealed that 14 infants from Gansu Province had developed kidney stones after being fed with the same brand of milk powder. Two days later, a reporter from Shanghai's *Oriental Morning Post* (《东方早报》) reported for the first time that "Sanlu brand milk

powder for infants and young children” may have been responsible for an epidemic of kidney stones among infants.

Five days later, the General Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ) released the initial results of its special inspection, announcing that melamine had been found in 69 batches of milk powder produced by 22 companies. Nearly all the major brands were implicated, including Sanlu, Shengyuan, Mengniu, Yashili, Shi'en, and Yili.

The results were shocking, and the incident quickly escalated as large numbers of parents rushed their children to hospitals across the country.

According to the final results announced by the government, there were 30 million victims nationwide, with 296,000 children developing kidney stones of at least 4mm in diameter.

Even worse than the poisoned milk powder itself were Sanlu and the corrupt officials behind it. In April 2004, infants in Fuyang, Anhui, were found to have died or fallen seriously ill after being fed fake milk powder. Subsequent testing of Sanlu milk powder revealed traces of poison. This famous state-owned company engaged in a form of “crisis management with Chinese characteristics” by making a massive effort to buy off government officials at all levels.

The pride they took in their crisis management can be seen in this statement: “The efforts of multiple parties eventually got the highest attention from the State Food and Drug Administration, State Administration for Industry and Commerce, State Bureau of Quality and Technical Supervision, and the Ministry of Health, which issued a joint circular on April 26 calling on enforcement authorities everywhere to permit ordinary sales of Sanlu milk powder.” On May 9, when AQSIQ published a list of 30 Chinese milk powder producers with robust quality assurance systems, the Sanlu Group topped the list.

Four years later, another large-scale disaster struck.

Failures of social governance are a classic feature of post-totalitarian regimes. There are at least three reasons for this. First, senior officials receive special supplies of food and medicine, and those in power feel responsible only toward those above them, not to those below. Second, power operates in a black box without effective oversight or accountability mechanisms. Third, maintaining stability is the highest priority, which does away with people’s sense of responsibility and proactivity.

Who is accountable to the public? If special supplies for officials aren’t eliminated, how can we ensure the safety of food and medicine?

On September 12, Gongmeng published its office telephone number as a legal aid hotline. Li Fangping (李方平), Zhang Kai (张凯), Chang Boyang (常伯阳) and more than a dozen volunteer lawyers published a “Legal Guide for Milk Powder Victims Seeking Compensation.”

On September 15, the group of volunteer lawyers published a briefing analyzing the problems and offering recommendations. They issued three more briefings in less than a month. The group grew to 111 lawyers in 23 provinces. But meanwhile the judicial administration authorities

everywhere exerted more and more pressure on the lawyers, so the volunteer lawyers did not release any more briefings.

We researched the possibility of comprehensive compensation packages. We totaled up some of the figures released by local hospitals and took all the various factors into consideration. We estimated the total number of “kidney stone babies” in China to be as high as 280,000, very close to the “over 290,000” figure later announced by the State Council.

On October 24, Gongmeng published “Recommended Compensation Packages for Victims of Melamine-Contaminated Milk Powder.” In it, we pointed out that the most cost-effective method of compensation that would also be effective in upholding justice would be for the government to oversee a compensation committee that would issue compensation according to unified standards. We calculated a standard for individual compensation according to the law and, based on our estimate of the number of victims, estimated the need for a total compensation fund of about 3.9 billion yuan.

The most powerful way to push for compensation was to bring victims together as a single group. On November 25, we invited a group of parents, public interest lawyers, NGO representatives and media to discuss the issue of compensation. This was a way to increase the pressure.

Zhao Lianhai (赵连海) helped us organize the parents. A year later, he was arrested and charged with the crime of “picking quarrels.” Two of the charges against him were that he had led parents in collective petitioning actions and that he had led people to report the rape by a guard of an Anhui woman detained in a hotel used as a “black jail.”

The crime of “picking quarrels” comes from part of the former crime of “hooliganism.” Originally, it was intended to cover fighting and causing trouble out of nothing. But it became a tool for bringing false charges against people from vulnerable groups. People who came to Beijing to air grievances and seek justice, who knelt in front of the national flag, who jumped into the moat around the Forbidden City, who threatened to jump off of buildings, who tried setting themselves on fire — all these people who cried out from a sense of hopelessness could all become criminals charged with “picking quarrels.” You could even be convicted of this crime for expressing yourself online. This despicable “pocket crime” should have been abolished long ago.

On December 8, we started discussing the first class-action lawsuit. Lawyers Li Xiongbing (黎雄兵) and Lan Zhixue (兰志学) combined the complaints of 63 victims and sent them to the Hebei provincial High Court. On December 26, they also filed a civil suit accompanying a criminal case with the Shijiazhuang Intermediate Court.

The state’s compensation scheme was announced on December 27. A total of 22 responsible enterprises would be required to produce more than 1.1 billion yuan. There were three levels of compensation: 200,000 yuan for death, 30,000 yuan for those who suffered acute medical conditions (requiring surgery); and 2,000 yuan for ordinary cases.

This compensation was not nearly enough. For example, the daughter of a Mr. Liao from Hubei had already undergone three surgeries and her body was covered with scars. He had racked up nearly 100,000 yuan in medical expenses but was offered only 30,000 in compensation.

We made it clear that we would continue to push for a legal remedy. We represented 213 victims in a joint lawsuit against the 22 enterprises before the Supreme People's Court. We filed another civil suit with the Shijiazhuang Intermediate Court as part of Sanlu's bankruptcy proceedings and represented those who had been harmed by Shengyuan milk powder in filing a civil action before the Qingdao Intermediate Court.

None of these lawsuits were accepted by the courts. The Supreme People's Court used special "Chinese" methods and sent the complaints to the victims' hometowns so that local government representatives could negotiate with the parents and settle their compensation claims.

A total of 406 victims from across the country sent us documents and signed authorization letters. Because the courts refused to hear these cases collectively, and because it was prohibitively expensive for lawyers to file claims in all these different places, volunteers helped parents prepare complaints that they could submit to the courts themselves. As of September 11, 2011, a full three years after the scandal broke, only 10 cases had been accepted by courts nationwide. Only one had gone to trial and none had resulted in a verdict.

In the spring of 2010, Lawyer Peng Jian (彭剑) brought the families of four victims to Hong Kong on two occasions to pursue a lawsuit against one of Sanlu's former shareholders, New Zealand's Fonterra. The lawsuit was unsuccessful. We knew that the chances of winning were slim, but we had no other real option because the routes to legal action in mainland courts had been blocked.

The largest amount of compensation we won could almost be considered the result of extortion. Since we couldn't get personal injury compensation cases heard, we took the opportunity to file a false advertising lawsuit against one of the companies, which was accepted by the Haidian District Court in Beijing.

The person legally responsible for the company flew to Beijing to meet with us. This was not a negotiation or a back-and-forth about amounts. I explained Gongmeng's views and honestly told him that the false advertising lawsuit was an act of desperation, the real goal of which was to help the 53 families harmed by his company. I urged him to take responsibility. They were so moved by our honesty that they agreed to provide compensation.

In August 2009, Gongmeng was fined 1.42 million yuan. At the very moment that people from all walks of life were sending donations to help us pay the fine, Lin Zheng (林峥) was in southern China delivering 1 million yuan in compensation to the milk powder victims.

Something I will always be proud of is that we kept our promises, even in difficult times.