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Bulldozed: In the Shadow of Progress

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BULLDOZED: IN THE SHADOW OF PROGRESS

By

Dong Yu

B.A., Communication University of China, 1995

A Research Paper

Submitted in Partial Fulfillment of the Requirements
for the Degree of Master of Arts

College of Mass Communication and Media Arts
in the Graduate School
Southern Illinois University Carbondale
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RESEARCH PAPER APPROVAL
BULLDOZED: IN THE SHADOW OF PROGRESS

By
Dong Yu

A Research Paper Submitted in Partial Fulfillment of the Requirements
for the Degree of
Master of Arts
in the field of Media Theory and Research

Approved by:
Janice Thompson, Chair

Graduate School
Southern Illinois University Carbondale
October 28, 2013

AN ABSTRACT OF THE RESEARCH PAPER OF

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TITLE: BULLDOZED: IN THE SHADOW OF PROGRESS

MAJOR PROFESSOR: Janice Thompson

China has been the fast growing economy in the human history. Since China initiated its “Open Door Policy” at the end of 1979, it has been in the fast lane regarding economic development. Tens of thousands of people have started their own business. For much of the population, especially in big cities, living standards have been improved dramatically. Besides the basic necessities, people started to own their own housing properties. It was also the first time that private property trades were allowed since the Communism Party took power in 1949.

During the past three decades of reform, many cities have expanded under large-scale reconstruction. New residential communities, shopping malls, office buildings and financial centers are replacing the humble stone houses, courtyards and alleys that characterized old China. In order to acquire land for the new construction sites, it would often involve evicting people from their homes, demolishing old buildings and farmhouses, and occupying farmland. All over China people’s rights are being violated during the process of demolition and eviction. The conflicts between the developer/evictor and the resident/evictee have been intensified due to the lack of due process, fairness and justice in the procedures. This has led to a raised social anxiety.

In hopes of easing social instability, on March 16, 2007, The China National People’s Congress passed a controversial law to protect private property rights. It was

the first law that gives the owner the right to possess, utilize, dispose of and obtain profits from the real property. This landmark law went into effect on October 1st, 2007.

The documentary followed a group of lawyers on their trips to help villagers from Hexi, in ShanDong Province, to fight for justice. These villagers were facing forced demolition and eviction. The villagers think that the demolition did not follow the right process--through pure arbitrary government behavior, they did not get their fair compensation. It is not a single instance. Illegal demolition occurs so frequently across the country, it has become a serious problem in China.

Western media has portrayed China's glamorous side in its skyrocketing growth and development; however, few have known or noticed the hidden facts, shattered lives, and bitter stories untold in the shadow of these skyscrapers. *Bulldozed: in the Shadow of Progress* reveals that not only people's houses are being demolished, but their rights are also being violated.

This documentary is structured in two parallels. One aspect shows the unlawful demolition and illegal eviction that happened at Hexi Village in Shandong Province. The villagers were unfairly treated during the process of demolition and eviction and experienced extreme frustration. The other aspect tells the story of new generation of lawyers and people who risked their lives fighting for justice. As the story unfolds it reveals a flawed legal system--dysfunctional in protecting people's rights.

During a demolition procedure in the film, when an agreement was not reached between the development company (evictor) and the villagers (evictees), the villagers were harassed by thugs hired by developer and were forced to leave their home. They had no channels to voice their frustration or to seek justice.

The experience of this village was not an isolated incident, but a common scenario encountered by tens of millions of Chinese people. As shown in the film, the process of demolition and eviction is arbitrary and lacks due process. Those villagers relied on the land to make a living, but were not treated fairly regarding compensation, job assistance and settlement for relocation.

The villagers tried every possible way to protect their rights: they organized themselves, elected their representatives, patrolled the village during the night to fight against thugs, made efforts to appeal to both local and higher authorities, pursued help from professional lawyers, and filed their complaints at the court. However, the cases were not accepted—even after numerous attempts. As a result, no resolution was reached. Villagers were frustrated by the fact that they are considered the “underprivileged party” and thus lack protection by law. Some of the victims lost their hope to live, and even went to the extreme of attempting suicide.

On the other hand, the documentary demonstrates the courage, strength and perseverance of three lawyers who fight with those villagers for their rights. They are willing to work on these villagers’ cases in spite of frustration and dilemma. The lawyers defending citizens whose rights are being violated by the government are called “Public Interest Lawyers.” They often face extreme obstacles in defending their clients, often being harassed by thugs, and detained without legal documents—sometimes even putting their own lives at risk.

In China, lawyers are managed under the authority of the Ministry of Justice. To practice law, lawyers need to have their certifications renewed annually from bar associations. Bar associations remain under the control of judicial authorities, which are

subject ultimately to the Communist Party. The renewal process has been used as a means to subvert the most outspoken lawyers. The government perceives lawyers who work on politically sensitive cases as either a threat to social stability or a potential embarrassment to the Party rule. Any case that mentions government's wrongdoings, or disputes against government policy could be considered a politically sensitive case. Many of those out-spoken lawyers are often harassed by plain-clothed policemen, monitored by secret service, even detained and arrested without legal documents. All three lawyers in this film are under surveillance by the Chinese national security bureau for these very reasons.

The story of forced demolition that took place in Hexi is served as a vehicle to reveal how the legal system in China is operated under the government, the problem of lack of independence of judicial branch, the frustration and ill-treatment people face in fighting for their rights, the strong will and desire people hold for justice, the courage and the perseverance people demonstrate in search of a better future.

The fearlessness of the lawyers and villagers inspired me to work on this project. I believe this documentary is a powerful tool for influencing people. I hope this documentary shows the disappointing reality of law enforcement, spreads the idea of rule of law and calls for greater urgency in reforming legal system in China. Meaningful reform to the legal system in China has lagged behind China's economic reform, which began more than three decades ago.

"China's GDP growth figure is an impenetrable black box. There's no way you can actually get behind the numbers and figure out where they came from." - Economist Patrick Chovanec.

“China’s GDP data is supposed to measure economic activity. So if you build an empty airport, that shows up as an increase in economic activity, but it’s not really an increase in wealth if nobody uses the airport.” -Beijing-based economist Michael Pettis

In 1999, land sales made up just 9% of revenue for local governments. That figure skyrocketed to 64% in 2011.

Now that China’s economic growth is slowing down, the central government has ambitious plans to move a quarter of a billion rural Chinese into the cities over the next decade. There is more pressure than ever on local government officials to take people’s land by any means necessary.

I hope this documentary will bring awareness to the matter and make a difference.

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CHAPTER 1

INTRODUCTION

A fast growing economy has brought China much prosperity. Many cities are constructing new buildings, shopping districts, and offices. The cities have expanded to the suburbs as new development and construction are carried out. Acquiring land for new construction sites often involves tearing down old houses and relocating residents to new locations. In general, most people welcome demolition and eviction, since they are offered to move to better homes most of the time. However, dramatic increase in land prices due to new development and construction has caused a sharp dispute between evictors and evictees regarding compensation, job assistance, and compensation settlement. Often, the evictors are state or private companies that have strong ties to the government. The evictors use the strong ties to get around the process of obtaining demolition permits. To make matters worse, the evictees are ordinary people--“the underprivileged group” who suffer a lack of due process, as well as no legal channel to register their complaints. The legal system is under the control of the Communist Party and government, and if a case is against the interest of the government, the legal system often fails ordinary people’s cases.

This production portrays events that happened to several families and individuals in Hexi Village of City of Qingdao during demolition and eviction. Hexi Village is a village surrounded by Qingdao City. It is under jurisdiction of Sifang District of Qingdao. Hexi Village was founded around 500 years ago. The majorities of the families in the village are related—sharing the same ancestry--and share the same family name—Yuan. The

village currently has over 900 households, most of which are farmers who grow vegetables for a living.

Beijing was awarded to host the 2008 Olympics Games; as result, Qingdao hosted the sailing competition of the 2008 Olympics Games. To serve the Olympics Games, the government of Qingdao started large-scale reconstruction projects. Hexi Village was one of the major reconstruction projects in Qingdao.

The film begins by informing the audience about the fast growing economy in China, which brought huge economic changes to the people and the society. Following the opening, the film depicts a scene where a bulldozer is demolishing a house. The scene was out of the ordinary: hundreds of people in the scene; many of whom are policemen, and security guards. Heavy machinery, fire trucks, police cars are present as well. Interviews were given to the following characters in the story:

Yuan Bendu: resident of Hexi Village, Representative of families who remained in the village, whose home was demolished.

Yuan Benjun: resident of Hexi Village, Representative of families that remained in the village.

Yuan Deliang & Zhang Meiyong: resident of Hexi Village. The couple was arrested for protecting their home by fighting against the eviction company and the police.

Yuan Xinyu & Zheng Fangwu: resident of Hexi Village. The couple was arrested for trying to protect their home. The wife also attempted to commit suicide.

Yuan Yousheng: resident of Hexi Village, Representative of the families that remained in the village.

Teng Biao: Law Professor of China University of Political Science and Law

Wen Haibo: Lawyer

Li Subin: Lawyer

The villagers believed that the forced demolition and eviction carried out by Hexi Industry Company was illegal. In order to be qualified for legal demolition and eviction, the evictor has to follow government regulations, such as a demolition and eviction permit, land usage permit, and financial statement. Although the villagers kept asking to see the permits, Hexi Industrial Company never produced the permits to the villagers. Because these permits were never produced, the villagers believe the demolition and evictions were illegal.

In addition, the evictor needs to negotiate compensation with the evictees. Both sides need to sign agreement regarding the compensation. The fast growing economy caused a dramatic increase in land prices. The villagers believed that they were not being compensated fairly for their land and properties. When carrying out demolition and evictions, the law requires the evictor to put funds in banks to guarantee compensation for the evictees. Most of the villagers are farmers who rely on their land to make living. Once their land is taken away, they face a very real hardship in trying to provide for a living, if they are not offered jobs or adequately compensated.

Another frustration the villagers have is that there is no channel to voice their concerns regarding the demolition and eviction processes. According to regulations, an evictor can apply for permission from the government to proceed with forced evictions if an evictor cannot reach an agreement with villagers. This is exactly what Hexi Industrial Company did. However, villagers have no recourse for preventing forced eviction.

Although the villagers tried to file a lawsuit against the forced demolition, neither the Sifang District Court nor Qingdao City Court accepted their cases.

In order to fight for their rights, villagers elected five representatives. On March 17, 2005, they began to make appeals to local authorities, and even higher authorities in Beijing. However, no resolution was reached--at any level. This film employs interviews with Yuan Bendu, Yuan Benjun, Yuan Deliang, and other villagers to reveal the difficulties the villagers encountered during the demolition and eviction processes. Evicted residents tried to seek justice in the local courts, but the courts refused to hear their cases.

The stories of two arrested couples demonstrated the intense hardship the villagers faced. Yuan Deliang and his wife Zhang Meiyong were arrested when they tried to protect their house from forced demolition. After they were taken into custody, the eviction company tore down their house. When their two daughters came home after school, they saw their house was destroyed. The couple was charged with obstruction of public administration.

Another couple, Yuan Xinyu and Zheng Fangwu, was arrested as well. After losing the will to live, Yuan Xinyu, the wife, tried to commit suicide by setting herself in fire. The couple was charged with arson and obstruction of public administration.

This documentary also follows the three lawyers who helped villagers in defending their rights. Public interest lawyers in China face huge obstacles in defending citizens whose rights have been violated by the government. In China, lawyers are under the authority of Ministry of Justice, which oversees lawyers' practice. Bar associations remain under the control of judicial authorities, which are subject ultimately

to the Communist Party. The government perceives lawyers who work on political sensitive cases as threat or potential embarrassment, and has used politically motivated prosecutions to target many of the most outspoken advocates for public good. Any case that mentions wrongdoing by the government, or dispute against government policy could be considered a politically sensitive case. Only a handful of lawyers are willing to take on forced eviction cases because of the threat to themselves and even their families.

The eviction that happened at Sifang is just one example of demolitions and evictions happening in China. The documentary not only reveals that the Chinese legal system needs functional independence, but also portrays those three lawyers as fighters for ordinary people. The public interest lawyers Teng Biao, Li Subin, and Wen Haibo in this production, advocate obtaining substantive results through rational application of the law.

Teng Biao, a professional lawyer and a law professor at China University of Political Science and Law, is one of China's most famous lawyers and advocates "rule of law" in China. He graduated from prestigious Peking University with Ph.D. of Law. He is also a director and researcher of the NGO Open Constitutional Initiative (OCI) based in Beijing. OCI focuses on freedom of expression, religious freedom, torture and the death penalty in China. He became famous by taking many sensitive cases as a "rights protection" lawyer. Mr. Teng was recognized as one of the "Top Ten Figures in the Legal System" for 2003 by the Ministry of Justice and China Central TV for his noteworthy contributions in practicing law in China. The same year, he was awarded the Gleitsman Award for Achievement by the Gleitsman Foundation. Also in 2003, Teng Biao, with two

other lawyers, filed a petition to the national legislature seeking to enforce guaranteed personal rights, thereby paying homage to the "rule of law" for all. In 2005, Asia Newsweek recognized Dr. Teng as one of China's top fourteen human rights lawyers and as one of its "Persons of the Year in Asia."

In 2008, Mr. Teng defended the Tibetans who were charge in the March 2008 protests. As a result, authorities refused to renew Teng Biao's lawyer's license later in 2008. He was arrested and released by the government after two days of detention. The National Endowment for Democracy (NED) recognized Teng Biao with the 2008 Democracy Award, for his fearless efforts in promoting advance democratic values and fundamental rights within China. However, he was unable to attend the ceremony because the police confiscated his passport.

Mr. Teng, and other "rights protection" lawyers, represent a new breed of activists in China, who have abandoned the radical approach adopted by the students of the Tiananmen democratic movement of 1989, and have realized political democracy could be achieved only after progress of economic development, personal freedom, and social justice have been improved. In order to obtain the substantive results, they avoid the confrontations used by previous generations of dissidents, and tactically stay within the limits set by the government as they carefully push for reform; they avoid declaring themselves a party or an independent organization, instead they petition the government as concerned individuals asking for "the rule of law."

In the course of portraying pictures of ordinary villagers and a group of lawyers, the documentary presents a broad context of the political, economic and cultural atmosphere of China under a fast growing economy. The documentary reveals the

economic, political, and ideological impacts on China and the Chinese people brought by the economic overhauls of the last thirty years.

Today, China is a fast moving story; there are so many different realities playing simultaneously. The dynamics caused many unforeseen situations to the economy, as well as to the political system. It is hard to make exact predictions or a roadmap for the political future in China. By focusing on what happened in Hexi Village, and the efforts made to reach fairness, the documentary not only reflects the efforts and dilemmas while pushing the government for political reform, but also reveals the subtle role the government played throughout this event. Forced demolition and evictions have been widely reported by websites, blogs, and main stream media, even People's Daily, the voice of the Party. As it has happened during previous political campaigns and democratic movements, there were intervals when the leash on the media was loosened and tightened.

The documentary also provides insight into the legal system in China. The legal system is not transparent in China and has not been revealed much for Western media. Through the eyes of law professionals, such as Mr. Teng and his colleagues, the documentary explores what role public interest lawyers could play in the reform era.

I have studied hundreds of documentaries. The following are few: *New York: A Documentary Film* by Ric Burns, *When the Mountains Tremble* by Pamela Yates, *The Hunting of the President* by Harry Thomason. Some of them are related to China: *Gate of Heavenly Peace* by Richard Gordon and Carma Hilton, *Morning Sun* by Carma Hinton and Richard Gordon, and *The Tank Man* by Antony Thomas. All of them are rich in character, clarity and complexity; and each one is distinguished by its unique style,

rhythm, and structure; most significantly, their successes lay in thorough research and comprehensive understanding of their subjects.

Behavior is affected by one's environment. Thoughts and ideas are influenced and cultivated by past habits. I focused my research on four major democratic movements that happened in China since the Communist Party came to power in 1949. The paper thoroughly reviews the four major democratic movements, The Hundred Flowers Blooming Campaign of 1956, the Democracy Wall Movement of 1978, the April 5th Tiananmen Incident of 1976, and most recently the June 4th Tiananmen Incident of 1989, while tracing the historical background with emphases on the political and social circumstances that led up to each event. Delving into the history of the democratic movements that happened during the second half of last century, looking at the aftermaths of government suppression and the impacts on the Chinese people and society as a whole, I found they provide context and reveals trends for my study.

I believe that filmmaking is about principle and creativity. Due to the nature of the subject, the documentary will deploy a combined approach of analysis and observation. I do not limit myself to any particular style. I will utilize any style as long as the format is proper to the subject and will serve the need of artistic expression.

I intend to have the documentary reach both American and Chinese audiences. I would like to bring the awareness to the American audience to support the ones who are suffering by the system, and to inform the Chinese audience regarding their right to use the law to enact changes.

The documentary intends to provide a multi-perspective response to these questions.

- What kind of realities are people facing every day?
- What kind of dilemmas are they facing under the current political system?
- To what extent have their efforts been affected? What are ordinary citizen's

attitudes towards their action?

- Has there been democratic progress after thirty year economic overhauls?
- Are Chinese people optimistic or pessimistic about their future?

Through the story happened to the villagers of Hexi Village, and the efforts made by a group of public interest lawyers, the hope is that this documentary will raise the public's awareness of a new generation of activists who devote themselves to improve of democracy and the rule of the law in China.

In the film, I followed the lawyers to Hexi Village. They worked on sensitive cases—helping their clients fight against the government. If a lawyer brings a law suit against the government, he will face great difficulties: he most likely will be under surveillance of the police, which means he may be arrested anytime if the government thinks he has crossed the line; his employer will not support him, and even discourage him not to take such cases to avoid possible trouble for the employer; he also faces the risk of not be able to get the annual renewal of his lawyer's license.

The Chinese legal system does not function the same way as Western legal systems. The Communist Party has absolute control of the legal system, which means the legal system in China is an extension of the Party's control. Checks and balances do not exist. When the government has a certain need, the court system will serve that need. In the documentary, when the villagers at Hexi tried to file law suit against the forced demolition and eviction, the local district court and city middle court refused to

accept their cases. The villagers had to elect representatives to go to Beijing for petitioning and find lawyers in Beijing to help them. The two families that tried to protect their properties were arrested, and were immediately prosecuted.

Through China's Open door policy, China has shown the world its attractiveness, and that has drawn investments from around the world. The result has fostered China's economic development. In the past three decades, China's GDP has grown over tenfold. And China's economy has integrated with the world economy. However, the reforming of China's legal system has not kept pace with the speed of China's economic development. Good legal protection for private property is a safeguard to people who are creating more and more prosperity.

Call for political system reform is the foundation for improving the legal system. Improving and reforming the Chinese legal system will greatly improve human rights in China.

Nevertheless, the Chinese are making progresses. In the 1970's, Chinese people barely had a channel to voice their concerns; in the 80's, several democratic movements tried to make changes to China's political system, all ran into dead ends. The most significant event was the June 4 Tiananmen event; in the 90's, Chinese started to rethink; now pro-democratic groups in China try to use the existing legal system to protect themselves, and make improvements in both the political and legal systems.

China role in the world has become increasingly more important. The stability of China has a strong impact on the world's economical and political situation. This film is

of public interest, not only for the people who live in China, but also for people who have an interest in China's economical and human rights development.

I plan to setup open houses at showings of my production to public audiences. Public flyers will be distributed to various locations where bulletin boards are available. Q & A session will be available for the audiences afterwards.

In addition to open house showings, I plan to submit my production to film festivals.

CHAPTER 2

LITERATURE REVIEW

I. Overview

Visiting China today, one will find cities are booming, especially big cities such as Beijing, Shanghai, Guangzhou, and others in the coastal area. Shiny new skyscrapers are springing up like mushrooms after a spring rain; global chain stores, fast food restaurants, such as McDonald's, Pizza Hut, Starbucks, and Wal-Mart are seen alongside homegrown mom and pop stores; luxury cars navigate through bicycles and pedestrians; signs of international corporations, commercial advertisement, and public affair billboards decorate every corner of the vast cities; the streets of the cities buzz with energy; cars, buses, motorcycles and bicycles weave together; venders, passersby, and idlers crowd the sidewalks.

Indeed, China's has been the fastest growing economy in the world. In 2006, China's GDP (Gross Domestic Product) was 2.68 trillion and stood as the fourth largest economy in the world after the United States, Japan, and Germany, according to China Statistics Bureau (Xu, 2007).

In the past three decades, China's economy has changed from a centrally planned economy that was largely closed to international trade to a more market-oriented economy that is a major player in the global market. The restructuring of the economy and resulting efficiency gains have contributed to a more than tenfold increase in GDP since Deng Xiaoping's reform in 1978.

Although the aftermath of the bloody crackdown of the Tiananmen Democracy Movement on June 4th 1989 caused some interruption in economic development, China

has still maintained an annual output growth at a dazzling rate of 8 to 9 percentage for the past two decades and double-digit growth for the last four years. The actual GDP growth in 2006 is over 10 percent, the fastest speed in the past eleven years (Xu, 2007).

For much of the population, living standards have improved dramatically. People now enjoy more abundance of material wealth than ever before. It is hard for younger generations even to image what life was like during those years when the food supply was rationed to each household. During those time, only a meager amount of food was given: half kilogram of sugar, 1 kilogram of pork, 1 half kilogram of eggs per person per month, and there were no other sources of food available on the market. Nowadays people can get pretty much anything they want, from daily necessities to luxury goods, for example: Rolex watches, brand name clothes, the newest models of cell phones and luxury cars. Some predict that China will be the largest market for luxury products in decades to come.

However, by taking a closer look at China's economic miracle, it is not as optimistic as it may appear. Measured on purchasing power parity (PPP) basis, China in 2006 stood as the second-largest economy in the world after the US; but in per capita terms, the country is still within the lower middle-income category despite reaching the record high of 1,000 US dollars in 2004; China ranks at 110th place in the world (CIA, 2006).

The economic growth comes at a cost of leaving the interior provinces and the majority of population behind. Under Deng Xiaoping's policy of "letting some people get rich first," which has been implemented since the reforms started in late 1970s,

economic development has generally been more rapid in coastal provinces than in the interior. There are large disparities in per capita income between coastal and interior regions. Despite China's gleaming new cities, there are 750 million people, more than half of the population, still living in the countryside, 130 million people fall below the international poverty lines (CIA, 2006).

Those left behind, mostly, are farmers who have been left barren and suffered most under both the centrally planned economic system, and market economic reform. Further, the beneficiaries of Deng's policy very often are those well connected with the Party, and the Party officials themselves who are in charge at all levels.

Although to some degree the mix of old and new influences the lives of all Chinese people, the effects vary greatly in different regions. Inequalities between cities and countryside, between coastal and inland regions, either inherited from Mao's revolutionary period or the result of Deng's reform era, have increased dramatically. But of far greater significance are the huge social and economic gaps between rich and poor, between rulers and those ruled. The economic inequalities are transforming into a disaster and raising society unrest.

Compared with economic reform, China's political reform is lagging far behind. Since the crackdown of the Tiananmen Democracy Movement on June 4th 1989, political controls remain tight despite the popular pressures for reform. The aftermath of the suppression of the movement in 1989 inevitably set back the prospects of democratization. The irony was that the Party decried the Movement as a failure of political liberalization rather than dictatorship, using it as yet another excuse to postpone the political reform.

China's paramount leader, Deng Xiaoping, and his successors, Jiang Zemin, who was appointed during the June 4th event, continued to foster and encourage economic development, while leaving China's political structure intact. The notion that free market economic development always leads to democracy is rejected by the Party, instead, the scheme of getting rich without thinking about democracy and human rights is being widely implanted to the public. China has been described as geographically too large for democracy; China's population too large for democracy; Chinese people too poorly educated for democracy (CIA, 2006).

The current President, Hu Jintao, appointed at the 16th Party Congress in 2002, promoted building a harmonious socialist society at the 2006 annual meeting of the Party's Central Committee. A move some analysts said was one of the most decisive shifts in the Party's thinking since Deng Xiaoping accelerated the push for high growth rates in the early 1990's (Kahn, 2006).

The central government declared that a range of social problems affecting social harmony, including the gap between rich and poor, corruption, pollution and access to education and medical care, must be placed on a par with economic growth in party theory and government policy (Kahn, 2006).

The Party has been struggling to find ways to keep its vast bureaucracy and increasingly unruly businesses in line. One of its greatest challenges lies in bringing to heel of the very officials it relies on to implement its orders. Lacking of a detailed strategy to implement the policy, the commitment, like other pervious ones advocated by the Party, would only look good on paper. Leaving the current political system, one

Party rule and the Party above the law, untouched, the Party itself would be the intractable obstacle to achieving its stated aim of defusing social tensions.

Tom Friedman, the author of *The World Is Flat*, described how he sees China in regard of political reform during his interview with the Science Friday podcast, "China is like a six line super highway. Cars are going to eighty miles per hour, roads are perfect, the street lights all work, but often in the distance of era, there is a speed bump in the road, and the speed bump is called political reform. When 1.3 billion people going on an eighty mile per hour hit a speed bump, one of two things happens. One is the car jumps up into the air, slumps down; everyone looks around, are you OK? Are you OK? OK, and drives on. The other thing happens is the car hits the bump, jumps into the air, and all the wheels falls off. And we don't know what is going to happen to China in that regard."

II. Historical Review of Democratic Movements in China

a. Free speech was tolerated twice for brief periods during Mao's ideological remolding era and Deng's economical reform era.

1. The Hundred Flowers Blooming Campaign (1956 -1957)

In 1956, Mao Zedong began to take some of the restrictions off public expression. Mao published his essay entitled "On the Correct Handling of Contradictions among the People" in which he urged those who disagreed with his policies to come forward and offer constructive criticisms and suggestions (Wright, 2001, p. 149).

"Let a hundred flowers bloom and a hundred schools of thought contend" was Mao's slogan. The "Hundred Schools" referred to the so-called Hundred Schools of Thought of the late Zhou dynasty (772-221BC). The Zhou dynasty was an era when different thoughts and philosophic theories originated and thrived. The message implied by Mao's classical motif was that Mao began to feel it was time to take some of the restrictions off public expression.

But the harsh treatment meted out in 1955 to a writer, Hu Feng, demoralized the intelligentsia. Hu Feng was denounced for his calls for academic freedom and his criticisms of the Party. As a result, he was falsely accused as a National Party agent and imprisoned. He then suffered a nervous breakdown in prison (Moise, 1986, p. 143).

With the lesson from their companions in mind, the intellectuals were reluctant to speak their minds.

The following year Mao took things a stage further, effectively soliciting criticism with a speech on "contradictions" which maintained that the Party had nothing to fear from the "non-antagonistic" complaints of intellectuals. The "non-antagonistic" referred

to contradictions between peoples. The “antagonistic” contradictions between the “people” and their “enemies” were the ones to worry about (Hutchings, 2001, p. 320).

In the spring of 1957, the intellectuals responded. Thousands of intellectuals took Mao at his word and expressed their true opinions on various ideological issues. Many of them criticized the Soviet Union, Mao’s impetuous decision in the agricultural collectivization movement in 1956, and even socialism and the Party itself. By Mid-May of 1957, students in Peking University started to put up Big Character Posters, questioning the relevance of politics to intellectual work. They also demanded that the right to free speech should be embraced by law (Moise, 1986, p. 129).

In June of 1957 the tide turned. Mao was shocked at the criticism of individual officials turning into criticism of the whole system. It became apparent to Mao that the demon of Western liberalism was still alive and extremely vociferous. The intellectuals had not been won over by the new regime and drastic steps were needed to ensure that they were. Mao announced that criticisms of socialism and the party would no longer be tolerated, and a distinction upon criticisms was drawn between “fragrant flowers” and “poisonous weeds.” Those who had uttered “poisonous weeds” were tracked down. The change from encouraging criticism to punishing it took a matter of weeks. The crackdown came in the form of the Anti-Rightist campaign (Moise, 1986, p. 129).

The Hundred Flowers Campaign precipitated the Anti-Rightist Campaign in summer of 1957. Those who had disappointed Mao were labeled as “Rightist” who endangered socialism. Many of the people who had spoken out were sent to the countryside for backbreaking “reform through agricultural labor” or even worse, were arrested.

Mao implied that every organization employing intellectuals was expected to expose and punish as “rightists” at least five percent of its staff. An investigator who could not find enough rightists to meet this quota would at best have been accused of “lacking vigilance”; more likely would have been denounced as a rightist concealing the crimes of other rightists, and would be severely punished (Hutchings, 2001, p. 320). China lost a great deal of its great intellectuals this way. Either they were executed, or so broken that they might as well have been.

For a time, it seemed that the Communists were willing to grant the promise that socialism and democracy went hand in hand. The events of 1956 -1957 revealed the limitations of the Maoist claim to democracy as well as the restrictions that an entrenched bureaucracy placed on the freedom of thought.

The damage the ‘Anti-Rightist Movement’ did was by no means limited to the suffering of its direct victims. The ‘Anti-Rightist Movement’ destroyed any possibility that a harmonious, genuinely cooperative relationship might be established between the Communist Party and China’s intellectuals. Intellectuals have never again been asked to speak out in public on any scale.

2. Democracy Wall Movement 1978-1979

On September 9, 1976 Mao Zedong died.

After the death of Mao Zedong, China was in the grip of an identity crisis. The man who had for so long been the infallible god of his people was dead, the Party was left in disarray, and the country plunged into chaos.

The radical faction at the top of the Party, the “Gang of Four,” lead by Jiang Qing, Mao’s wife, was under arrest within less than a month after Mao’s death (Wright, 2001, p. 164). Mao’s hand-picked successor, Hua Guofeng, came to occupy the posts of Premier, Chairman of the Communist Party, and Chairman of the Party’s Military Affairs commission. He is often described as a restorationist, in that he and his group published an editorial in the People’s Daily on February 7th 1977, saying that whatever Mao had said must be obeyed and whatever Mao had decided must be upheld. Hua Guofeng and his group later were referred as the “whatever” faction. Hua may not have been as extreme as the “Gang of Four,” but he leaned towards the Left (Hutchings, 2001, p. 320).

The death of Mao Zedong marked the end of the Cultural Revolution – a cataclysmic political campaign launched by Mao. The Cultural Revolution lasted ten years from 1966 to 1976. Mao’s desire to emphasize on class distinction and class struggle had reached its culmination. It was about ‘cultural’ largely in the sense that it sought to destroy much of what existed – family ties, traditional values, religious beliefs, the moral base, the legal system. It was truly ‘revolution’ for it toppled many of Mao’s comrades and destroyed the institutional bases of Communist Party rule. It marked a departure from the norms of civilized behaviors, producing cruelty and oppression on a horrific scale. It featured vast dehumanization, persecution, violence, and desperation. People suffered physically and spiritually. It ended with the deaths of more than one million people, and massive disruptions in the lives of almost all of the urban population (Hutchings, 2001, p. 91).

There is no period in China's long history so complex and contradictory. "Never before in the history of man nor in any other country have people had such a fearful and ridiculous, weird and tragic experience as in the Cultural Revolution," (Lin, 1994, p. 11) said Ba Jin, the famous Chinese writer, who advocated transforming Mao's Memorial Hall in the center of the Tiananmen Square into the Memorial for the Culture Revolution.

The Cultural Revolution turned the country into chaos. Most government operations were paralyzed. The economy was on the verge of a break down. By 1976, 60 percent of the population was living in poverty and the average income was about 15 cents a day (Ross, 1986). Society fell into disinterest and selfishness after ten years of political suppression and terror.

The education system was destroyed. School and college were shut down. Professors and teachers were classified as the most dangerous enemies of the proletariat revolution. Millions of youths were utilized by the political factions struggling at the top of the Party. They were Mao's Red Guard, mobilized to lead the Cultural Revolution and to rebel against everything existed in a civilized society only without questioning Mao. As school children, they were sent to the countryside to expound Maoist doctrine taken from the little red book, the bible of Mao's thoughts, to the peasants and to learn agriculture and humility from the peasants.

After having been exiled for almost ten years during the Culture Revolution, Deng Xiaoping was fighting his way back into power. In July 1977, Deng emerged as vice-premier (Hutchings, 2001, p. 109). By the end of following year, Hua Guofeng was moved aside by Deng Xiaoping (Moise, 1986, p. 190). Deng and other like-minded

individuals were devising an iconoclastic program comprised of economic and social reform.

At the watershed Third Plenum of the Eleventh Party Central Committee in December 1978, Deng and his Right-wing faction were able to establish effective control and committed the Party to a program of fundamental economic modernization, reform and engagement with the outside world (Hutchings, 2001, p. 110).

Change was on the horizon.

Tens of thousands of people who had been slandered, persecuted, and imprisoned for being rightists, counterrevolutionaries, bad elements, antisocial elements, and capitalist were released from prison. Many officials and senior party leaders displaced during the Cultural Revolution were rehabilitated. Thousands of intellectuals and ordinary people sent to the countryside returned to Beijing and other cities. Millions of youths, the former Red Guards, moved in from the countryside to the cities.

In 1977, China's newspapers began to proclaim the need for democracy. The People's Daily, the voice of the Party, declared that if China's socialist bureaucracy remained unchecked by elections and other democratic institutions, it might again run amok and degenerate into feudal fascism. In June, Deng gave an important speech at an army political conference. He told delegates that it would no longer do for China just to "copy straight from Marx, Lenin, and Chairman Mao"; henceforth criteria for truth should be sought in facts rather than in politics (Schell, 1999).

By February 1978, a new constitution had been adopted and Article 45 guaranteed "freedom of speech, correspondence, the press, demonstrations, and the

freedom to strike,” as well as what the Chinese came to refer to as the four big freedoms, namely the right of people to “speak out freely, air their views fully, hold great debates, and write big character posters (Schell, 1999).”

These developments contributed to the air of expectation and hope of the late 70s and early 80s. Tyranny seemed to have died with Mao. For a brief time, the general mood in China was one of relief and anticipation. Chinese intellectuals who had lived in a state of perpetual fear were once again emboldened to speak out. “Literature of the wounded,” a new genre of writing that recounted the horrors of the Cultural Revolution, began to be flourished and published.

In Beijing, ordinary citizens began voicing long-repressed grievances. Thousands of people began congregating at a wall around a bus station, located near the Xidan Avenue, a main shopping street and few yards west of Zhongnagai, the central government headquarters and the residential compound of the communist top leaders adjacent to Tiananmen Square. The wall, where police allowed big character posters critiquing some aspects of the government’s policies, quickly became the center of a new movement calling on China to democratize itself politically.

During the winter of 1978 - 1979, at the wall people spent hours reading, talking, and listening with openness never before seen in China. Later the wall was recognized as the Democracy Wall. People traded political views, delivered speeches on China’s future, and put up wall posters criticizing the party and its leadership in a free exchange of ideas that was unprecedented in socialist China. The most famous activist, Wei Jingsheng, warned that China needed not only Four Modernizations, but also a Fifth Modernization, namely, democracy in the political system (Lin, 1994, p. 23).

The Four Modernizations were first called in 1964. These were the Modernization of agriculture, industry, science and technology and national defense. Zhou Enlai, then premier, made them the core of the reform. The Cultural Revolution, started in 1966, was more concerned with politics and ideology than productivity, and ended discussion of the subject. Zhou raised them again in 1975, this time with the help of Deng Xiaoping. Deng made the four modernizations the basic policy of the Party (Hutchings, 2001, p. 150).

Wei Jingshen, a former Red Guard, and by this time the electrician of the Beijing Zoo, calls on the Party to add democratization to the list of “Four Modernizations.” Wei’s manifesto “Democracy: The Fifth Modernization” was posted on December 5, 1978 on the Beijing Xidan democracy wall. The poster states that the four modernizations could not be achieved without a fifth: democracy. Wei advocates that the only reason we want to achieve modernization is to ensure democracy, freedom, and happiness for the people. Without the fifth modernization, all other modernizations that the leaders advocated then are unachievable (Hutchings, 2001, p. 102).

Wei’s idea of democracy was different from those of other activists. He sought a fundamental break with China’s current political system and ideology of a kind few others envisioned or thought necessary. Wei Jinseng is honored as the father of Chinese Democracy today (Lin, 1994, p. 25).

This unruly liberated zone of free expression was not closed down by the authorities immediately. The opinions the activists expressed varied, but were at one in their initial support for Deng Xiaoping. Still consolidating his position against his opposition, Deng found his interests well served by having a cadre of such activists in

the streets ready to protest against his opponents. It showed the public was on his side and in favor of reform.

For Deng and his allies, Democracy Wall provided useful ammunition in their campaign against conservative opponents in the Party. Once Deng had consolidated his position, he began to have different attitude. Deng said there would be four modernizations, not five. Deng called a halt to Democracy Wall in March 1979, by the time he had consolidated his position and completed his successful visit to United States. Deng became the first Chinese leader ever to visit United States.

In early 1979, Deng announced his Four Cardinal Principles, parallel guidelines that people would need to keep in mind as they participated in Zhou Enlai's Four Modernizations (industry, agriculture, science and technology, and national defense), of which Deng approved. The Four Cardinal Principles enforce Party rule, the ideological dominance of Marxism-Leninism-Mao Zedong thoughts, proletarian dictatorship and the socialist system. The Four Principles dictated that the Chinese people were not permitted to question socialism, the dictatorship of the proletariat, the Communist party's leadership, or Marxism-Leninism. In other words, China would modernize in just about every way but politically and ideologically. There were limits to China's newfound freedoms and prosperity.

Wei Jingsheng responded by attacking Deng as a dictator. He was promptly arrested along with several other activists. In October 1979, Wei was trialed and sentenced to 15 years in prison for inciting counter-revolution and "leaking state secrets" (Wei, 1999). Wei declined to be represented by a government lawyer and instead spoke in his own defense. "I must point out that freedom of speech is not a wild

demand, but something that is guaranteed in the Constitution in black and white. The tone in which the prosecutor talks about this right shows not only that he is prejudiced in his thinking but that he has forgotten his responsibility to protect the democratic rights of citizens (Wei, 1999).”

As Deng observed after the sentencing of Wei, those who openly oppose the socialist system and Party leadership, obstruct the “unity and stability” of the country, China could never develop if “so-called democrats and dissidents such as Wei and his ilk (Weston & Jensen, 2000)”.

On September 10, 1980, at the direction of Deng, the Third Session of the Fifth National People’s Congress rescinded the four big freedoms, which had been written into Article 45 of the 1978 Constitution (Weston & Jensen, 2000).

b. The Death of Two Beloved Leaders sparks the Tiananmen Incidents since the Communist Party came to power in 1949

1. April 5 Tiananmen Incident in 1976 --- Public protest in the name of mourning Premier Zhou

Zhou Enlai, then the premier, died of cancer in early January 1976.

Zhou Enlai had been a moderating force behind the darkest days of the Cultural Revolution. The practice Zhou adopted throughout much of his career was to always side with Mao, rarely openly opposed him and then sought to modify the consequences of the Chairman’s policies should they prove disastrous (Hutchings, 2001, p. 493). In fact, Zhou, not Mao, was by then the most admired of the Communist leader in China (Wright, 2001, p. 164).

The death of Premier Zhou aroused great sadness among the Chinese people. Many Chinese people, in their hearts, believe that without him, the Cultural Revolution might well have been much worse.

On April 5, 1976, the Qing Ming festival to commemorate ancestors and to dust graves, millions of people marched to Tiananmen Square to mourn the late premier Zhou (Hutchings, 2001, p. 494). Huge mounds of wreaths along with anonymous poems and articles were placed in the center of Tiananmen Square at the foot of the Monument to the Heroes of the People. Within days, nearly a million people gathered on the square to read those poems and articles, extolling the late premier and attacking Jiang Qing, Mao's wife, and other numbers of the radical faction, Gang of Four.

The Gang of Four was made scapegoats for most of China's suffering over the previous decade. Everyone knew Mao gave his support to them as he saw fit. Mao was the unnamed fifth man in what was really a gang of five.

In the name of mourning the late premier, the public frustrations with the radical faction erupted like a volcano. The commemoration was a means of criticizing the Gang, the Cultural Revolution, the socialism political system and even Mao himself. In the following days, more and more articles and poems were appearing on the Square, and people were coming to read, copy and pass them around. Mao ordered the removal of these tributes. In response, massive demonstration broke out. Angry crowds burned the police station near Tiananmen Square; force was brought against rioters (Hutchings, 2001, p. 494).

Zhou's death led the moderates into an awkward position over the power struggle against the radicals at the top of the Party. Deng Xiaoping, who had no other

source of support than Zhou, was blamed for the disturbance, and expelled from the Politburo (Wright, 2001, p. 164). The April 5th Tiananmen Incident was labeled as a counter-revolutionary event, and quickly suppressed by force within days.

It was Deng Xiaoping, when he came back to power two years later, in 1978, who officially redefined the “counter-revolutionary riot” as a “revolutionary struggle” to mourn the Premier Zhou and oppose the Cultural Revolution (Hutchings, 2001, p. 494).

Though the April 5th event was brief, considering all the years of terrors and the harsh political suppression during Culture Revolution and all the previous political turbulences, it showed how desperate people were at the moment. It exemplified how deep the popular discontent with the Party was, and how courageous people were by risk their life in speaking their minds.

2. The June 4th Incident – Public protest in the name of mourning Party General Secretary Hu sparks large scale student demonstrations in 1989

On April 15th 1989, Hu Yaobang, the former Party General Secretary, died of a heart attack (Hutchings, 2001, p. 207). The death of Hu sparked large-scale student demonstrations and later developed into mass protests joined by people from every walk of life in the summer of 1989.

Hu Yaopang was the only formal leader at the top of the Chinese Communist Party to encourage significant reform of China’s Leninist political system rather than try to strengthen it or twist it for his own purposes (Hutchings, 2001, p. 206).

Hu’s political recovery began in 1977 after spending several years in a labor camp during the Cultural Revolution. As vice-president and later head of the Party’s

School in Beijing and later head of the Party's Propaganda Department, he played a major part in prying off the shackles Mao and his followers had imposed on every aspect of people's lives (Hutchings, 2001, p. 207).

Hu Yaobang was elevated to the post of Party General Secretary in 1980 and was perhaps the liberal spirit to have reached the top of the formal Party apparatus. Hu joined the revolution at the age of 13 and took part in the Long March, but he had a different outlook from any of those in the Party of the same pedigree (Hutchings, 2001, p. 207). Although Hu was not prepared to abandon Marxism completely or to see the Party give up its leading role in political life, he wanted to make the government more responsive, representative and subject to legal checks and balances, despite opposition from Deng Xiaoping, China paramount leader, and other revolutionary veterans. This is precisely why Deng and other old guard expelled him; and why his death two years after his expulsion, sparked the Tiananmen Democracy Movement.

The intellectuals in particular welcomed Hu's elevation to the post of Party General Secretary. Hu tacitly encouraged democratic activists during his seven-year period as Party General Secretary from 1980 to 1987. Two of the Democracy Wall activists were invited to his home; it was under his protection and often with his encouragement, the intellectuals raised sensitive issues in the media (Hutchings, 2001, p. 206). These included radical literary and philosophical theories, and perennial political theories and questions, such as democracy, human rights, and the need for institutional limits on the Party's power.

With the new liberalization and openness challenges soon came to the Party's rule, Deng and conservative old guard growled about Western values which they

described as “spiritual pollution” and a broad campaign was launched against it in 1983. Deng himself led the movement against manifestations of Western values (Hutchings, 2001, p. 207). However, Secretary Hu and his allies managed to blunt these offensives and keep the hopes of political reform alive.

The problem of governmental corruption raised its head in the 1980s and developed to a scale not seen since 1949. As the decade progressed many Chinese people came to resent the culture of corruption in the government, and the perks and privileges enjoyed by high-ranking party officials. Record inflation, rampant corruption, and uneven economic development were creating tensions in China by the mid-1980s. Some people realized that the political system in China needed change in order to control the corruption among officials, provide social justice, equal opportunities for people, and to govern over a multiform market economy.

In 1986, the students took demands for political liberalization directly to the streets. Large student demonstrations began at the University of Science and Technology in Hefei, the Capital of Anhui Province. Demonstrations spread to Shanghai, and at least a dozen other major cities ((Hutchings, 2001, p. 207). The students not only had concerns over outdated teaching contents, poor facilities, the lack of funding, but also demanded political changes.

For Deng Xiaoping this had gone too far. Deng and the Party old guard threatened to use force against student demonstrators and urged Secretary Hu to dismiss Fang Lizhi, a scientist and the vice-chancellor at the University of Science and Technology in Herfei, where the unrest broke out.

Hu Yaopang, as General Secretary of the Communist Party, had expressed some sympathy with the views of the students. He refused the Party old guard's demands to suppress the student demonstrators and protected Fang Lizhi from being punished (Hutchings, 2001, p. 207). Fang Lizhi had spoken publicly of the need for thoroughgoing political change and academic freedom. But the protection did not reach far, three years later, Fang Lizhi and other intellectuals then protected by Hu were accused of being the black hands behind large-scale student demonstrations in 1989.

By early January 1987, the protests diminished, but the ire of the old guard had not. Secretary Hu was berated for failing to handle the protests firmly and stamp out liberalism. As a result of favoring political reform, he was pressured into resigning his position in January 1987 (Hutchings, 2001, p. 208).

When the news of Hu's sudden death of a heart attack was announced on April 15th 1989, it provoked an immediate outpouring of public grief. Many students, intellectuals and ordinary people looked upon Hu as a hero and were angered by his expulsion.

In 1989 students at Beijing University had been planning a pro-democracy demonstration to coincide with the seventieth anniversary of the May Fourth movement. Hu's death pushed up their timetable. On the very day of Hu's death, a wreath-bearing ceremony in his honor took place at the campus of Beijing University (Goldman, 1994). On the next day students at Universities all over Beijing put up Big Character Posters commemorating him and criticizing government corruption (Wright, 2001, p. 175).

When wreaths placed in Tiananmen Square in his memory were removed on April 17th, some three thousand students from Beijing University marched into

Tiananmen Square to commemorate the former leader. They complained of Hu's mistreatment and criticized his opponents, and demanded the government reevaluate Hu's achievements, grant freedom of the press, increase funding for education, and review the financial holdings of several high government officials suspected of massive corruption.

Despite the Hu family's open invitation to the funeral, the government announced that on April 22nd, the day of Hu's official funeral, the public would be denied access to Tiananmen Square while the leaders entered the Great Hall of the People for the funeral ceremony. About seventy thousand students and thirty thousand workers occupied the square the night before the ceremony (Goldman, 1994, p. 304). As an expression of mourning for Secretary Hu, people demanded for more democracy, less corruption and dialogues with Party officials.

There was some similarity between the unofficial ceremonies surrounding Hu Yaopang's death and those held for Zhou Enlai in 1976. On both occasions, people used the opportunity to criticize the prevailing leadership and to call for political change.

On April 26th an editorial in the People's Daily, the Party's official voice, described the demonstration as a planned conspiracy to overthrow the government. It immediately provoked a large-scale protest (Moise, 1986, p. 219). Even more people poured into streets and Tiananmen Square to demand the reversal of the editorial and recognition of the movement as patriotic. This became the main dispute between the people and the Party during almost seven weeks of protest and it remains the same today.

The protest was propelled by the 70th anniversary of the May Fourth Movement, the birth of modern protest in China, by which the students were inspired. Full of

idealism and energy, the students, first in Beijing, then almost every major institute of higher education in China, took seriously their historical obligation to act as the conscience of the Chinese nation. They boycotted classes and formed new self-governed student unions; pointed out the Party's errors, criticized the wrongdoings of high ranking officials; urged political reform; demanded democracy and the freedoms of speech, publishing, news reporting, and public gathering.

The protest intensified as the students began a hunger strike in support of their demands. Tiananmen Square, occupied by students, became a vast encampment. Everyday, thousands of students from all over the country and Beijing citizens in poured into the Square to show their support.

The student protest rapidly developed into a massive popular movement joined by workers, journalists, teachers, writers, doctors, private businessman, and even officials yearning for political changes. Such spontaneous public support from ordinary citizens for a student demonstration was unheard of during the forty years of the Party's rule. Though their demands were diverse, sometimes unfocused, often naïve, they united in their anger of official corruption and record inflation. Rarely had so many Chinese people from every walk of life demanded changes in such a spontaneous yet concentrated fashion. Never had the Chinese Communist Party faced such a direct challenge to its rule since the Party came to power in October 1949 (Hutchings, 2001, p. 423).

There was a deep split within the Party leadership over how to handle the protests. The then Party General Secretary Zhao Ziyang, Hu's successor, opposed the use of force and praised the student's patriotism in public. As was his predecessor, the

former Secretary Hu, Secretary Zhao was shoved aside by the old guard lead by Deng Xiaoping. On May 18th, the Party decided to introduce martial law in Beijing (Hutchings, 2001, p. 424). The next day, Zhao appeared in the Square with an emotional plea urging the students to go back to their campuses (Moise, 1986, p. 220). This was his last public appearance before he was formally dismissed, disgraced and confined to his house in Beijing until his death.

Under the watch of international media, brought by the historic visit of Soviet leader, Mikhail Gorbachev on May 15th, the Tiananmen Democracy Movement was put down by military force with tanks and armored cars on June 4th, 1989 (Hutchings, 2001, p. 425). Protestors, citizens, and bystanders were killed or wounded as troops in vehicles opened fire while they forced their way towards Tiananmen Square on the night of June 3rd, 1989. By the dawn of June 4th, the army occupied the Square. The remaining students in Square were allowed a coordinated exit.

The government claimed to have put down a “counter-revolutionary rebellion” (Hutchings, 2001, p. 423). In the weeks following the crackdown, virtually all the student leaders and others prominent in the movement who failed to flee the country were arrested and thousands of “rioters” all over China met the same fate. Repression was extended deep into universities, the media and other areas of life from which the democracy movement had sprung. A mood of obedience overshadowed by resentment and fear of retaliation reminiscent of the Cultural Revolution emerged.

The violent suppression of Tiananmen Democracy Movement on June 4th, 1989, cost the lives of hundreds, and crushed the hopes of millions. It set back the cause of genuine modernization, and blocked the road to democratization.

Over the years, a handful of dissidents regularly called on the Party to re-examine the definition of the democracy movement as “counter-revolutionary rebellion” and asked for the rehabilitation of the democratic movement suppressed by the military. Despite the popular pressures, political controls remain tight since the aftermath of the suppression of the movement in 1989. People’s political lives were suspended again.

CHAPTER 3

METHODOLOGY

My original plan was to shoot a documentary about Mr. Hao Jinsong, a law school graduate student at China University of Political Science, who filed seven lawsuits for protecting public interests against government branches and state-owned industries. His story was widely reported by the media and he was portrayed as a legal warrior. His stories were so significant to me, because the government agencies he fought against are so powerful and seem to be untouchable. They are: State Administration of Taxation, Beijing Subway Transportation Company, Beijing Railway Bureau affiliated to Ministry of Railway Transportations. Of these agencies, the Ministry of Railway Transportations even has its own judicial system, including court and prosecution functions.

I did intense research on his stories, and communicated with him in both writing and telephone calls about his availability before I went back to Beijing to shoot his story. After I arrived at Beijing, I communicated the time commitment I expected from him. We then created the shooting schedule. However, during the shoot it became apparent that Mr. Hao has very strong personality., This created problems with effective and efficient communication--he came up with shooting ideas at the last minute, which made it impossible to schedule with shooting crew and equipment rental.

I realized that this situation would make the project impossible to finish. Meanwhile, I met Mr. Teng Biao.

Mr. Teng is an activist lawyer and a professor of law at Beijing's China University of Political Science and Law. He has been actively working on cases to raise public

awareness of human-rights issues, the needs for judicial independence, religion freedom and social justice.

The forced demolition and eviction case of Hexi village, and the arrest of the two couples highlighted the typical frustration faced by many people who are being relocated.

The story was more attractive because it was relatively fresh. The villagers were very angry at what Hexi Industrial Company did during the demolition and eviction process. They were frustrated with having no channel to voice their concerns and complaints. They were also not afraid to tell their stories. This provided a good platform for me to conduct my interviews and information collection.

I prepared the following research on Mr. Teng:

Part I: General Information/ Background

1. What made you to choose law?
2. Would you please describe the process of filing a lawsuit in China?
3. Did the cases you dealt with upset you?
4. Were there times during the process that you wanted to quit?
5. What was the reaction of your friends and parents at the beginning? And afterward?
6. Were you surprised that you were reported by the CCTV and other main stream media?
7. To what extent do you think your effort had an impact on changing society?

Party II: Now

8. What kind of reactions did you received from ordinary people?

9. How do you choose case?

10. Please describe a typical day in your life.

11. Would you tell us a little about current law reform happening in China?

12. Did you encounter any obstacles? And what were they?

Part IV: Future

13. Where do you see yourself five years from now?

14. Aside from filing public interest lawsuits, what other means do you use to raise public awareness?

15. The Regulations on Open Government Information is scheduled to take effect May 1, 2008. The Regulations on Open Government Information require that local and national government bodies make information public through web sites, news conferences and other means. That information, sporadically available now, will include administrative rulings, financial accounting, compensation for land use and investigations into environmental and public health issues. To what extent will these regulations affect government performance? Will these regulations provide a basis for the protection of public rights?

16. Routinely farmers are pushed off their land, and city dwellers are forced from their homes with little or no compensation to make way for projects like an apartment block, government building or shopping mall. All of these have the potential to be lucrative for local officials and developers. The disputes over property have become the leading cause of social unrest in cities and the countryside. On March 16, China's property law was adopted at China's National People's Congress. The law will come in

effect on October 1st, 2007. Will the property law help reduce the disputes? Are there increasing numbers of people taking part in public protests to fight for property rights?

17. As with many laws in China, could the property measure prove difficult to enforce?

18. What role might the law play in curbing the problems with rampant corruption, social injustice, government bureaucracy?

19. How important is it to build up public awareness of civil rights?

20. Under current policy of “getting rich and not thinking about politics,” are you confident in the public’s ability to take part of political life?

The documentary will be using a combination of interview, narration, and footage.

It was easy for me to build trust in my relationship with Mr. Teng, even though they faced great dangers in talking to me about the case details. I followed Mr. Teng and his colleagues to their work and meetings, gathering information related to the cases they were working on. I also planned trips with them to Hexi Village in City of Qingdao, Shandong Province.

When my shooting crew arrived in Hexi village, the villagers felt that they now had a channel to voice their concerns--they believed that we would assist them in having their voices heard. Some of the villagers were still very emotional when I interviewed them about what happened. Once they opened up, they started to complain about what happened and this made them very emotional.

What happened to the villagers made me feel sorry for them. I felt obligated to the project and also felt a sense of responsibility to help them and many others that faced similar situations. Moreover, the courage and fearlessness of the lawyers inspired

me to continue working on this project. China is the country where I was born and raised. I am so happy to see that the overall living standard has improved since China started its economic reforms. Meanwhile, I am concerned about the lag of improvement in the social and political systems. These feelings drove me to deeply explore the subjects of my project.

CHAPTER 4

FINAL REPORT

This documentary is about what happened to ordinary people who live in Hexi Village of Sifang District in the City of Qingdao. The village is under the administrative jurisdiction of Sifang District. During the demolition and eviction process, villagers faced forced demolition and eviction if the villagers and evictor were unable to reach an agreement on compensation and relocation packages. The adjudication of forced demolition and eviction was granted by the Sifang District government.

The portrayal of China by Western media has been associated with the glamorous side--showing skyrocketing growth and development--however, few have known or noticed the hidden facts of shattered lives and bitter stories left untold in the shadow of these skyscrapers. *Bulldozed: in the Shadow of Progress* reveals that not only people's houses are being demolished, but their rights are also being violated.

The film is about 50 minutes in length. It starts with background information about the economic and political transformation since China initiated its "open door" policy. While enjoying a rapidly growing economy and improved living standards, China still faces many challenges. Important issues are the protection of private properties and the protection of people's rights. By exploring what happened to some families in Hexi Village in one of the reconstruction projects in City of Qingdao, this film highlights the conflict between developing the economy and protecting people's basic rights.

This documentary focuses on two perspectives: a process that is detrimental to people's basic rights, and the efforts of a new generation of lawyers to help ordinary people, as well as their desire to improve China's legal system. The film consists of

documents, interviews, and footage. The shooting crew recorded events in two physical locations: Beijing and Qingdao.

Due to the sensitivity of the content in this production, special precautions were taken in shooting the footage. The lawyers were under surveillance by the national security bureau, because they take on cases that are considered politically sensitive. Any case that mentions wrongdoing by the government or dispute against government policy could be deemed as a politically sensitive case. The government perceives lawyers who work on those sensitive cases as either a threat to social stability or a potential embarrassment.

Minimum contact was made with the lawyers because their phones were being monitored by the government. During our shooting in Qingdao, we were accompanied by villagers and I remained in the presence of the lawyers at all times. After the shooting was finished, I dubbed all the footage from the tapes and put them on a hard drive. I wanted to avoid trouble with customs by not taking the original material out of China (there were about 30-40 tapes).

Another “technical” difficulty in the postproduction was taking script from the original footage. Many of the villagers I interviewed speak Mandarin with a heavy accent from Shandong Province. Although it was easy to understand the meaning of the full interview, it was very hard to take notes word by word. The scripting process took longer than expected, due to local nuances in the villagers’ speech. It was important that I figured out exactly what they were trying to convey.

After the scripting was completed, the translation seemed to be a more daunting task. Notions of forced demolition and eviction are new to many Americans. How to use

concise and accurate English to express the events and emotions was very challenging. To complicate matters, there was a lot of legal jargon used in the interviews. I did my best to convey the essence of the story.

Intensive use of interview was used in the film to convey the truth. Narration was also employed for clarity and transitional purposes. I have some strong feelings and tried to use long shots to express these feelings, but that brought problems in terms of pace of editing. The initial cut was too long, and the story line was too vague. Story telling technique is very important in postproduction.

The film starts with an introduction of China's rapidly growing economy, as well as the preparation of new construction projects for the Olympic Games. The next scene is that of a bulldozer tearing down buildings in Hexi Village. Interviews with villagers reveal what happened that day. It provides the audience with a picture of unfairness-- the lack of due process of the forced demolition and eviction, the lack of independence of the legal system, the efforts the villagers made trying to protect themselves, and the strength and courage the lawyers demonstrated in helping the villagers in their law suites.

The documentary brings attention to the unfair treatment the villagers received. It also praises the vision and actions the lawyers took in helping the villagers, as well as their efforts to improve China's legal system.

A large amount of time was given to researching the first shooting subject: Mr. Hao. I collect articles and other publications about him that provided background information about the cases he had worked on. I thought I was well prepared for the shooting. Unfortunately, a few days after we began the project, I found it really difficult

to work with him. His strong personality made communication difficult. Fortunately, I encountered Mr. Teng and other lawyers working on similar cases to promote legal reform and assist ordinary people. This is a lesson I will remember for future work.

The topic of this documentary is not an isolated incident in China. It reveals the conflict between a rapidly growing economy and the stagnation of the legal and social systems. It brings awareness, and calls for the promotion of reforms in China. More research will need to be done in terms of monitoring the improvement of human right, protecting private properties, and advancing reforms of social, political, and legal systems in China. Efforts for improvement will be daunting--support from all parties interested in improving the overall economical and political environment of China will be imperative.

Much has been learned in making this documentary. First of all, one has to have conscience in his/her mind when he/she tries to shoot a film that reflects tough realities. Fearlessly pursuing the goal is as important as using the right tactics to reach the goal. The objective is to finish a production that is meaningful to the audience. Delicate precautions need to be considered in the course of shooting such sensitive topics.

Secondly, I realized the importance of relationship building. This is not an easy task, nor is it a one-time effort. It requires understanding, patience, personal skills, and communication skills. Choosing a shooting subject is very important, as it may lead to sour ending if it is not managed properly. Cooperation is another key element in making a production: the cameraman, lighting, and drivers are integral parts of the crew. Teamwork is critical completing a project.

Third, a good plan is critical. Details need to be reviewed as much as possible. Items such as the shooting schedule, weather, interview questions, post production planning, translations, technical support, and editing techniques are all important. If a single item is overlooked, it can create large problems to the production process.

Story telling in real life is different from using camera and editing. I have gained so much confidence in working with various people with different backgrounds. I am also more fluent in using editing techniques to convey what I want my audience to know. I feel that I have deeper understanding of life by cutting each clip and putting it back together. It is process of rebirth.

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APPENDICES

APPENDIX A. TREATMENT

Since China opened its door to a market economy 30 years ago, great changes have taken place. Rapid economic development has improved China's image, it has improved people's living standards as well. At the same time, there is an urgent need to improve human rights and the legal system. In the process of developing the economy, people's basic rights need to be protected. In China's case, the improvement of the legal system continues to lag behind economic development. This documentary sheds light on villagers who are facing forced eviction from their homes in Sifang District in Qingdao, China. The film also shows the villagers' struggles in fighting unlawful forced demolition and eviction. Another emergent issue is that of the difficulty lawyers have in legal battles in attempts to protect ordinary citizens. This film uses interview, documents, and footage to tell the story of how villagers in Hexi village face forced demolition and eviction, as well as these villagers' efforts to protect their own rights. The documentary also highlights the courage of lawyers in using lawful means to fight for the villagers. Interviews with villagers and lawyers were conducted to portray the damage of forced demolition and eviction, and to depict the lack of due process, the injustice of the legal system, and the current "protect rights" movement in China.

In China today, the conflicts between protecting human rights and developing the national economy have never been so fierce. The protections the social and legal system provides to the citizens do not match the needs of a rapidly growing economy. In the film, while the lawyers are trying to protect villagers' rights, they are frustrated because the legal system in China lacks independence from government control; even

more, lawyers' personal rights are in danger in the process of fighting against the government.

When Beijing was awarded to host the 2008 Olympic Games in 2001, it was decided that Qingdao would host the sailing competition for the 2008 Summer Olympics game. To demonstrate its economic achievements, China began many construction and reconstruction projects. This was also the case for the City of Qingdao, which began a reconstruction project at Hexi village (within the city limits of Qingdao).

The documentary has two main story lines: one is about forced demolition and eviction, and the villagers' fight against it; the second is about the lawyers who helped the villagers to protect their basic rights. The film uses these two story lines to demonstrate that first, the government did not follow proper procedures in carrying out demolitions and evictions, as well as the lack of a channel for citizens to address their concerns; and second, the legal system leans towards protecting the government's interests, rather than interests of ordinary people. The production also highlights the lawyers' courage in helping the villagers.

The documentary begins with shocking footage showing a bulldozer tearing down a house, and many policemen and security guards surrounding the scene. Villagers were interviewed and told what had happened to them in the process of demolition and eviction. They argued that the Hexi Industrial Company did not follow the right processes to carry out the demolition and eviction; and the Sifang District government verified Hexi Industrial Company's qualifications, and gave permission to the Company to perform the demolition and eviction.

When Hexi Industrial Company and the villagers were unable to reach an agreement on the compensation package for the demolition and eviction. Hexi Industrial Company started the forced demolition and evictions. The Company hired thugs to harass villagers, breaking their windows and doors. The utilities to the villagers were also cut off. The villagers went to Sifang District government, City of Qingdao appeal the forced demolition and eviction decision. But their appeal went unheeded. Then they went to Beijing appealing to the central government agencies. Not surprisingly, the problems were not addressed there either.

In the end, the villagers ran out of recourse and two families tried to protect themselves on their own against the forced demolition and eviction. Unfortunately, the two families were arrested and charged with “obstruction of administrative affairs.” The wife in one family was in so much desperation of losing her home, she attempted suicide by setting herself on fire in protest. She was charged with attempted arson.

The forced demolition and eviction happened at Sifang are just one example of the frequent demolitions and evictions happening all over China. Resident outrage is seen as a threat to the stability of society and to the power the Party. Some defense lawyers who represented the ordinary people were prosecuted by the government for political reasons. Even in this environment, Lawyers Teng and Wen took the two cases representing the two families. “...As legal professional, we see in too many cases, law was not followed... we try use cases with public interest, to promote changes to the legal system”, said Mr. Teng, a law professor at China University of Political Science and Law.

I lived in China when it still had its door closed to the world. People lived in extreme poverty. There was no law in China's constitution to regionalize private properties. The law did not allow individuals to own properties. I have witnessed the changes that have happened since China adopted its "open door" policy. China's economy has grown dramatically and the living standard has risen. Unfortunately, the legal system has not kept pace with either the economy or the standard of living.

It is my desire that this documentary raise awareness about what is happening in China. The evictees' rights, the process for settling evictees, and legal protection for ordinary people are the main issues I want to address. Legal reform is necessary and urgent for the prolonged prosperity of economic achievement and for bringing peace and safety to people's lives.

APPENDIX B. BUDGET

Table 1

Budget

Pre-Production			Dollars (\$)
	Communication		\$200
	Research		\$100
Production			
	Travel Expense		
		Airfare	\$2,000
		Local Transportation	\$1,000
		Food	\$500
		Hotel	\$600
	Equipment		
		1 Sony Digital Camer (20 Days @ 100/day)	\$4,000
		Lighting kits	\$1,000
		Tape stock (80 DVCam tapes)	\$600
	Labor		
		Camera man and lighting	\$3,000
		Car Rental	\$1,000
Post Production			
	Archive footage		\$200
	Labor		\$200
	Editing		\$2,000
	Music		\$3,000
Sub-Total			\$19,400
Contingency	@ 5%		\$970
Total Est. Cost			\$20,370

APPENDIX C. SCRIPT

Table 2

Script

<p>00: 00</p> <p>Opening</p> <p>Street Scene</p>	<p>Narration</p>	<p style="text-align: center;">China initiated its “Open Door Policy” at the end of 1978. Since then, it has witnessed spectacular growth rates, an enormous amount of foreign investment, and large trading patterns with numerous countries.</p> <p style="text-align: center;">It is producing everything. It’s become the manufacturing center of the globe as well as the fastest growing economy in the world.</p> <p style="text-align: center;">For much of the population, living standards have been improved dramatically. People enjoy an abundance of the material wealthy and own more property than ever. Besides basic necessities, luxury goods and cash access, people start to own their own properties. Ten of thousands of people start to own their companies.</p> <p style="text-align: center;">Towering skyscrapers are springing up like mushrooms after a spring rain. High-end residential communities, gigantic-scale</p>
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		<p>shopping malls, as well as modern commercial business centers are quickly replacing the humble stone houses, courtyards and alleys that characterized old China.</p> <p>In 2004, an amendment to the Constitution stated, "private property obtained legally shall not be violated."</p> <p>On March 16, 2007, the National People's Congress passed a controversial property law to protect private property rights. The landmark law went into effect on October 1st, 2007.</p> <p>All land in China is still considered the property of the government. In general, urban land is owned by the State and rural agricultural land is collectively owned by farmers. The new law does not change the system of land tenure. The land in China belongs to the state and the collectives. It divides property rights into ownership rights, use rights and security rights.</p>
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<p>00:02:47:21</p> <p>Bulldozer tears down houses.</p> <p>Interview on site</p>	<p>Villager</p> <p>Yuan Bendu</p>	<p>In the morning of April 27, 2007, I was standing on the rooftop of my house. Many policemen and city officials came. Some of them were dressed in uniform, and some were not. About five to six hundreds of them were here to execute forced demolition. I was on the roof of my house guarding the National Flag. They announced the forced demolition order to me out loud from the ground.</p> <p>I asked who gave them the authority to execute the forced demolition order. They said that they were here on behalf of the Sifang District Government. I then asked if they had any legal permission. They said they did. I said that as long as they thought that their action was lawful, I could not fight against them. They could ter down my house.</p> <p>I am a minority in this situation, a citizen with no power. But I don't think their action was lawful. I will sue them and fight till the end.</p> <p>I did not stop them from tearing down my</p> <p>house, neither could I. So far, four of</p>
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		<p>I am the owner of No.1276 of Hexi Village. My Name is Yuan Bendu. I am the Representative of the villagers. My house is not within the (first) planned demolition area. They tore down my house purely out of revenge. Because I petition the authorities to report their wrong doings. It is not because that I did not come to an agreement with them.</p> <p>This is the only house my family owned. All our belongings were in this house. Before the house was torn down, they wanted to take away all our stuff. I didn't let it happen, everything was stacked there.</p> <p>I didn't let it happen, everything was stacked there. But at the end, all of our stuff is stolen. We have nothing now.</p> <p>There are five people in my family. My mother is 78 years old. My son is 12 and my daughter is 20. Without this house, we, a family of five, became homeless.</p> <p>We have no place to stay. We have no place to put our stuff. We lost our place to</p>
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00:04:56:19	Narration	live. We lost our hope in living.
Bench Scene		<p style="text-align: center;">Hexi Village is surrounded by City of</p>
00:05:11:03		Qingdao in Shandong Province. It is a coastal
Hexi Village		city with a population of more than 8 million,
		and is 342 miles southeast of Beijing.
		<p style="text-align: center;">Hexi Village has about five hundred</p>
		years of history. The majority of families came
		from the same ancestors and have the same
		family name, which is Yuan. The village
		currently has over 900 households, most of
		which are farmers who make their living by
		growing vegetables. Hexi Village is under the
		jurisdiction of the Sifang District of Qingdao,
		and it is one of the major reconstruction
		projects in Qingdao.
		<p style="text-align: center;">The demolition of the old houses here</p>
		and the eviction of the villagers began on
		March 12, 2005. Government regulations
		require that developers obtain the proper
		qualifications in order to carry out the
		demolition and eviction procedure.
		<p style="text-align: center;">To be qualified, the developer has to</p>
		obtain a series of permits from the municipal

		<p>governments. These permits include a demolition and eviction permit, a land usage permit, and a financial statement. The majority of these families have been evicted without the proper permits.</p> <p>Despite the property laws passed by China's central government, some developers, aided by their local governments, are taking matters into their own hands and illegally demolishing the houses of villagers who are in their way.</p>
00:06:31:20 Inside Villager's Home	Narration	<p>With no relocation agreement yet settled between the villagers and the development company. The remaining families are now facing forced demolition and eviction in the near future.</p>
00:07:05:22 Interview		<p>We want to ask Hexi Industrial company what rights do they have to execute forced demolition.</p> <p>The Company was not even qualified for carrying out the demolition. Five permits are required to carry out the demolition.</p>

		<p>However, the Company did not provide a single one to prove its qualification. It doesn't have any of those five permits that required for executing demolition. The Demolition Permit and the Land Usage Permit are two key credentials. It is also required to have sufficient funds in the bank to compensate relocation costs, but the Hexi Industrial Company doesn't have a penny for this purpose. None whatsoever.</p> <p>Sifang District Government first approved Hexi Industrial Company's application without checking its qualification, then submitted its application to City Property Management Bureau, which again without questioning its qualifications, issued the Notice of Forced Demolition and posted it to the public. Although this Notice has the red seal of Sifang District Government, is has no legal stand. It did not follow any legal process and procedure. It is pure arbitrary government behavior.</p> <p>As common people, there is nothing</p>
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		<p>we can do about it. It is even harder for me, a disabled person. The Notice of forced demolition is only a piece of paper, but decides the fate of our house. They have been telling us that everything had been planned ahead of time. The demolition had been going on for two years. They claimed the standing households prevented the progress of reconstruction.</p>
<p>00:08:40:15 Interview</p>	<p>Villager Representative Yuan Benjun</p>	<p>The tactic that they used to occupy the land is to build a wall surrounding the village, and then block the access to the area, eventually, build the new construction. Hexi Industrial Company has been acted as the executor to carry out forced demolition. It is not qualified to carry out the forced demolition, nor did it go through any certification process. We do not think it is legal.</p> <p>Hexi Industrial Company is an organization of Hexi Village Commission. Its legal representative, Mr. Liu Lixiao. Mr. Liu is</p>

		the Branch Secretary of the Communist Party at Hexi village.
00:09:36:06 Bird Nest Olympic Game	Narration	In 2001, China was selected to host the 2008 Olympic games; as result, Qingdao will host the Olympic sailing competition. To serve the Olympic Games, the city government of Qingdao started large-scale reconstruction projects in the city. In the meantime, the land value is rising, and the housing prices to rocket to a new high. (This has created an irresistible economic incentive for developers to take, by any means necessary, the land and to develop it for profit.
00:10:11:00 Interview	Villager Representative Yuan Yusheng	The land price in Qingdao City varies greatly with location. It even can be different by meters. The southernmost side of the city is golden zone. The property value extremely high. The most expensive housing is over 20k RMB (\$3000) per square meter. The price in our village area is about 5K RMB (\$800) per square meter. Since the project is intended for

		<p>advancing the city, improving the living condition, we demanded to be relocated back to our village. But they move us one kilometer away from where we live now. A comparable house in our village is worth 500 RMB (\$100) more per square meter. First of all, the demolition itself is unlawful. Second, we are being relocated to a remote area with no compensation. Of course we are not happy about it.</p> <p>When Hexi Industrial Company came to measure the houses for the official record, the house owners were not informed at all. Very often villagers were working in the field during their visits. Sometime they only estimated the measure outside of the house, and took a figure much less than the actual size of the house. They refused to admit or correct the error. There are also many historical problems. Some families bought their land before the Communist Party came to power in 1949. As their lands were not allocated by the government, if by government, there would be</p>
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		<p>new policy to deal with the issue. With these lingering unsolved historical issues, with no proper compensation, Of course, many families are not willing to move at their own lost.</p>
<p>00:11:37:27 Interview</p>	<p>Attorney Wen</p>	<p>Some water sports for 2008 Olympic games will be hosted in Qingdao. Qingdao has been working on reconstruction projects in the past few years. We started to work on the Hexi demolition and eviction case in April 2007.</p> <p>The reconstruction of Hexi Village is one of the city development projects. The villagers of Hexi thought that in some cases the government did not follow the legal procedures during the demolition. They believed that their civil and legal rights were being violated. Therefore, they want to follow the proper legal channel to protect their rights.</p>
<p>00:12:22:24 Interview</p>	<p>Representative Yuan Benjun</p>	<p>We think the demolition process and procedures are not legitimate. It does not follow the Guidelines for Demolition of Urban Housing, which is published by municipal</p>

		<p>government of Qingdao.</p> <p>My name is Yuan Benjun, and I am an ordinary farmer in this village. I am being elected as their representative by those families who have not moved out. No legal documents have ever been shown to the public since the demolition started on March 12, 2005. The demolition was carried out by violence and thugs. Villagers were forced to move out.</p>
00:13:01:28 Interview	Villager Women in red	<p>Since I did not agree to move out, in less than two weeks, one night after midnight, around 3:40am, five or six thugs came driving a van, they throw bricks at my house. After they got their job done, they ran away with cheers. They hit my doors and windows with large bricks. All windows were broken. I called the police right away, but they were reluctant to respond. Even I called the police three times the police did not show up at all.</p>
00:13:50:15 Interview	Representative Yuan Benjun	<p>We have reported a total of 14 violence cases to the police since the demolition started. The violence cases included breaking</p>

		windows and doors, intruding into villagers' houses, even threatening villagers with big axes.
00:14:12:08	88 Years Old Man	It is this door. There were smashed by axes. It was on the 8 th of June 2006 around three o'clock in the morning.
00:14:28:07	Other villagers	These are marks left by axes.
00:14:33:00	88 Years Old Man	Two wore white and the other two wore black. It was three o'clock in the morning. I was sleeping. I am hard of hearing, but I heard loud noise. My wife sat up in bed. "Who are smashing the door?" She was scared to death.
00:15:06:15	Son of Yuan Shouyi	They beat the windows just like this. When they hit this window, I shouted at them "What are you doing? Are you crazy?" Then they ran away immediately and disappeared in the dark.
00:15:26:25	Villager Yuan Shouyi	I was sleeping in this room. The moment when I stepped out and passed that porch, they hit me with brick. They hit me on both my legs. I fell on my knees. It was in the

		<p>middle of the dark night, a little past two o'clock. The power was cut off! Since then we haven't had power.</p> <p>Old as I am, how could I live? Nobody cares about me. The government has me beaten up. You tell me what could I do?</p>
<p>16:11:02 Night Patrolling</p>	<p>Voice Over of Villager Rep. : Yuan Bendu</p>	<p>These people holding the flashing lights are our self-organized guards. Those are organized spontaneously by the remaining residents to protect ourselves. If no one is on look out, someone will drive a bulldozer to destroy our houses in the night.</p> <p>We have to protect own properties and ourselves day and night.</p> <p>There are two shifts, for both first and second halves of the night. There are more than 60 people per shift. The first night shift ends at 12 o'clock then the second shift comes to take over. One person from each household takes part on the watch, with the exclusion of the elderly.</p> <p>There is nothing else we can do to deal with the problems. We have to protect our</p>

		rights.
17:10:00 Interview	Villager Rep. Yuan Benjun	<p>Since the demolition started, electrical power and water supply have been cut off. After many negotiations, one water tap was installed on each street. We have to carry water in buckets to our houses. Since water is only available on the street, some families have to walk a long distant to fetch water. One streetlight was installed on each street. The power supply to villagers' houses was reconnected for a while, but unstable. Sometimes we have power, but most of the time we don't.</p> <p>Public facilities often got damaged. Cable TV and telephone were out of service all the time.</p> <p>In 2004, the villagers wanted to create an organization to oversee the demolition. However, the Hexi Village Commission did not agree with our proposal.</p>
00:18:01:22 Truck on village road	Narration	To discourage the villagers from staying, the road leading towards the village was piled with trash on purpose, turning the

Trash		<p>area into a landfill. When summer came, the whole village was full of a foul smell. Public facilities were damaged as well. Streetlights are broken. Telephone and Cable TV were cut frequently.</p>
<p>00:18:24:14 Interview</p>	<p>Representative Yuan Bendu</p>	<p>Since March 12, 2005, Liu, Lixiao, the head of the Hexi Company instructed his close circle and his relatives to start demolition. They destroyed the house as soon as the family moved out. The debris were scattered all over the places. Roads and streets were blocked. The electricity and water supply were cut off before the majority of villagers moved out. The harsh circumstance gave villagers no choices but to leave. Over 800 families were forced to move out and sign the agreement.</p> <p>On March 17, we started to petition to local authorities. We went to Sifang District, Qingdao municipal government. But we received no responses from them. We were left no alternative.</p> <p>On March 28, 2005, we started our</p>

		<p>journey to petition to higher authorities in Beijing.</p> <p>If only we knew the difficulty of this path. Our bitterness cannot be put into words.</p> <p>We went to the State Bureau of Letters and Calls, the Ministry of Construction, the Ministry of Land and Resources, the Communist Party Discipline Commission, and the Ministry of Public Safety to report the illegal demolition practice. We went to Beijing to petition to central authorities a total of 12 times. We even went to Beijing to petition during the sessions of the People's Congress.</p>
00:19:34:00	Attorney Li Subin	How many villagers does this represent?
00:19:36:07 Voice Over	Village Rep. Yuan Benjun	It represented over 600 households of Hexi Village.
00:19:38:00 Voice Over	Villager Rep. Yuan Bendu	<p>We went to the Bureau of Construction in Shandong Province more than 15 times. We received no responses from them. None of our problems get resolved.</p> <p>On the 28th of March 2005, we went to</p>

		Beijing to petition. On the 1 st of Apr 2005, we went to the state Bureau of Letters. On the 3 rd of Apr 2005, we went to the Ministry of Construction.
00:20:08:06 Interview	Attorney Li Subin	In our Country, petition to higher authorities is a way for many people to voice their concerns. The petition process is relatively simple. An individual can start this process without hiring a lawyer. If they file a lawsuit instead, they need to hire a lawyer and that will increase their cost to protect their rights. So, the villagers choose to petition to higher authorities first. After the forced demolition started, the villagers came to us for help.
00:20:40:25 Interview	Representative Yuan Yusheng	After we have lawyers helping us, the villagers who did not agree to move out have elected me as their representative. My name is Yuan Yusheng. I'm an ordinary villager of Hexi. I am a farmer and used to raise livestock for a living. Since demolition started, I live on government welfare. I have no income beyond 100 RMB (less than 20

		<p>Dollars) per month. Other than that I do not have any incomings. I do not have any job now.</p> <p>I can say that the majority of Hexi Villagers, more than 98% welcome the demolition and reconstruction. It will improve our living conditions. I embrace this idea very much. It is a good thing. We can live in new high-rise buildings rather than old clay houses. We should have no reason not to like it. Who would not like to live in a new house? However, the demolition needs to follow the legal procedure.</p> <p>The backyard used to be our vegetable patch. Now, it turns into an apartment complex. We asked how we could make a living? No one gave us an answer. We farmers rely on land all year long to make a living.</p>
00:21:40:26 Interview	Representative Yuan Benjun	Before the demolition, I used to grow vegetables for a living. Our houses were torn down, and our farmland was taken away, but we didn't receive any compensation for our

		farmland and relocation cost. It has been three years since the demolition started. We did not receive a single penny for our losses in the past three years. From now on, I have to go out of town to find temporary works.
00:22:07:17 Interview	Representative Yuan Bendu	I used to work at the mailroom of Hexi Industry Company. Although salary was not much, I had health insurance and retirement plans. Since I started to represent the villagers to petition the higher authorities, the company fired me and cut off all my benefits.
00:22:23:13 Interview	Attorney Wen Haibo	When the villagers came to Beijing to petition to the central authorities, they approached Professor Teng Biao at The China University of Political Science and Law.
00:22:34:22 Classroom interview	Attorney Teng Biao	As a law scholar and professional attorney, I see too many legal rules that are not followed at all in real practice, even implemented completely opposite. What is being done is totally against what is written in the law. It is entirely caused by the law enforcement officials, the Public Security Bureau, the Courts, and the Prosecutors not

		<p>following the legal procedures.</p> <p>Due to the limited time and energy, we only can focus on few cases. We selected those cases that have a meaningful impact on the society and the social system. Through working on these cases, we hope to bring the underlying legal and political issues to the public, and as a result, to push the improvement of a social system.</p>
00:23:34:26 Interview	Representative Yuan Yusheng	<p>We have heard about Mr. Teng. Indeed, he is a very reputable attorney in China. All the lawyers in Qingdao are too scared to take our cases. There is no single local lawyer willing to represent us since the demolition and evictions are driven by the government. All the villagers who stay unanimously agreed to have Mr. Teng to represent us. We are very pleased to have Mrs. Ten as our attorney helping us.</p>
00:24:00 Walking in the village	Attorney Teng and villagers	<p>Villager: "There are over 70 houses left in the village, and about 80 families have not yet signed the agreement. Some houses had already been demolished, but no agreements</p>

		were signed yet.”
00:24: 33:21 Dog barking Interview	Mother of Yuan Xinyu, one of four arrested villagers	<p>Please save my daughter. Get her out of the jail.</p> <p>On that day, I was standing here behind this window begging the police. “Please do not tear down our house!”</p> <p>However, I shot down by the fire hose. I was inside my own house. Why did the police bully us like that? How could they do this to us? How vicious is the Hexi Committee and the Xifan District Governmnt! They do whatever they want: arresting people, tearing down our houses.</p> <p>On the day prior to the demolition, My daughter tried to commit suicide. I saved her. However, she felt so helpless on that day. She sat on to the roof of her house. More than 600 police and guards came with bulldozers, trucks, fire trucks, and police cars. The police used fire hose to shot my daughter down. They were pulling on her hair to drag her down from the roof. My daughter was up side down. She looked dead. They pulled on</p>

		<p>her hair to drag her down from the roof. My son-in-law was carried away by four men. We paid by our own money to build the house.</p> <p>What law did they break? She has her child and her mother in law. We have to protect our house.</p>
<p>00:26:07:25 Interview</p>	<p>Bother of Yuan Xinyu</p>	<p>My sister applied for the land use right before building her house. She got the approval from the Village Committee to use the land for her house. She has paid 1200 RMB as Land Use and Land Administration Fee. In China, it is common to pay first and then receive the permit later. After they have paid the two fees and while waiting for the permits to be issued, the demolition at Hexi Village started. The permits were no longer issued. Since my sister had not yet received the permit for the Land Use Rights, her house was announced as illegal construction. My sister confronted the police and the city patrol for a while. Eventually, She lost hope in living and decided to set herself on fire.</p> <p>She was shot down by the fire hose</p>

		while trying to set herself on fire. She was first charged with arson, and then, a couple days later, she was charged with interfering with public administration.
00:27:27:00 Attorney Teng on the phone	Attorney Ten	Is Judge Li in the office? Oh, He is. Good. Thank you.
00:27:3:23 Indictment	Narration	In the first court session of the District Court of Sifang, the lawyers questioned the legality of the forced demolition. They argued that the Hexi Industrial Company is not qualified as evictor to carry out the demolition or the forced demolition since it did not obtain proper permits. Therefore, the forced demolition should not be considered as a public administrative affair, and the charge of interfering of public administrative affair should not stand. If the court acknowledged the illegality of the demolition and eviction, the charge against the couple would have been dissolved immediately. The court avoided discussing the legality of demolition and eviction process.

<p>28:25:00</p> <p>Outside Court House</p> <p>Attorney Ten and Wen reading Verdict</p>	<p>Attorney Wen</p>	<p>Their arguments can't stand. Unwilling to cooperate with the demolition? It is still considered as public affair.</p> <p>But they did not argue whether the demolition is legal or not at all.</p>
<p>00:28:59:26</p>	<p>Narration</p>	<p>The court changed the "obstruction of public administration" charge into an "unwilling to cooperate with police" charge. The couple's action of arson did not directly hurt the police force; therefore the crime was relatively light.</p> <p>Lawyer Teng and Lawyer Wen do not agree with the charge and decide that he will help Yuan Xinyu to appeal. To avoid the Court to object the appeal, they need to prepare the complaint well.</p>
<p>00:30:05:04</p> <p>Teng and Wen walking in the street</p>	<p>Narration</p>	<p>The appeal requires the defendant's signature. It is about 10:30 in the morning. The lawyers are trying to finish writing the appeal by noon, and then they will visit Yuan Xinyu in the detention center to get her signature in the afternoon.</p>

<p>00:30:00</p> <p>Attorney Ten</p> <p>Preparing appeal</p>	<p>Narration</p>	<p>Public interest lawyers in China often face obstacles in defending citizens whose rights have been violated by the government. (In China, lawyers are under the authority of the Ministry of Justice, which oversees the lawyers' practices.) Lawyers need to have their certifications for practicing law renewed annually from bar associations. These Bar associations remain under the control of judicial authorities, which are subject ultimately to the Communist Party. The government perceives lawyers who work on politically sensitive cases as a threat to social stability or a potential embarrassment to the Party's rule. It uses politically motivated prosecutions to target the most outspoken advocates for public good.</p> <p>Any case mentioning wrong doing by the government or disputing government policy could be considered a political sensitive case. Few lawyers are willing to take on such public interest cases.</p>
<p>00:31:10:20</p>	<p>Narration</p>	<p>The lawyers are on their way to get</p>

Street Scene		signatures for the 2 nd appeal. The law requires that the appeal is to be signed by a relative of the defendant before it is filed.
00:31:22:11 Talk to the defendant 's Brother	Attorney Teng Defendant's Brother Attorney Teng	It needs to wait until the 2 nd trial. The petition for release on bail has been filed. "Please tell my sister that everything is fine. She needs to stay strong and hang in there." "OK."
00:31:50:06 Interview	Brother of Yu Xinyu, the Suspect	Their hard work changed the court's ruling in the appeal. The court did not prove the charge of obstructing public administrative affair. My sister was charged for attempted arson and sentenced to jail for 18 months. Her husband, Zheng Fangwu, was sentenced to jail for 12 month. Although the lawsuit didn't help my sister very much, I hope at least it would draw some public attention to the rights of people, especially from those who enforce the law. Lawyer Ten and Lawyer Wen truly care

		about people and fight justice for people. I trust them.
00:32:39:14 Layer Teng Walking in village	Lawyer Teng Biao	“This is YuanXinyu’s house. That is the receipt of the 1200 RMB fees she paid for land usage fee. She enlarged the receipt and nailed it onto the wall to show everyone. ”
00:32:56 Arbitration by Estate development and management Bureau of Qingdao	Narration	<p>March 30, 2007, the Qingdao City Real Estate Development Bureau released Arbitration. This Arbitration gives the evictor approval to proceed with forced demolition and eviction. Following this, Sifang District government notified the villagers who still remained about the local government’s decision on the forced demolition and eviction.</p> <p>The Arbitration stated that the evictee can file a complaint to the Qingdao City Real Estate Development Bureau within five days after receiving the notice if the evictee does not agree with the it, and within 3 months, the evictee has the right to file a civil suit at the local court.</p> <p>Within the 5-day time limit, the villagers</p>

		filed the complaint against the Qingdao Hexi Industry Company. The Qingdao City Real Estate Development Bureau refused to accept the complaint without any reason, and only told the villagers to file suit at the court.
00:34:02:08 Attorney Li talking with Yuan Deliang	Villager Yuan Deliang Attorney Li Villager Yuan Villager Yuan	<p>“Today, I am here to file my complaint. It says within 5 days I can file a complaint.”</p> <p>“When did you receive this notice? ”</p> <p>“I received it on April 5th after 5 o’clock in the evening. But, when I filed the complaint, they refused to take it.</p> <p>“If nothing is submitted, the house will be forcefully demolished after 15 days.”</p> <p>“April 20th, they will tear down my house regardless. My house will be forcefully taken down whether we move out or not in 15 days. I didn’t get any answer. Nothing is resolved. Fifteen of us came to submit our compliant, but none of us got any answer. I am here to submit my compliant, but they refuse to take it. ”</p>
00:31:26 Yuan Deliang on	Yuan Deliang	Five or six people came toward my house carrying a ladder to enforce the

roof		<p>demolition. They put up the ladder against my wall and climbed up my roof without my permission. To stop them. I poured a bucket of shit towards them. I do not remember what happened after that.</p> <p>They took me to the police station and kept me for a day there. The next day, August 28th, I was sent to the No. 2 detention center.</p> <p>On April 27th around 10 o'clock that morning, my wife and I were arrested. We were accused with the crime of interfering with public administration.</p> <p>There were police, city patrol and many others up to hundreds and thousands. Some in uniform; some not. They circled around my house.</p> <p>My wife has been arrested. I was also jailed for a month.</p> <p>I am released now on bail. They granted the bail petition because I have two young kids. They are still going to school. They need me to take care of them.</p> <p>My name is Yuan Deliang. I live in Hexi</p>
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		<p>Village. My house is No. 1062.</p> <p>I am innocent. I am protecting my own property. I have all legal property documents. Here is my house used to be. All our belongings and furniture are buried underneath.</p> <p>We lived here for generations. My father and fathers' father all lived here for hundreds of years. My grandfather passed it on my father. My father passed it on me. This is all I inherited from my forefathers.</p>
00:37:08:18 Bulldozer tears down house	Narration	<p>This couple did not know the fate of their house when they were arrested. A month later, during his visit, attorney Teng Biao relayed the message to them that their house had been torn down the day they were arrested.</p> <p>That day, the two kids came home from school, found their parents were arrested and their home was destroyed.</p>
00:37:31:24 Interview House number	Elder daughter Yuan Xuemei	<p>Our family used to live in the No. 1062 house in Hexi village.</p> <p>My name is Yuan Xuemei. I am 20</p>

		<p>years old.</p> <p>I went to school in that morning as usual. My house was there and everything was fine. When I came back form school that day, my house was gone. The place is flatted. There was no one at home. Our neighbors told me that our house was demolished by force and our parents had been taken away by police.</p> <p>I was so shocked. Why are they being taken away? I couldn't figure out why, what kind of crime they would possible commit? They both are very mild people who don't ever cause any trouble. Why are they being arrested?</p>
00:38:21:06 Attorney Teng on the phone	Attorney Teng	<p>Excuse Me? I am Lawyer Teng.</p> <p>Is Yuan Deliang and Zhang Meiying's case transferred to the prosecutor's office yet?</p> <p>It has not yet transferred.</p> <p>OK. That's all. Thanks!</p>
00:38:31:15 Attorney Teng	Narration	<p>According to Article 69 of Criminal Procedure Law of People's republican of</p>

<p>and Wen walk on street walking</p>		<p>China, if a public security organ finds it necessary to arrest a person already detained, it shall submit a request to the people's procurator's office for approval the arrest, within seven days after the detention. The time limit for submitting the request for approval may be extended to 30 days.</p> <p>In practice, lawyers are allowed to meet the suspect only once before the court session. However, these lawyers want to seek another chance to speak to their clients. It seems the police office has moved to a new location.</p>
<p>00:39:23:11 Run into the Policeman</p>	<p>Attorney Ten Attorney Wen Attorney Teng Attorney Wen The Policemen Attorney Teng</p>	<p>"You accompanied us to visit Yuan Deliang, Zhang, last time."</p> <p>"It is regarding the demolition case of Hexi Village."</p> <p>"You accompanied us to visit Yuan Deliang at No. 2 detention center last time."</p> <p>"It was at No. 2 detention center."</p> <p>"You have visited once, right? Since you have visited once, You can't visit again. "</p> <p>"We can not meet Zhang Meiyong one</p>

	<p>The policemen</p> <p>Attorney Wen</p> <p>The policemen</p> <p>Attorney Teng</p>	<p>more time.”</p> <p>“The case has not been transferred to the Prosecutor’s office yet. Is the arrest approved?”</p> <p>“Not yet. Zhang Meiyong has been approved the arrest.”</p> <p>“ Um, the case has not been transferred to the prosecutor’s office yet.”</p> <p>“ You two can not visit Zhang Meiyong today.</p> <p>You have visited once, You can’t visit again.”</p> <p>“I just moved here. I don’t know any numbers.”</p> <p>“Can we get your office number by any chance? We went to the former location. The office building is remodeling.”</p>
<p>00:40:28:21</p> <p>Court building</p>	<p>Narration</p>	<p>On April 16th, 2007, three families that were evicted from their homes filed their complaint at the People’s Court of Sifang District. Until now, the court has not even notified these families weather their complaint would be accepted or rejected even though</p>

	<p>Women in white</p> <p>Women in red</p> <p>Women in white</p>	<p>the legal time limit has long passed.</p> <p>“According to the law, they should register our case within 7 days, but they didn’t do it.”</p> <p>“If they continue to ignore us, we would have to go to a higher court.’</p> <p>The first time we came here was April 16th. Since then we have come here three times.”</p> <p>“This is the third time we come here. They won’t see us since it is the 8th day.”</p> <p>“They won’t let us in for the last two times. Even today they still didn’t let us in nor would they register our case.”</p>
<p>00:41:14:21</p> <p>Teng and Wen filed the case at Sifang District Court</p>	<p>Narration</p>	<p>According to Article 42 of Administrative Procedure Law of the People’s Republic of China, when a people’s court receives a bill of complaint, it shall, upon examination, file a case within seven days or decide to reject the complaint.</p> <p>On April 24, the 3 families filed their complaint at the Intermediate People’s court</p>

		<p>of Qingdao. Seven days later, the court judge Mr. Yang verbally informed the attorney that the court has decided to not accept their complaint.</p>
<p>00:41:59:15 Tea Scene</p>	<p>Villager</p> <p>Attorney Teng</p> <p>Villager</p> <p>Attorney Teng</p> <p>Villager</p> <p>Attorney Teng</p> <p>Villager</p>	<p>Sifang District and the department of Justice called on a communist party meeting today.</p> <p>It was announced that any activities to protest the demolition wouldn't be allowed.</p> <p>Anyone who protests the demolition will be arrested.</p> <p>Today the party meeting took place?</p> <p>It was also said that, if taken away this time, the punishment would be much harsher.</p> <p>Let's not go to extreme. Let's fight our rights leally.</p> <p>They broke the law for not registering our case.</p> <p>Yes, it's obvious.</p> <p>We have pursued the case with the city congress.</p> <p>They said that they would look into the case, but instead, they just kicked the ball</p>

		<p>around.</p> <p>The city kicked it to the district; the district said the same thing to us.</p> <p>Until today, we haven't seen any progress beyond empty promises.</p> <p>When they come to your house to persuade you saying that "just go ahead to sign the paper." The lawyers from Beijing can't help it either. You can't even get the case registered.</p> <p>It is no use to fight. Nothing you can do about it. The case cannot even get registered at court. Nothing you can do about it. If you don't sign, once the time window is passed, the terms will no longer be valid; you wouldn't even be eligible for whatever house offered now."</p> <p>But when we asked them for an official contract, they couldn't offer us one.</p>
<p>00:43:33:28</p> <p>Attorney Teng and Wen filed the case at district</p>	<p>Narration</p>	<p>According to Article 10 of the Supreme People's Court's Interim Regulation on Filing Legal Cases, the court should register the complaint and the evidence it received, and</p>

court.		<p>also give a receipt to the plaintiff. To avoid leaving proof of not following legal regulations, both the District Court of Sifang and Intermediate Court of Qingdao refused to issue receipts to the three families after receiving the complaints.</p> <p>So far, the families of Hexi village have run into a dead end in using the legal system to seek justice.</p> <p>Ironically, the Sifang District Courts showed unusually high efficiency by delivering a guilty verdict in just a few weeks to the villagers arrested during forced demolition and eviction.</p>
00:44:27:05 Outside the detention center	Attorney Teng,	“Court hearing is at 9:20. It starts in about 30 minutes.”
00:41:31:09	Defendant, Yuan Deliang	“I am here today to attend the court hearing. My wife and I are charged with Crime of Interfering with Public Administration.”
00:44:43:05 Interview	Daughter of defendant Yuang Xuemei	I have not seen my mom for two months. I hope it’s all gonna be fine at the end. Both of my parents will be released and

		go home.
44:54:25	Narration	The Court secession was hold at the detention center instead of the Court House. Only Five people are allowed to companying the defendant, which include the defendant's lawyer and family numbers.
45:24:26 Interview	Villager Liu Genmei	My name is Liu Genmei. I am 57 years old. I moved here 34 years ago to get married and have lived here since. My house is No.1319. I have both Property Ownership Certificate and Land Usa Certificate. I asked them for legal documents, saying once notarized, I could move, but they didn't answer my request. This tent was just built yesterday. The next day, it rained heavily. All my belongings were inside and got wet. On June 29 th , it was very hot, around 11:30 o'clock, and my house was taken down. I built this tent afterwards.
46:19:12 Interview	Villager Yuan Shaoxing	Our family has lived here for more than four generations. My house is No. 815. My house was demolished by force on June 29 th , 2007. My name is Yuan Shaoxing. I was

standing right here, surrounded by lots of city patrollers. They blocked me from getting close to my house. My wife was inside the house. I saw two people dragged her out. She was too tiny to fight back. It didn't take them much to drag her out.

They didn't let me move. Five or six city patrollers surrounded me and pushed me away from my house. Bulldozers came from this direction, tore down our house straight through. My house was built in 1980 when I got married. It only got approved for we were military dependents. Otherwise, we couldn't have been eligible for a piece to build a house. I said to them you are robbing! I have all the legal papers. What rights do you have to take my property away?" My pain was beyond words at the time. I even thought about ending my life. All of sudden, I became homeless. It was not easy for my parents to build this house, at that time we were very poor. We borrowed the money from our relatives and friends to build it. They wrote off

		<p>4 square meters from the actual size of my house. I have talked to them many times about it. They knew and admit the mistake but refused to correct it. After my house was demolished, I had nowhere to live. I went to the village Party Secretary Liu Lixiao and asked him "Would you want me to live on the street?"</p>
<p>48:07:02 Interview Out side of detention center</p>	<p>Widow</p>	<p>My house is No. 1169 in Hexi Village. My house was the first one that got demolished on the 29th. I have both Certificates for Property Ownership and Land Usage" but they still demolished my house. I am only a widow. What can I do? How could a society possibly allow such things happening? They made the announcement, saying that it was ordered by government that the demolition must be done. This demolition was supported by local government. Liu Lixiao and Liu Hualiang were both present at the demolition site. I Shouted at them. As a female what can I say? All my belongings are moved to a house arranged by them. It is on</p>

49:20:08	Narration	<p>single room. The house was built only a month ago. It is very humid, not livable at all, so I don't live there now and stay with friends at the moment. We need to pay house rent; we need to eat. We don't have enough money to get by. Both of my children are unemployed, jobless.</p>
49:34:25 Interview Flag, tent, goats	Villager Yuan Benyi	<p>On June 29, 2007, forced demolition was carried out on the last seven houses in Hexi village.</p> <p>My name is Yuan Benyi. I live in this village. I'm 75 years old. I have lived here since I was born. My ancestors had probably lived here for hundreds and even thousands of years. Now I built a tent here, sleep here at night too. At night, I have to watch out for thugs that might be coming back. There were in total over 2700 acres of land in the village. Now they sold them all. The west side was sold. The north side was the land we used to live on, the farmland. It was sold as well. All turned to houses. The west side has already</p>

		been built with houses, but many are still not sold.
	Narration	Updates

APPENDIX D. ORIGINAL STORY PROPOSAL



Mr. Hao Jinsong

Hao Jinsong, a law school graduate student at China University of Political Science and Law, drew a lot of public attention recently in China.

Over the past two years, Hao Jinsong has filed seven lawsuits for public interest against government branches and state-owned industries. They include the China Taxation Bureau, Beijing Subway Transportation Company, Beijing Railway Bureau affiliated to China Railway Bureau. His story was widely reported by the media and he was portrayed as a legal warrior.

Since August 2004, he has filed seven lawsuits. Among them four were against railway authorities for not providing him official receipts when he made purchases, dined on the train and had his ticket refunded at railway station; two were against the state owned subway company for not building public restrooms in the newly opened subway system; and one was against the Administration of Taxation for not carrying out its duty.

Four lawsuits against railway authorities:

Case No.1

On September 16, 2004, Hao Jinsong had his meal at the dining car while traveling at train T109 from Beijing to Shanghai. Hao asked for the receipt after paying, but was told that there were none provided on board. Thus Hao Jinsong sued Beijing Railway Bureau, under which train T109 was supervised. He asked for both receipts and apologies from railway authorities.

On November 7th, Beijing Railway Transportation Court opened the case. There, Beijing Railway Bureau presented receipts and the head of the dining car and two of his

staff showed up as witnesses. They claimed that Hao did not exchange his ticket for an official receipt. The judges came to the conclusion that there was not enough evidence to prove that Hao himself had asked for an official receipt after paying for his meal, thus rejected his petition. Hao did not accept the verdict and filed a following appeal to The Intermediate Railway Transportation Court. On May 4, 2005, this court held the original verdict, and reject his appeal.

Case No. 2

After losing the above lawsuit, he then sued Shijiazhuang Railway Bureau affiliated to Beijing Railway Bureau and Taiyuan Railway Bureau with the same accusation. He claimed that he traveled respectively on train K702 from Taiyuan to Beijing on December 8, 2002 and on train T519 from Beijing to Baoding on May 22, 2005. On both trains, he bought fruits and soft drinks, paying 8 Yuan and 6 Yuan respectively. After paying, he asked for receipts, but was told that the trains could not provide any. With Hao's insistence, train attendants wrote him notes with stamps as substitutes for receipts. The notes indicated how much Hao had paid for each item.

Hao Jinsong showed the unofficial receipts to the court as evidence to Beijing Railway Transportation Court. He asked for the official receipts and apologies. Standing for the accused parties, Beijing Railway Transportation Court reject Hao's case, and indicated that it should be handled by Taiyuan and Shijiazhuang Railway Transportation Court, located in the cities where the trains started.

Case No.3

On February 5, 2005, Hao Jinsong traveled on train N257 from Beijing West Station to Taiyuan, and bought fruits, souvenir cards, and socks, paying a total of 60 Yuan. When asking for receipts, he got the same reply. By insisting, he received three written notes as substitutes for receipts. On February 17, Hao made the same case for the third time bringing Beijing Railway Bureau to Railway Transportation Court for the third time.

Case No.4

On November 13, 2004, Hao returned his ticket at the Beijing Railway station, but he got no official receipts for the fee imposed on the return. He received only an unofficial receipt printed by the Railway Service without bearing the national taxation stamp. He asked for the official one, but was told that like other railway stations everywhere in China, Beijing Railway stations do not offer official receipts when refunding the train tickets. Hao then brought Beijing Railway Bureau to Beijing Eastern District Court, in which district the station is located.

He made the exact same case for the fourth time by asking for official receipts and written apologies. This case was transferred to Railway Transportation Court due to jurisdiction.

Out of four lawsuits against China State Railway authorities, one is ruled in favor of Hao. Even though only a minimal amount of money was asked for compensation in all of his cases, in some case even less than a dollar, Hao considered himself as a

winner. "Every time I sat in court across from the defendant of a government ministry and argued aggressively for the public interest, I am already a winner," said Hao.

Hao's victory over the Ministry of Railroads didn't come without a tough fight. The railway system in China is one of the largest monopoly sectors and has its own police, court and attorney office. The lawsuits against the Ministry of Railroads have to be first judged in special Rail Transportation Courts, which are not only under the supervision of the Ministry of Railroads, but also are paid by the Railroads for its operation costs and salaries.

The Rail Transportation court quickly ruled the first trial against Hao and a subsequent appeal still needs to be reviewed by a higher railway transportation court. As expected he lost his second appeal, but he persisted in filing his third appeal.

In order to put the railway authorities under more pressure, Hao made complaints to the State Administration of Taxation and the Beijing Dongcheng Tax Bureau for the tax evasion practiced by railway system. He argued that the tax were avoided by failing to provide official receipts for on board purchase. When he did not receive reply within the timeframe required by law, he sued both the State Administration of Taxation and the Beijing tax bureau for dereliction of duty. Meanwhile, his lawsuits against Railway Authorities were still under way.

Case No. 5

On May 18, 2004, Hao submitted his complaints to National Taxation Complain Center for not being offered proper receipt after purchases while traveling by trains. Within the timeframe required by law, he did not get any reply from the Center. On

August 8, he filed a lawsuit to Beijing First Intermediate Court against National Taxation Bureau for dereliction of duty. This case is presently in process.

In addition to filing lawsuits, Hao delivered a proposal to the National People's Congress after losing his second appeal at Higher Railway Transportation Court.

In the proposal Hao demanded the Congress examine the unconstitutional nature of the rail transportation courts. By citing the clause in the constitution that courts should be independent, he argued that due to the nature of the rail transportation courts, it is unlikely for those plaintiffs suing the railway authorities to have fair trials. Therefore the courts should be abolished. He raised the question of the chances for such courts to rule in favor of passengers who are against the rail authorities since the courts rely heavily on the railway industry for every penny of their expenses.

Hao's lawsuits were widely reported, generating much public attention. In June, 2005, Hao won one of his four cases against state railway authorities for failing to provide proper receipts for purchase made on board.

Since March 1, 2005, railway passengers can obtain receipts printed by the State Administration of Taxation for their purchase on board. This ends a long-standing practice under which the Railway Ministry had avoided paying taxes.

On March 15, the China Consumer Journal named Hao Jinsong as one of ten consumer rights-defending heroes of the year 2005.

Since Chinese tax bureaus depend on official receipts to assess the profits of companies. It ends a long-held privilege whereby the Ministry of Railways had been able to avoid strict taxation of its income.

How much money will the ministry lose as a result of Hao's victory? Ministry statistics showed that the railroads carried more than 4.5 billion passengers from 2000 to May 2004. If each passenger spent 1 Yuan (about 12 U.S. cents) during the journey, then the railroad made more than 4.5 billion Yuan of taxable sales. This means a minimum of 225 million Yuan of tax from 2000 to May 2004. Even though the railway may have paid a lump-sum tax to the government coffers by special arrangements, tax officials admit that the railway industry has traditionally been under taxed.

Hao explained that he only thought about the significance of protecting the nation's taxation system later. The absence of tax receipts meant the railway sector did not have to pay taxes for onboard retail.

Some observers in Beijing speculate the central government's desire to curtail the power of the Railway Ministry played a crucial role in this extraordinary story of an ordinary individual against a powerful government institution.

But Hao disagrees. He thinks he showed the public that the law can be used to effectively protect citizen's rights. Whether he could achieve success immediately is not Hao's top concern. He stresses more the building up of public confidence in the ability of an individual to push the government into moving forward.

As a law professional, Hao has a wider goal aiming to defend not just consumer rights, but also civil rights as well. He has been pursuing his goal through the knowledge of the law, and the courage of a human being.

Hao has set up a Web site to offer legal advice to people, but he resisted the idea of operating an online forum for legal issues. He is concerned about the radical

views among the public which may exceed the tolerance of the government and lead to the closure of the website.

Hao Jinsong represents a new breed of activists in China. They are intellectual people using ingenious strategies to explore the existing space for citizen to participate in public life. In order to obtain the substantive results, they carefully avoid the confrontational stance adopted by political dissidents. Instead, they pick their fights skillfully.

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RT Department Scholarship Awards,
Best in Craft in Editing,
Best Individual Segment,
Silver Dome Award and
Midwest America Emmy Award.

Research Paper Title:
Bulldozed: In the Shadow of Progress

Major Professor: Janice Thompson

Publications: *John Foppe: Condition* *Alt: News 26:46*