

ON MAY 21, 1984, A 36-MEMBER DELEGATION FROM THE AMERICAN JUDICATURE SOCIETY LEFT FOR A TWO-WEEK VISIT TO THE PEOPLE'S REPUBLIC OF CHINA. The trip was sponsored by People to People, a group created by President Eisenhower to promote intercultural understanding. AJS Executive Vice President and Director George Williams shared his thoughts on the trip in a "China Diary" published in the August-September 1984 edition of *Judicature* (Vol. 68 Nos. 2-3). We present here an excerpt of that diary as part of our year-long celebration of *Judicature's* centennial volume.

At 2 p.m., we met with the Vice President of the China Law Society, Mr. Wang Zhang Fong. He is a soft-spoken, scholarly man and a leader of the largest lawyer group in the country. It seems clear that there is no real parallel to the ABA, for instance, since the influence of the China group on government and legal institutions is pale by comparison. All lawyers are state employees, and it is unclear how that fact impacts on the client-attorney relationship. The role of the Chinese lawyer merging the interests of state, client, and lawyer is difficult for our group to grasp. During the Cultural Revolution, legally trained men and women were sent to work in the fields and factories. The legal profession was purposely and systematically dismantled. Now the rebuilding has begun, but the road will be long. There are only 15,000 trained lawyers, although the total of all who perform legal functions numbers close to 120,000.

... Scarcely any time elapsed before we met with four judges of the Supreme People's Court. The principal spokesman for the group was Judge Liao Bo-Ya who is both judge and director of Supreme Court research, which lends special prestige and influence to this role. Judge Liao was extraordinarily articulate and enthusiastic. He was accompanied by Judges Zhang Min [and] Xie She-Min, both criminal experts, as is Wang Dian-Yi. In addition, we met with Judges Wei Feng, Yang Fu-Nian, and Yang Xue-Min.

The sessions elicited much interest and some controversy in trying to establish the relationship of the Supreme People's Court and the NPC [National People's Congress]. It is apparent that the latter has



A China Diary

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ultimate authority on constitutional issues. Midway through our session, we reversed the tables and asked the judges to question our Delegation about American law, which they did with much enthusiasm and some surprise. The exercise clearly demonstrated how much misunderstanding there is, even among lawyers and judges of good will like our two groups. Much needs to be done to keep our peoples talking together, and AJS may well have discovered a new and important international dimension that needs to be explored.

Friday, May 25th. Just how much the fortunes of Beijing are advancing is manifested by the "rush hour traffic" that delayed our 8 a.m. arrival at the zoo to see the pandas! What a happy start to the day.

After seeing the pandas clown and after mingling with happy Chinese parents and children, off we went in to the construction-slowed traffic once more to keep our first appointment of the day – a meeting with the law faculty of Peking University, the name preferred by the Chinese to the more recent Beijing University. We were greeted with enthusiasm by Dean Zhang and Professor Rui Mu, the senior expert in the International Law Institute. As usual, protocol and tea were served up simultaneously after which, at Dean Zhang's suggestion, we were divided into two smaller groups – one to discuss matters of interest in the criminal law field and the other to consider

civil law matters. China feels a need to broaden the outlook of their lawyers, especially as commercial ventures with the Western world are pursued. International law is being stressed in the law schools, but it needs to be complemented by greater attention to the law governing foreign trade. One Delegation member, E.G. Marshall, had arranged to present tapes of his TV series "The Defenders" for library use to acquaint students with American trial procedures.

... After luncheon in the heart of the city, we witnessed a criminal trial for embezzlement by a Chinese purchasing agent in #3 Sewing Machine Factory. The trial was in Municipal Intermediate People's Court and our Chinese guide, Mr. Chan, provided simultaneous interpreting over earphones. Found guilty, the Chinese defendant was given a "lenient" sentence of three [years'] probation and returned to his place of work, but in a lesser position. In order to obtain funds for marriage, he had taken and tried to sell industrial diamond cuttings. One of the surprises in court, which looked much like our own, was the uniformed judges. All three judges plus the clerk of the court were in gray uniforms reminiscent of a court martial. The prosecutors wore different [colored] uniforms, while defendant and his counsel were in civilian attire. Mr. Lai, the court administrator, from the next higher court, was our special escort. We presented him a certificate of thanks and one of the AJS desk pieces [that] seem much coveted here.

... It seems impossible to summarize this experience except to recognize our ignorance of China and the Chinese people on our arrival and their ignorance of American ways. When we left we had only begun the process of appreciating the vast differences in our law, culture, and in our lives. ... After our return, *China Daily* published a letter to the editor from AJS Delegation member Theodor Voorhees, who capsulized the experience and ventured a prophecy when he noted that President Eisenhower, the original sponsor of the People to People idea, saw "that the people level presented the best opportunity for the development of understanding and the attainment of world peace. Lawyer to lawyer has proved a valuable offshoot of that movement, and in the case of the United States and the People's Republic of China, the promise seems enormous.