ESSAY

THE STRUGGLE FOR HUMAN RIGHTS

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This past April of 1999, while China’s Prime Minister Zhu Ronji was being hosted in Washington, D.C., it was my honor to receive the Samuel M. Kaynard Award for Excellence in the Field of Labor Law at Hofstra University School of Law—the award named after the well-respected, late Professor Samuel M. Kaynard. The warm welcome of Professor Kaynard’s family members, faculty and students of Hofstra, and one of the most moving introductions I have thus far received, given by Hofstra graduate David Feldman, made the entire event one that I shall cherish forever.

I am painfully reminded that as a college student in the late 1950s in China, I was encouraged to speak my mind in class when we discussed the former Soviet Union’s invasion of Hungary. I said that I disagreed with that policy—that it caused people to suffer. I was denounced and labeled a “counter-revolutionary rightist.” As the son of a banker and Roman Catholic, my remarks later led to my arrest and I was sent to Laogai for the next nineteen years.

I suffered during these nineteen years. They broke my back. They broke my neck. They broke my arm. They broke my leg. I was put in solitary confinement—six feet long and three feet wide—a coffin. I attempted suicide. I was not allowed to see my family. My mother committed suicide when she heard about my imprisonment. My family was forced to abandon me.

If we looked back over sixty years ago to 1937 and someone was asked to speak about concentration camps, how many people would be interested in hearing about it? Who would have been able to provide in-
formation about the Nazi camps? From 1933 to 1937, Germany's economy had increased seventy-three percent faster than even the rapid growth seen in today's China. Most Germans agreed with Hitler. The West cooperated with German companies. Nobody boycotted the 1936 Olympic games in Berlin. Very few people believed the reports of the concentration camp escapees. Red Cross International visited the camps. It wasn't until the end of the war, until people actually found and saw Nazi files that people believed that it existed.

As far as history has taught us, the exportation of goods from the Nazi concentration camps or the former Soviet Union's Gulag system was minimal. However, no one ever said that either system was a non-issue due to the small amount of exportation. The Laogai Research Foundation ("Foundation") emphasizes the issues of the exportation of China's Laogai products, not only because it is illegal but because it is unethical. The illegal importation of Laogai products violates our own laws and principles here in the United States.

Today we have the blood, tears and lives of millions of Chinese women and men who can tell the truth about the Laogai. The Laogai is very much alive for "counter-revolutionaries" who have been imprisoned in today's China for publicizing their political beliefs, for those jailed for practicing their faith without official government sanction, for those caught fighting for Tibetan independence. For those imprisoned in China for common crimes but deprived of their due process are forced to labor under barbaric conditions, the Laogai is also alive.

Counter-revolutionaries are forced to labor in the name of reform to "create wealth for the nation." Among their numbers are inmates who have already finished their sentences but are forced to remain in the Laogai camps as forced job-placement. The Laogai—a terrorizing tool—is an integral part of China's national economy.

The Laogai, literally translated as "reform through labor," is used in China as a slavery system of making products for the international market and receiving profits to support China's communist regime. In the words of a Chinese government document:

The very nature of the prison as a tool of the dictatorship of classes is determined by the nature of state power. The nature of our Laogai facilities, which are a tool of the people's democratic dictatorship for
punishing and reforming criminals, is inevitably determined by the nature of our socialist state which exercises the people's democratic dictatorship.

... To define their function concretely, they fulfill tasks in the following three ways: (1) Punishing criminals and putting them under surveillance; (2) reforming criminals; (3) organizing criminals in labor and production, thus creating wealth for society. Our Laogai units are both facilities of the dictatorship and special enterprises.

It is difficult to document the actual number of prison camps, but the Foundation has been able to identify at least 1,000 camps by name and location. While the Foundation has no exact or precise number of victims, we do know that millions have perished in the Laogai and millions more have simply disappeared into the Laogai's more than 1,000 camps.

As Executive Director of the Foundation, I have documented and testified before the United States Congress about China's disregard for labor standards and for workers' basic rights to organize independent unions. The Foundation has documented China's willingness to trample human rights to achieve its population control gains by use of forced abortion and sterilization and their harassment in enforcing the one-child policy. We have documented these practices and how they have at times put the health and lives of Chinese women in danger. We have documented China's use of public executions as a means of political education. We have documented the practice of organ harvesting from these executed prisoners for sale in transplant surgery. While the Chinese government asserts that this is done with the consent of the prison-

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2. Id. (quoting CRIMINAL REFORM HANDBOOK, P.R.C. MINISTRY OF JUSTICE LAOGAI BUREA U (1988)).


ers or their families, these claims make a mockery of international standards of consent.

Comparisons of Chinese and American prisons are often mistakenly made without referring to Chinese Communist documents which state that, Marxism holds that the state is a machine of violence for one class to rule another. This machine of violence is made up of army, police, court, prison and other compulsory facilities. Comrade Mao Zedong, while integrating Marxism-Leninism with the practice of Chinese revolution, made a clear exposition on this issue stating that Army, police, court, prison and other parts of state machine are tools for one class to oppress another. For oppressed classes they are tools of suppression. They are violence, by no means something merciful.

This means that Laogai facilities are one of the violent component parts of the state machine. Ours is a socialist state. As socialist state’s the Laogai facilities are an important component part of the people’s democratic dictatorship. Laogai facilities of all levels are established—prisons, Laogai camps, and juvenile criminal camps, all of them are tools representing the interests of the proletariat and the people’s masses and exercising dictatorship over a minority of hostile elements originating from exploiter classes.

Scholars of Asian Legal Studies have objected to my research, stating that we do the same thing with our prisoners here. Perhaps these experts have overlooked Communist Chinese documents which explain why it is necessary to force Chinese prisoners to labor:

The communist government of the People’s Republic of China maintains that the human being is the ‘most fundamental productive force’ in society.

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\[\ldots\] Except for those who must be exterminated physically due to political considerations, human beings must be utilized as a productive force with submissiveness as the prerequisite. \[\ldots\] The Laogai’s fundamental policy is ‘Forced Labor is the means, while thought reform is the basic aim.’

Our Laogai facilities force prisoners to labor. It is determined by the nature of criminal punishment in our country, by the dictatorial

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5. See Laogai Economy, supra note 1.
6. See id.
functions of our facilities and their aim of reforming prisoners into new, socialist people.⁷

Hitler’s Nazi ideology divided people by race. Stalin and Mao’s communist ideology divided people by class. Both ideologies set up forced labor camps to destroy human beings and all three men were criminals. The Nazis used gas chambers to physically abolish human life. China’s Communism, which continues today, uses “thought reform” to kill people mentally. The entrances to Germany’s Nazi camps had signs which read: “Labor Makes Freedom.” Chinese Communist Laogai camps have signs which read: “Labor Makes New Life.” While the German signs are long gone, China’s sign still remain.

The West condemned the Holocaust. The West condemned the Soviet Gulag. The West still ignores the Laogai.

We must never turn a blind eye to human rights abuses for economic gain. Constructive engagement policies practiced today between the United States and China are based purely on business interests. These policies disregard the suffering from human rights atrocities and the religious and political persecution which continue to document China as the number one country on our planet with such violations.

Constructive engagement policies with China’s communist government are nothing more than appeasement policies. Appeasement never makes peace—it never improves human rights or democracy for the common people of their country.

While China signed the Covenant of Civil and Political Rights, it has neither ratified nor implemented it nor the signed Covenant on Economic, Social and Cultural Rights. Chinese authorities have made no review of “re-education through labor” to ensure that it is no longer used to arbitrarily detain people without charge or trial in Laogai camps, nor “constructive engagement” policy goals of his visit to China this past June.

After spending nineteen years of my life in China’s Laogai, I now enjoy the many freedoms available to me as a citizen of the United States. This past September of 1999, over seventy survivors of the Laogai united in Washington, D.C. to share our experiences at a conference called “Voices from the Laogai: 50 Years of Surviving China’s Forced Labor Camps.”⁸

⁷. See id.
At that conference, I addressed my fellow Laogai survivors with the following words:

Once we were called “scum,” we were called “stinking latrine pebbles that must be reformed.” But we were human beings, survivors of an inferno, witnesses to a system of unprecedented brutality. We have endured unthinkable violence and profound inhumanity and managed to come out with our humanity and dignity intact. We should be proud to have beaten such impossible odds. We should be proud to be Laogai survivors. . . .

To expose brutality is to discredit the system and the ideology that gave birth to it. To choose to remain silent is to become an accomplice to its perpetrators. To forget is to betray. We can pardon those who violently abused us, but we cannot tolerate further violence against innocent victims.

We are crying out for all those who perished in the Laogai, for millions upon millions of voiceless, faceless, nameless prisoners. And we are crying out for our children, and for our children’s children.

We, who have faced death, have the responsibility to make our lives worthwhile to humankind before we face death again.

It is my hope that our fight will end the atrocities of China’s communist government so that one day we can all go and visit my homeland, China, and its government will respect all of its citizens and allow them the same freedoms we love here in the United States.