

1954

Meetings

Dates of Meeting:

17-03-1954 – 10-04-1954

Type of Meeting:

2nd national Procurators' Work Conference

Place of Meeting:

Beijing

Attendance:

140 people

Major Agenda Items:

For nearly a month a host of prominent government figures subjected the procuratorate's past performance to detailed and critical scrutiny, spelled out anew its current tasks and outlined its future role and prospects. It represented by far the most systematic and frank review of the public record of the CPR's procuratorate since that institution's birth

Speeches/Reports:

All the speakers noted that the procuratorate had over the last several years registered definite successes in fulfilling its duties and had made especially important strides in that respect during 1953. It got considerable credit for its work in combating sabotage of production in industrial and mining enterprises by "remnant counter-revolutionaries," accidents arising from negligence of duty by either management or labour, the so-called "5 poisons" crimes committed by "unscrupulous private industrialists and merchants," attempts at tax-evasion, violations of regulations on planned grain purchases and grain delivery to the state, bureaucratism, commandism and breaches of law and discipline, infringements of the rights of the "labouring people" and obstruction of agricultural production, and a multitude of assorted lesser offences. It was likewise complimented for the constructive aid tendered in connection with the implementation of the Election Law and for its assistance to the public security departments and people's courts in clearing up accumulated items, responding to complaints from the masses, checking upon conditions in the prisons and the reform-through-labour corps and in re-examining and finally disposing of those cases which had been mishandled previously.⁴⁷ After painting the bright side of the picture, however, these same officials then went on to point out some of the glaring shortcomings that continued to plague the institution's operations and negatively affected the quality of its work. As before, foremost among them was the severe shortage of cadres which was reflected, inter alia, in the fact that after all this time and in spite of all efforts people's procurator's offices had only been established in one-third of the administrative units at hsien level and above throughout the country. As regards the functioning of the existing offices, the principal weakness there was said to be "failure to grasp systematically and methodically key point experiments with the result that even to this day a practical and systematic scheme of prosecution is still lacking." Consequently, the source confessed, "the people's procurators' work has not been able fully to play its due part in fighting crimes, while the nation-wide extension of people's procurators' work is encountering difficulties today."⁴⁸ There had also been, these top dignitaries conceded, manifestations of arrogance on the part of various procuratorial cadres which, they hoped, would not recur.⁴⁹ A different, possibly worse, kind of trouble lay behind certain as yet unascertained developments which on this occasion led Peking to the further cryptic admission that "some comrades take the view that since such large-scale social reform movements as agrarian reform have been basically completed and since economic reconstruction has been taken as the pivotal task of the whole nation, political and legal work has lost its former importance, making it unnecessary to pursue it with such great efforts as had been exerted in the past" and that "some political and legal workers have even shown a tendency of becoming discontented with their occupation." Either enough cadres had learned the lesson of the purges too well and thereafter associated the procuratorate with the mass repressions to a point where they felt that it had outlived its usefulness when the campaigns officially drew to a close. Or, unspecified elements in Communist China (the same phenomenon had been observed earlier in Soviet Russia and Mongolia)⁵⁰ advocated the old radical-leftist formula to the effect that law and instruments of law enforcement served a purpose only for the duration of the revolutionary prelude and had no place in a "Socialist" society or a society in which the proletariat had seized supreme power and had totally consummated the political defeat of its class enemies. Perhaps both shades of opinion were present. In any event, the leadership was sufficiently bothered to bring the matter up and formally denounce it as "utterly erroneous."⁵¹ It now reacted the same way to yet another unorthodox school of thought which supposedly held that "supervisory organs, public security organs and courts render the prosecuting organs unnecessary," branding these views as "due to ignorance of the function of prosecuting organs" and laboriously enumerating the sundry technical distinctions which set the procuratorate apart from these other agencies and the latter from each other.⁵² On the whole, though, everybody agreed that positive gains far outweighed what defects still marred the procuratorate's performance on the job and that the latter would surely soon be eliminated.

There-upon, the assemblage proceeded to address itself to the items of business which the organisation would face in the foreseeable future and to suggest how these problems were to be handled. Its job here was made easier by the fact that a few days earlier, in the very midst of the conference, the GAC Committee on Political and Legal Affairs had issued a long statement setting forth the main tasks of political and legal work in 1954. Not surprisingly, most of the meeting's formal recommendations were closely patterned on the contents of that document.⁵³ CQ

The People's Procuratorate in Communist China: The Period of Maturation, 1951-54 Author(s): George Ginsburgs and Arthur Stahnke Source: *The China Quarterly*, No. 24 (Oct. - Dec., 1965), pp. 53-91

Other Decisions and/or Actions:

- The final resolution of the conference saying that "in particular, they [the people's prosecuting organs] should guard against and combat wrongful arrest, wrongful detention and miscarriage of justice as well as law-breaking acts on the part of certain public functionaries,"

Remarks:

1. these people's procurators' offices aided the campaign for suppression of counter-revolutionaries the 3-anti campaign, the 5-anti campaign and the judicial reform movement and, linking up with the pivotal work of the state during each period, prosecuted a number of cases concerning the endangering of the interests of the state and the people, thereby playing a certain part in ensuring national construction, safeguarding the people's democratic rights and strengthening the people's democratic dictatorship. *People's Daily*, May 21, 1954; also, the editorial, "Strengthen Procurators' Work to Safeguard National Construction," *ibid.*; SCMP, No. 821
2. In the months that followed, a series of conferences of the procuratorate were called at the provincial level to discuss the directives of the 2nd National Conference and review the work of the local apparatus.