

# DEMOCRACY WALL PRISONERS

## **Xu Wenli, Wei Jingsheng and Other Jailed Pioneers of the Chinese Pro-Democracy Movement**

<b>Introduction.....</b>	<b>2</b>
<b>Releases in the 1980s.....</b>	<b>3</b>
<b>Rearrests Since June 1989.....</b>	<b>4</b>
<b>News About Wei Jingsheng.....</b>	<b>5</b>
<b>The Case of Xu Wenli.....</b>	<b>7</b>
<b>April 5th Forum.....</b>	<b>7</b>
<b>"People's capitalism" .....</b>	<b>10</b>
<b>The "League of Communists".....</b>	<b>11</b>
<b>The "Society for Promoting Reunification" .....</b>	<b>13</b>
<b>Arrest and Interrogation.....</b>	<b>14</b>
<b>Trial.....</b>	<b>16</b>
<b>Early Prison Years.....</b>	<b>19</b>
<b>Into the Hole.....</b>	<b>21</b>
<b>PRC Rules on Solitary Confinement.....</b>	<b>21</b>
<b>Staying the Distance .....</b>	<b>23</b>
<b>Epilogue .....</b>	<b>25</b>
 <b>Appendix 1: Other Imprisoned Democracy Wall Activists .....</b>	 <b>28</b>
<b>Ren Wanding (28; Zhang Jingsheng (28); Sun Weibang (28); Liu Jingsheng</b>	
<b>(28); Chen Ziming (29); Wang Juntao (29)</b>	
<b>Appendix 2: Photographs and Journal Covers.....</b>	<b>30</b>
<b>Appendix 3: Documents from the Democracy Wall Movement.....</b>	<b>34</b>
<b>Nineteen Point Declaration of Human Rights.....</b>	<b>34</b>
<b>Democracy, or New Autocracy? .....</b>	<b>38</b>
<b>Proposals for the "Gengshen Reforms" .....</b>	<b>43</b>
<b>Appendix 4: Xu Wenli's drawings for his wife and daughter.....</b>	<b>49</b>
<b>Appendix 5: Map - Wei Jingsheng's place of imprisonment.....</b>	<b>50</b>

## **Introduction**

***Wife: "Surely my husband has made some progress in his reform during all these years?"***

***Prison Official: "Xu Wenli is a man of great integrity. Not only the other criminals could learn a lot from him, but also some of the prison staff as well. It's just that his views and ideas are all wrong..."***

On April 9, 1993, in a cold, north-facing cell in Beijing's No. 1 Prison, the veteran Chinese dissident Xu Wenli - whom the Beijing authorities have branded "Special Prisoner No. 01" - is due to begin his thirteenth consecutive year of solitary confinement for alleged counterrevolutionary offenses. On March 29, in a vast forced-labor facility situated 150 kilometers southeast of Beijing, Wei Jingsheng (Xu's better-known contemporary in the Chinese dissident movement) will enter his fifteenth straight year of incarceration on similar grounds - also almost certainly in isolation. Arrested in 1979 after writing an article describing Deng Xiaoping as a "new autocrat," Wei is due to be released in March 1994.<sup>1</sup> Xu, arrested two years later, is not scheduled to be released until April 1996. Whereas Wei rejected Marxism in its entirety and called for the establishment of full Western-style democracy in China, Xu sought to promote a democratic and pluralist transformation of the existing socialist system. For the Communist Party, Wei was the infidel and Xu the heretic. But the 15-year sentences given to both men suggests that what counted for the authorities was the mere fact of public opposition.

Xu and Wei, both electricians by trade, were prominent leaders of the "Democracy Wall" movement of 1978-81, a grassroots protest movement named after a stretch of wall in central Beijing on which, in November 1978, were pasted the first public statements of peaceful political dissent in China since the death of Mao Zedong. Prompted by the convening of a historic meeting of the Chinese Communist Party at which Deng Xiaoping was elevated to supreme power, the Democracy Wall movement first raised the calls in China for a wholesale official repudiation of the Cultural Revolution, for a public reevaluation and criticism of Mao, and for political reforms aimed at bringing about greater democracy,

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<sup>1</sup> See *Appendix* for text of Wei's article, "Democracy, or New Autocracy?"

freedom of expression and respect for human rights. At first supported and even encouraged by Deng, who saw in the movement a source of popular leverage against his hardline leftist opponents in the Party leadership, the Democracy Wall activists were later sacrificed by Deng on the altar of "safeguarding stability and unity."

The first crackdown, in March 1979, netted Wei and Ren Wanding - the renowned "father of the human rights movement" in China - and the Democracy Wall itself was closed down some months later. But the movement continued to thrive, mostly through the pages of a large series of unofficial, *samizdat*-style pro-democracy journals edited and run by Xu Wenli and other activists in Beijing and many other cities across China. By the time of the second and final government crackdown, in April 1981, which resulted in the arrests of dozens of pro-democracy leaders, such journals - collectively dubbed the "people's press" - numbered well over a hundred in all. In terms of political analysis and literary content, the Democracy Wall journals were much richer and more ambitious than the publications of the 1989 pro-democracy movement, which mainly comprised brief leaflets and flyers. If May 1989 was a time of mass-based political protest throughout China, the period 1978-81 was a time of deep and far-reaching political reflection by a relative handful of pro-democracy pioneers - for the most part workers - who laid the theoretical and ideological foundations for all subsequent protest movements in the 1980s.

### **Releases in the 1980s**

Most of the several dozen editors, writers and activists of the Democracy Wall period who were arrested in April 1981 have by now been released. Fu Shenqi, an activist from Shanghai, Lu Lin and Yang Jing from Beijing, and Tao Sen and Zhang Jingsheng, both from Changsha, were all released in the mid-1980s.<sup>2</sup> Longer-term Democracy Wall prisoners included He Qiu, an editor from Guangzhou, Wuhan's Zhu Jianbin, Xu Shuiliang of Nanjing, and Liu Qing, a Beijing editor and writer who pasted on the Democracy Wall the transcript of a secretly made tape recording of Wei Jingsheng's trial. All four received sentences of ten years' imprisonment and were released sometime between 1989 and 1991. The first known case of a Democracy Wall prisoner being released before the end of his term occurred in February 1993, when Wang Xizhe, a Democracy Wall theorist of comparable stature to both Wei Jingsheng and Xu Wenli, was freed from Guangdong's Huaiji Prison some two years before the end of his 14-year sentence. Wang had spent the entire period of his incarceration in solitary confinement.

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<sup>2</sup>Fu Shenqi was rearrested on May 24, 1991 and sentenced in February 1993 to two years deprivation of political rights.

Another key theoretician of the movement, an accountant from Yunnan named Chen Erjin, was listed as released by the Chinese government in its November 1991 response to a list of Chinese political prisoners compiled by the U.S. State Department. In July 1982, Chen received a 10-year sentence in Kunming on charges of attempting to form a "counterrevolutionary party." His release has not been independently confirmed.<sup>3</sup>

### **Rearrests Since June 1989**

However, as in the case of previous generations of political prisoners in post-1949 China - the countless dissident intellectuals, "capitalist-roaders" and other so-called enemies of the people who would be released after long years in prison, only to find themselves being rearrested each time Mao unleashed his next "political campaign" - the Party had not yet finished with several of the Democracy Wall activists. In the course of the nationwide crackdown on the 1989 pro-democracy movement, at least three key figures from the movement of a decade before - **Ren Wanding, Zhang Jingsheng** and **Sun Weibang** - were rearrested and subsequently sentenced to terms of between seven and 13 years' imprisonment, again for so-called counterrevolution. In May 1992, moreover, **Liu Jingsheng**, a former close colleague of Wei Jingsheng, was also rearrested in Beijing. To these four names should be added those of **Chen Ziming** and **Wang Juntao**, perhaps the best known casualties of the 1989 pro-democracy movement. Though not arrested during the crackdown on the Democracy Wall, they were nonetheless key activists during that movement, editing an

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<sup>3</sup> Chen Erjin was due to be released in 1991, but none of his closest colleagues in the Democracy Wall movement appear to have received any news of him since 1981. It is possible that Chen may have been "forcibly retained for in-camp employment" (*qiangzhixing liuchang jiuye*) - a widely invoked policy in China whereby prisoners deemed not to have "properly reformed" themselves are made to remain indefinitely in the prison enterprise as so-called workers after completing their sentences.

Several other Democracy Wall prisoners also remain unaccounted for. They include Liu Liping, a librarian from Changsha; Peng Guangzhong, Yang Zaixing and Qin Xiaochun from Guizhou; Wang Rongqing and Yang Xiaolei from Zhejiang; Wang Tanyuan from Tianjin; Zhong Yueqiu from Guangdong; Zheng Yulin from Wenzhou; and Xing Dakun from Qingdao. There has been no information on these persons since their arrest in spring 1981, and while it is likely that most, and perhaps all, of them have now been released, the fact that 14-year and 15-year sentences were imposed on certain Democracy Wall activists in Beijing and Guangzhou indicates that others, especially in less readily accessible areas of the country, may have received similarly harsh sentences.

In addition, a woman named Fu Yuehua, who in early 1979 petitioned the central authorities to punish a rural Party official for allegedly raping her, and who led a protest demonstration by hundreds of peasants in Tiananmen Square on January 8 that year, seems to have disappeared from the public record after having been convicted on a charge of "false accusation" and sentenced to three years' "reeducation through labor." (Fu produced persuasive evidence to support her allegation of rape, including being able to identify an intimate birthmark on the cadre's body; but this evidence was discounted by the authorities.)

unofficial student journal called *Beijing Spring*. In February 1991, they each received 13-year sentences.<sup>4</sup>

The above cases, together with those of Wei Jingsheng and Xu Wenli, bring to at least eight the total number of Democracy Wall-period activists currently imprisoned for the peaceful exercise of their internationally guaranteed rights to freedom of expression and association. Asia Watch calls upon the Chinese government immediately and unconditionally to release all eight of these individuals; and to award, in accordance with Article 41 of China's Constitution, full and appropriate financial compensation to them and their families.<sup>5</sup>

The focus of the present report is on Xu Wenli. Far more is known about Xu's ordeal in prison than is known about Wei's. However, the release of both these long-term prisoners is a matter of equally pressing urgency. It is both legally and morally indefensible for the Chinese government to continue the inhumane punishment of these two men.

### **News About Wei Jingsheng**

Until recently, almost nothing was known of what became of Wei Jingsheng following his trial and sentencing to 15 years' imprisonment in October 1979. His parents, urged by the authorities to "draw a clear line of demarcation with the class enemy," are said to have virtually disowned Wei after his arrest. The last confirmed sighting of him in Beijing, by fellow dissident Liu Qing, occurred in July 1980. "As I was returning to my cell after being let out for exercise," Liu later recalled, "I came face to face with Wei Jingsheng. He was pale and thin, and when he saw me, there was an expression of bewilderment on his face. Two interrogators led him straight past me."<sup>6</sup> Initially held at Beijing's Banbuqiao Jail, Wei is said to have been transferred, soon after his conviction, to a forced labor facility ("labor-reform camp") in the remote northwestern province of Qinghai.

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<sup>4</sup> For further information on the cases of Chen and Wang, including the texts of the court verdicts against them, see Asia Watch newsletters: *The Case of Wang Juntao*, March 1991; *Guilt By Association*, July 1991; and *Defense Statement of Chen Ziming*, June 1992. A detailed biographical account of Chen's and Wang's careers appears in *Black Hands of Beijing*, by George Black and Robin Munro, to be published by Wiley and Sons (New York) in May 1993.

<sup>5</sup> According to Paragraph 3, Article 41 of the 1982 PRC Constitution: "Citizens who have suffered losses through infringement of their civic rights by any state organ or functionary have the right to compensation in accordance with the law."

<sup>6</sup> From *Prison Notes*, by Liu Qing, published in *SPEAHRhead* (Bulletin for the Protection of East Asians' Human Rights) No. 14/15, Fall 1982, p.41.

After several years there, he is thought to have been moved again to a labor camp in neighboring Xinjiang Province. Since the mid-1980s, there have been persistent rumors - always denied by the Chinese authorities - that Wei had become mentally disturbed and lost most of his teeth.

In April 1992, government officials broke a 12-year silence on Wei's whereabouts by stating that he had recently been transferred to a labor camp near Tangshan, southwest of the capital.<sup>7</sup> They refused, however, to name the camp or give its precise location. The following month, the government released a photograph showing Wei being examined by a doctor and smiling broadly to reveal an apparently perfect set of teeth. In March 1993, officials reiterated that Wei remained "unrepentant" and that an early release would thus be impossible.<sup>8</sup> In an effort to make him change his political views, they revealed, he had been taken by car on an outing to Beijing and allowed briefly to get out and look around. His only comment, however, was that he "no longer recognized the place."

Asia Watch recently received detailed new information on Wei's current condition - including the precise name and location of the prison camp where he is now being held. It is called the Nanpu New Life Salt Farm (*Nanpu Xin Sheng Yanchang*), and is located due south of Tangshan City amidst the extensive salt-marshes that run along the coast of the Bohai Gulf. (See map in Appendix.) Wei himself is currently being held in a special cell two meters by two and a half meters in size. The room has a 15-square-meter yard attached to it, which Wei is allowed to use; but he is never permitted to leave this closed unit. He is allowed to speak to no one but the prison guards.

He is in basically good health, and his spirits are said to be fairly high. But his teeth are, indeed, nearly all gone; he was provided with a set of false teeth by the prison authorities some years ago. He is given a copy of the *People's Daily* each day and is allowed to read certain approved books. He takes traditional Chinese medicine for a physical ailment, the precise nature of which is not known.

The Nanpu New Life Salt Farm is one of the largest - and, for the government, most profitable - forced labor camps in China. According to an article published in July 1991 in the official

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<sup>7</sup> The date of his transfer was probably either late 1989 or early 1990.

<sup>8</sup> Some days later, Justice Minister Cai Cheng qualified this by saying that Wei might be eligible for parole if he expressed contrition.

journal *Judicial Administration (Sifa Xingzheng)*, the camp was built in 1956 by prisoners who were first made to reclaim vast tracts of salt-land from the ocean. The enterprise turned out to be highly lucrative:

*Over the past 35 years, the prisoners have generated wealth for the state totalling almost three billion yuan [around US \$575 million]. Tens of thousands of criminals have undergone labor-reform there, and in the process they have created the largest coastal salt farm in the whole of Asia.<sup>9</sup> The camp has been awarded the glorious accolade of Advanced National Salt-Industry Collective, been designated a No. 2 State-Level Enterprise and received a First-Level Collective Merit Award from the Ministry of Justice....It produces around a million tons of raw salt each year.<sup>10</sup>*

The article added that the camp also ran a chemicals factory and carried out marine algae production. The camp commander, it said, was named Liu Shenxun, and the Party Secretary was named Sun Guodong.

### **The Case of Xu Wenli**

The only other Democracy Wall activist known to have received a 15-year sentence is Xu Wenli. In his case, a wealth of information is available concerning the long and often sadistic ordeal to which he has been subjected by prison authorities over the past 12 years. His story, appalling in itself, may offer some insight into the kind of experiences that Wei Jingsheng is also likely to have undergone since his arrest. Xu's ordeal began on April 9, 1981, when he was roused from his bed just before midnight by a squad of armed security officers knocking loudly on his door, and was hauled away from his wife and young daughter in handcuffs. But first, we should consider the man and his career more generally. Who is Xu, and what did he do that so angered the authorities?

Xu was born in 1944 in Anqing, Anhui Province. His great-grandfather was a local official in the Manchu Qing dynasty government. During much of the 1960s, including the most tempestuous phase of the Cultural Revolution, Xu served as a soldier in the People's Liberation Army. After demobilization, he joined the construction division of the Beijing Railways Bureau and worked there as an electrician until the time of his arrest in

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<sup>9</sup> *"Yazhou diyi da hai-yanchang"*

<sup>10</sup> *"Nanpu Yanchang qishi lu, "The inspiring story of Nanpu", in Sifa Xingzheng, July 1991, pp.23-24.*

1981. He is married to Kang Tong, and they have a 20-year-old daughter, Xu Jing. Only seven when Xu was arrested, she underwent major surgery during the mid-1980s to correct a serious leg disability; she is due to graduate from high school this year.

#### *April 5th Forum*

At the outset of the Democracy Wall in November 1978, Xu used his considerable organizational skills to bring together activists of the movement's two earliest *samizdat* newspapers, *April 5th News* and *People's Forum*, to form a new journal called *April 5th Forum* (*Si Wu Luntan*). The title commemorated the mass protests against the "Gang of Four" in Tiananmen Square in early April 1976, which the government had violently suppressed in a matter of days. Deng's "reversal of the verdict" on the Tiananmen protests in mid-November 1978, one of his first acts after returning to power, provided the main spur to the emergence of the Democracy Wall movement. Other key journals of the movement, all founded shortly after *April 5th Tribune*, included Wei Jingsheng's *Explorations* (*Tansuo*), Ren Wandong's *China Human Rights* (*Zhongguo Renquan*), Wang Juntao's and Chen Ziming's *Beijing Spring*, and *Enlightenment* (*Qimeng*), which was run by a large group of poets from Guiyang in southwestern China.<sup>11</sup>

Nineteen issues of *April 5th Forum* appeared in all, and Xu Wenli edited all but the last few.<sup>12</sup> The journal carried a wide-ranging mixture of political analysis, social commentary, short stories and poetry, together with a lively readers' letters section. Xu and his co-editors, such as Liu Qing, whose home address appeared on each issue, and Lü Pu, a vehicle repair worker who signed all his articles using only his work-unit identity card number, "0538," all adopted a broadly socialist stance. Xu himself was a committed socialist who firmly believed that Marx's original doctrine, though distorted beyond recognition by decades of totalitarian one-party rule, could still be rendered democratic and made to serve China's future development.

One of the most influential items in *April 5th Forum* was a series of articles disputing whether the United States was indeed

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<sup>11</sup> Several books have been written about the Democracy Wall movement. The best are *Coming Alive—China After Mao*, by Roger Garside, (Andre Deutsch, 1981); and *Chinese Democracy*, by Andrew Nathan (Columbia University Press). For an overview of the main events and diverse political ideology of the movement, see "China's Democracy Movement: A Midwinter Spring," by Robin Munro, in *Survey*, Vol.28, No.2 (London), Summer 1984.

<sup>12</sup> Those were edited by a young worker named Yang Jing, after Xu left the group in late 1980 to publish a new magazine called *Humanity* (*Ren*) and to work with Guangzhou-based dissident Wang Xizhe on a newsletter called *Study Bulletin* (*Xuexi Tongxun*).



- as Wei Jingsheng's *Explorations* had claimed - a "paradise of democracy." Xu had his doubts, pointing to the deep ethnic and economic inequalities in the U.S. and the fact that "only millionaires can stand for the presidency." However, he had a deep admiration for the two-party system and the principle of separation of powers, and felt that China urgently needed such a system to institutionalize peaceful opposition and "end the intolerable internecine power struggles within the Party."

Indeed, Xu devoted the journal's tenth issue to a book by fellow dissident Chen Erjin calling for the democracy movement to establish its own, alternative political party. Chen saw China, at the onset of the Deng era, as "standing at the crossroads" and warned darkly of the Party's transformation into a new exploiting class. In his criticisms of the Party's treatment of dissent, Chen was visceral:

*Crossroads socialism, far from having ended the utterly inequitable hierarchical order, has in fact brought about, by artificial means, its further intensification and elaboration, causing society to become more profoundly ossified than was the case even in bourgeois society....One is obliged, however, to show the Party respect, gratitude, deference and obedience at all times. Minor infringement of this precept is stamped upon and earns imprisonment for the perpetrator, while major infringements are treated as unpardonable wickedness meriting not merely the execution of the perpetrator but also the wreaking of vengeance upon relatives and friends, and even upon later generations of his descendants.*<sup>13</sup>

In the summer of 1980, Deng Xiaoping for the first time raised the call for a reform of China's political structure. His proposals focused on the need for a division between Party and state, an end to lifelong tenure for official posts, and for the direct election of county-level "people's delegates" to local parliaments. Although these ideas produced little in the way of

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<sup>13</sup> Chen's 10-year sentence was announced in a court proclamation posted in Kunming in July 1982. His main work of political theory, from which the above quote is taken, was written in 1974-45 and entitled "On the Proletarian-Democratic Revolution," *Lun Wuchanjieji Minzhu Geming*. Chen spent a year in prison in 1976 on account of the book, and bears scars from the torture he received then. In June 1979, the manuscript was published in *samizdat* form by *April Fifth Forum*, and in 1984 a full English edition was published by Verso Editions, London, under the title *China: Crossroads Socialism*. A key feature of Chen's book was his call for the establishment of a two-party system, but this proposal was deemed so controversial at the time that *April Fifth Forum* omitted a key chapter detailing concrete proposals as to how the "second party" would actually emerge. Another *samizdat* journal, *Voice of the Multitude* (*Shusheng*, No.16, 1980), later published a brief section of the book's missing 13th chapter entitled "On Organization." It ended with the words: "Let the ruling class tremble before the worker's revolution."

actual change, they were enthusiastically taken up and further developed by the Democracy Wall movement. In his "Proposals for the Gengshen Reforms,"<sup>14</sup> Xu Wenli succinctly summed up his own perspective:

*Chinese society has now reached a critical point in its history, and further progress is only possible at the price of a thoroughgoing political reform....What road should the reform movement take? Should it be from above, from below - or both? At present, reform from below must be ruled out, since the Chinese people will tolerate no more public disorder. On the other hand, history shows that the bureaucratic resistance of the old structures will prove too strong for a movement that relies entirely on forces for change at the top. So only a combination of reforms from above and from below can be really effective. The management of our affairs can no longer be left to a tiny minority. Government must hand power back to the people. The reform process must become an occasion for uniting and strengthening the nation.*<sup>15</sup>

Among the highlights of Xu's 20-point "Gengshen Proposals" were: a choice of candidates for all elected posts; an end to the insistence on Marxism-Leninism as the sole doctrine and firm guarantees for freedom of political belief; separation of powers, and especially independence of the judiciary; a federal structure in place of the existing unitary one; strict exclusion of the military from the spheres of politics and government; a new Constitution expressing popular sovereignty and "guaranteeing the rights to publish, associate, form political parties, strike and demonstrate"; the freeing of all political prisoners, "including Wei Jingsheng, Ren Wandong and Liu Qing"; a personal income tax system; an agrarian law granting limited autonomy to China's vast rural population; a four-hour working day for women raising young children; and the gradual introduction of universal free education.<sup>16</sup> "The state belongs to everyone, and democracy is everyone's business," concluded Xu. "If everyone thinks that nothing can be done, then our nation will accomplish nothing. But if everyone believes that something can be done, then we will accomplish great things."

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<sup>14</sup> "Gengshen," in China's traditional 60-year calendrical cycle, denoted the year 1980.

<sup>15</sup> *Wild Lilies, Poisonous Weeds: Dissident Voices from People's China*, Gregor Benton (ed.), Pluto Press, London, 1982, p.56.

<sup>16</sup> For full text of Xu's proposals, see *Appendix*

Xu's conviction that China needed "a combination of reforms from above and from below" was central to his involvement in the Democracy Wall movement. He believed that for Deng's reform plans to succeed in the face of entrenched opposition from the conservative Party bureaucracy, complementary pressure from pro-democracy forces at the grassroots of society was required. If left to themselves, he felt, Deng's economic and political reforms would inevitably founder on the shoals of elite vested interests. Indeed, Xu often compared the cause of reform in China to "an iron bar which is hot at both ends but cold in the middle."

### *"People's capitalism"*

The hallmark of Xu's political writings was clarity and moderation, and he eschewed all forms of radical posturing or overstatement. In fact, it was not so much the content of what he proposed that aroused the government's wrath, but rather that he dared to express his ideas from an independent platform, beyond the confines of the Party's "truth" machine. In economic matters, however, Xu was considerably more radical. Indeed, he committed the cardinal error of openly advocating economic policies which were only many years later - in the form of the recent moves toward a "socialist market economy" - to be adopted by the Party itself. Where Wei Jingsheng, the infidel, argued for the abandonment of socialism and the unfettered rule of the capitalist market, Xu the heretic, proposed that the existing system be encouraged to evolve in a way that would combine the best of both systems and, at the same time, be least likely to provoke violent confrontation with the authorities during the transition to democracy.

*April 5th Forum* carried many articles calling for the Party to relax its grip on the economy, loosen state planning and expand the private "commodity economy." But it was not until Xu left the journal in late 1980 to found *Humanity* and began working more closely with Sun Weibang, editor of another unofficial journal, and an elderly pro-democracy theorist named Tang Gedan, who wrote under the pen-name "Huang Shi," that his proposals for economic reform acquired real weight and originality. This was also the time when Xu's interest in humanist philosophy became evident. Tang had joined the Communist Party in the 1920s (the *samizdat* press used to refer to him as "an old Bolshevik") but he was then arrested and imprisoned for several years by the Chinese Nationalist government; after 1949, this experience somehow left him politically tainted and he was refused permission to rejoin the Party. Tang Gedan was Xu's chief source of inspiration and ideas on the economy, and he and Sun Weibang published all of

Tang's main writings on economic reform.<sup>17</sup>

The most startling of these, a long article entitled "Establish People's Capitalism -- Evolve Towards Socialism," in many ways anticipated economic ideas and policies that are now fast becoming part of the official Party orthodoxy in China - although Huang certainly expressed them more bluntly than would the authorities. In the article, he divided the world economy into three distinct, geographically distributed types of "capitalist commodity production," the most backward of which was the planned-economy system of the Soviet Union and China, which he termed "the ossified model of total state monopoly." Despite the rhetoric of socialism, Huang argued, China's economy remained stuck at a primitive and undeveloped stage of capitalism, and one constrained, moreover, by a neo-feudal form of government. In order eventually to reach true socialism, China would first have to emulate the most advanced model of commodity production, namely, the "petty governmental system of free-market capitalism" as found in Japan. Only thus could the basis of civil society emerge in China, and an eventual transition to real democracy and pluralism take place.

It is not known what became of Huang Shi after the final crackdown in April 1981 on the Democracy Wall movement, but it is unlikely that he emerged unscathed. Writing from his prison cell three years later, Xu worried greatly about Huang's fate: "Denied entry to the Party...and with nowhere to publish his articles, he was forced to develop a certain 'close connection' with the unofficial press, and I'm afraid he'll have found it impossible to extricate himself from this disastrous entanglement. Alas! An advocate of socialist commodity economics!" (Asking the Party to evaluate writings such as Huang's, added Xu, was "like asking a publican to evaluate *Anna Karenina* - he'd probably say: 'This is pornography'!")

The Party's official recognition in the fall of 1988 that China remained stuck at a "primitive phase of socialism," and its progressive conversion since then to the virtues of the "socialist market economy," certainly came too late to save Xu himself. But ideological deviance alone was insufficient grounds for the Party to justify putting Xu behind bars for the next 15 years. For that, a political conspiracy to "overthrow the state" had to be found.

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<sup>17</sup> In the first issue of *Humanity*, dated January 14, 1981, Xu announced that he and Sun Weibang would soon be publishing a book entitled *Collected Writings of Huang Shi*. Gently chiding "some members of the democracy movement" for "neglecting their theoretical study and research," he urged everyone in the movement to "pay the greatest possible attention to Comrade Huang Shi's ideas." For a broader discussion of political and economic thought in the Democracy Wall movement, see Introduction, by Robin Munro, to *China: Crossroads Socialism, op cit*.

### *The "League of Communists"*

In June 1980, Xu held a series of meetings at the Ganjiakou Hotel in Beijing with Wang Xizhe, the Guangzhou activist, and Sun Weibang to discuss future strategy. One of the bolder, though tentative, proposals he put forward was to establish a formal political alliance within the pro-democracy movement. In his prison diaries, smuggled out of China years later, Xu gave the following account of their discussions:

*If the bourgeoisie can use, to its advantage, the two-party or multi-party system to readjust its own internal class relationships, then why should the working class not be able to do likewise? ... And if we are going to move toward a proletarian two-party or multi-party system, might we not first consider setting up a "Chinese League of Communists," with Marxism as our guiding ideology? ... It seemed to me that this "golden key" lay gleaming before our eyes. I did not have a firm grasp of the matter, however, and was keen to hear Wang's and Sun's reactions. If we were to set up such a "League," I stressed, it would need to be open and public, and on no account clandestine. We would need to notify the government and apply openly for registration. But given how sensitive the question of [setting up] organizations has always been in our country, secrecy would need to be maintained during the preparatory process. The "League" would emerge suddenly.*

Wang and Sun, however, were unanimous in the view that the time was not ripe for such an initiative and that it was far too dangerous, so the plan was dropped there and then. The group decided instead to produce a regular newsletter, the *Study Bulletin*, for internal discussion purposes only. But the incident showed how strongly the ideas of Chen Erjin had influenced Xu's thinking. It also, more generally, revealed the increasing influence of the dissident movement of Eastern Europe upon the Democracy Wall activists. For the proposal to establish a 'League of Communist' was directly inspired by the writings of an East German dissident named Rudolf Bahro; the concept formed the core of Bahro's celebrated book *Die Alternativ*, reports of which had reached China by the late 1970s.<sup>18</sup>

Two months after the Ganjiakou conference and half way across

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<sup>18</sup> See *The Alternative in Eastern Europe*, Rudolf Bahro, NLB (London), 1979. Bahro wrote the book in prison during the mid-1970s; he was later, in an *Ostpolitik* concession by the Honecher regime, allowed to leave for the FRG and went on to become a leading theorist in the German Green Party.

the world, the Polish Solidarity movement burst forth. The events in Poland had an enormous impact on China's Democracy Wall activists, most of whom were themselves workers. In September 1980, for example, Xu Wenli sent the following message to the squat, jovial leader of the Gdansk shipyard workers:

*Dear Chairman Lech Walesa, and members of the Solidarity National Consultative Commission:*

*My friends and I learned with great joy that your independent and autonomous trade union Solidarity has successfully accomplished the legal formalities for registration. Thanks to your courage, intelligence and perspicacity, there is now a shining model for working classes in socialist countries the world over. This has opened a new era in the world socialist workers' movement.*

*We congratulate you from the bottom of our hearts and wish you even greater victories. Poland belongs to the people. Long live the Polish people! Long live the friendship between the peoples and working classes of China and Poland! ... Your strike actions have secured a great victory, one which has become the focus of world attention. We of the young generation of the Chinese working class salute you and express to you our deepest respects. We wish you continuous progress toward the goal of democratic socialism!*

*Editorial Board of April 5th Forum,  
Beijing, September 1980*

#### *The "Society for Promoting Reunification"*

Less than one month before the Party issued its secret "Document No. 9" of February 1981 ordering the comprehensive eradication of all "illegal publications and illegal organizations" - meaning the Democracy Wall activities, Xu Wenli launched his final and perhaps boldest initiative of the movement.<sup>19</sup> According to his prison diaries:

*By late 1980, I had begun to feel that the extreme difficulties being encountered by the democratic movements in*

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<sup>19</sup> **Document No.9** was issued secretly on February 20, 1981 by the State Council and the Central Committee of the CPC, and has never been made public by the authorities. The full text can be found in an "internal-use-only" (*neibu*) volume published in October 1990, entitled *Zhongguo Gongchan Dang Jili Jiancha Gongzuo Xianxing Tiaoli Huibian* ("A Compilation of Regulations Currently in Force Regarding the CPC's Disciplinary Inspection Work"), Law Publishing House, Beijing, pp.115-120.

the mainland and on Taiwan, centering on the unofficial press in both places, might well have to do with the fact that they talked too much about politics. While this was hardly their fault, given the present political situation in China, it would nonetheless always be something difficult for those in power to stomach. My feeling was that if the mainland and Taiwan democratic movements could each shift their focus on to the question of promoting the peaceful reunification of China, then this might be a good way of killing two birds with one stone.

In January 1981, Sun Weibang, this time with another activist from Qingdao, Liu Er'an, again came to Beijing to discuss the plan. Xu proposed the following:

*The peaceful reunification of the motherland is the common desire of all descendants of the [mythic] emperors Yan and Huang. The democratic movements of the mainland and Taiwan, by uniting with compatriots overseas and using Hong Kong as an "intermediary," could surely contribute to this great enterprise. Might we not organize, therefore, to this end, a "Society for Promoting the Democratic Reunification of China"?<sup>20</sup> The motto of the society would be to further the democratic cause and promote peaceful reunification, and it would be a popular mass body....Given the great depth, however, of distrust and animosity between the Nationalist and Communist parties, and each side's fear (particularly the Nationalists) that the other plans to engulf it, what was most needed was clearly a go-between, a bridge - and herein would lie the role of the "Promotion Society." At the same time, it would give a big boost to the development of the Chinese democratic movements.*

The society was to be based in Hong Kong, where it would be "beyond the reach of both the Nationalist and Communist Parties"; this location would also facilitate contacts with overseas Chinese and help fund-raising activities. Xu stressed, however, that the "Promotion Society" would steer strictly clear of the Taiwan pro-independence forces, and that it would on no account act as a secret or clandestine organization. Rather, "Once it had matured in the fullness of time, we would publicly declare its existence and seek registration, requesting official recognition and support."

By the time of his arrest in April of that year, Xu had done little more than write a few exploratory letters to contacts and

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<sup>20</sup> *Zhonghua Minzhu Tongyi Cujinhui.*

friends in Hong Kong about the plan. What he was quite unaware of, however, was that both the Ganjiakou Hotel conference of June 1980 at which he had raised with Sun Weibang and Wang Xizhe the idea of the "Chinese League of Communists," and also the January 1981 discussions with Sun and Liu Er'an on the "Promotion Society," had been secretly bugged and tape-recorded by the security forces. A government agent named Chen Deyao, Xu later discovered, had infiltrated the April 5th Forum group in 1979 and had been regularly reporting back to the authorities on its activities ever since. Extracts from the secretly made tapes were presented by the state prosecutor at Xu's subsequent trial, and his proposals to set up the "League" and the "Promotion Society" formed the principal basis of the court's charge of "conspiring to establish a counterrevolutionary organization."<sup>21</sup>

### *Arrest and Interrogation*

*Just after 11.45 PM: "Bang! Bang! Bang!, Bang! Bang! Bang!" Inside, I knew, and went to open the door. Ten or more policemen, both plainclothes and in uniform, blocked the doorway. They said nothing, and neither did I. "Dad, what's wrong?", my daughter asked sleepily. I quickly replied, "Nothing at all, be good now, sleep tight." The poor little dear slipped back into sleep again. I couldn't bear to see her worried or frightened.*

*While dressing, it occurred to me that I shouldn't wear my leather shoes, since I'd have to take part in running once there, and I couldn't afford to let myself deteriorate physically. So I put on a pair of rubber loafers that I'd bought for two yuan at the Caishikou Pawnshop. My wife was wearing an old grey shirt of her mother's (no silk pajamas or satin dressing gowns for her) which she'd tried unsuccessfully to sell at the pawnshop that day. What a husband I am....*

*She stood gazing fixedly at me, setting my image firmly and silently in her mind. Knowing I like to have a handkerchief, she brought over a clean one from the bedside, folded it up and gave it to me. I handed her the gold-plated watch that her elder brother in the U.S. had sent her, and fastened the*

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**<sup>21</sup> As Xu later observed, "Had this accusation been levelled at me prior to October 1981, it might have been more excusable. But as everyone knows, in that month Ye Jianying, chairman of the Standing Committee of the National People's Congress, specifically welcomed on behalf of the CPC all Chinese citizens, political parties and democratic bodies to contribute, in various ways and through all available channels, toward the peaceful reunification of the motherland. As a Chinese citizen, how then could I possibly be said to have organized a counterrevolutionary organization, simply for having put forward suggestions to this same end?"**



*strap for her.*

*"Please show your warrant," I said to the officers. But there was no need for me to look at it. On with the handcuffs; camera flashlights went off a few times. Outside, twenty more policemen were waiting. Ten minutes later, the police van drew up outside Banbuqiao Detention Center.<sup>22</sup>*

Over the next 14 months, Xu was subjected to more than 200 interrogation sessions by the pre-trial investigators at Banbuqiao. (Another political prisoner held later at the same detention center, Han Dongfang, recently remarked after his release that entering Banbuqiao had felt "like entering the gates of hell." The tall buildings of K-Block rise up before you like tombstones. Next to death row is the women's block, where prisoners would lean out of the windows to sing to the men as they were taken out to be executed.") Xu was never beaten, but the interrogations were nonetheless designed to produce one result: a confession. Threats and intimidation were the standard fare. "What we look at most of all here is your attitude," one of the prison staff informed him. "If your attitude is good, we can reduce your sentence from execution to life, or a fixed-term sentence; or we can even set you free. But if you show a "bad" attitude, then we'll throw the book at you, and you could end up with a death sentence." Another interrogator later added: "If we arrest your wife as well, what would you think about that?"

Xu's attitude, however, remained decidedly "bad" throughout. He challenged the interrogators on all their main arguments, the sole point of which was apparently to establish that his pro-democracy activities had been inspired by "counterrevolutionary intent" - a subjective element necessary, under Chinese law, for the crime of counterrevolution to be proven. On the question of the "Chinese League of Communists," claimed by the authorities to have been a subversive plot, Xu won a small but poignant victory when he made an incredulous interrogator leaf through Marx's *Communist Manifesto* and read aloud the section where Marx stated that "the Communist Party by no means excludes other political parties of the working class." But the pre-trial investigation was essentially a formality, and increasingly Xu's main concern became to keep his health and mental faculties intact:

*My physical condition was deteriorating daily. I'd developed such painful lumbago that it was hard for me even to lift a*

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<sup>22</sup> This and subsequent passages by Xu on his experiences since his arrest in April 1981 are taken from a photocopied version of a long, handwritten manuscript written by Xu in 1984 in Beijing No. 1 Prison, entitled *My Defense (Wode Zhibian)*, which was smuggled out to the West the following year.

basin of water. The investigators paid no attention to China's legal stipulation that there should be neither "presumption of innocence" nor "presumption of guilt." In practice, it was always the latter.

Conditions were far worse than those for convicted criminals. Out of 20 meals a week, 18 were just boiled vegetables in clear soup, with a few corn buns containing pellets of hard uncooked flour. I was lucky if I got out once or twice a month for exercise, and I was the only political prisoner denied permission to watch the films they showed once a month or two. I was denied visits and correspondence rights and got no books or paper - their control of writing materials was particularly strict for me.

Audio-visual surveillance equipment was installed in the cell, and there was a one-way peep-hole in the door, across which a black curtain was draped. Although they didn't use violence against me, the sound of beatings and electrical assaults being inflicted against other prisoners was commonplace. I feared being destroyed by the place, and knew that for the sake of my wife and child, I must on no account break down there.

By the summer of 1982, Xu knew that he had no chance of escaping a heavy sentence unless he agreed to confess to all of the trumped-up charges and allegations concocted by the prosecution. (On the eve of his trial, the prison authorities even "borrowed" his prepared defense statement so that a copy could be sent to the prosecutor to help him prepare a point-by-point rebuttal.) Rejecting this option, Xu steeled himself for the inevitable. But he was still determined to use the court proceedings to assert some basic points of principle.

### *Trial*

On the morning of June 8, 1982, the Beijing Intermediate Court convened to hear the case of the State versus Xu Wenli. At Wei Jingsheng's trial almost three years earlier, the same courthouse had been packed to overflowing, although the proceedings were meant to be "restricted." As he entered the hall, Xu noted that the authorities appeared to have learned from that experience:

*This time, the court had been set up in an adjoining chamber. There were two film cameras and an array of magnesium lamps set up. Some 50 or so people sat in the gallery, most of them employees from the various sections of the court itself, and a few people who looked like reporters. All had been admitted*

*on a ticket-only basis.*

Xu's wife and young daughter were absent; they had not been informed of the time or place of the trial. As the judge, Ding Fengchun, and two "people's judicial assessors" settled down behind the judicial bench, however, Xu readied himself to deliver his first challenge:

*At the outset of the proceedings, the presiding judge enquired: "Do you wish to request the withdrawal of any of the personnel making up this court?" "Yes," I replied firmly. The man Ding was astounded. Taking advantage of his confusion, I quickly went on to ask: "I would ask of the judge whether or not he called on me for discussions on several occasions just prior to this court session?" "Yes, we met for discussions on those occasions," he replied.*

*Without letting him think any further, I hurriedly went on: "And did Your Honor say on each occasion that I should acknowledge my guilt, in order to secure more lenient treatment?" "That is so," he replied, his face relaxing slightly. (No doubt he was thinking: "This man seems to be enumerating my merits for the gallery and leadership to hear. But why?")*

*Availing myself of his relaxed frame of mind, I proceeded to release my "bullet." In slow, measured tones, I declared: "For that reason, I request that Your Honor withdraw from the case." I fixed him with my eyes. His face immediately turned as white as a sheet, and he directed his stupefied gaze toward the Party "string-pullers" sitting in the first row behind me. Having evidently received some kind of a signal, he announced in a flurry, "Court adjourned!"*

When the hearing resumed, Judge Ding was still in charge. But Xu had made his point and felt no regrets. ("This is what is meant by 'resisting in accordance with the law,'" he later wrote. "Although no one dares breathe a word about the incident today, it will be recorded in the annals of China's judicial practice for people to read and think about in years to come. Look to the future! That is the principle governing all my actions.") As the court proceedings unfolded and the prosecutor began to present his evidence, drama soon turned into farce. The first item was a "reactionary" article that had appeared in *Study Bulletin*. Xu politely pointed out that the article in question had in fact been written by Xu Shuiliang. The prosecutor moved quickly on to the next item: a letter Xu had written to a friend in Hong Kong concerning the "Promotion Society."

As for the two judicial assessors, if one of them was unusually astute, the other was irredeemably dim. The latter, named Zhang Congliang, read out the text of my letter to Mr. X. X.<sup>23</sup> - their most important piece of evidence to support the charges relating to the "Promotion Society." I pointed out that what had been read out was not the whole letter, that it omitted the most important passage. When Judge Ding denied this, I requested that the original document be produced in court. After contrivedly searching around on his desk for a while, the judge announced that he had temporarily mislaid the original. The prosecutor, however, not being privy to the inside story, hurriedly trotted up to the bench and informed the judge that he had a copy in his files which could be produced for purposes of the verification. The man Ding promptly ordered him to sit down, saying: "I can't find that letter just now, and what's more it would be inappropriate to check it in court."

For his defense lawyer, Xu had requested the services of various liberal academics, including a professor at the law department of Beijing University who had earlier expressed a willingness to defend Wei Jingsheng at his appeal hearing. They were all rejected by the authorities, who instead assigned Xu a person of their own choosing. She turned out to be much less compliant than expected:

*Lawyer Liu Shufen, a woman of over 50, had a care-worn face but an acute mind. I soon discovered that although she was unable to do her best for me, nor was she about to assist the villains of the piece. I could at least trust her. She was an honest and upright legal worker who tried to fulfill her professional obligations. Her succinct and impartial defense made a deep impression on me, and far exceeded the bounds of my initial estimation.*

Lawyer Liu took issue with the reliability of the prosecution's evidence, challenging the claim of "counter-revolutionary intent" and pointing out a series of instances where documents and secret tape-recordings had been altered to change

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<sup>23</sup> This was almost certainly Xu Xing, editor of the now-defunct Hong Kong political monthly *Guanchajia* (*The Observer*), which carried numerous articles about the Democracy Wall movement between 1978 and 1981. The indictment also charged Xu with having subversively asked Etienne Bellefroid (Chinese name: Bai Tianxiang), a cultural attache in the French Embassy in Beijing, to deliver the letter to "Mr. X. X." Reversing the charge, Xu accused the court of seeking to "damage the good relations between the peoples of France and China." (Bellefroid's Chinese girlfriend, an artist named Li Shuang who also played a role in the Democracy Wall movement, was later arrested and sentenced to three years' "labor reeducation" on account of her involvement with him. After her release the couple married and now live in France.)

the meaning of Xu's original statements. She stressed that not only had Xu not written the article by Xu Shuiliang, he had never, in fact, even seen it. On another prosecution charge - namely that Xu had misreported in *April 5th Forum* as being "labor reform" (rather than "labor reeducation") the three-year sentence passed on fellow-dissident Liu Qing after he made public the transcript of Wei Jingsheng's trial - Lawyer Liu pointed out that Xu's error on this minor point of fact had arisen because the police themselves had neglected to supply Liu's mother with the correct sentencing documentation. (The charge was anyway particularly ironic, since Liu, who also proved to have a stubbornly "bad attitude," was subsequently resented to an additional seven years of actual "labor reform.")

When Xu's turn to speak finally came, he seized the opportunity to drive home his moral advantage, although well aware of the practical futility of so doing. As he observed later,

*Prior to the trial, various clues had alerted me to the possibility that my original defense statement had been photocopied by the authorities. So I abandoned it and wrote out an entirely new one, on rough pieces of toilet paper which I put in my pocket and kept with me day and night.*

*My change of defense threw the prosecutor into utter confusion. There were about 30 sheets of paper piled on his desk in readiness for the cross-examination, which began immediately after my statement, and it was his task to refute my statement on the basis of the notes he had taken during my speech.*

*But he was in a hopeless muddle. Since I had completely reorganized my defense, he couldn't locate his refutations of the various points I raised, for he'd arranged them according to the sequence of my original statement. As he frantically sifted through the piles of paper on his desk, he became increasingly flustered, eventually breaking out in a muck of sweat. Such is the fate of petty plagiarists!*

The preprepared verdict was read out by Judge Ding at 5:00 PM the same day: Xu was sentenced to twelve years imprisonment on the charge of "forming a counterrevolutionary organization" and five years on the charge of "engaging in counterrevolutionary propaganda and incitement." The accused was to serve a total term of 15 years in prison, with five years' subsequent "deprivation of political rights."<sup>24</sup> The verdict focused on the two series of

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<sup>24</sup> **This post-release sanction includes being banned from voting or standing for election to public office, expressing political viewpoints or having one's writings published.**

meetings between Xu and the coeditors of the *Study Bulletin*:

*With the aim of overthrowing the people's democratic dictatorship and the socialist system, the accused Xu Wenli plotted to set up a counterrevolutionary clique. On June 10-12, 1980, a group led by Xu, including Wang Xizhe, Sun Weibang and Liu Er'an (all to be prosecuted separately) from Guangzhou, Qingdao, Anyang and other places, met for secret meetings over three consecutive nights at Beijing's Ganjiakou Hotel. At the meetings, Xu vilified China's people's democratic dictatorship as being a "one-party dictatorship" and plotted to "call for a nationwide action" "in a spontaneous manner" to set up a counterrevolutionary organization called the "Chinese League of Communists," which would be used to "break the one-party dictatorship."*

*To further promote his counterrevolutionary activities, between the winter and spring of 1980-81, the accused Xu Wenli, in collaboration with Liu Er'an, Sun Weibang and others, also called for "building democracy in China and promoting peaceful reunification," while secretly scheming to set up a counterrevolutionary group called the "Society for Promoting the Democratic Reunification of China"....They plotted to establish the headquarters of this counter-revolutionary organization in Hong Kong, and beneath it "four branch sections in mainland China, Taiwan, Hong Kong and overseas." Hong Kong was to be the "bridge" allowing collaboration with various anti-China and anti-Communist elements....These charges are grave ones and the penalty must be commensurate with the crime.*

Xu's appeal against the verdict was duly rejected at a closed hearing of the Beijing High People's Court on July 28, 1982.

### *Early Prison Years*

On September 10, Xu was transferred from Banbuqiao Detention Center to the neighboring Beijing No. 1 Prison to serve out his sentence. On October 19, his wife and daughter were allowed to see him for the first time since his arrest 18 months earlier. The reception room at the prison was full of police officers sitting on chairs. Xu himself was made to squat on the floor in the corner of the room throughout the 45-minute meeting with his family. Thereafter, until 1985, they were allowed to see him once every two months for 20 to 30 minutes.

Beijing No. 1 is one of China's so-called "model prisons." Numerous foreign visitors, including U.S. Congressmen, have been taken on controlled visits to the facility. Conditions there are

generally better than in most other prisons and forced labor camps in China. In the prison factory, inmates produce "Golden Double Horse"-brand socks, which have been exported around the world for several decades. For the first few years of his incarceration there, Xu was treated considerably better than he had been at Banbuqiao. He was kept in a six-square meter cell with a window, allowed to read and write, and the diet was more or less acceptable. After a while, he was put to work in his cell attaching ornamental buckles to shoes, and by 1985 he had earned a total income from this, over a two-year period, of 27.93 yuan (about US \$4.) The worst part was the loneliness. As he wrote in 1985,

*I have always had a north-facing cell and have been kept in solitary confinement throughout. Since I have been able to exchange a few words each day with the prison orderlies, however, along the lines of "Lovely weather, isn't it," I have not yet been reduced to losing my ability to speak.*

A central feature of China's policy since 1949 toward prisoners, especially political ones, has been the assiduous effort to make them undergo so-called "thought reform" (*sixiang gaizao*) - or what is popularly known in the West as "brainwashing." Xu at least was spared this. In fact, although he was sentenced as a "counterrevolutionary," and thus would presumably strike the authorities as being in greatest need of such "ideological reform," they have never even made any pretence of trying to achieve this. From the time of his arrest until the present day, Xu has not received a single session of "political education." Contrary to the general claims of Beijing's recently released "White Papers" on human rights and criminal reform, the purpose of imprisonment is, in Xu's case, purely punitive. The sole measure prescribed by the prison authorities to facilitate his "reform" is that he should sit in his cell all day long performing introspection - or "reflecting on one's errors" (*fan si*.)

In 1983, Xu began to develop a small lump on the side of his neck. By November, it had grown to roughly the size of a bean, and by 1990 it was as big as a walnut. The condition may well be a tumor, and possibly even cancerous. But this cannot be ascertained, for the prison authorities have consistently denied him any medical treatment. A top-flight medical unit, the Binhe Hospital, is situated within the Beijing No.1 Prison walls, but it is reserved almost exclusively for the treatment of police and prison officials and their families. Inmates have to make do with a grossly inadequate and insanitary "clinic" located elsewhere in the prison compound.

Xu's determination to "resist in accordance with the law" continued unabated, however, and in 1984 he secretly wrote a several-hundred page account of his arrest, interrogation and trial. This document, entitled "My Defense," was subsequently smuggled out of Beijing No. 1 and eventually found its way into the news columns of magazines and newspapers in the West. The prison authorities were incensed.

### *Into the Hole*

For his act of defiance, Xu was transferred in October 1985 to a "strict regime" punishment cell - a special unit within the Beijing "model prison" that no other inmates, let alone visiting foreign dignitaries, are ever allowed to see. It was not so much a cell, more a large, closed box - a windowless, damp vault in which a light bulb shone relentlessly day and night. The cell was so small that Xu could not even stand up straight inside it. It crawled with all kinds of bugs and insects, and there was no bed, merely a strip of matting on the concrete floor. The food consisted solely of crude cornmeal buns (*wotou*), salt and water. The only toilet facilities were a bucket placed in the corner of the cell. Xu was held in this living tomb for no less than three and a half years. He was never allowed out of the cell, for exercise or any other purpose.

All family visits were suspended for the duration. In 1986 and again in 1988, Xu's daughter underwent surgery to correct the serious leg disability from which she had suffered since infancy. The doctors warned that she might die if the operations went wrong. So she asked the prison governor to allow her a special meeting with her father. On both occasions, permission was denied. In 1987, Xu's mother died. He was not allowed to attend the funeral.

On April 29, 1989, two weeks after the start of the Tiananmen Square protest movement, a prison officer arrived unannounced at Xu's home in the southwestern part of Beijing to inform the family that, as an example of "revolutionary humanism" by the government, Xu had been released from the punishment block and prison visits could be resumed.

### *PRC Rules on Solitary Confinement*

The "strict regime" (*yanguan*) treatment to which Xu was subjected for 42 months violates every relevant article of the United Nations' *Standard Minimum Rules for the Treatment of Prisoners*, adopted by the U.N. in 1957. Moreover, it grossly contravenes China's own domestic regulations concerning the treatment of prisoners. This becomes less surprising, however,



when one considers that those regulations are in fact kept secret, and that most prisoners are thus not even aware of their rights, let alone allowed access to appropriate channels of complaint or redress. The *Detailed Rules for the Disciplinary Work of Prisons and Labor Reform Detachments*, which were issued secretly by the Ministry of Public Security on February 18, 1982 and are available only in special "internal-use-only" publications, read as follows:

*Article 60: Prisons and labor reform detachments should establish, in accordance with their specific needs, a system of solitary confinement cells (jinbi shi). Each solitary confinement cell must comprise not less than three square meters of usable floorspace, it must be no less than three meters in height, and the window must be no smaller than 0.8 square meters in size. Protective equipment should be placed over the door, window and electric light source. The cell must be warm and free from damp, well-ventilated and accessible to natural light. In the northern part of China, heating equipment must be installed for use during winter.*

*Article 61: Solitary confinement cells are to be used for the purpose of punishing prisoners who violate prison regulations. Prisoners falling under any one of the following categories may also, however, by way of a preventive measure, be placed in solitary confinement cells: 1) those for whom the application of implements of restraint [handcuffs, leg fetters, etc.] prove insufficient to curb the threat or danger they pose; 2) those who commit fresh crimes during their imprisonment and who are awaiting trial; and 3) those under sentence of death and for whom final approval of execution is still pending.*

*Article 62: In the case of a prisoner who is to be punished by solitary confinement, the authorities at squadron [zhongdui] level must complete an "Application Form for Approval to Impose Solitary Confinement," and submit it to the senior leadership of the prison or labor reform detachment for its approval of the measure.*

*Except in the case of condemned prisoners for whom final approval of execution is still pending and also the case of prisoners currently undergoing trial, the period of solitary confinement is in general not to exceed a period of seven to ten days. The maximum permissible period is 15 days.*

*Article 63: Prisoners undergoing solitary confinement are to receive the same grain and food rations as that given to prisoners not engaged in manual labor. Confiscation or reduction of rations is forbidden, and an adequate supply of*

boiled water must be provided. Prisoners must be taken out [to an exercise yard] for fresh air twice a day, and for a 30-minute to one hour period each time. Good hygiene and sanitation should be maintained in the solitary confinement cells and they should be regularly disinfected.

Except in the case of condemned prisoners for whom final approval of execution is still pending and the case of prisoners who pose a particularly serious danger, those undergoing solitary confinement should not in addition be made to wear implements of restraint.

Article 64: During the period of a prisoner's solitary confinement, [the authorities at] squadron level shall appoint an officer with special responsibility for educating the prisoner and maintaining a detailed record of his performance and behavior. Leading cadres at all levels of responsibility over the institution's wardering and disciplinary work should conduct frequent inspections of the work of solitary confinement and take measures to resolve problems whenever they occur.<sup>25</sup>

Clearly, for the authorities at Beijing No. 1 Prison to have so flagrantly ignored these nationally applicable regulations in Xu's case makes a mockery of the institution's designation by the Chinese government as a "model prison." Moreover, it raises serious cause for concern as to how, precisely, the system of solitary confinement is administered in the vast majority of China's other penal institutions, namely, those not so designated.

Some insight into the appalling squalor and misery found within the solitary confinement blocks of prisons and labor camps elsewhere in China was afforded by an internal directive issued in July 1983 by Bureau No. 11 of the Ministry of Public Security, which until later that same year, when administrative control passed to the Ministry of Justice, was responsible for the running of China's penal system. According to the directive,

The authorities at Yingshan Prison, Guangxi Province, in December 1980 placed a mentally disturbed prisoner in solitary confinement and kept him there for more than two years. They afforded him neither medical treatment nor ideological education. No one cleared away the prisoner's

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<sup>25</sup> *Jianyu, Laogai Dui Guanjiao Gongzuo Xize* ("Detailed Rules for the Disciplinary Work of Prisons and Labor Reform Detachments"), in *Zhonghua Renmin Gongheguo Falü Guifanxing Jieshi Jicheng: Zengbuben (A Compilation of Standard Interpretations of the Laws of the People's Republic of China: Supplementary Volume)*, Jilin People's Publishing House, December 1991, p.804.

excrement and urine, with the result that a mound of fecal matter 35 centimeters high accumulated in the cell. During the winter of 1982, he was not supplied with any additional clothing or bedquilt. As a result both of the extreme cold and the fermentation of the decaying excrement, which produced noxious gases, in January this year the prisoner died from a mixture of cold exposure and gas poisoning.<sup>26</sup>

The directive ordered an immediate tightening up of the administration of solitary confinement units throughout China. However, recent examples of gross human rights abuses within the solitary confinement system since the time of the June 1989 crackdown on the pro-democracy movement, monitored and reported upon by Asia Watch, suggest that few positive changes occurred in the interim.<sup>27</sup>

### *Staying the Distance*

On April 30, 1989, when Xu's wife and daughter had their first prison meeting with him since 1985, they were shocked by his mental and physical state. He was skeletal in appearance, with sunken cheeks and a deathly pallor, and all his teeth on the upper-right side had fallen out. For most of the half-hour meeting, he shook convulsively and was racked by uncontrollable tears. The seven or eight prison wardens who were present at the meeting prevented the family from embracing - they had to make do with shaking hands across a table.

Before the visit commenced, the following "Points for Observance During Meetings" were read out to the family:

1. No discussion of people or events relating to the prisoner's case.
2. No speaking in foreign languages, dialects or secret codes.
3. It is forbidden to have physical contact with the prisoner.
4. No passing of notes is allowed.
5. No carrying of coats or jackets allowed.
6. No food parcels of over two pounds in weight.
7. Observe all rules and regulations and obey the guards' instructions at all times.

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<sup>26</sup> ***Zhonghua Renmin Gongheguo Falü Guifanxing Jieshi Jicheng (A Compilation of Standard Interpretations of the Laws of the People's Republic of China)*** (Main Volume), Jilin People's Publishing House, October 1990, p.1592.

<sup>27</sup> See, for example, the case of Yu Zhijian and Yu Dongyue, in ***Anthem of Defeat: Crackdown in Hunan Province, 1989-1992***, Asia Watch, June 1992, pp.41-43.

8. Prison officials are empowered to halt the visit at any time and to confiscate unauthorized objects.

Xu's daughter was still on crutches and had her leg in a cast, following the series of operations she had recently undergone. Despite his severe physical condition, he somehow found the strength to carry her down several flights of stairs on his back after the meeting and put her on to her mother's bicycle.

Since his release from the "strict regime" unit, Xu has been living in various cells in the main block at Beijing No. 1 Prison. His latest, on the second floor, is three square meters in size, and contains a bed, a chair and a toilet bucket, leaving only one square meter available for free movement. The cell faces to the north, there is no heating in winter, and the neighboring cells are filled with sick prisoners suffering from diseases such as hepatitis and tuberculosis. There is a window, but no direct sunlight, and he is allowed out of his cell for fresh air and exercise only once every several weeks. The diet remains grossly inadequate and his teeth on the lower-right side are also now all gone. Sometimes he pulls the rotten ones out by himself, although few remain.

By order of the governor, his prison clothing still carries sewn-on labels bearing the characters *Te Ling Yao* - "Special Prisoner No. 01." On the few occasions, such as exercise periods, when he encounters other prisoners, they are afraid to talk to him in case they get punished. Family visits are cancelled - for "security reasons" - whenever some important Party or state meeting convenes, such as the National People's Congress, and they were halted for several months around the time of the Asian Games in 1990. Normally they take place once a month for around 40 minutes, but the guards often butt in to the conversation, "correcting" Xu's comments and giving their own replies to questions addressed to him. Certain food items are also banned, including dried milk ("That is a luxury, and it would not assist his ideological reform to let him have it") and in February 1991, he developed a skin disease, no doubt due to lack of Vitamin C. His body became red and itchy all over and pieces of skin began flaking off. In December 1990, his wife requested to be allowed a conjugal visit. Permission was denied.

In November 1991, the government published its *White Paper on Human Rights in China*. After reading the line in the paper, "While serving their sentences, prisoners can read newspapers, magazines and books, watch television, listen to the radio and take part in recreational and sports activities that are beneficial to the body and mind," Xu's wife asked the prison authorities if she could send him a radio and a television set. She was brusquely informed:

"It's not allowed. All that stuff in the *White Paper* - we can't do any of that here." Indeed, so strict is even the normal regime for Xu in this "model prison" that he is permitted no pictures or paintings in his cell, nor even a single photograph of his wife and daughter. When they send him a New Year's greetings card, he is shown it briefly and it is then sent back to them.

Since May 1989, Xu's wife has written repeatedly to the prison governor requesting that he be allowed to see a doctor and that he be released from prison on medical bail (*baowai jiuyi*). In May 1992, the reply came back: "He would need to get hepatitis or cancer before that can be done." Around the same time, as part of a propaganda offensive to counter Western criticism of its human rights record, the Chinese government began publicly releasing carefully contrived photographs of a number of leading imprisoned dissidents, including Chen Ziming, Wang Juntao, Liu Gang, and later Ren Wanding. In August of that year, the authorities released the first picture of Xu Wenli that had been seen for more than a decade. He was shown smiling (although squinting somewhat from the unaccustomed sunlight) and with hand held out about to shake someone else's. The occasion was a prisoners' badminton tournament - the first group recreational activity that Xu had been allowed to take part in since arriving at Beijing No. 1 - and he had just won second prize. The cameras were ready for the event.

After the match, Xu was awarded his prize: a colored towlette and (ironically enough) a toothbrush. On their next visit, he proudly presented the two items to his wife and daughter. "You always bring me little things," he said. "This is the first present I've been able to give you for 11 years."

### *Epilogue*

The following are the closing lines of "My Defense," the secretly written document which led to Xu's prolonged incarceration in the punishment block at Beijing No. 1 Prison. Besides providing an eloquent testimonial to his basic beliefs and convictions, they also help explain why, despite all the appalling abuse he has undergone, Xu has continued to insist upon his innocence.

*According to China's Criminal Law, only those who both hold a subjective intent, and perform concrete actions, to overthrow the socialist system and the people's democratic dictatorship can be convicted of the crime of counterrevolution. In actual judicial practice, this means any aims or actions deemed by the authorities to be anti-Party or anti-socialist....*

If my own thoughts, statements and actions, however, are weighed in accordance with criteria that would probably be acceptable to most people, then not only is there no way that I can be said to have committed the crime of counter-revolution, but to the contrary, I have made my proper contribution toward upholding and defending the basic principles of socialism. Despite my many weaknesses and shortcomings, I am nonetheless a patriotic and progressive person.

Why then have I been labelled a counterrevolutionary? The answer is quite clear. It is that I, as an ordinary, everyday worker, at inopportune times and places and by means of inopportune statements and articles, have offended a few power-holding individuals, although such was by no means my original intent.

The last words of Giordano Bruno before he was burned at the stake by the Vatican, were, firstly, "The state has no power to order people how to think." And secondly, "Society must not punish by force those who are in disagreement with established orthodoxy." Nowadays, society accepts and understands the ideas of Bruno.

Nearly four centuries after the event, the Vatican has now rehabilitated Galileo also, thereby setting a world record in the history of mankind's rehabilitations. People have now accepted the outcome of religious reforms. Strictly speaking, neither Bruno nor Galileo were opposed to religion. But in the last analysis, religion is not science, and therein lies the fundamental difference between Bruno and Galileo on the one hand, and religion on the other...

Mao Zedong was sometimes extremely enlightened in dealing with those holding different political views to his own, but sometimes extremely brutal, to the extent of not hesitating to silence hundreds of thousands of intellectuals so that the entire nation would then not dare to speak. The influence of such things is long-lasting.

Yugoslavia was the first country to become the "heretic," and it was denounced at the time by the entire socialist camp and by 81 different Communist and workers' parties. Nowadays, the "theory of a single center" has been abandoned by the Communist movement and the "theory of many centers" has taken its place.

Since the founding of New China, the path here has been a more tortuous one....Several hundred thousand former

"rightists," however, have now either been fully exonerated or rehabilitated. The good name of Commander Peng Dehuai has now been restored. The demographic theories of Ma Yinchu and the economic theories of Sun Yefang have at last been accorded due recognition.<sup>28</sup> The commoners Zhang Zhixin and Yu Luoke, who were so cruelly cut down in their prime, and Wang Shenyong, the brave young man from Shanghai who was executed in April 1977, have all now been posthumously vindicated by history.<sup>29</sup>

In comparison with these great figures, these household names, I am merely a minor "counterrevolutionary element," uninformed and of little learning or scholarship. Might I hope, therefore, that my fate will be somewhat better than theirs - that my time will not be so long in coming? Will mine be the last generation to make up their ranks?

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<sup>28</sup> Peng Dehuai, one of the founders of the Red Army, was the first Chinese Communist leader to criticize Mao openly. He fell from power in 1959 after attacking Mao's "Great Leap Forward," and was persecuted to death during the Cultural Revolution. Ma Yinchu was a professor of demographics at Beijing University who in the 1950s advocated policies to control the Chinese population; this aroused the deep animosity of Mao, who believed that a large population was China's greatest asset. Sun Yefang was an economist who in the early 1960s advocated a limited role for the free market; he was denounced as an "arch-revisionist" during the Cultural Revolution but rehabilitated thereafter.

<sup>29</sup> Zhang Zhixin was executed by the authorities during the Cultural Revolution, having first had her vocal chords cut to prevent her shouting slogans of loyalty to Mao. Yu Luoke, the author of a famous article opposing the ultra-leftist theory whereby people "inherited" the "bad class origin" of their parents, was also executed during the Cultural Revolution. Wang Shenyong, about whom the Shanghai Democracy Wall activist Fu Shenqi wrote a commemorative article (see *Wild Lilies, Poisonous Weeds, op cit*, pp.122-7) was executed on April 28, 1977 for writing articles critical of the government.

## Appendix 1: Other Imprisoned Democracy Wall Activists

■ **Ren Wandong**, 47, in December 1978 founded in Beijing the *China Human Rights League*, the first independent human rights organization in the history of the PRC. He was arrested shortly after Wei Jingsheng and served four years in prison during the early 1980s. On June 9, 1989, he was rearrested for giving numerous public speeches both before and during the Tiananmen Square protests calling for the release of all political prisoners in China and for greater guarantees for human rights and freedom of speech. In January 1991, he was sentenced to seven years' imprisonment on charges of "counterrevolutionary propaganda and incitement." An accountant by profession, Ren is currently being held in Beijing Prison No. 2. He is reportedly in poor health and requires urgent medical treatment for a serious eye ailment.

■ **Zhang Jingsheng**, around 38 years old, is a veteran pro-democracy activist from Hunan Province who edited two unofficial journals - *Wanderer (Liulangzhe)* and *The Republic (Gonghe Bao)* - during the Democracy Wall period. He received a four-year prison sentence after the 1981 crackdown. During the 1989 pro-democracy movement, Zhang served as an adviser to the *Changsha Workers Autonomous Federation* and gave several public speeches in Changsha in support of the protesting students. On May 4, he was briefly detained and then released, but on May 28 he was rearrested and later that year sentenced to 13 years' imprisonment for "counter-revolutionary propaganda and incitement." An electrical worker by trade, Zhang wrote numerous poems during his first spell of imprisonment in the 1980s; these were later set to music and are now sung by prisoners in many parts of China.<sup>30</sup> Zhang is currently serving his sentence at Hunan's Provincial No. 2 Prison in Yuanjiang.

■ **Sun Weibang** (pen-name **Sun Feng**), 44, from Qingdao in Shandong Province, founded and edited an unofficial journal called *Sea Spray (Hailanghua)* during the Democracy Wall movement and was a close friend and associate of Xu Wenli. Sun was arrested in April 1981 and imprisoned without charges or trial until 1984. A worker at the Qingdao Handicrafts Factory, Sun came to Beijing in May 1989 and reportedly became closely involved in the Tiananmen protest movement, serving for a while on the broadcast station of the *Beijing Students Autonomous Federation*. On June 2, 1989 he was

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<sup>30</sup> Two of Zhang's songs appear, with full lyrics and musical notation, in *Anthems of Defeat: Crackdown in Hunan Province, 1989-1992* Asia Watch, June 1992.



arrested for the second time and was later tried and sentenced to 12 years' imprisonment for "counterrevolutionary" offenses. Sun's current place of detention is not known.

■ **Liu Jingsheng**, 38, a worker, was arrested at his home in Beijing on or around June 1, 1992 and pro-democracy leaflets reportedly found there by the police were seized. Liu is thought to have been employed at the Tong County Machinery plant. During the Democracy Wall movement, he was co-editor with Wei Jingsheng of the dissident journal *Explorations*, which published such famous essays of Wei's as "Democracy, the Fifth Modernization" and "Qincheng - A 20th Century Bastille." Besides editing the journal, Liu was in charge of its distribution and listed his own home address on the journal for correspondence purposes. At the time a bus driver at the People's No. 4 Motor Vehicle Factory, Liu was arrested along with Wei in March 1979, and he was called to give evidence for the state at Wei's trial that October. He performed creditably, making only token statements of repentance. (Wei's sentence had, in any case, clearly been predetermined by the court.) After his release in late 1979, Liu resumed his job as a bus driver and nothing further was heard of him outside China until his recent rearrest. According to one unconfirmed report, the authorities have slated Liu for a 10-year sentence. It is not known where he is being held.

■ **Chen Ziming** and **Wang Juntao**, former directors of the now-banned *Beijing Social and Economic Sciences Research Institute*, are perhaps the best-known political casualties of the 1989 Tiananmen Square movement. Though never arrested or punished during the crackdown on the Democracy Wall - they were students at the time, and the government focused its vengeance almost exclusively on worker activists - Chen and Wang were nonetheless important figures during that movement. They edited an unofficial journal called *Beijing Spring* (*Beijing Zhi Chun*) which, like most of the "people's press," gave broad support to Deng Xiaoping's reform faction in the Party, but was considerably more moderate than the others in its demands for greater democracy and human rights. Arrested in October 1989 on suspicion of being the masterminds behind the Tiananmen protest movement, they were both tried in February 1991 on charges of "counterrevolution" and sentenced to 13 year's imprisonment. Chen is currently being held at Beijing No. 2 Prison; Wang is being held at Yanqing Prison, just north of Beijing.

## Appendix 2: Photographs and Journal Covers







### Appendix 3: Documents from the Democracy Wall Movement

#### NINETEEN POINT DECLARATION OF HUMAN RIGHTS<sup>31</sup>

by Ren Wanding<sup>32</sup>

In the final analysis, the 1976 Tiananmen Incident was a human rights movement. The significance of human rights is more far-reaching, profound, and enduring than anything else. This is a new mark of the political consciousness of the Chinese people and the natural trend of contemporary history. With a new content and a unique spirit, our human rights movement this year has again won the support and approval of the whole world. This has hastened and promoted the establishment of relations between the Chinese and U.S. governments. To stimulate the development of our social productive forces and promote world peace and the progressive cause, we put forward the following nineteen points:

1. The citizens demand freedom of thought, freedom of speech, and the release of everyone in the country found guilty of offenses connected with these two freedoms. It is likewise absurd to incorporate individual thinking in the Constitution and have a successor listed in Party regulations and the Constitution. This is against the principle of freedom of speech and against the laws of human thought. It is also against the materialistic principle of the "diversified nature of matter," is a manifestation of feudalism, and is regarded with great disgust by the people of the whole country. Nothing is sacred, unchanging, or inviolable. The citizens demand the thorough elimination of superstition, deification, and the personality cult, the removal of [Mao's] crystal coffin in favor of a memorial hall, the building of a memorial hall dedicated to Premier Zhou, the commemoration of the May Fourth Movement every year, and the emancipation of faith from the confines of superstition.

2. The citizens demand that there be practical safeguards for their constitutional right to assess and criticize Party and state leaders. To save the present generation and all future generations from suffering, to protect truth and justice, and to develop the productive forces, citizens demand that the feudal imperial criterion of equating opposition to an individual with opposition

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<sup>31</sup>This is an edited version of a translation which appears in *The Fifth Modernization: China's Human Rights Movement, 1978-79*, James D. Seymour, ed., Human Rights Publishing Group, New York, 1980, pp.83-86.

<sup>32</sup> This declaration was the first public document of the *China Human Rights League*, a dissident organization founded in Beijing by Ren Wanding and a group of friends on January 1, 1979.

to the revolution (a criterion that is still today being applied) be given up forever. They demand that our society be built on the basis of the principles of people's democracy.

3. Give the minority nationalities sufficient autonomy. Our country is not only multinational but also has many political parties and factions. In our socialist development, we should take the existence of various political parties and factions into due consideration. Various parties and groups should be allowed to join the National People's Congress (NPC). It is ridiculous that various parties and factions cannot join the NPC, which claims to be an organ with supreme power in the country. This is a manifestation of replacing the government with the Party and not separating the Party from the government. This is incompatible with democratic centralism. It will inevitably result in the continuous development of bureaucratism. Our country's citizens do not want a "showcase" constitution.

4. Citizens demand that a national referendum be held to elect state leaders and the leaders at all levels in various areas. Deputies to the Fourth and Fifth National People's Congresses were not elected in a general election involving all the people. This was a scathing lampoon of our socialist democracy. It made a mockery of the human rights of 970 million citizens. The citizens demand the establishment of a "citizens' committee" or "citizens' court" through a direct vote of all the citizens. It would be a standing organ of the NPC and would be able to participate in discussing and voting on policy matters and to exercise supervision over the government. The citizens demand that the state uphold the law and punish those Party and state leaders who have violated the law.

5. Chinese citizens have the right to demand that the state make the national budget, final financial statements, and the gross national product public.

6. The NPC cannot convene *in camera*. The citizens demand the right to attend as observers and witness the proceedings of the NPC, its standing committee conferences and its preparatory meetings.

7. State ownership of the means of production should be gradually abolished in a transition to social ownership.

8. China and the Party have altered their understanding of the theory and practice of Comrade Tito and his Yugoslav version of socialism. Major changes in our domestic and foreign policies and guidelines in recent years have borne full testimony to the bankruptcy of [the notion of ] "revisionism" in theory and

practice. There is no objective basis for ideological differences and disputes to exist between China and the Soviet Union. The citizens demand *detente*. The Soviet people are a great people. The people of China and the United States, China and Japan, China and the Soviet Union must be friends for all generations to come.

9. The citizens demand realization of the Marxist doctrine that a socialist society is one in which everyone can develop freely. Any socialist country's form of government is a continuation of the traditional form of capitalism. Without the material civilization of capitalism, socialist democracy and freedom cannot survive. The basic thinking of this classic doctrine is also an important lesson that the Chinese people have obtained after more than twenty years of groping in the dark. We must not only draw on western science and technology but also on western traditions, democracy and culture. The citizens demand that the state continue to keep hitherto closed doors open. Let ideas smash through the confines of prisons. Let freedom spread far and near. Let the wise people of China share the treasure of the whole of mankind. Let the suffering generation enjoy freedom. Let the younger generation be spared suffering. Eliminate class prejudices and ban deceitful propaganda.

10. Citizens must have the freedom to go in and out of foreign embassies to obtain propaganda, the freedom to talk to foreign correspondents and the freedom to publish works abroad. Make available all "internal-use-only" reading matter and movies, and let everyone be equal in enjoying culture. The citizens must have the freedom to subscribe to foreign magazines and newspapers and listen to foreign television and radio stations. Citizens demand that the state grant publishing and printing rights that are true to the Constitution.

11. The system in which a citizen devotes his whole life to the unit where he works must be abolished. Citizens demand the freedom to choose their own vocation, the freedom to express support [for whoever they wish] and freedom of movement. Abolish all regulations and systems that stand in the way of resolving the problem of husbands and wives having to live in different parts of the country.

12. Citizens demand that the state insure basic food rations for peasants and thereby eliminate [the phenomenon of] beggars.

13. Educated young people on state farms should enjoy reassignment rights. Youth sent down to the countryside demand that the state end their inhumane treatment. They demand political equality, an improved standard of living and wage increases.



14. Citizens demand that the state ban the use of deceptive means to recruit various technical workers. Those cadres and units that practice deception should be punished by law. Those who give bribes, and especially those who receive bribes, should be punished.

15. While undivided attention is being paid to promoting modernization, no less attention should be given to the firm implementation of policy. Citizens demand that the state put into action the policy once applied to those Nationalist officers and soldiers along with their families who came over to our side in the early post-Liberation period.

16. Secret police and the Party committee of a unit have no right to arrest citizens or investigate them. The secret police system is incompatible with socialist democracy. The citizens demand its abolition.

17. Get rid of slum quarters and crowded living quarters where people of three generations or grown sons and daughters are packed close together in the same room.

18. We are "citizens of the world." Citizens demand that the borders be thrown open, trade be promoted, culture exchanged and labor exported. They demand the freedom to work and study abroad and the freedom to make a living or travel abroad.

19. This league appeals to the governments of all countries of the world, to human rights organizations and to the general public for their support.

**China Human Rights League**

**January, 17, 1979**  
**Beijing**

## DEMOCRACY, OR NEW AUTOCRACY?<sup>33</sup>

by Wei Jingsheng<sup>34</sup>

Everyone now knows that lack of democracy has seriously thwarted Chinese social development in a number of respects. This is very serious. We now have two choices. First, we can move quickly to promote production and improve our livelihood, at the same time reforming our social system and thus advancing our society. Or, we can abandon the goals of democracy and modernization, limit production and the people's livelihood, and simply maintain the Mao Zedong-type proletarian dictatorship. So China stands at the crossroads.

Where are we heading? In what kind of social environment do the Chinese hope to live and work? Today's democratic movement springs from the longings of the people. The goal is to reform the social system and avoid any Mao Zedong-type autocracy or dictatorship. This issue does not simply concern a few individuals. The invincible Chinese people seek the reorganization of the nation. Those who understand the situation and agree to work toward the common aim are at the forefront of the tide of history. Whoever stands in the way or uses trickery to lead the movement astray is history's villain. Those who suppress the true people's movement are mere hatchet-men. It is not necessary to wait for the judgment of history. They will be found guilty immediately by the Chinese people, who comprise the jury. The public's judgment is severe and irrevocable. Maybe the power of this court cannot show itself immediately, since for now it is at a disadvantage, but history will reveal its unmatched power. Those who do not believe this should think back to the events of 5 April 1976. They will see that in the hearts of the people even the almighty himself [Mao Zedong] did not escape judgement.

Do some not fear such punishment? Of course; many people. There are would-be autocrats who forget [that the judgment of history awaits them], or who are blind to this and, drunk with power, take advantage of people's gullibility for their own petty ends. For example, in his March 16, [1979] talk to leading cadres of central ministries and commissions, vice-Chairman Deng Xiaoping

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<sup>33</sup>This is an edited version of a translation which appears in *The Fifth Modernization: China's Human Rights Movement, 1978-79*, op cit, pp.196-200.

<sup>34</sup> This article was published as a "Special Issue" (*Hao Wai*) of *Explorations* magazine in late March 1979. It was Wei's response to a meeting of top Party leaders at which Deng Xiaoping first put forward his "Four Cardinal Principles;" these called for no deviation from the socialist path, leadership by the Party, Marxism-Leninism and Mao Thought and the dictatorship of the proletariat. Wei's article was almost certainly the direct cause of his arrest later that month.

attempted to use the people's previous confidence in him to oppose the democratic movement. He made various charges against the democratic movement, attempted to blame it for the failure of the Hua-Deng regime to save China's economy and production, and tried once again to make the people the scapegoats for the failure of their policies.

Is Deng Xiaoping worthy of the people's trust? We hold that the people should not give any political leader unconditional trust. If he implements policies that benefit the people and if he leads them to peace and prosperity, we will trust him. We only have trust in his policies and in the road he is following. If he implements policies that are detrimental to the people, and if he follows an autocratic road and acts contrary to the interests of the people, the people should oppose him. According to the principles of democracy, all authorities must bow before the people's opposition. However, Deng Xiaoping has not bowed to the people's opposition. When people everywhere began asking why, after thirty years, China is still backward, and when they demanded an investigation into Mao Zedong's crimes against the Chinese people, Deng Xiaoping was the first one who came forward and said: "Without Mao Zedong, there would be no new China." In his March 16 talk, he not only stubbornly upheld this view but also publicly praised Mao Zedong as the banner of the Chinese nation. He said that Mao Zedong's mistakes and shortcomings are trivial matters hardly worth mentioning.

Is Deng afraid that an investigation of Mao's mistakes might lead to an investigation of some of his past collaborators, or is he preparing to carry on Mao Zedong's style of autocratic socialist politics? If the first is so, then actually he has absolutely nothing to fear. The people are understanding enough to forgive him for his past mistakes, as long as he can lead the country to democracy and prosperity from now on. But if the second is so, then he should certainly not be forgiven. Even if he had been a paragon of virtue in the past, as long as his aim is to effect a Mao-style autocracy, then he can only destroy the national economy and harm the people's interests. To forgive such a criminal would itself be a crime.

Does Deng Xiaoping want democracy? No, he does not. He does not want to understand the people's sufferings or to let people recover the powers that have been usurped by careerists and careerist groups. He says that the spontaneous struggle for democratic rights is just an excuse to make trouble, that it destroys the normal order and must be suppressed. Such a reaction to public criticisms and demands for progress truly reveals the strength of the people's movement.

We cannot help asking: What do you think democracy means? If the people do not have the right to express their ideas freely, how can one speak of democracy? If not allowing other people to criticize those in power is your idea of democracy, then what is the difference between this and what Mao euphemistically called the "dictatorship of the proletariat?"

The people have been holding rallies because they want to make accusations and report their plight. They want democracy. They have demonstrated because they are against hunger and autocracy. This truly shows that they do not have democracy and that their livelihood is unprotected. The people are powerless. No wonder they are mistreated and lack even the most basic protection! Can this be called "the normal order?" If this "normal order" is one that protects the right of ambitious autocrats to act as they please and undermine the people's interests, then to whose advantage is it to protect this kind of order, the careerists or the people? Is it not obvious? We believe that normal order does not mean everyone marching in lockstep. Especially in politics, only if different kinds of ideas exist can the situation be called normal. If there are no different ideas, no variety of opinion, and no publications representing dissimilar viewpoints, then clearly you have political autocracy. Such "order" is abnormal.

Abolishing the people's right of expression under the pretext of some social phenomena, such as disturbances by a few criminals taking advantage of opportunities, is a habitual practice of all present or former autocrats and fascists. We may recall the Tiananmen Incident. Did not the Gang of Four wantonly suppress the people's revolutionary movement under the pretext of some cars that were burned? Deng Xiaoping has now also found similar pretexts. Is he going to use more crafty measures to carry out a similar suppression? The oppression should make people heighten their vigilance, and they should no longer automatically believe in a ruler unless the ruler is subject to the people's supervision and control.

The people must maintain vigilance against Deng Xiaoping's metamorphosis into an autocrat. Following his rehabilitation in 1975, Deng Xiaoping did not appear to be following the autocratic and dictatorial system of Mao Zedong. Instead, he seemed to have given first place to the people's interests. Therefore, the masses of people warmly hoped he would continue to implement this kind of policy. They were willing to support him with their blood. (The Tiananmen Incident is an example.) Do the people support Deng Xiaoping as a person? No, they do not. Without his fight for the people's interests, he himself has nothing worthy of the people's support. He now wants to strip off his mask of protector of

democracy and suppress the democratic movement. He is prepared to set himself against democracy and resolutely safeguard autocratic politics. He is no longer worthy of the people's trust and support, because his actions have shown that he does not want to pursue democracy. He no longer safeguards the people's interests.

He is following the road of autocracy after deceitfully winning the people's trust. It has been shown countless times in Chinese history that only after would-be autocrats have fooled the people into trusting them can they have a free hand to do what they want. As the proverb says, "Once you have the people's hearts, you have the empire." Once they have power, their interests invariably conflict with those of the people, so they naturally concentrate on suppressing those who are fighting for the people's interests. What is important is not that this person should gain power rather than that person, but that the people not let anyone take away their power. The people must hold on firmly to their power, for this is what democracy means. Those to whom the people entrust power and the running of the government must be responsible to the people and subject to their restraint. According to the constitution of the People's Republic, the only organizations and officials enjoying legitimacy are those elected by the people or subject to appointment and restraint by an elected government responsible to the people.

We would like to ask a question of senior government officials who have incited the arrest of people: Do you hold power legally or illegally? We would also like to ask a question of Chairman Hua and Vice-Chairman Deng: Do you hold your posts of premier and vice-premier legally or illegally? We would like to know if it is legal or not for a vice-premier and a vice-chairman to announce the arrest of people rather than for the courts and the people's representative organs to do so? We would like to ask two more questions: Which article of Chinese law says that "evil deeds" constitute a crime? What are the criteria for determining an evildoer, and whose views should the criteria reflect? If the answers to these few very simple questions are not clear, then we can say that China has no rule by law.

History tells us that there must be a limit to the trust placed in any one person. Without exception, anyone who seeks to gain the people's absolute trust is a careerist. One important question is what kind of person should be chosen for a position of public trust. But more important still is the question of how to make these people carry out the wishes of the majority. We cannot be easily persuaded that anyone will automatically serve the interests of others, still less that anyone will serve the interests of others at any cost to himself. We can only trust agents who are under our supervision and who are responsible to us. These

agents must be appointed by us, not forced upon us. Whether or not one has the right to use governmental power must depend first of all upon whether or not one is encroaching, or is preparing to encroach, upon the people's basic democratic rights. Without exception, anyone who is not willing to accept the supervision of democratically-elected organizations, or anyone who is preparing to violate the people's basic democratic rights, can only be an enemy of the people. We think that it is this type of person alone who is fit to be called by names [which the government applies to dissidents] such as "scoundrel." This is the standard of the people.

If the people want to remold the government and their leaders into servants of the people, they must first firmly control supervisory and mandate powers. The rights and procedures concerning voting and dismissal of officials from their posts must be guaranteed. A government and leaders which serve the interests of the electorate can only come about through genuine universal suffrage. If the government and leaders are truly subject to popular election and supervision, then a climate will exist that will check leaders' arrogance and hunger for power. Do not blame the leaders for letting power go to their heads and for not sincerely working for the people's welfare. Do not blame the people for being uninformed and for not daring to resist on behalf of their own interests. These problems arise because our society lacks a means for wise people to supervise wise officials.

Therefore, we hold that reforming the social system and leading Chinese politics to democracy constitute the precondition for solving China's various current social and economic problems. Only when the leaders are appointed by those whom they lead can they obtain the willing cooperation of the people and inspire them to action. Only when the people can fully express their ideas will they be willing to help the leaders to analyze and solve problems and develop everyone's knowledge. Only if there is cooperation and if everyone's knowledge and strength is combined can optimum working efficiency be guaranteed and the most ideal result be achieved. This is the only road that China can now take to succeed, even though under China's present conditions it is a road on which we will encounter great difficulties.

## PROPOSALS FOR THE "GENGSHEN REFORMS"<sup>35</sup>

by Xu Wenli

Chinese society has now reached a critical point in its history, and further progress is only possible at the price of a thoroughgoing political reform...

The democratic socialist movement that grew up in late 1978 across China, and whose main components are the young workers, the prodemocracy ferment at the Third Plenum of the Fifth National People's Congress (NPC) and the Fifth National People's Political Consultative Conference (NPPCC), together with the movement now developing around the student elections, shows that the desire of the younger generation for national renewal is irrepressible.

There can be no doubt that China must change. Head-in-the-sand conservatism will not resolve our problems, nor will tinkering with the system. The issue boils down to this. What road should the reform movement take? Should it be from above, from below - or both?

At present, reform from below must be ruled out, since the Chinese people will tolerate no more public disorder. On the other hand, history shows that the bureaucratic resistance of the old structures will prove too strong for a movement that relies entirely on forces for change at the top. So only a combination of reforms from above and from below can be really effective.

The management of our affairs can no longer be left to a tiny minority. Government must hand power back to the people. The reform process must become an occasion for uniting and strengthening the nation.

Therefore, despite their rough and ready nature, I am presenting these few proposals on reform for the consideration of the Central Committee (CC), the NPC, the NPPCC, the State Council and the Chinese people as a whole.

1. The general elections now taking place at county and district level are undemocratic and should be annulled. The Twelfth Congress of the Chinese Communist Party (CCP) as well as the Sixth NPC and the Sixth NPPCC should be adjourned.

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<sup>35</sup>This is an edited version of a translation which appears in *Wild Lilies, Poisonous Weeds: Dissident Voices from People's China*, *op.cit.*, pp.56-62.

The point of democratic consultation is that the power to select candidates should lie with the electors. But in the present elections this right has been withdrawn. Our electoral law is unscientific. Our society has no tradition of democracy. We lack experience of democratic consultation. Above all, antidemocratic forces have interfered with and sabotaged the elections. The result is that in most places the electors have not even had a chance to meet the official candidates, let alone to ask them questions or give their own opinions. So these candidates can in no sense be said to have received a mandate, since they have not even bothered to explain their political program (which they could easily have done during their free time). In fact, the campaigns have been carried out not by the candidates but by officials of the various electoral commissions.

Moreover, in many places normal electoral competition was suppressed. This is not true democracy. The right to vote is a right, not a favor, and it must be exercised without constraints. Otherwise we have only a parody of elections, amounting to authoritarian rule under another guise.

We must use democratic electoral campaigning as a scientific method for promoting social progress. We must abolish the pyramid-shaped structures that we inherited from feudalism, by which officials are responsible to their superiors but never to the people. These structures mean that political rights are stratified according to one's social group. We must progressively ensure that the people's representatives are responsible to the electors and can be dismissed by them. We must realize a new democratic socialist system in which the people are the country's true masters, through a new, non-pyramid-shaped structure in which the NPC, the organ of supreme authority, will supervise the administration at all levels.

2. A consultative committee for the reform process should be immediately set up, drawn from the Central Secretariat of the CCP, the Standing Committee of the NPC, the State Council and also representatives of the Chinese Nationalist Party, as well as political parties, groups and experts from various other sectors. This committee should be invested with independent authority.

Under its direction a six-month discussion should be opened in the press so that the opinions of the masses concerning the reform process can be distilled and concentrated. A reform project should then be drawn up based on the views of the majority. After genuine elections, it should be presented to the Sixth NPC and the Sixth NPPCC for implementation.

In drafting the reform plan we must draw the lessons of the



constant left-right zigzags that have plagued China ever since the crushing of the Gang of Four. We should publish plans for the raising of citizens' standard of living. These plans should be realistically attainable year by year, so that our policies are both credible and corruption-free.

3. Before the reforms are implemented, the existing legislation and rules must be followed to the letter.

4. We should stop venerating only Marxism-Leninism and Mao Zedong Thought and begin to practice freedom of belief. We should consider the progressive thought of all human civilization as our heritage, and rescue Marxism from deductive scholasticism by letting "a hundred flowers bloom and a hundred schools of thought contend."

Marxism is a science, but science must be continually developed and does not fear the open competition of conflicting theories. That the CCP holds to Marxism as its guiding ideology should in no way prevent other parties and groups from holding their own beliefs and points of view. In pursuit of truth, we should adopt the democratic principle that while the minority must submit to the majority, the majority has no right to suppress the minority.

5. Replace the "Four Modernizations" slogan with that of all-round, integrated modernization.

6. The CCP should re-register its members, but without turning this into a political campaign. The party's main source of finance should be its members. This will reduce the burden on the exchequer and on the people. After the reform is implemented, the CCP, along with all other parties, should receive a state subsidy proportionate to its membership.

The CCP has a glorious tradition. It is without doubt the only party in China capable of carrying through the reform program. Its political qualities will decide the success or failure of the reform. The proposal to re-register its members will open up new perspectives for it.

7. Leave the settling of historical accounts, including the balance sheet of the conflict between the CCP and the Nationalists, to the historians.

8. The "four powers" should be separated in the Chinese political system. The structure should be restored whereby the President presides over the State Council and commands the armed forces. Appointments for life should be abolished and no

individual should hold the same office for more than two successive terms.

Separation of the four powers means that the CCP is the guiding power, the NPC and the NPPCC are the legislative power, the state organs are the administrative power, and the courts have judicial independence.

9. The present system, in which power is concentrated at the center, should be progressively replaced by a federal one that combines central direction with local, regional and municipal autonomy. Taiwan should be treated as a special area in order to arrive at a peaceful resolution of the Taiwan problem.

10. The Chinese armed forces are the defenders of the state and the people. They should stay out of politics. If they fail to do so, they should be severely punished. No soldier should serve in a government post. The minister of defense should be chosen from the civilian personnel. This measure is necessary for society's stability and for the people's security. It permits military professionals to concentrate on developing military science and modernizing strategy and tactics.

11. The present conscription system should be progressively changed so that compulsory military service is replaced by a combination of volunteers and career soldiers. The system of people's militia should be extended. The research and teaching of modern military science should be reinforced. The quality of troops should be improved and their numbers reduced.

12. We should continue to restrain military expenditure while increasing investment in qualified personnel. Part of the funds released from military spending should be used to raise the standard of living of the lower and middle ranks or allocated to the parents of military personnel from the countryside.

13. The Sixth NPC and the Sixth NPPCC should be convened for the purpose of revising the present Constitution and drawing up a new one based on popular sovereignty. The law should be revised in line with a more modernized concept of government so that citizens have the right to publish, associate, form political parties, strike and demonstrate.

14. All prisoners of conscience, including Wei Jingsheng, Ren Wandong and Liu Qing should be immediately set free. People imprisoned in the past for political offenses should be given retrials. The vague and ambiguous articles of the penal code dealing with counterrevolutionary activities should be amended. The administrative ordinances that permit the Public Security

Bureau to exercise judicial powers should be abolished. The freedoms to speak, assemble, associate, publish, march, demonstrate and strike, which citizens have on paper, should be guaranteed in practice.

The focal point of all reforms should be human liberation, regard for human values, and respect for human rights. The free development of each individual is the basis for all social progress. Military-style authoritarianism must be replaced by government through moral persuasion; all government must act strictly within the law. Administrative units should no longer have control of dossiers on individuals. Instead, there should be a system of passports, and the state should establish archive bureaus from which individuals can obtain their identity papers. Employment agencies should be set up, and staff should be engaged on the basis not of unified appointment [by the state] but of job advertisements, exams and proper selection methods, with the signing of short- or long-term contracts. Provision should be made for job allocation in cases of unemployment. Restrictions on residence permits should be progressively relaxed so as to eventually guarantee freedom of resettlement.

15. In all enterprises other than state organs directly under the central government, administrative power should be exercised by an executive committee appointed by the [elected] Workers Congress. The executive committees would practice independent accounting, take responsibility for the enterprise's profits and losses, pay and deduct taxes, and promote free competition. Cultural and educational bodies should be grant-aided and should gradually carry into effect a system of free universal education. After fulfilling its quota as set out in the Plan, each unit and enterprise should have the right to make its own supply, production and marketing arrangements. Provided no employee earns less than the national minimum set by the state, each unit should have the right to fix its own wages, bonuses and social security system.

Income tax should be introduced once average salaries have increased on a broad scale. Invisible deductions from salaries should be explained. Those who work harder should get higher wages and those who are more able should make a greater contribution, so that each citizen recognizes his or her own worth and cherishes his or her democratic rights.

The workforce and property of firms which go bankrupt as a result of lack of competitiveness should be put at the disposal of the people's government at the relevant level. Acting in accordance with the relevant legislation and in consultation with employees' representatives, the government should make appropriate

arrangements for them.

16. The problem of the countryside is essentially one of land. A new agrarian law should be drawn up to put an end to the present chaos. Popular assemblies should be set up in each village and township and should serve as supreme organs of local power. They should be made up of people from all backgrounds (families with extensive labor power, families with little labor power, intellectuals, parents of martyrs and soldiers, pensioners...) and should establish permanent bodies of local executive power.

17. Cadres who have been dismissed or retired early, personnel who are honorably discharged from the armed services and other deserving individuals should be awarded certificates of merit and material benefits according to a system centrally administered by the state and conforming to the relevant historical periodization.

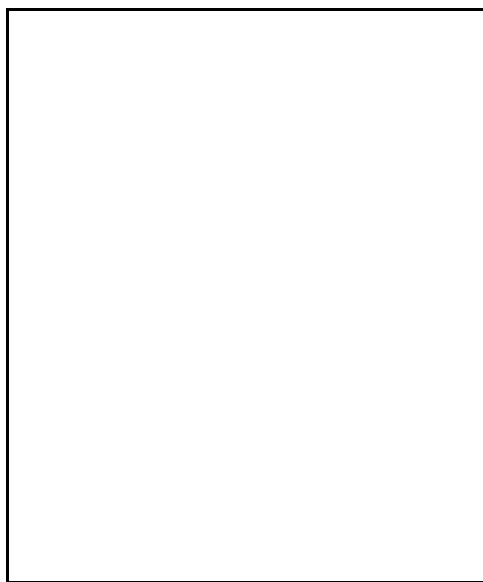
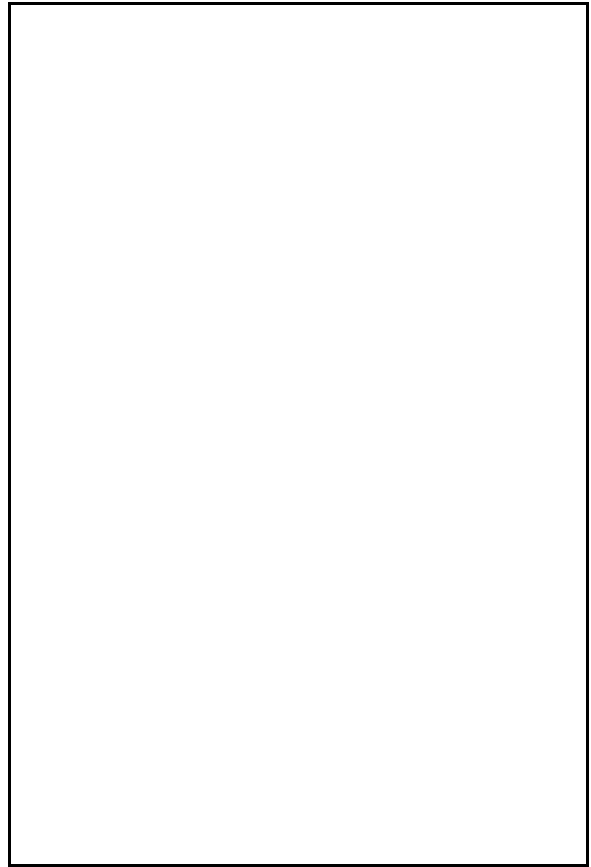
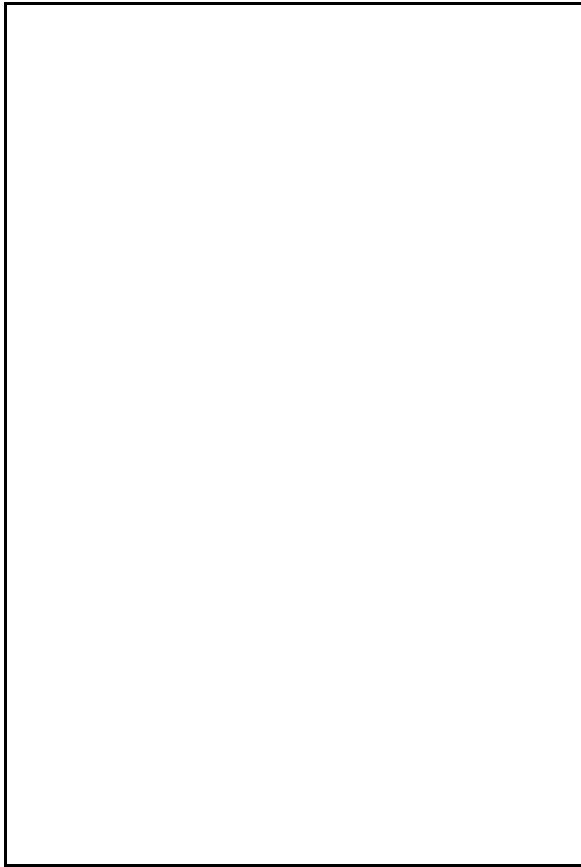
18. As an experiment, a four-hour working day should be introduced for all married women to provide them with greater opportunity and time for running the household and raising the younger generation.

19. Education is the foundation stone of modern society. We should progressively establish free and universal education, encourage higher education on a half-work, half-study basis and introduce a trial system of grants. Adult education, professional education, cultural education of a social nature, recreation centers and sports facilities should be featured in the administrative programs of the various units and of the people's governments at each level.

20. Reduce the number of deputies elected to the various levels of the NPC and the NPPCC. Deputies at all levels should be released from production tasks so that they can devote themselves to serving society. At every level of the NPC and the NPPCC, permanent bodies and specialized commissions should be established to solicit and listen to citizens' opinions and maintain organic links with the people.

The state belongs to everyone, and democracy is everyone's business. If everyone thinks that nothing can be done, then our nation will accomplish nothing. But if everyone believes that something can be done, then we will accomplish great things. As long as the youth and the people as a whole retain the will to work hard towards the goal of national prosperity, there will be great hope for China.

Appendix 4: Xu Wenli's drawings for his wife and daughter



## Appendix 5: Map of Wei Jingsheng's place of imprisonment

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For More Information

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*Asia Watch is an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg, the Vice Chair is Orville Schell, and the Executive Director is Sidney Jones.*

*Asia Watch is a division Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Aryeh Neier is Executive Director; Kenneth Roth, Deputy Director; Holly Burkhalter, Washington Director; Susan Osnos, Press Director.*