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POLICE SCIENCE

CHINESE COMMUNIST POLICE AND COURTS

FRANK S. H. YEE

Frank S. H. Yee, Ph.D. has had extensive experience in police administration under the Chinese Nationalist regime. He received his basic training in police administration and political science at the University of California, Berkeley. Dr. Yee has written a number of articles which have been published in China and Formosa prior to 1950. At the present time he is a permanent resident of New York City.—EDRROR.

In *On People's Democratic Dictatorship*, Mao Tze-tung, President of the Chinese People's Republic, said, "The Communist part of the U. S. S. R. is our best teacher, we must learn from it." Thus, soon after the establishment of the Chinese Republic in 1949, he went to Moscow to report his policy of learning to show his loyalty to his master, Stalin. His concept of democratic dictatorship borrowed from Lenin, included Stalin's realistic appreciation of the role of the army, police, and courts.¹ It was estimated no less than forty thousand special servicemen and advisors had accompanied Ambassador N. V. Roskin to his post to serve in the Chinese military, political, as well as economic organizations. All this was done in the name of helping the new regime in the training of staff and offering technical assistance in the immense reconstruction work lying ahead. In reality, they were placed strategically to watch and control every move the Chinese Communists were about to make.²

To insure his autocratic rule and for effective control of his staff in the party, army, and various governmental units, Mao has transplanted to China what for the past thirty years upheld Stalin's totalitarian power—the secret police, the public safety corps, the militia, the railroad police, and the border police. In the course of a few years, the Communist secret police have spread to every corner of the mainland. So far as the magnitude in organization and the dexterity of the agents in the concealing of their identity are concerned, they are comparable to the M. V. D. in Soviet Russia. It is estimated that about two million public safety corps (most of them were incorporated from the regular army, and another ten million militia (equivalent to rural police) have been formed. Thus, it is fair to say that the establishment of these police forces have materially helped the Chinese Communists to strengthen their political power by suppressing the resistance of the people and controlling Communists staffs in the various governmental units. In the course of discussion concerning the people's democratic rule, Mao said, "The army, the police, and the court are frankly brute forces, and we can not regard them as something benevolent." It is evident that the public safety units in Red China today have been used as an effective instrument in

¹ RICHARD L. WALKER, *China Under Communism, The First Five Years*, p. 5.

² BIN BIN WEN, "A Cross Section of How the Russian Secret Service Controlled the Chinese Police" *Democratic Line*, vol. XII, Issue 12, March 1953, p. 122.

the control and oppression of the people, though they bear the name "police" which would mean protection of life and property to the people in the west.

ORGANIZATION AND INTERRELATIONSHIP

Since Red China is a Soviet style police state, it is natural that its police system was organized after the Soviet pattern. While externally the Public Safety Ministry, the highest police organ, seems to be subordinated to the State Council, however, all important matters such as personnel assignment, policy decision as well as the settlement of important cases are left to the Social Affairs Ministry. Thus, it serves as some sort of executing agency for the special service in order that the Social Affairs Ministry can be camouflaged and penetrated into all social stata.³

The Ministry of Public Safety is divided into Frontier Defense Bureau, Economic Defense Bureau, Political Bureau, General Administration Bureau, Safety Administration Bureau, Armed Defense Bureau, and Personnel Bureau. All public safety departments of the province, municipality, as well as hsien (equivalent to county) are under its direction and supervision. The ministry has ten divisions of Public Safety Corps equipped with tanks and heavy artillery. All provincial departments are attached to one division of Public Safety Corps, and one battallion for each hsien.

At the provincial level, there is a Public Safety Department which is both supervised by the central ministry and the Public Safety Department of the regional government before its abolition in 1954. Under the provincial department, there are the Provincial Public Safety Training School, the Frontier Public Safety Bureau, the Public Safety Bureau of the provincial capital, the Public Safety Administrations of the various administrative inspector-commissioner's offices (the administrative inspector-commissioner serves as some sort of intermediary between the provincial governor and the hsien magistrates), the Provincial Water Public Safety Bureau, and the Provincial Public Safety Corps.

All public safety bureaus of big cities such as Shanghai and Peiping, while being supervised by the public safety department of the regional government, are subordinated to the municipal government to which they belong. On account of their importance and numerous functions imposed from time to time, they are much better equipped and received unusual attention of the central government. In Shanghai, for instance, under the commissioner and two assistant commissioners, in addition to the public safety corps and the various precincts, the bureau is divided into five departments: the first consists of the commissioners's office and the office of the secretariat; the second consists of personnel division, staff division, intelligence division, training school, criminal police corps, control and instruction corps; the third consists of census division, alien police division, fire prevention, traffic division, and research division; the fourth consists of police hospital and clinics of the various police units; and the fifth consists of general affairs division, and finance division.

The hsien public safety bureau is both subject to the direction and control of the provincial public safety department and the public safety administration of the administrative inspector-commissioner's office concerned. Under the chief and the

³ Outline of Chinese Communist Police System, Research of the Eighth Reserve Police Officials Class, Taiwan Police Academy, *The Police and People's Gazette*, Issue 12, p. 13 (1953).

deputy chief, the hsien public safety bureau, in addition to the public safety corps and the various police precincts, is divided into four divisions: the first consists of the secretary section and the staff section; the second, of the inquiry section and detection; the third, of the safety section, the census section, the police law section, and the detention section; the fourth, of the finance office and the general affairs office, and a consumers' co-operative.

As previously mentioned, the Chinese province is divided into *hsiens* or counties. The *hsien* is again divided into *chus* or districts, and under the *chu* are *hsiangs* (groups of villages). For protection of life and property in rural districts, a police station is found in a *chu*, and substation is attached to a *hsiang*. Coming to the village and hamlet, besides the militia whose duties are the suppression of guerrilla, the inspection of people on the road and the control of landlords is the public security committees set up by the Ministry of Public Safety 10 August 1952.⁴ In the case of a city, units are set up, i.e. one unit for factories, one for business, one for schools, one for each block, etc. This public security committee while it is the smallest yet the most fundamental and effective unit of the Chinese Communist police system. It constitutes the most important link in the chain to control the Chinese people, for the section of personnel is unusually strict and the powers entrusted are enormous. Western people often heard how people living behind the iron curtain are being inhumanly oppressed without knowing that it is these public security committees which make the curtain possible.

Because of its importance its organization and operation deserves description. The committee is comprised of three to eleven members selected from the Communist staff who must have a clean history and are upright in working style, adapt in linking up with the mass, and enthusiastic in security work—in other words, loyal supporters of the regime. Outwardly the members are in charge of census investigation work, yet secret service such as surveillance, information, and investigation formed the core of their activities. The organization of the committee is determined by such factors as density of population, complexity of social conditions, area and duties entrusted. In principle, when it comes to operation, it must act through the resident committee, which is composed of local residents, and the head is usually a local villain. They are being trained to act as claws for the public security committee.

The work of the public security committee mainly consists of investigation and surveillance, visiting, collection of taxes and contribution, execution of the various anti-movements and inspection, and overhearing. In other words, they are the techniques and methods the Chinese Communist employ for the oppression and persecution of the people.

By using the census taking measure, the Chinese Communists are able to organize and control the people. Each family or store is required to maintain a census book in which are recorded many items such as names, sex, age, nativity, occupation, education, family status, political background, social relation, economic condition, activities and personal contacts. Any change in these items enumerated should be minutely recorded. On the basis of this material, the census in the district is divided into special census, suspicious census, ordinary census, reliable census, public census,

⁴ WALKER, *op. cit.* p. 45.

and industrial and commercial census for effective control. By means of census taking, the committee can investigate and block movements of the people.

The motive behind the visiting of family is not so much concerned with the welfare of the family but rather to check the movements and thoughts of the members of the family for surveillance and persecution purposes. All those who had served for the Nationalist Government, Kuomintang members, correspondents, lawyers, doctors, and the so-called rich land owners would be classified as special census and are to be visited a few times a day. In order to get a better cooperation, sometimes the investigator adopts a friendly attitude, other times political and social questionnaires are being used to test the view points and opinions in order to discover the thought of the people. Even relatives, friends, neighbors, servants, and babies become objects of investigation. The visitor is free to go any place and to inspect any article in the premise. Ordinarily, a visit would last two to three hours, and sometimes there are four or five visits a day. Such visit is considered to be worse than a sweat interrogation by the police.

Inspection of the people is not limited to search of persons on the street or at train stations. Members of the public security committee are given power to censor mails. Teen age boys are trained to hide in a suspected family stealthily, sometimes lying beneath the bed to overhear private conversation of a married couple. Many prosecutions are based on information obtained through such methods.⁵

To reinforce their grip over social life in China, the Communists have mobilized adults of both sexes for service in local militia units or in the regular police or army. The youth has been organized into Young Pioneer teams to support and assist the militia. They are all assigned the duty of "Three-Vigilances"—against bandits, against spies, and against fire.⁶

FUNCTIONS AND OPERATION

The functions of the Chinese Communist police can be divided into two main tasks, secret and open. By the first is meant works entrusted by the highest special service organization such as counter-espionage, anti-infiltration, and various anti-movements,⁷ and the investigation of the thoughts and acts of various grades of Communist staff to see whether they are loyal to the party as a basis for elimination.⁸ While police documents give no evidence of these functions, the Communist public safety organizations all throughout the mainland are being used to camouflage their special service work in order to maintain their totalitarian power.

The second or the open task is the execution of public safety work based upon policies and laws and ordinances issued by the government in Peking such as the maintenance of order, prevention of the peoples' anti-Communist and anti-Russia movements, and the suppression of the so-called reactionary elements. In order to

⁵ *China Tribune*, August 5, 1953.

⁶ *Tung-pei Jih-pao*, October 30, 1950.

⁷ The Chinese Communists first started the so-called Three-anti-movements consisting of anti-corruption, anti-officialism, and anti-waste in 1952. It was followed by many anti-movements.

⁸ The Public Safety Ministry in Peking sometimes sent agents to assassinate persons contained in the black list such as rebels, Nationalist guerrilla leaders, and Kuomintang officials, etc.

strengthen their power, the police are given some judicial, sometimes even prosecuting powers. Judging from the above, we can see how the secret and open tasks are being co-ordinated.

As previously mentioned, census forms the central activity of the public safety organization. The census work is being centralized by having all census formerly belonging to the local government incorporated into the police. Some census police are working in the headquarters for census registration, statistics, research, and report-making, others are working outside in taking census, drawing census districts, forming census committees, collecting census materials, and investigating and controlling suspicious and special census. The work is entirely done by the census committee in collaboration with the above mentioned public security committees.

Starting in the year of 1953, efforts have been made to combine election with census for checking on and controlling every individual in Communist China. Under the regulations established by the party all those who were to vote had first to be screened, and only the reliable were given cards entitling them to vote. There were four classes of unreliaables: 1. The still unreformed landlords (although they were supposed to have been completely eliminated in 1952) 2. counterrevolutionaries; 3. those deprived of their rights as citizens; and 4. the insane.⁹ The combining of the census with the election gave the regime a fine opportunity to penetrate every household in order to determine political reliability.¹⁰

While the Chinese people hate the Communist rule and try to run away even at the risk of losing their lives, they could not help giving credit for the work done in general health, public safety, and road-building. The Chinese Communist police are very much concerned with public health in cities. In order to save the government's money, residents are required to sweep the streets by sections or to hire labor to do it for them. The penalty for violation is very heavy. Even teachers and school children are required to render labor service in the public health projects.

Foreigners in the past were not very much impressed with order in Chinese railway stations and wharves. To correct this the Chinese Communist police are given special power. Now even military vehicles are subject to control by the traffic police. As a result, land and water traffics are made orderly and relatively few accidents occurred. The order is especially good in railway stations and wharves, for people are strictly required to form a line for the purchase of tickets as well as to get onto the trains or boats. Violators are punished by beating and kicking on the spot with little mercy. The service personnel on board or on the trains besides serving the customers are required to do surveillance and information work. Armed inspection corps are also attached for protection and maintenance of order. There are many communication inspection stations established in railroad stations, wharves, city gates, and at strategic spots in a city for inspection of travellers, and special attention is given to landlords and the Kuomintang special servicemen.

In addition to the works mentioned above, the Chinese Communist police are

⁹ On the provisions of the Election Law see Current Background, U. S. Consulate General, Hongkong #233-4.

¹⁰ For fuller discussion of the control of census, see CHEN HAN PU, *Peking Today*, Hongkong, 1952, pp. 73-7.

required to do judicial, alien police, civic improvement, confiscation of the people's arms, counter-special service, and fire prevention work. It should be noted that following the Japanese pattern, the former police were given judicial power over cases involved violation of the Police Offense Law. However, with the coming of the Communist regime and the abolition of laws and lawyers, the police make little distinction between criminal and police offenses in the handling of violations coming to their attention. As a result, there is little standard in the imposition of sentences. For minor cases, confession, "persuasion education", "remorse registration", reprimand, admonition, fine, detention, or labor service are imposed. For serious offenses, confession, long and tedious interrogation, public trial, imprisonment, or fine are meted out for the guilty. Sometimes the convicted person is sent to the Controlling and Training Corps or to a long term reform camp. In special cases, death sentence is imposed after an open trial. However, many have been buried alive after secret interrogation. Criminal procedure is sometimes used in the handling of civil cases.

Except nationals of the Soviet bloc who are entitled to special treatment, all subjects of the democratic countries are, as a rule, under surveillance of the alien police. Sometimes the foreigner is summoned to the police station for an interview. All foreigners are required to make census registration and to follow the passport procedure. Heavy penalty is imposed for making an error. Detention and forced remorse is occasionally used. This is especially true of British and American subjects. They are not allowed to go to suburb at will. The violator is fined by detention.

Foreigners other than from the Soviet bloc are, without exception, regarded as spies for the imperialists. They are to be detained or chased out of the country. Thus Rapali, the minister from the Vatican has been detained for seventy-five hours under continuous interrogation. Christians are forced to be indoctrinated in Mao's new democracy.

Recently, the Communists have regulations that give them greater leverage against foreign business men. A foreign manager or owner may not leave China until his foreign replacement has been approved by the government. And no foreigner may leave China until he has an exit permit, which is rarely granted until the Communists are finally convinced they cannot collect further "ransom." Little wonder that foreigners designated by the Communists as the "responsible persons" invariably referred to themselves as "hostages."¹¹

Peddlers often caused disorder and confusion in the average Chinese cities that the Nationalist police could do little about. In order to make city appearance neat, the Communist police start with the control of the peddlers. The city is divided into certain districts and peddlers of all kinds are required to elect representatives. Ten peddlers are formed into one group with one designated as the head. Name records are made and sent to the public safety bureau for reference. Registration procedure starts following the approval of the application. A license is issued after payment of registration and photo fees. The license must be hung conspicuously for inspection purpose. A peddler must renew his license once in every three months, and the registration fee is rather heavy—sometimes amounts to half of the peddler's capital. Ten small groups, in turn, formed one big group with two inspectors whose duty is main-

¹¹ Lucian Taire, "The True Story of Red China," *U. S. News & World Report*, May, 1956, p. 140.

tenance of order. They also go around to collect fees daily in order to get paid. Weekly conference is held for discussion of the thought and actions of the peddlers for control.

Counter-special service and anti-feudalism formed the most important parts of the Communist police work. All those who had served under the Nationalist Government are considered to be special service-men. They are persecuted under the counter-special service movement. All wealthy people are considered to be feudal lords or villains to be reckoned with. Thousands have been butchered this way.¹²

The Chinese Communists are Machiavilians in that they do not care what means employed so long as they attain their goal. In order to keep the people under control, the Chinese Communist police are using the organization, registration, blocking, installment plan, selective enforcement, and suppression methods, one after another. By using the organization method, they directly control the people and indirectly control the society. To deal with the satellite political parties, the United Front is being used to organize and lead them. As a result, the United Front Department is established at all levels of the Chinese Communist party. Then there are various labor unions for laborers, farmers' association for farmers, youth league for young people, womens' league for women, students' league for students, merchants' association for the business men. Even men in the literary, art, and scientific field are required to organize for control purpose. All the above organizations are secretly controlled by the police. Rickshaw pullers, waiters, bell boys, and employees in recreation and amusement centers too are organized and trained by the police to act as informants.¹³

Registration is another form used for control. All so-called reactionary parties and organizations, societies, Tao priests, officers of the Nationalist regime, military men in retirement, Kuomintang special servicemen, persons without employment, students, and teachers are required to register. All social investigation methods are being used for registration. In order to trap the registrants, both force and temptation are employed.

It remains, however, the blocking method to make the iron curtain complete. By means of blocking communication, the people in various localities cannot move freely, and prisoners cannot possibly escape, for a 'road pass' is needed to go from one place to another. All the suspicious census and special census previously mentioned are constantly put under surveillance and are not permitted to move at all, but to be destroyed at will. The next is the blocking of news. With the speech and thought put under control, the people's knowledge and wisdom remain stagnant. Under this atmosphere, the Chinese Communists proceed to carry out their Sovietized and salvery education.

One of the most effective methods employed by the Communists in fooling the people is the installment plan in taking over, control, employment, and elimination. With the occupation of the mainland, the first stage is the taking-over. During this

¹² It was on the basis of incomplete figures and others provided by the Communists that the Free Trade Union Committee of the American Federation of Labor estimated in October 1953 that the Mao regime had been responsible for the death of more than 14,000,000 people over the previous five years.

¹³ CHEN HAN PU, *op. cit.* p. 80.

period, everything is being taken over without leaving anything out. The second is the control stage. The control of persons is especially strict. The people are classified and separately controlled on the basis of their thought, speech, behavior, background, and political relations. Men as well as materials are employed to the fullest extent. The last stage is elimination. If a material is considered to be unusable, it is either to be transferred or destroyed. For a person, if he is regarded to be no good, he is given training. The guilty persons are to be reckoned with, suppressed, and butchered.

In carrying out the work entrusted, the police adopt the selective enforcement policy. Counter-revolution and the purging of former special servicemen are given priority. The area under their control is again divided into certain districts on the basis of density of population, degree of social complexity, area and number of personnel to be apportioned. One district is then selected for enforcement. Priority is given on human, event, time and area factors. It is said that the selective enforcement has exemplary, experimental, and educational value.

The last but not the least is the suppression method which is the goal of the public safety organs. Since public safety units have spread to all corners of the mainland, all people except those who participated in the guerilla movement are under its mercy. Thousands have been slaughtered under the name of purging as Kuomintang special servicemen, landlord, or reactionary elements. It is a faithful execution of "Konsang Plan" or Stalin's wish of reducing the Chinese population by one fourth for better control and communization. Numerous inhuman execution methods have been employed. Some are submerged in the water, others are buried alive.

COURTS

Confronted with the sudden occupation of the mainland, the Chinese Communists did not know what to do in many administrations taken over. It was said that one Communist sent to balance the books of a bank is reported to have asked for a pair of scales and began to weigh them.

In the field of judicial administration, with the abolition of all the laws and statutes of the Nationalist Government according to Article 17 of the Communist Program adopted by the CPPCC, there was no law to speak of. Immediately, Communist cadres without any legal training were appointed judges and justices, and orders and decrees of the Communist leader were laws. Sometime the badge of the Communist party amounts to a code in the enforcement of law. In order to carry out the Land Reform Program and the various anti-movements, numerous people's courts and tribunals were created in villages as well as in mines and factories.¹⁴

These courts have been hopelessly behind in trying cases, and there were carefully staged mass meetings which were convened by the political leaders for immediate disposal of cases connected with the security of the "people's state apparatus." There is no aura of professional justice about these mass trials, but then, as the People's Daily maintained: "The view held by some people that trial proceedings can only be conducted by professional judicial workers, and not by other persons, is entirely erroneous. The law of the people's state is a weapon in the hands of the

¹⁴ LIU CHU-YI, "Chu Mao Tightened Their Rule by Slaughtering" *China in One Week*, Issue 126, 1953, p. 10.

people to be used to punish subversive elements of all sorts and is not by any means something mysterious and abstruse to be controlled by a minority separated from the mass." During the first five years of the Communist regime in China there was no codified system of laws. Furthermore, in none of the four major statutes under which the courts operated in Communist China was there any provision for the rights of the defendants. Both the people's tribunals and the people's courts have had the power to impose the death sentence. In fact, under the law passed 21 February 1953 for the Punishment of Counterrevolutionaries, death or life imprisonment was specified in over 95 per cent of the cases. Furthermore, this law made punishment applicable retroactively to any crimes ever committed by an individual. The only interpretation necessary was the whim of the crowd led on by the agitators.¹⁵

"The law of new China does not call for elaborate interpretation," remarked Shen Chun-ju, "Hence we have no need for legal experts and specialists. Ours is a law which the ordinary man can understand. The dictum of Chairman Mao that, 'conclusions should not be reached after thorough analysis and investigation' is enough for our purpose. It is the guiding dictum of the People's Courts throughout China."

According to Frank Moraes, a member of the India's cultural delegation, when he visited a Shanghai court a murder trial was in progress.¹⁶ The accused was a hard-faced stolid woman who was charged with killing her maidservant some ten years earlier. The three judges were men, and alongside them sat a member of the All-China Democratic Representative, who is generally a member of the accused's trade union, sits in court with the judges, and appears to combine the functions of jury and counsel. The accused had her own lawyer, but he took no part in the proceedings while we were there.

The case had evidently excited considerable interest. The visitor was provided with copies of the charge sheet, according to which the woman had consistently ill-treated her twelve-year-old maidservant and had finally set her on fire. When the maidservant died the neighbours had complained to the police, charging the woman with murder. But Kuomintang police had been bribed, and no case was lodged against her. On the contrary, the complainants were warned "not to make trouble."

The accused admitted the crime, pleading only that the maidservant was lazy but she strenuously denied that she had bribed the Kuomintang police. The questioning was done entirely by the judges and did not extend over half an hour.

Various witnesses, including the woman's sister-in-law, testified against her. These also were questioned exclusively by the judges, and neither the accused nor her counsel asked them any questions. At the end of each witness's examination, the judges cross-examined the accused. There appeared to be no rules of evidence or procedure, and the proceedings were informal to a degree. But they certainly were expeditious; four witnesses were disposed of within a half-hour. The accused was sentenced to death.

During the three and five anti-movements, corruption in the people's courts in various parts of the country was rampant. Thus Kuan Tung-ping, a judge of the

¹⁵ HEN WEI, *Courts and Police in Communist China* (University of Southern California, 15 Feb. 1952) p. 20.

¹⁶ FRANK MORAES, *Report on Mao's China*, 1953, p. 148.

people's court in Harbin released two guilty merchants in custody by accepting five hundred million jin-min pao. Even Madame Shih Liang, Minister of Justice, had to admit that something must be done. However, she was clever enough to impute the corruption and graft to judicial personnel from the Nationalist days whom it had allowed to re-enlist in their old jobs for lack of an adequate supply of trained personnel to take their place.

After Shih's report "Concerning a Thorough Overhauling and Adjustment of People's Court at All Levels" was approved on 13 March 1952, a judicial reform program was launched. It was primarily aimed at: 1. Cleaning up of undisciplined elements and judicial personnel responsible for corruption, misapplication of law; and 2. eradication of the old legal ideas of judicial personnel. She claimed that the corruption was exposed as a result of the three and five anti-movements. The serious phenomena were the four aids and the five failures. By four aids is meant aiding the anti-revolutionaries to harm the people, aiding the feudalistic landlords to oppress the farmers, aiding the illegal property classes to destroy the state economic reconstruction work and oppressing the laborers, and aiding all the law-breakers to white-wash their guilts. By five failures is meant the failure to receive complaints of the laborers, failure to summon, failure to interrogate, failure to sentence, and failure to enforce on the part of the judicial personnel. She concluded that the reason for the failure is largely due to some of the Communist cadres responsible for leading the people's courts were not sufficiently acquainted with the substance of the law. As a result, they blindly employed judicial personnel of the old regime without reform and let old judicial ideas grow and dominate. Some even let them take apprentice and became captives of them.¹⁷

¹⁷ LIE CHU-YI, *op. cit.* p. 10.