

Xu Zhiyong

A Beautiful China

Ten

The Unavoidable Road to Freedom: My First Prison Term

July 29, 6 a.m., 2009. The repeated ringing of the doorbell and hammering on the door jolted me awake.

I open it; a throng of strangers bursts in, claiming to be from the local police station and the economic investigation unit of the municipal public security bureau. They proceed to take video and spend an hour searching my home, cutting off all power sources and even taking food out of the refrigerator before escorting me to the municipal police station.

In January that year, Gongmeng (公盟) started to face tax audits. On July 14, the tax bureau imposed the maximum fine at five times the amount owed, totaling 1.42 million yuan. We launched a public opinion counteroffensive, while preparing ourselves for the worst.

In the afternoon of the 28th, my name was suddenly blocked on the Baidu search engine. Later, I found out that at the same time, the Standing Committee of the Haidian District People's Congress decided to approve coercive measures against me. I am grateful to the lone member of the Standing Committee who bravely cast an abstention vote.

So this day had finally arrived.

At the police station, they locked me in a metal interrogation chair for almost the entire day, hardly asking any questions. For food, I was given two steamed buns with filling. A police officer muttered to himself, "This is politics; any individual is nothing in the face of politics." That was their politics, ruthless and devoid of conscience.

In the evening, I was transferred to the first detention center. I signed the documents for criminal detention, underwent a strip search, changed into a prison uniform, and had my photo taken. The whole process was videotaped.

With a heart full of gratitude, wearing oversized cloth slippers and clutching a blanket, I walked through long corridors and passed through several iron gates to reach my cell.

This is an unavoidable path, one that every nation must tread on its journey to freedom.

'I'm here to suffer'

On July 30, I was subjected to the first interrogation.

"Do you know why you're here?"

I looked into the eyes of the interrogator and said, "I'm here to suffer."

The entire interrogation could be summed up briefly as "We don't care about your public interest work or any other matters. We only care about the tax evasion issue."

There were five people in the cell, suspected of drug trafficking, fraud, and theft. We got along well. Watching the news and reading the *Beijing Daily*, I saw that the rule of law had not completely regressed after my arrest, which was reassuring.

Many friends came to the detention center to deposit money for me. The amount didn't matter so much as the fact that they had come and it gave me hope, including a group of petitioners who each contributed 10 yuan. Seeing the long list of names, I knew they still had their freedom, and the overall social atmosphere hadn't completely deteriorated.

Many friends sent postcards, probably over 10,000 of them. I'm sorry I did not receive them, but it was your thought of me that counted, and I thank you for that. Your display of support at least put pressure on them and made me safer in custody.

In detention, I was finally forced to let go of the multitude of worries. Wonderful thoughts often emerged. I asked the guard for paper and pen so that I could contemplate and record them.

Thoughts of Havel. Thoughts of Jesus. The times they lived in were even darker. I live in an era that is headed towards freedom, an era where light and darkness are facing off with one another in the open, where the radiance of humanity rises over the ancient land of the East.

I thank you because I know you are the one who has arranged this. It allows me to break free from worldly titles and allows my soul to be free and be called upon in this time of progress.

On August 1, I fell into loneliness. Over the years, I had occasionally been overcome by feelings of powerlessness, but never before had it been this intense. I longed for a warm home, a complete life.

I remembered that many years ago in my youth, in the vast northwest, how I gazed at the starry sky. On a distant and cold planet, a silhouette of someone sitting with his arms hugging his knees. That young man came into this world for one purpose alone: to fulfill his mission.

The next day, spreading across the dark wooden board of the platform bed, my soul was lit by rays of sudden enlightenment. I think I finally came to understand the reason for my fears. It was because there was hostility and resentment in my heart, because my love wasn't broad enough.

Remember, love everyone, everyone is worthy of love.

This nation's journey to freedom is not going to be one of hatred, but of love. Thank you for giving me a new life. I am no longer afraid, no longer alone. At this moment, how happy I am to have found the strength to love everyone.

Forgive Them

August 6, probably the fifth interrogation. Usually in a small interrogation room, but this time it was a spacious room for special interrogation, with at least three surveillance cameras.

One of the pre-trial interrogators was livid, accusing me of lying and concealing the truth. I didn't return his anger. It was as if I was looking down from a distant height at the various roles in this world. And so began a strange conversation.

"I've just said so much, tell me, what are your thoughts?" the interrogator asked.

"Forgive them."

"What are you saying? Forgive who? Is forgiving as easy as you just saying it?"

"When I said 'them,' I meant you."

The interrogator was a little confused. Then he continued to ramble on about how confessing would get me a lighter sentence, while holding out would just worsen it. He asked again, "What do you think?"

"In this world, everyone has their own role to play."

"Have you answered my question? So tell me, what role did you play in this incident?"

"That of conscience."

A conversation in parallel universes. That wrapped up the interrogation.

Yes, what we are engaged in is the work of conscience, something I often mentioned during the pre-interrogation sessions. I harbor no hostility towards anyone, only striving for fairness, justice, and social progress.

We indeed have lofty ideals for a better society. These ideals are so distant, having spanned generations and over a century. There have always been people in this nation striving not for money or power, but for these ideals.

Politics is conscience. It's a new era of civilization, one for truth and justice — without hatred — for redemption.

We Have Given Our All

On the fifth day or so into custody, I learned for certain that Zhuang Lu (庄璐) was detained too. She was my assistant and had recently passed the judicial exam.

I knew that the responsibility lay with me. In fact, everyone knew it was not for tax issues that we were detained but for our ideals. Several donations to Gongmeng were not properly accounted for. I truly didn't remember this matter, but I chose to answer that I had given instructions not to have the donations recorded.

My answer went against my conviction to not tell lies. After signing off the interrogation transcript, I told the interrogators the truth, that I truly didn't remember. This led to a heated argument, and the interrogators even threatened to tear up the transcript: if the transcript was false, what was the use of it? I had no choice but to remain silent.

I should have been honest, even in front of the interrogators. I have no expertise in accounting or taxation, and it wasn't until July when preparing for the hearing that I realized the difference between recording and not recording accounts in terms of tax evasion. At that time, I always thought that Gongmeng had recorded the accounts but just didn't record them as income, and then in May, they were supplemented and recorded as income.

I truly had no recollection of the matter, but the interrogators clearly didn't believe me, leading to a shouting match. He said, "How could you not remember?!" I said, "I really don't remember, what do you want me to do?!"

The second dispute surrounding the facts of the case was what they called our "alteration of accounts." Their logic is that when the local tax inspection began in May, we supplemented the accounts and paid taxes, which they considered "falsifying accounts to cover up the truth." We found an accountant to supplement the accounts to make up for the oversight, not to evade taxes, but to pay them.

In May, when the local tax bureau started their audit, I couldn't get involved because I didn't understand accounting, so I could only ask our accountant to try to set things straight.

I was focusing instead on whether there were any issues with our report on the 3.14 Incident in Tibet, the investigation of Beiwu Village (北坞村), how to explain them, and so on. I had taken a two-day excursion to the Beijing suburbs, largely to calm my mind and think about these issues in peace.

Gongmeng was dedicated to providing legal aid for individual cases and conducting specific research on legal systems, mainly focusing on issues of the people's livelihood. Perhaps the most politically sensitive thing we've done was the investigation report on the "3.14 Incident in the Tibetan Region and Its Economic and

Social Causes" (《藏区 314 事件经济社会成因》).

The incident itself was sensitive, so we were very cautious. The funding for the report all came from domestic individual donations, and the content was moderate and rational. The report was first sent to relevant national leaders. After more than a month without a response, it was then published online.

We made every effort to make up for the missing tax payment and communicate with the relevant departments to explain the situation, hoping to resolve the issue. However, on July 14, the tax authorities still assessed a heavy penalty.

Sometimes, I argued with the interrogators all day about our respective basic reasoning. Their logic was that Gongmeng was a company, and all its activities were business activities, all of which would by law be subject to taxation. Not recording the sums of donations and underpaying taxes as a result constitutes tax evasion.

My logic was that, although Gongmeng was formally a company, it operated as a non-profit organization in practice. The fact that we did not turn profits meant that the tax laws cited should have no bearing on our case. We didn't underpay our taxes; we overpaid.

During this period, some officials from the Haidian District Administration for Industry and Commerce came and asked about the purpose of our organization at the time of its registration and recorded the questioning. The actual purpose of Gongmeng was to be a public interest organization. This became the reason for revoking Gongmeng's license to do business.

Letting Go

On the afternoon of August 13, the police interrogators came again, announcing my formal arrest on the other side of the iron bars that separated us. I was told to sign the arrest warrant and asked what I thought. Nothing.

If there had still been some lingering illusion in a corner of my heart before, now it was completely gone. Awaiting trial — a sense of heroism began to well up inside me.

I asked about Zhuang Lu. She had also been formally arrested. Didn't they promise to find a way to avoid arresting her? Why was she arrested in the end? There was no answer from the other side of the bars.

On the morning of August 14, I met Lawyer Zhou Ze (周泽). Our discussion revolved around three topics. First, we had to deposit money for Zhuang Lu and engage a lawyer for her as quickly as possible. The quality of the food at the detention center was terrible, and she would need money to buy food. Knowing that money had been deposited for Zhuang Lu, I felt much relieved. At least it would make her feel that people cared about her.

Second was my defense strategy. Once my case had entered trial, it meant there was going to be a conviction, with no room for compromise. We could only insist on pleading not guilty. As a public interest organization, Gongmeng had no business

income, so there was no issue of business tax; we made no profit, so there was no issue of income tax; we didn't underpay taxes, but rather paid taxes that should have never been levied in the first place.

My defense was aimed at not just defending Gongmeng, but also the many other public interest organizations registered with the Industry and Commerce Bureau as "businesses" out of no choice.

Thirdly, I entrusted Xiongbing (黎雄兵) and Gongquan (王功权) to help handle my personal matters. The lease for the apartment was up, so they helped me move my things to Yushan's (郭玉闪) place. They paid off my mortgage and sent me some books on philosophy and religion.

The next thing was a calm weekend. I came up with a title for the book I would write in prison over the next few years: *The Growth of Spirituality* (《灵性的成长》). The long history of human civilization is a path of spiritual growth. Spiritual growth relies on scientific progress, economic development, educational enlightenment, improving the legal system, and religious journeys.

Personal spiritual growth relies on service: how much contribution a person makes to society in this life, how many people one helps; how much responsibility, as well as suffering, one has borne for the sake of social progress and the happiness of others; and letting go — to what extent one is able to let go of one's ego.

Compromise

On August 17, the situation seemed to have changed. The interrogators became more vehement in demanding my confession, even saying things like "this is also for your own good." A day later, the interrogators explicitly said that if I paid the fine and showed a good attitude, I could be released.

I said it didn't matter whether I was let go or not. If fate had a sage's path in store for me, it would be fine for me to spend a few years in prison, where I could seriously contemplate philosophy and religion. Of course, it would also be good to get out and continue my work, so I would leave it to fate.

I had no intention of playing the hero. What I did was purely for the sake of a beautiful dream. I'll take the responsibility that is mine. It would be better to have space to continue my work, and I have to admit that despite having managed to calm down following my arrest, seeing the authorities offer me these ways out stirred me a little, as my longing for freedom resurfaced.

Regarding the matter of confession, I requested to see the 7th Amendment to the Criminal Law, but they brought me Article 201 of the previous version. I didn't know of this at the time, and I apologize for my ignorance of the relevant articles.

Coupled with my desire for freedom and the authorities' promise that I would be given space to keep working, I confessed that "what Gongmeng did objectively constitutes tax evasion" and that "if funds from Yale University to Gongmeng were not accounted for, it was because I gave instructions not to have them recorded." In

the last two or three days, they repeatedly asked me to admit that not accounting for the funds was "subjectively for the purpose of tax evasion." I certainly couldn't say that because it didn't align with the facts.

I also considered that if I were prosecuted, the absence of subjective intent is a necessary condition for pleading not guilty. At the longest stretch, I spent nine hours in the interrogation room on a single day. A few boxed meals sat there the whole time; neither they nor I touched them.

Our final heated debate over the issue of subjective intent happened on a Friday afternoon. They said, "Your confession is still not a true confession, so Zhuang Lu can't be released yet." I replied, "I'm sorry, this is all I can do."

We were deadlocked. Later, a supervisor came over and spent a long time sweet-talking me, promising that there would still be opportunities for me to be active outside and that we could continue to promote the rule of law, and so on.

I wrote a few hundred words with the title "Reflections on Gongmeng's Alleged Tax Evasion Issue" (关于公盟涉嫌偷税问题的思考). In summary: Gongmeng is a non-profit organization that promotes democracy and the rule of law in a rational and constructive manner. As a non-profit organization, we did indeed think about how to minimize our tax burden, but the subjective reasons for not recording the three donations from Yale University were the result of a series of factors. They should not have been taxable, so we temporarily set them aside and later forgot about them. What Gongmeng did objectively constituted tax evasion, and we guarantee that we will not repeat similar mistakes in the future.

I did not admit that tax evasion was done with subjective intent, leaving room for a possible plea of not guilty during the trial. The interrogators were not satisfied, but there was nothing more they could do.

In the evening, the vice Party secretary of the Beijing University of Posts and Telecommunications [where Xu Zhiyong was employed at the time] came to visit. I thanked faculties and students for their concern and support. I harbored no resentment or hostility, even in the face of injustice.

On Sunday morning, while contemplating the problems of time and space, I heard a voice over the loudspeaker saying, "Xu Zhiyong, pack up your things." Ten minutes later, I hugged my cellmates goodbye. I walked out the door in silence with a melancholic feeling in my heart.

Thankfulness

Over the more than 20 days I was in detention, I had moments of weakness and longed to have a family. Fortunately, these were fleeting thoughts. My mindset throughout the incarceration was mostly one of thankfulness.

I dwelled constantly over whether my "confession" was the right thing to do. We are innocent, a non-profit organization, and the issue of taxes should never have entered the picture in the first place. But I had to compromise. When things were still

relatively open, I could compromise. When the time comes when the space is closing in, I bear the responsibility and sacrifice without any regrets.

I also had my moments of pride. When the interrogators relentlessly questioned me about the details of "falsifying accounts," I even found myself dozing off. When they lectured me on my life philosophy, I had to constantly remind myself to love everyone.

My Christian friends have repeatedly warned me against pride, and I thank them for that. Humility, born of our own imperfection, born of love.

I am so fortunate. I have so many friends who care and support me. Zheng Yongxin (郑咏欣), a student from Hong Kong, wrote an open letter to Premier Wen Jiabao. She couldn't understand why the country would arrest a good person, she wrote. I had only met her once when she and her classmates visited Gongmeng, and I spoke to them about our work and our ideals.

I am grateful to Jiang Ping (江平), Mao Yushi (茅于軾), and other seniors for their calls and shouts of support. I am grateful to Wang Gongquan (王功权), Li Xiongbing (黎雄兵), Teng Biao (滕彪), Li Fangping (李方平), Tian Qizhuang (田其庄), and other colleagues. In times of crisis, the Gongmeng office has continued to work. I am thankful for many strangers who donated, signed petitions, made appeals, wrote articles, provided T-shirts, badges, postcards, and engaged in performance art to show their support.

What I can give back to everyone is to continue the mission of conscience and justice. In the growth of civil society, this is just a small episode. No matter what we experience, we will continue to promote the process of democracy and the rule of law rationally and constructively. Only this path can lead to a future of freedom and happiness.

September 13, 2009

Appendix: My Detention Center Diary

(Note: After a cellmate gave me a small notebook, I began writing down my thoughts each day. Unfortunately, I was unable to bring this diary with me when I left the detention center. The following are the entries that I did my best to commit to memory a couple of days before I was released.)

July 31: Gratitude

No matter how much I suffer, this is definitely part of His plan for me! Feeling gratitude toward each and every person. It's my job to sweep the cell floor. This is

also a means of serving society.

July 31: Freedom

Thinking of Havel, of Jesus. Both are my brothers. Both lived in even more dispiriting times. I live in an era when we are racing toward freedom, a time of open contest between light and darkness. I've seen the radiance of human nature rising up in this eastern land.

Father, I know this is part of your plan to have me rid myself of all of the worldly trappings of job titles and companies and let me have the freedom to impel this era of progress forward.

I no longer care about life outside. My spirit is free.

Freedom is not about a person being physically able to go wherever he wants. There are many places you can never go. Freedom is about a person's spirit being able to find a home of his or her choosing.

As I shuffled down that long corridor in those extra-large cloth slippers and carried my bedding into my cell, I knew this must all be part of Your plan. This is the only path toward freedom for the people of our nation.

August 1: Loneliness

Why must I bear this endless frustration and suffering alone? For the salvation of this ancient nation. I feel so alone on this earth and can only silently pray: Please, Father, place Your hands on my forehead and show me some warmth.

I recalled a night many years ago, I felt I was crouched on a cold and distant planet, hugging my knees to my chest. I felt that lonely figure was my fate. I'm here on Earth for no reason other than to fulfill a mission.

Father, I long for a home full of warmth and happiness. I'm sorry, but I don't want to become a saint. I'm too afraid of loneliness. But I understand that this is Your will.

August 2: The Path of Love

I felt alone and without hope because my love was not pure enough.

I've thought about social movements and about this nation's brutal political traditions. I've considered giving it all up. But if our love was expansive enough, if we loved each and every person from deep down in our souls, if we loved not only the weak and disadvantaged who suffer injustices, but also the powerful who create those injustices, then what would we have left to fear?

Sitting here on this black bunk, my mind is suddenly bright and clear. Thinking about the past, our love was not pure or inclusive enough. Faced with injustice, we sometimes felt anger and resentment. This is why we are being taught this lesson. Thank you, Father, for pointing out the way toward the future. I finally understand that it's love, not suffering, that is the sole path to freedom for the people of our

nation. Thank You for giving me new life. No longer will I feel fear or loneliness.

I feel so fortunate at this moment. I can finally make this solemn declaration: I have the strength to love the world!

I have the confidence to fill this country with love! Tibet, Xinjiang, Taiwan, North Korea — this planet once full of hatred and warfare has been transformed by the warmth of my heart. Now I understand.