

黄钟：第一次镇反运动考察 Huang Zhong: Examination of the First Zhenfan

发布时间：2014-12-29 20:53 作者：黄钟 浏览：99 次 黄钟

New url: <http://w.hybsl.cn/article/13/50141>

Originally in *Yanhuang Chunqiu* 2014/12

FN 104 – Huang Zhong on Excesses of Zhenfan Campaign

1950 年 10 月，中共发动第一次镇压反革命运动(1950 年 10 月至 1953 年底)，主要针对“不拿枪的敌人”。注 1 这是中共建政的奠基性政治事件。刘少奇在 1951 年 5 月 11 日说过，“镇压反革命这样大的成绩的直接的结果是造成了各种工作的顺利条件”。注 2

镇反与党的领导

据《罗瑞卿传》记载：1950 年 8、9 月间，李克农转告罗瑞卿，有一次毛泽东同李谈话，对公安部不向他写报告很不满意。罗瑞卿听后立即去见毛泽东。

毛泽东问他：“为什么不给我写报告？”罗瑞卿解释说：“写了报告了。”

毛严厉地说：“写了，拿我的收条来。”罗立即说明，已报总理转呈主席了。后来周恩来知道了此事，去向毛泽东报告：“公安部的一些报告，压在我那里，未及时呈送主席。”为罗分担了责任。

毛泽东知道后，又对罗说：“报告今后要直接送给我。现在你那里有一些什么文件，可以送给我看看。”罗立即将经济保卫工作会议文件呈送给毛泽东。罗瑞卿主持起草的这一文件有几处述及党的领导，曾被一位较负责的同志删去。9 月 27 日，毛泽东在这一文件上批示：“……凡将党的领导作用删去而改为笼统字眼或改为单纯行政领导的地方，原稿是

对的，删改是不对的，均应恢复原稿。保卫工作必须特别强调党的领导作用，并在实际上受党委直接领导，否则是危险的。”注 3

在“实际上”三个字的下面，毛泽东加了着重号。注 4

1950 年 10 月 9 日，毛泽东对罗瑞卿提出的“杀一批、关一批、管一批”表示赞成，并说“我们要把房子打扫干净”。10 月 10 日，中共中央下发由彭真、

罗瑞卿等人起草，经毛泽东审阅的注 5《关于纠正镇压反革命活动的右倾偏向的指示》，即“双十指示”。它要求“必须采取步骤”克服“宽大无边”这种“右的偏向”；“各级党委对于已经逮捕及尚未逮捕的反革命分子，应即领导与督促主管部门”，“分别地加以处理”；“当杀者应即判处死刑，当监禁和改造者应即逮捕监禁加以改造”。注 6

为了传达和布置执行“双十指示”，公安部于 10 月 16 日至 10 月 21 日召开了第二次全国公安会议。注 7 罗瑞卿在 19 日的会上专门谈了“党委领导问题”，传达了毛的批示：

毛主席明确指示：“保卫工作必须特别强调党的领导作用并在实际上···受党委直接领导，否则是危险的。”公安部既是国家政权的一个部门，又是党的锄奸保卫政策的执行者，是党领导的一个工作机关。公安部就是社会部，公安部门既是政府的，又是党委的。公安部门不强调党的领导作用，不接受党委的领导是危险的。注 8

10 月 26 日，罗瑞卿给毛泽东并中共中央关于全国公安会议的报告又提出，公安部门是党的执行“镇压反革命活动，肃清反革命残余”“这一任务的工作部门”；必须强调“各级党委的实际领导和取得全党的支持”；“公安部门的同志必须积极主动地善于取得党委的领导，并随时向党委报告工作取得指示”。注 9 28 日，中共中央转发了这个报告，要求“督促有关各方切实地加以实行”。注 10

该报告认为，“右的偏向”表现之一，就是“重罪轻判迟判，镇压不及时”。注 11 比如石家庄对“匪特首要王钧，拖延至三年之久，最近始判死刑”；注 12 “西安土匪拒捕打死我邮差，西安法院认为系‘自卫’，不判死罪”。注 13

这份报告还说，“判决批准手续繁多，华东说最快两三个月，慢的两年三年。法院不健全，旧司法人员中有浓厚的旧法律观点，不少的公安干部则有送法院即了事的错误想法，对于结案与判决缺乏坚持与负责到底的态度”注 14，并提出，“为使处理反革命案件手续简化，镇压及时，不出乱子，拟与最高法院商定一个改进办法，发一指示”。注 15

1950 年 11 月 3 日，周恩来签署《政务院关于加强人民司法工作的指示》，命令“各级人民司法机关……应组织力量，加速案件审理的期限，坚决革除国民党法院所遗留的形式主义和因循拖延的作风”。注 16 即便如此放开手脚，也还有人手问题。按照“双十指示”，“目前法院工作应以处理反革命案件为重点”。注 17

可是司法部部长史良 1952 年 8 月 13 日的一份报告说到，“全国各级人民法院干部共约二万八千人，其中有旧司法人员约六千名，约占人数的百分之二十二，他们大部分充任审判工作”。注 18 据此可以推断，在“双十指示”发布之际，单纯从人手讲，法院也难以适应镇反运动之所需。

因此，镇反就得相当程度上绕开法院，不能只由法院判处反革命分子。“双十指示”要求，反革命案件的审判“仍由人民法院或军管会军法处负责”。注 19

1952 年 6 月 27 日公布的《管制反革命分子暂行办法》又规定，“对反革命分子管制之批准权，除法庭依法判决者外，均属县市以上之公安机关”。注 20

从流程上来看，镇反运动，就是在中共各级党委领导下，各相关军政机关分工合作，一条龙似的流水快捷作业，镇压其认为的“反革命分子”。比如，1950 年 11 月 28 日，中共皖北区党委印发的《关于严厉镇压反革命分子的指示(草案)》就规定，“为简化手续，公

安局审讯科作为法院驻公安局的审判机关，公安机关逮捕的反革命案犯，由审讯科、审讯股作出结论，即交同级裁判委员会审核，提出处理意见，分别呈上级核准”，“对紧急案犯，可用电报上报，只列主要罪行事实，事后补报详细材料备查，以收及时镇压之效”。注 21 而“双十指示”则从全局的层面，决定了执行中共镇反政策公检法是一家：“法院、检察、公安机关是人民民主专政的重要武器，各级党委应加强自己对于它们的领导，并适当地充实其干部。”注 22

可以说，整个镇反运动的关键，在于毛泽东，在于中共各级党委。这既包括下达普遍适用的各种镇反指示，也包括决定具体的反革命分子的生死。比如，按照“双十指示”，“在判处死刑时，党内必须经过省委、大市委、区党委及受委托的地委批准，其中如有特别重要分子则须报告中央批准。”注 23 中共中央中南局书记、中南军政委员会副主席邓子恢，就曾亲自审批处决重要反革命分子的名单。注 24 可以说，镇反实质上是在党的高度集中领导下进行的。

镇反运动中的数字

(一)镇反中全国捕、杀、关、管的总数

对于镇反运动中杀、关、管的总数，说法不一，而官方编纂公开出版的党史国史书，一般是予以回避的。注 25 即使是有些官方内部出版物，也是用逮捕了“×名”，处决了“×名”，投入劳改“×名”，管制“×名”模糊过去。注 26

不过，毛泽东 1956 年 4 月 25 日在中共中央政治局扩大会议上说过，“要肯定过去杀、关、管二三百万是非常必要的，没有这一手不行”。注 27 次年 2 月 27 日在最高国务会议上又讲，“在五〇年，五一年，五二年杀了七十万”，“从那以后大概杀了七万多。不到八万。去年起就根本不杀了，只杀少数个别的人了”。注 28

依毛此说，从 1950 年至 1955 年，处决了 78 万左右反革命分子，其中第一次镇反运动超过 70 万。公安部副部长徐子荣 1954 年 1 月的一份报告也提到，镇反运动以来，全国“共杀反革命分子 712000 余名，关了 1290000 余名，先后管制了 1200000 名”。注 29 三项合计 3202000 余名。注 30

在镇反运动中，处决的“首恶分子”，占逮捕总数的 21%。注 31 若以处决数为 71.2 万人算，则被捕数超过 339 万人。此外，死于狱中和自杀的被捕者，也数以万计。注 32 整个西南地区，据 1952 年 7 月西南公安部的一份报告，病死、自杀者就约 25000 人。注 33

(二)主要不是由人民法院判处“杀、关、管”

对于这次空前的政治运动，中国人民大学法律系助教黄守礼在 1957 年整风中说，“镇反杀七十七万人太多了，历史上没有杀这么多人的”。注 34 镇反中的“杀、关、管”，大部分也不是经由人民法院判决。因为据全国人民法院司法统计历史资料，1950 年，判决在本年发生效力的反革命分子为 18845 人注 35，1951 年至 1953 年，被判反革命罪者，分别为 23562 注 36、170502 注 37、124239 人注 38。而自 1950 年至 1953 年，处刑 5 年以上至死刑的，分别为 7661 注 39、16006 注 40、96059 注 41、70199 人注 42。

仅上述数字，就直观地反映了当时中共主政者的魄力。1950 年 10 月 18 日，刘少奇在第二次全国公安会议上说，“反革命是可以杀干净的”。注 43 在他看来，“不办就不要办，一办就办得你很痛，不痛不痒又得罪了人，就划不来。杀一儆百，一百人杀一个，这一个必须杀的很需要，当然我们不是搞算术，但是一百个地主，一个都不杀就要犯错误”。注 44

(三) “双十指示”的发布超乎一些人的想象

不过，“双十指示”的发布，即使在中共党内，也还是超乎一些人的想象，而不仅仅是毛泽东 1956 年 4 月 25 日在政治局扩大会议上所说的“民主党派与我们有分歧意见”。注 45 黄克诚在自述中就说道：

湖南有个别同志仍迟疑不决，不相信中央有这个决定。湘西的负责人周赤萍就是这样。我到湘西去督促他镇反，对他说：湖南反革命最多的地方就是湘西，开杀戒的命令是中央决定的；根据湘西情况，我估计总得杀掉相当数量的反革命，才能控制住局面。你下决心干吧！周赤萍听说要杀人，顾虑更大了。他亲自跑到武汉中南局，找到邓子恢问这事，经邓子恢证实以后，才相信确实是中央的决定。注 46

不仅如此，一些地方党政干部还对开杀戒心存顾虑。1950 年 12 月 7 日，黄克诚在《关于湖南工作的综合报告》中说：“中央精神向县区传达后，无论党、政府、公安部门老干部均有极大顾虑，认为会发展到乱来，将来又要整风，‘左右都是你们上面来的，都说得头头是道，但将来整风我们下面受不了’，颇有抵抗，经过说服，大致无问题。”注 47

在第二次全国公安会议之后，据刘复之的说法，虽然“处决了一批”反革命分子，“但是，因为不少领导人员对毛主席坚决、彻底镇压反革命的精神理解不深不透”，“未能坚决镇压”，“放不开手，以致镇反运动开始了两个多月，还没有把群众发动起来”。注 48 于是，“罗瑞卿传达：毛主席对镇反斗争的发展表示不满意。毛主席说，镇压反革命，就是要放手捕一批、杀一批……他批评某些领导干部在杀人问题上优柔寡断、姑息养奸。”注 49 并且“毛主席采取了非同寻常的措施迅速扭转了局势”。注 50

(四)镇反高潮中的捕杀之势局势扭转之后的镇反高潮中，捕杀之势，有如雷霆。比如，1951 年 3 月 13 日，重庆市一次逮捕了 4000 余名反革命分子。注 51

4月27日，中共上海市委第一书记陈毅“指示对全市反革命分子实施一次突击搜捕，并亲自在深夜乘吉普车来回巡视。这一夜逮捕了10058人”。注52对这种独特的搜捕方式，毛泽东1951年4月10日在《关于镇反工作中两个突出经验的通报》中提到，“有计划有准备地大规模地在同一时间内搜捕大批反革命分子”，“是一种搜捕社会反革命的有效的不可少的步骤”，注53并说“请你们注意照办”。注54《黄克诚自述》里提及湖南镇反，“真正动手开杀戒，不过二十天左右，杀的数字已超过估计甚多”。注55刘少奇在第三次全国公安工作会议上也说：“杀人没有杀开的时候，几个月几年都杀不了人；一开杀了呢，几天就几千人头落地。川东听说杀人权要在4月15号开始收到区党委之前，几天就杀了六千。杀开了要收，有时就连电话都打不及了。”注56

(五)毛泽东亲自规定镇反数字

第一次镇反，也正如刘少奇在第三次全国公安会议上所说，“是毛主席亲自领导之下做的”。注57著名的“双十指示”，就是毛泽东让彭真等人起草，并经毛审阅后发出的。注58 1951年1月17日，毛发出《关于对反革命分子必须打得稳打得准打得狠的电报》，提出了“要大杀几批”，“要坚决地杀掉一切应杀的反动分子”。注59 时任中央公安部办公厅副主任的刘复之日后说，此批示“对全国范围内的镇反运动起了极大的推动作用”，“从这时开始，镇反运动才真正进入高潮”。注60 在镇反运动中，据不完全统计，毛亲笔撰批的书面指示和批示，就有142次。注61 《第三次全国公安会议决议》，基本上是毛从头到尾写的；《第四次全国公安会议决议》，他修改了3次；《第五次全国公安会议决议》，亦经毛审阅修改。注62

有些地方为了多杀，还对毛主席、党中央所定的数字，在文件中表示了不同意见。据中共贵筑县委书记陈达之1951年6月12日给毛主席汇报镇压反革命情况的信，被处死者占全县总人口比例，已达千分之二点四。可他信中还说：第三次全国公安会议决议“把镇压处死刑的数字硬性的规定(不超过千分之一)，六至九月一般停止杀人清理积案，不大妥当”，全县还有131人“是应当判处死刑的”。注75 他还想再杀千分之零点六。就整个贵州省而言，苏振华在1951年6月2日的一次报告中说，“解放以来重要反革命分子杀掉二九〇〇三人，战场打死一一六三七人，关押[起]五二一〇八人、我们是做到了‘大捉几批，大杀几批’，首要反革命分子该杀的多数杀掉了”注76，“贵州杀人数字已超过

中央规定一倍”。注 77 1951 年，贵州省总人口数为 1444.7 万人注 78，杀掉 29003 人，就是总人口数的 2%。可是一年半后，1952 年 12 月 26 日《贵州省第一次公安会议关于镇压反革命的指示》说：“自解放到二月底……已处决反革命分子一万三千一百四十三人(去年八月前只杀五百人)”注 79，并且提出：“根据准、狠、稳、事实求是杀人原则，但又规定大体杀千分之一，我们执行经验感觉有些矛盾，如大体只杀千分之一，即不能达到准、狠的要求，我们几个土改试验区经验，从剿匪、反霸、减租、退押到完成土改，每乡须三十人左右(千分之三)该杀的人才能杀完。因此根据贵州情况，我们意见从现在起到完成土改全省还要杀二万二千至二万五千人，如按这计划就超过了千分之一的比例，因数目太大，我们不敢做决定，但按贵州实际情况，我们感觉杀千分之一是不能达到准、狠、稳的原则的……对这些反革命分子，我们意见要坚决处理。但二万多人不是要求一次杀，而是一个预定计划分期，分批，分地，有步骤的杀，三月底前一工作暂告一段落，省开党代会，准备土改各地领导春耕，处决反革命亦随此暂停一下，待土改开始后再杀一批，如此领导上好掌握，否则只强调准、狠、稳、实事求是是没有一个预定目标，很难掌握。”注 80

(七)罗瑞卿对镇反的两个说法

在镇反中定比例、下指标，这种做法在中国历史上独树一帜。1958 年 7 月 31 日，罗瑞卿在第九次全国公安会议上还专门说到这个问题：“过去肃反不应当订计划，规定数目字?有人认为不应当订计划，尤其不应当规定数目字，认为规定数目字，就势必要犯‘左’的扩大化的错误。我们历来认为，而且实践已经屡次证明，肃反必须订计划，规定数目字。这是一个成功的经验，是毛主席领导方法中的一个重要方法。”注 81

至于在那样一个人才匮乏的年代，对于镇反中捕杀知识分子是否可惜的问题，官方也有其解释。1951 年 4 月 4 日，罗瑞卿在中央人民政府所属各机关干部大会上就说：“我们的国家是宝贵知识宝贵技术的;但惟独不宝贵坚决反革命分子的所谓知识与技术。不能把团结技术人员与镇压反革命混淆起来。”“如果有点能力有点知识有点技术的坚决反革命我们都不杀，不办，那么反革命分子只要学点技术就可以取得了保护，就可以放肆破坏了，这样岂不是帮助和鼓励了反革命么?我们不能因为有技术就把反革命保护起来，这样作就有可能中反革命的奸计。”注 82

镇反的若干问题

镇反运动的方式方法，比如操控运动“群众”来镇反、运用一切可能的手段制造一边倒的舆论氛围等等，在中华人民共和国的历史进程中，影响深远。

(一)镇反运动是根据中共中央的党内秘密文件发起，并由一系列党内秘密文件所指导和推动，党内文件就是最有权威的刑事立法，而被视为反革命分子的人，往往就是根据他们无从得知、无由得见的秘密文件而被杀、关、管、放。在某种意义上来说，镇反运动，是党在法上、党在国上的全国性演练和强化。

据不完全的统计，自1950年10月至1951年10月，即在镇反运动第一阶段，中共中央对镇反就做了179次书面指示和批示。注83毛泽东给中共党内的那些类似指示必须处决多少人注84或“大杀几批”注85的文稿，当时党外难得与闻。1951年3月28日中共中央《在镇压反革命中处理涉及民主党派、民主人士、爱国分子问题的指示》，“发到县委及军队的师党委为止”。注86同年5月16日中共中央转发《第三次全国公安会议决议》的通知也直接规定：“这个决议和本电必须转发给地委一级和军党委一级为止，这是机密文件，不得遗失”。注87而“死缓”这一著名措施，则是来自毛泽东1951年5月8日起草的《中共中央关于对犯有死罪的反革命分子应大部采取判处死刑缓期执行政策的决定》。

(二)镇反具有高度的策略性和灵活性，因时、因地、因人、因民族、因地位、因党派等等而异。

1. 镇反力度，因时而异。1949年4月25日，毛泽东、朱德签署的《中国人民解放军布告》宣布，“除怙恶不悛的战争罪犯和罪大恶极的反革命分子外，凡属国民党中央、省、市、县各级政府的大小官员，‘国大’代表，立法、监察委员，参议员，警察人员，区镇乡保甲人员，凡不持枪抵抗、不阴谋破坏者，人民解放军和人民政府一律不加俘虏，不加逮捕，不加侮辱。”注 88 到了1950年10月18日，刘少奇在第二次全国公安会议上则说：“革命没有胜利之前与胜利之后，反革命有根本的不同。胜利之前的反革命应该首恶必办，胁从不问，立功受奖，革命胜利以后的反革命，一律要办。”注 89 而且“胜利之后进行反革命活动的，不管什么人，工人阶级也好，农民也好，什么党也好，特务、地主也好，都要办”。注 90

2. 发动镇反运动的策略因素。1949年10月27日，朱德在第一次全国公安会议上说：“毛主席讲：宽大到管饭，既不要他死，又管他饭，这样是好改造的。一个不杀，对于实在坏的，杀他个把子，宣传宣传是可以的。”注 91 还不满一年，中共中央就出台“双十指示”要纠正“宽大无边”的“右倾偏向”了。毛泽东对罗瑞卿有个解释：“你们不要浪费了这个时机，镇压反革命恐怕只有这一次，以后就不会有了。千载难逢，你们要好好运用这个资本，不尽是为了杀几个反革命，而更主要的是为了发动群众。”注 92 随后刘少奇也讲过：“抗美援朝很有好处，使我们的很多事情都好办(如搞土改，订爱国公约，搞生产竞赛、镇反等)。因为抗美援朝的锣鼓响起来，响得很厉害，土改的锣鼓、镇反的锣鼓就不大听见了，就好搞了。如果没有抗美援朝的锣鼓响得那么厉害，那么土改(和镇反)的锣鼓就不得了了。这里打死一个地主，那里也打了一个，到处闹”，“很多事情不好办”。注 93 此外，毛泽东在《关于对反革命分子必须打得稳打得准打得狠的电报》中也说过：“现当反美、土改两个高潮的时机，请你们抓紧此事，善为处理。”注 94

3. 镇压反革命，视地位不同区别对待。“双十指示”规定，“在判处死刑时，党内必须经过省委、大市委、区党委及受委托的地委批准，其中如有特别重要分子则须报告中央批准。”注 95 这就意味着，有些人的生死要直接由毛泽东等人决定。1951年2月27日，黄克诚在中共湖南省委扩大会议上也说：“对工商界、民主人士、教育界中的反革命分子进行镇压要持更慎重态度，有些应报告中央批准，有些要报告省委批准”。注 96 同年1月8日毛泽东就加写了一段对陈渠珍一案的处理意见：“陈渠珍是湖南省人民政府委员，对他的处理应取慎重态度，不要轻率处理致使我们陷入被动。”注 97 这个指示饶了陈渠

珍，而他的许多部属，却难逃一死。同样地，一些被中共视为“战犯”的人，如“则是罪大恶极，国人皆曰可杀者”注 98 的程潜、傅作义、杜聿明等，未遭逮捕或处死，而这些“战犯”过去的一些手下，则被杀掉。莫雄曾任韶关行政督察专员兼清剿司令，其旧部和朋友有的被逮捕镇压，他去找叶剑英申诉。叶对他说：“各有各的账，莫大哥，你不要管了。把你的羽毛剪掉了，你就飞不了了。”注 99

4. 因民族不同而政策有别。比如，对于“双十指示”，罗瑞卿 1950 年 10 月给毛泽东并中共中央关于全国公安会议的报告中说：“少数民族众多的地区，一般地不实行中央这一指示，而仍采取培养民族干部、调查研究、稳步前进的方针。混在少数民族中的反革命取得证据后，也要惩办——但须谨慎，避免牵涉民族纠纷，方式上注意通过少数民族群众自己的自觉和自愿。”注 100 同年 11 月 10 日中共贵州省委制定的《关于镇压反革命分子的计划》也强调，“少数民族地区的镇压反革命运动，执行中央制定的‘稳慎缓进’方针，五大任务中，这些地方只清匪，不反霸”。注 101 1952 年 10 月，《第五次全国公安会议决议》又提出“采取谨慎稳进的方针，除经大行政区批准，取得少数民族同意追捕少数外区潜藏的反革命分子外，一律不发动镇反运动”。注 102

5. 镇压政策城乡有别。比如，对于杀反革命的数字，《第三次全国公安会议决议》说：“在农村中，一般应不超过人口的千分之一。特殊情况必须超过者，须经中央局批准，并报中央备案，但亦不应超过太多”；“在城市中杀反革命，一般应低于人口的千分之一，以千分之零点五为适宜”。注 103 并且职业不同，也会处决比例有别：“特别是对于在共产党内，在人民政府系统内，在人民解放军系统内，在文化教育界，在工商界，在宗教界，在民主党派和人民团体内清出来的应判死刑的反革命分子，一般以处决十分之一二为原则，其余十分之八九均应采取判处死刑缓期执行强迫劳动以观后效的政策。”注 104

6. 视统战需要区别对待。《中共中央关于镇压反革命中处理涉及民主党派民主人士爱国分子问题的指示》称：“各民主党派和民主人士中一切有反革命嫌疑的分子”，“应靠侦察工作取得证据的办法来解决，而不用登记特务的办法来解决”；注 105 “关于民主党派人物或其他民主人士之家属亲友中之反革命分子，原则上应依法处理……如属罪恶不大，群众对之意见不多而民主党派负责人或民主人士又向我说情者，则可主动送点人情，处理从宽”；“属于民主党派的一般党员，应经地委批准；属于一县知名之士，应经省委批准；属于

或牵涉民主党派中省级负责干部与在一个省区内知名之民主人士，应经中央局批准；属于或牵涉民主党派中央委员及高级负责干部或社会上有地位与影响较大者，必须请示中央批准”。注 106 1951 年 5 月 8 日中共中央又指示：“有关统一战线的重要分子，须报请中央批准。”注 107 6 月 3 日，毛泽东给罗瑞卿批示：“凡关涉重要民主人士及其戚友的案件，只收集材料，不忙处理。”注 108 6 月 4 日，《中共中央关于在土改和镇反中对高级民主人士家属照顾和宽大处理的规定》说：“现在有些非党的中央人民政府委员、政务院委员和其他方面的高级民主人士，因为他们的家属或戚友在土改和镇反中被杀、被捕、被‘扫地出门’或被没收了城市的若干财产，已引起极大的不安和不满，对于统一战线已发生了极坏的影响。”注 109 对“高级民主人士”的家属——祖父母、父母、子女、兄弟和妻室，“非有十分必要”，“他们纵有若干劣迹，应尽可能劝其向群众低头认错求得了结，而不加逮捕，其应逮捕处刑者，亦应从宽处理”；注 110 “今后凡正副省长和正副市长级以上的政府工作人员中的民主人士及各民主党派的中央委员和起义将领的家属”，“依法必须逮捕治罪时，应由各中央局批准并报中央备案，如判处死刑时，必须先报中央批准后方得执行。省以下县以上各级政府重要民主人士之家属必须判死刑时，应由省委决定，报请中央局备案后方得执行”。注 111

7. 捕杀审批手续因时而异。“双十指示”规定，“在判处死刑时，党内必须经过省委、大市委、区党委及受委托的地委批准，其中如有特别重要分子则须报告中央批准”。注 112 1950 年 12 月，皖南、皖北区党委将反革命犯处以死刑的批准权下放至中共地委委员，批准捕人权下放至县委委员。注 113 及至次年 2 月，对 1951 年 2 月 5 日中共中央西北局报告“批准杀人权一律在省上”，毛泽东批示：“其判死刑者则经专署批准”注 114 即可。4 月 2 日，毛的一则批示还在说“捕人杀人名单的批准权必须控制在地委市委一级手里”。注 115 到了 5 月 7 日，毛写的一则中共中央的批语又说：“兹定于六月一日起全国除现行犯外捕人批准权一律收回到地专一级，杀人批准权一律收回到省级，离省远者由省级派代表前往办理。”注 116 紧接着，《第四次全国公安会议决议》又重申了这一捕人杀人权限。注 117

而实际执行的捕杀审批手续，又与党中央和毛主席的指示也未尽一致。安徽省桐城县将 16 名拟处死刑犯报地委审批，地委批示“继续补查”，可是桐城公安局没看批文就认为

已批死刑，把他们处决了。注 118 霍山县则将未获批准死刑的 5 名反革命犯处决。注 119 甚至中共邕宁县委组织部部长个人就批杀了 226 人。注 120

中共贵州省委书记、贵州军区政委苏振华在 1951 年 6 月 2 日的一次报告中说：“批准杀人权，省委规定是地委书记、司令员、专员组织的三人小组讨论批准杀人，而到运动的中期地委执行的结果是地委委员都能批准杀人，形成乱批不能控制杀人数目。”注 121 他 6 月 1 日还说到，在贵州“无组织无纪律现象亦已发生，未经批准处决犯人达三十七人”。注 122 《第四次全国公安会议决议》也提到，“有少数地区……甚至将捕杀权限错误地交给了区乡”。注 123

(三)摒弃“旧法观念”搞镇反

1. 摒弃了法无明文规定不为罪、法无明文规定不处罚的罪刑法定原则。事实上，镇反主要是根据中共文件捕、杀、关、管、放。比如，“双十指示”说：对反革命分子“应依照中央人民政府政务院公布的惩治反革命条例加以镇压”注 124

，但是《惩治反革命条例》直到 1951 年 2 月 21 日才公布施行，而此前 4 个月中已有数以万计反革命被处决注 125。

2. 确立了类推制度。《惩治反革命条例》第十六条规定，“以反革命为目的之其他罪犯未经本条例规定者，得比照本条例类似之罪判处”。注 126

司法部部长史良 1951 年 2 月 24 日在《人民日报》发表文章说，对于《惩治反革命条例》，“万勿机械的执行，如遇条例上未尽规定的反革命行为，应按该条例第十六条办理”，“务期对于一切反革命活动给予坚决镇压”。注 127 这意味着，新政权织就的法网无漏，若有需要，横竖都能给人治罪。

3. 确立了溯及既往原则。《惩治反革命条例》规定，“本条例施行以前的反革命罪犯，亦适用本条例之规定”。注 128 中央人民政府法制委员会委员李光灿等人在《学习》杂志 1952 年第 7 期发表文章说：“国民党六法的零件，是否可用呢?根据最近揭发的材料，有些人民法院在两年多来，已经偷偷用了一些!其中之一是国民党刑法的……‘法律不溯及既往’，用之于镇压反革命活动上，其结果是宽纵了敌人，危害了人民”。注 129

4. 实行一事复判。中共皖北区党委 1950 年 11 月 28 日印发《关于严厉镇压反革命分子的指示(草案)》，提出“过去判决量刑过轻的个别罪大恶极分子，应该发动群众检举复判”。注 130 1951 年 2 月 9 日，中共中央华北局在一份报告中提出，“该杀而轻判或错释了的反革命分子，可以翻案复判”，次日毛泽东草拟的中共中央复电称，“同意你们的计划和办法，望坚决执行之”。注 131 史良也说：“对已决罪犯，如果在判决上有重大错误，经检举机关控告，群众不满或自己发觉者，均应根据《惩治反革命条例》重审改判，不得将错就错。”注 132

5. 反革命分子的辩护权没有保障。辩护权没有保障涉及诸多方面，单从律师制度来说，1950 年 12 月 21 日《司法部关于取缔黑律师及讼棍事件的通报》中说：“旧律师制度已依共同纲领第十七条废止，若旧律师仍有非法活动，对于法院威信及人民利益均有危害，应予取缔”，“以后对于一切诉讼代理人的身份应严予审查”。注 133

6. 剥夺了被判死刑和徒刑的反革命分子的上诉权。1950 年 7 月 20 日公布施行的《人民法院组织通则》规定，“县(市)人民法庭及其分庭对匪特反革命分子之死刑的判决”，“不得上诉”。注 134 7 月 23 日，政务院、最高人民法院《关于镇压反革命活动的指示》称：“判决死刑者均不得上诉”。注 135 后来，反革命分子被判处徒刑也不得上诉。1951 年 9 月 29 日，最高人民法院、最高人民检察署、司法部发布《关于判处徒刑的反革命分子亦与判处死刑的一样一律不准上诉的指示》。注 136

7. 剥夺了反革命分子的言论自由等权利。《惩治反革命条例》规定，“犯本条例之罪者，得剥夺其政治权利”注 137。就连被公安机关宣布管制的反革命分子，依照 1952 年《管制反革命分子暂行办法》，也会被剥夺选举权与被选举权;担任国家机关行政职务之权;参

加人民武装与人民团体之权;言论、出版、集会、结社、通信、居住、迁移及示威游行之自由权;享有人民荣誉之权”。注 138 剥权涵盖如此宽泛，等于是一旦被视为有罪，就连诉诸媒体为自己陈情申冤都难乎其难。此外，依据《惩治反革命条例》，“犯本条例之罪者”，“得没收其财产之全部或一部”。注 139

8. 取消了“政治犯”的称谓。1950 年 11 月 11 日，最高人民法院东北分院通知：“今后对凡以反革命为目的的一切罪犯，应一律以反革命犯称之，不得援用政治犯名称。”注 140

9. 鼓励政治告发。《惩治反革命条例》规定，“对反革命罪犯，任何人均有向人民政府揭发、密告之权”。注 141 河北省从 1950 年 11 月至次年 8 月，有 26 万多人检举反革命分子，检举出了反革命分子 25000 多名;注 142 而辽东、辽西两省和沈阳、大连、鞍山、抚顺、本溪五市，截至 1951 年底，有 500 万人次参加了检举揭发。注 143

10. 反革命犯罪没有“已遂”与“未遂”之分。史良说，“更有所谓‘未遂’论，即对于反革命活动还大谈其‘已遂与未遂’”，“显然，这是把普通刑事犯与反革命犯的既遂未遂混为一谈”。注 144

11. 反革命分子没有正当防卫权。前文引述过“右的偏向”的一个例证，就是“西安土匪拒捕打死我邮差，西安法院认为系‘自卫’，不判死罪”。注 145

史良则批判“有些干部思想中尚存在‘六法观点’，常常对重要反革命案件判得轻。其理由有……‘虽系匪特杀人，但系出于自卫’等等”，公开说“有的把反革命犯的拒捕杀人，视为可原谅的自卫行为称为‘正当防卫’更是毫无立场”。注 146

12. 捕杀反革命分子由中共党委审批。比如前文引用过的毛泽东的一则批示就说“捕人杀人名单的批准权必须控制在地委市委一级手里”。注 147

13. 奉行有罪推定。一些称谓就直观地体现了这一点。比如，被视为反革命分子的人一旦被捕，未经判决就称之为“案犯”“紧急案犯”“已捕及将捕人犯”“现行犯”“审判反革命罪犯”“在押未决人犯”“犯人”等。

14. 对反革命分子的镇压采用“快捷方式”。1951年1月28日，刘少奇为发布《惩治反革命条例》给毛泽东的信中说：“审判反革命罪犯仍以照现在办法归各地军事法庭为好，有些地方无军事法庭组织者，可立即组织起来，故人民革命法庭可以不组织，亦很难组织起来，组织起来后审判案件也很麻烦，各地一下转不过来，不能应付目前情况，故以军事法庭审判来得简单有力。是否如此？请裁决！”结果是，《惩治反革命条例》规定：“犯本条例之罪者，在军事管制时期内由各地军事司令部、军事管制委员会或剿匪指挥机关所组织之军事法庭依照本条例审判之。”此外，设立特别法庭对付反革命分子。《人民法庭组织通则》规定，有权判决被告死刑的县(市)人民法庭及其分庭，“是县(市)人民法院之民事庭、刑事庭以外的特别法庭”，其任务就是惩治“恶霸、土匪、特务、反革命分子及违抗土改法令的罪犯”。在湖南，1953年8月土改、镇反运动一结束，就撤销了各县(市)人民法庭及其分庭。在辽宁地区，“为了缩短时间，公安、司法、检察三机关联合办公”。

权”。注 138 剥权涵盖如此宽泛，等于是一旦被视为有罪，就连诉诸媒体为自己陈情申冤都难乎其难。此外，依据《惩治反革命条例》，“犯本条例之罪者”，“得没收其财产之全部或一部”。注 139

8. 取消了“政治犯”的称谓。1950年11月11日，最高人民法院东北分院通知：“今后对凡以反革命为目的的一切罪犯，应一律以反革命犯称之，不得援用政治犯名称。”注 140

9. 鼓励政治告发。《惩治反革命条例》规定，“对反革命罪犯，任何人均有向人民政府揭发、密告之权”。注 141 河北省从1950年11月至次年8月，有26万多人检举反革命分子，检举出了反革命分子25000多名；注 142 而辽东、辽西两省和沈阳、大连、鞍山、抚顺、本溪五市，截至1951年底，有500万人次参加了检举揭发。注 143

10. 反革命犯罪没有“已遂”与“未遂”之分。史良说，“更有所谓‘未遂’论，即对于反革命活动还大谈其‘已遂与未遂’”，“显然，这是把普通刑事犯与反革命犯的既遂未遂混为一谈”。注 144

11. 反革命分子没有正当防卫权。前文引述过“右的偏向”的一个例证，就是“西安土匪拒捕打死我邮差，西安法院认为系‘自卫’，不判死罪”。注 145 史良则批判“有些干部思想中尚存在‘六法观点’，常常对重要反革命案件判得轻。其理由有……‘虽系匪特杀人，但系出于自卫’等等”，公开说“有的把反革命犯的拒捕杀人，视为可原谅的自卫行为称为‘正当防卫’更是毫无立场”。注 146

12. 捕杀反革命分子由中共党委审批。比如前文引用过的毛泽东的一则批示就说“捕人杀人名单的批准权必须控制在地委市委一级手里”。注 147

13. 奉行有罪推定。一些称谓就直观地体现了这一点。比如，被视为反革命分子的人一旦被捕，未经判决就称之为“案犯”注 148 “紧急案犯”注 149 “已捕及将捕人犯”注 150 “现行犯”注 151 “审判反革命罪犯”注 152 “在押未决人犯”注 153 “犯人”注 154 等。

14. 对反革命分子的镇压采用“快捷方式”。1951 年 1 月 28 日，刘少奇为发布《惩治反革命条例》给毛泽东的信中说：“审判反革命罪犯仍以照现在办法归各地军事法庭为好，有些地方无军事法庭组织者，可立即组织起来，故人民革命法庭可以不组织，亦很难组织起来，组织起来后审判案件也很麻烦，各地一下转不过来，不能应付目前情况，故以军事法庭审判来得简单有力。是否如此？请裁决！”注 155 结果是，《惩治反革命条例》规定：“犯本条例之罪者，在军事管制时期内由各地军事司令部、军事管制委员会或剿匪指挥机关所组织之军事法庭依照本条例审判之。”注 156 此外，设立特别法庭对付反革命分子。《人民法院组织通则》规定，有权判决被告死刑的县（市）人民法院及其分庭，“是县（市）人民法院之民事庭、刑事庭以外的特别法庭”，其任务就是惩治“恶霸、土匪、特务、反革命分子及违抗土改法令的罪犯”。在湖南，1953 年 8 月土改、镇反运动一结束，就撤销了各县（市）人民法院及其分庭。注 157 在辽宁地区，“为了缩短时间，公安、司法、检察三机关联合办公”。注 158

注释：

注 1 1949 年 3 月 5 日，毛泽东在中共七届二中全会上的报告中说：“……在拿枪的敌人被消灭以后，不拿枪的敌人仍然存在，他们必然地要和我们作拼死的斗争，我们决不可以轻视这些敌人。如果我们现在不是这样地提出问题和认识问题，我们就要犯极大的错误。”[《毛泽东选集》（合订一卷本），中国人民解放军战士出版社 1967 年翻印本，第 1365 页]1949 年 3 月 13 日中共七届二中全会决议重复了毛泽东这段话（有两个字不

同)：“在拿枪的敌人被消灭以后，不拿枪的敌人依然存在，他们必然地要和我们作拼死的斗争，我们决不可以轻视这些敌人。如果我们现在不去这样地提出问题和认识问题，我们就要犯极大的错误。”（中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958年12月版，第2~3页）1950年10月10日，中共中央发出“双十指示”。邓子恢“立即进行部署贯彻”。“他谆谆开导大家，反革命分子多是不拿枪的敌人，在农村是恶霸、土匪、特务三位一体，在城市是封建把头、反动帮会头子、特务三位一体，要用镇压反革命的方式来消灭这些不拿枪的敌人，这是武装斗争结束后对敌斗争的主要方式”。（《邓子恢传》，人民出版社2006年版，第417页）。

注2 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958年12月版，第47页。

注3 黄瑶、张明哲等《罗瑞卿传》，当代中国出版社1996年版，第263~264页。

注4 《建国以来毛泽东文稿》第一册，中央文献出版社1988年版，第535页。

注5 黄瑶、张明哲等《罗瑞卿传》，当代中国出版社1996年版，第262页，说“毛只字未改，指示于当日下放全党执行”。与《彭真年谱》不同。年谱为凌晨1点，是毛修改后发出的。

注6 《中央关于纠正镇压反革命活动的右倾偏向的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986年版，第205页。

注7 公安部公安史资料征集研究领导小组办公室编《建国初期的镇压反革命运动》，群众出版社1992年版，第20页。

注8 公安部《罗瑞卿论人民公安工作》编辑组编《罗瑞卿论人民公安工作》，群众出版社1994年版，第34页。

注9 《中央公安部关于全国公安会议向中央的报告》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986年版，第208页。

注10 《建国以来刘少奇文稿》第二册，中央文献出版社2005年版，第520页。

注11 《中央公安部关于全国公安会议向中央的报告》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986年版，第206页。

注 12 《中央公安部关于全国公安会议向中央的报告》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 206~207 页。

注 13 《中央公安部关于全国公安会议向中央的报告》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 207 页。

注 14 《中央公安部关于全国公安会议向中央的报告》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 207 页。

注 15 《中央公安部关于全国公安会议向中央的报告》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 208 页。

注 16 《政务院关于加强人民司法工作的指示》，中华人民共和国司法部编《中华人民共和国司法行政历史文件汇编》（1950—1985），法律出版社 1987 年版，第 8 页。

注 17 《中央关于纠正镇压反革命活动的右倾偏向的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 205 页。

注 18 《司法部关于彻底改造和整顿各级人民法院的报告》，中华人民共和国司法部编《中华人民共和国司法行政历史文件汇编》（1950—1985），法律出版社 1987 年版，第 10 页。

注 19 《中央关于纠正镇压反革命活动的右倾偏向的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 205 页。

注 20 《司法工作手册》第一册，最高人民法院东北分院编印，1953 年 10 月版，第 203 页。

注 21 安徽省地方志编纂委员会编《安徽省志·公安志》，安徽人民出版社 1993 年版，第 176~177 页。

注 22 《中央关于纠正镇压反革命活动的右倾偏向的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 206 页。

注 23 《中央关于纠正镇压反革命活动的右倾偏向的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 205 页。

注 24 公安部公安史资料征集研究领导小组办公室编《公安史料》1989 年第一辑，第 83 页。

注 25 比如中共党史出版社 2011 年版、中共中央党史研究室著《中国共产党历史》第二卷（1949—1979）上册中“镇压反革命运动”这一小节（第 46～50 页），就没有提杀、关、管的总数。

注 26 公安部公安史史料征集研究领导小组办公室编《建国初期的镇压反革命运动》，群众出版社 1992 年版，第 56 页。

注 27 《毛泽东思想万岁》，1967 年 9 月版，第 291 页。

注 28 《关于正确处理人民内部矛盾的问题（讲话稿）》（一九五七年二月二十七日），《学习文选》1967 年版，第 198 页。

注 29 《徐子荣关于镇反以来几项主要数字的统计报告》（1954 年 1 月 14 日），转引自杨奎松《中华人民共和国建国史研究》（1），江西人民出版社 2009 年版，第 217 页。

注 30 在镇反运动期间，管制并非必须法院判决，公安机关即可决定，因此被管制的人不见得就是被逮捕的人。见 1952 年 6 月 27 日经政务院批准、中央人民政府公安部公布的《管制反革命分子暂行办法》。

注 31 公安部公安史资料征集研究领导小组办公室编《公安史料》1989 年第一辑，第 58 页。

注 32 未见官方公布的总数。海外的估计，比如费正清和麦克法夸尔主编的《剑桥中华人民共和国史》认为镇反、三反等运动“也导致大批人自杀（恐怕有几十万人）”。（费正清、麦克法夸尔主编《剑桥中华人民共和国史》（1949—1965），上海人民出版社 1990 年版，第 93 页）。

注 33 胡二庆《四川地区“镇压反革命”运动研究》，四川师范大学硕士论文，2011 年。

注 34 中国政治法律学会资料室编《政法界右派分子谬论汇集》，法律出版社 1957 年版，第 145 页。黄守礼的职称据中共中国人民大学委员会社会主义思想教育办公室 1957 年 9 月版《社会主义思想教育参考资料选辑》第四辑，第 137 页。

注 35 “1950 年刑事被告人处理情况统计表”，最高人民法院研究室编《全国人民法院司法统计历史资料汇编（1949—1998）》（刑事部分），人民法院出版社 2000 年版，第 8～9 页。

注 36 “1951 年刑事被告人处理情况统计表”，最高人民法院研究室编《全国人民法院司法统计历史资料汇编（1949—1998）》（刑事部分），人民法院出版社 2000 年版，第 12～13 页。

注 37 “1952 年反革命案件统计表”，最高人民法院研究室编《全国人民法院司法统计历史资料汇编（1949—1998）》（刑事部分），人民法院出版社 2000 年版，第 19 页。原表中宣判有罪者为 17050 人，此数据有误。文中有罪总人数是笔者根据统计表中的数据相加所得。

注 38 “1953 年刑事被告人处理情况统计表”，最高人民法院研究室编《全国人民法院司法统计历史资料汇编（1949—1998）》（刑事部分），人民法院出版社 2000 年版，第 28～29 页。

注 39 “1950 年刑事被告人处理情况统计表”，最高人民法院研究室编《全国人民法院司法统计历史资料汇编（1949—1998）》（刑事部分），人民法院出版社 2000 年版，第 8～9 页。

注 40 “1951 年刑事被告人处理情况统计表”，最高人民法院研究室编《全国人民法院司法统计历史资料汇编（1949—1998）》（刑事部分），人民法院出版社 2000 年版，第 12～13 页。

注 41 “1952 年反革命案件统计表”，最高人民法院研究室编《全国人民法院司法统计历史资料汇编（1949—1998）》（刑事部分），人民法院出版社 2000 年版，第 19 页。原表中宣判有罪者为 17050 人，此数据有误。文中有罪总人数是笔者根据统计表中的数据相加所得。

注 42 “1953 年刑事被告人处理情况统计表”，最高人民法院研究室编《全国人民法院司法统计历史资料汇编（1949—1998）》（刑事部分），人民法院出版社 2000 年版，第 28～29 页。

注 43 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 41 页。

注 44 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 39 页。

注 45 《毛泽东思想万岁》，1967 年 9 月版，第 291 页。

注 46 《黄克诚自述》，人民出版社 1994 年版，第 227 页。

注 47 “关于湖南工作的综合报告”（一九五〇年十二月七日），《黄克诚军事文选》，解放军出版社 2002 年版，第 531～532 页。

注 48 刘复之《刘复之回忆录》，中央文献出版社 2010 年版，第 145～146 页。

注 49 刘复之《刘复之回忆录》，中央文献出版社 2010 年版，第 146 页。

注 50 刘复之《刘复之回忆录》，中央文献出版社 2010 年版，第 146 页。

注 51 公安部公安史史料征集研究领导小组办公室编《建国初期的镇压反革命运动》，群众出版社 1992 年版，第 25 页。“五个方面反革命分子”是指土匪、特务、恶霸、反动党团骨干、反动会道门头子。

注 52 刘树发主编《陈毅年谱》上卷，人民出版社 1995 年版，第 623 页。

注 53 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 233 页。

注 54 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 234 页。

注 55 《黄克诚自述》，人民出版社 1994 年版，第 228 页。

注 56 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 49 页。

注 57 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 46 页。

注 58 黄瑶、张明哲等《罗瑞卿传》，当代中国出版社 1996 年版，第 262 页，说“毛只字未改，指示于当日下放全党执行”。与《彭真年谱》不同。年谱为凌晨 1 点，是毛修改后发出的。

注 59 《建国以来重要文献选编》第二册，中央文献出版社 1992 年版，第 36～37 页。

注 60 刘复之《刘复之回忆录》，中央文献出版社 2010 年版，第 146 页。

注 61 公安部公安史资料征集研究领导小组办公室编《公安史料》1989 年第一辑，第 77 页。

注 62 公安部公安史资料征集研究领导小组办公室编《公安史料》1989 年第一辑，第 77～78 页。

注 63 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 47 页。

注 64 杨奎松《中华人民共和国建国史研究》（1），江西人民出版社 2009 年版，第 189 页。

注 65 杨奎松《新中国“镇压反革命运动”研究》，《史学月刊》2006 年第 1 期。

注 66 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 296 页。

注 67 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 297 页。

注 68 《第四次全国公安会议决议》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 339 页。

注 69 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 267 页。

注 70 《第三次全国公安会议决议》，《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 296 页。

注 71 《第四次全国公安会议决议》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 342 页。

注 72 《毛泽东致小平、漱石、子恢、剑英、仲勋同志并告一波、高岗同志电》（1951 年 4 月 20 日），转引自杨奎松《新中国“镇压反革命运动”研究》，《史学月刊》2006 年第 1 期。

注 73 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 44 页。

注 74 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 47 页。

注 75 《中共贵筑县委书记陈达之给毛主席的信》，中共花溪区党委研究室《中共花溪区历史文献选编》（第一卷），2007 年版，第 120 页。据中共贵筑县委书记陈达之 1951 年 6 月 12 日给毛主席汇报镇压反革命情况的信，总人口 222669 人的贵筑县（《中共贵筑县委书记陈达之给毛主席的信》，中共花溪区党委研究室《中共花溪区历史文献选编》（第一卷），2007 年版，第 117 页），判处死刑 517 人（见《中共贵筑县委书记陈达之给毛主席的信》中的“贵州县反革命分子处理统计表”，中共花溪区党委研究室《中共花溪区历史文献选编》（第一卷），2007 年版，第 119 页。依照该统计表中的“成分”项，是 518 人。

注 76 《苏政委在地书联席会议上关于镇压反革命问题的报告》（一九五一年六月二日），中共贵州省委党史研究室、贵州省档案局（馆）编《建国后贵州省重要文献选编》（1951—1952），2008 年版，第 77 页。

注 77 《苏政委在地书联席会议上关于镇压反革命问题的报告》（一九五一年六月二日），中共贵州省委党史研究室、贵州省档案局（馆）编《建国后贵州省重要文献选编》（1951—1952），2008 年版，第 78 页。

注 78 贵州省地方志编纂委员会编《贵州省志·公安志》，贵州人民出版社 2003 年版，第 524 页。

注 79 《贵州省第一次公安会议关于镇压反革命的指示》（一九五二年十二月二十六日），中共贵州省委党史研究室、贵州省档案局（馆）编《建国后贵州省重要文献选编》（1951—1952），2008 年版，第 438 页。苏振华在 1951 年 6 月 2 日就已经提到杀掉 29003 人，而此指示却说“去年八月前只杀五百人”。似乎有故意缩水之意，以求再多杀。

注 80 《贵州省第一次公安会议关于镇压反革命的指示》（一九五二年十二月二十六日），中共贵州省委党史研究室、贵州省档案局（馆）编《建国后贵州省重要文献选编》（1951—1952），2008 年版，第 439 页。

注 81 《镇反肃反的政策界限及有关文件汇编》，陕西省镇反、肃反工作会议秘书处印发，1961 年 7 月版，第 24 页。

注 82 罗瑞卿《坚决镇压反革命》，中国人民大学刑法教研室编《中华人民共和国刑法参考资料》第二辑，中国人民大学 1958 年版，第 45 页。

注 83 公安部公安史资料征集研究领导小组办公室编《公安史料》1989 年第一辑，第 77 页。

注 84 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 47 页。

注 85 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 37 页。

注 86 《建国以来刘少奇文稿》第三册，中央文献出版社 2005 年版，第 205 页。

注 87 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 294 页。

注 88 《毛泽东选集》（合订一卷本），人民出版社 1964 年版，第 1395 页。

注 89 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 40 页。

注 90 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 40 页。

注 91 中华人民共和国公安部办公厅编印《党中央、毛主席关于无产阶级专政和肃反问题文件选编》，1958 年 12 月版，第 30 页。

注 92 杨奎松《新中国“镇压反革命运动”研究》，载《史学月刊》2006 年第 1 期。

注 93 杨奎松《新中国“镇压反革命运动”研究》，载《史学月刊》2006 年第 1 期。

注 94 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 36～37 页。

注 95 《中央关于纠正镇压反革命活动的右倾偏向的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 205 页。

注 96 《黄克诚军事文选》，解放军出版社 2002 年版，第 535 页。

注 97 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 13 页。

注 98 【新华社陕北二十五日电】《蒋介石等应列为头等战犯》，《人民日报》1948 年 12 月 27 日第一版头条。

注 99 杨立编著《带刺的红玫瑰》，中共广东省委党史研究室 1997 年版，第 95 页。

注 100 《中央公安部关于全国公安会议向中央的报告》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 208 页。

注 101 贵州省地方志编纂委员会编《贵州省志·公安志》，贵州人民出版社 2003 年版，第 226～227 页。

注 102 公安部公安史资料征集研究领导小组办公室编《公安史料》1989 年第一辑，第 86 页。

注 103 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 296 页。

注 104 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 296 页。

注 105 《中共中央关于镇压反革命中处理涉及民主党派民主人士爱国分子问题的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 258~259 页。

注 106 《中共中央关于镇压反革命中处理涉及民主党派民主人士爱国分子问题的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 259 页。

注 107 中共中央文献研究室编《毛泽东文集》第六卷，人民出版社 1999 年版，第 122 页。

注 108 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 352 页。

注 109 《中共中央关于在土改和镇反中对高级民主人士家属照顾和宽大处理的规定》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 319 页。

注 110 《中共中央关于在土改和镇反中对高级民主人士家属照顾和宽大处理的规定》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 319 页。

注 111 《中共中央关于在土改和镇反中对高级民主人士家属照顾和宽大处理的规定》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 319~320 页。

注 112 《中央关于纠正镇压反革命活动的右倾偏向的指示》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 205 页。

注 113 安徽省地方志编纂委员会编《安徽省志·公安志》，安徽人民出版社 1993 年版，第 179 页。

注 114 《中央关于镇压反革命问题给西北局的指示》（1951 年 2 月 7 日），《刘少奇建国以来文稿》第三册，中央文献出版社 2005 年版，第 81~82 页。

注 115 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 219 页。

注 116 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 375 页。

注 117 《第四次全国公安会议决议》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 339 页。

注 118 安徽省地方志编纂委员会编《安徽省志·公安志》，安徽人民出版社 1993 年版，第 179 页。

注 119 安徽省地方志编纂委员会编《安徽省志·公安志》，安徽人民出版社 1993 年版，第 179 页。

注 120 杨奎松《中华人民共和国建国史研究》（1），江西人民出版社 2009 年版，第 209 页。

注 121 《苏政委在地书联席会议上关于镇压反革命问题的报告》（一九五一年六月二日），中共贵州省委党史研究室、贵州省档案局（馆）编《建国后贵州省重要文献选编》（1951—1952），2008 年版，第 78 页。

注 122 《苏政委在省委扩大会议上关于镇压反革命问题的报告》（一九五一年六月一日），中共贵州省委党史研究室、贵州省档案局（馆）编《建国后贵州省重要文献选编》（1951—1952），2008 年版，第 74 页。

注 123 《第四次全国公安会议决议》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 338 页。

注 124 《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 205 页。

注 125 比如四十七军处决了 4600 余人；河南杀了 3000 人；华东杀了 2911 人；毛泽东在 1 月 22 日给华南分局广东负责人的电报中说道“你们已杀了三千七百多”。（见杨奎松《中华人民共和国建国史研究》（1），江西人民出版社 2009 年版，第 189 页）。

注 126 《司法工作手册》第一册，最高人民法院东北分院编印，1953 年 10 月版，第 196 页。

注 127 史良《坚决正确镇压一切反革命活动》，《人民日报》1951 年 2 月 24 日第三版。

注 128 《司法工作手册》第一册，最高人民法院东北分院编印，1953 年 10 月版，第 196 页。

注 129 李光灿、王水《批判人民法律工作中的旧法观点》，《学习》1952 年第 7 期，第 18 页。

注 130 安徽省地方志编纂委员会编《安徽省志·公安志》，安徽人民出版社 1993 年版，第 177 页。

注 131 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 116 页注释 [1]。

注 132 史良《坚决正确镇压一切反革命活动》，《人民日报》1951 年 2 月 24 日第三版。

注 133 《中华人民共和国司法行政历史文件汇编》，法律出版社 1987 年版，第 329 页。该指示称：自惩治反革命条例公布实行后，各地对于判处徒刑的反革命罪犯，有的不准上诉，有的仍准上诉，办法颇不一致。兹经中央各有关机关会议决定：凡经判处徒刑的反革命分子，亦与判处死刑的一样，一律不准上诉，但仍须呈送复核，特此通报，希各查照，并转县（市）级法院查照。

注 134 《人民法庭组织通则》（1950 年 7 月 20 日），《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 171~172 页。

注 135 中国人民大学刑法教研室编《中华人民共和国刑法参考资料》第二辑，中国人民大学 1953 年版，第 16 页。

注 136 《司法工作手册》第一册，最高人民法院东北分院编印，1953 年 10 月版，第 210 页。

注 137 《司法工作手册》第一册，最高人民法院东北分院编印，1953 年 10 月版，第 196 页。

注 138 《司法工作手册》，最高人民法院西北分院编印，1954 年 3 月版，第 185 页。

注 139 《司法工作手册》第一册，最高人民法院东北分院编印，1953 年 10 月版，第 196 页。

注 140 辽宁省大连市中级人民法院院志工作领导小组办公室编《大连法院史资料选编》（二），1987 年 2 月版，第 99 页。

注 141 《中华人民共和国惩治反革命条例》第十九条。

注 142 何兰阶、鲁明健主编《当代中国的审判工作》（上），当代中国出版社 1993 年版，第 228 页。

- 注 143 《中国共产党辽宁省政法志》（1945—1985），1996 年版，第 83 页。
- 注 144 史良《坚决正确镇压一切反革命活动》，《人民日报》1951 年 2 月 24 日第三版。
- 注 145 《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 207 页。
- 注 146 史良《坚决正确镇压一切反革命活动》，《人民日报》1951 年 2 月 24 日第三版。
- 注 147 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 352 页。
- 注 148 《建国以来刘少奇文稿》第三册，中央文献出版社 2005 年版，第 81 页。
- 注 149 安徽省地方志编纂委员会编《安徽省志·公安志》，安徽省人民出版社 1993 年版，第 176 页。
- 注 150 《建国以来毛泽东文稿》第二册，中央文献出版社 1988 年版，第 267 页。
- 注 151 《第四次全国公安会议决议》，《中共党史教学参考资料》第十九册，国防大学党史党建政工教研室编，1986 年版，第 339 页。
- 注 152 《建国以来刘少奇文稿》第三册，中央文献出版社 2005 年版，第 53 页。
- 注 153 《关于迅速清理在押未决人犯分别处理的训令》（一九五一年二月五日），中共贵州省委党史研究室、贵州省档案局（馆）编《建国后贵州省重要文献选编》（1951—1952），2008 年版，第 10 页。
- 注 154 《苏政委在省委扩大会议上关于镇压反革命问题的报告》（一九五一年六月一日），中共贵州省委党史研究室、贵州省档案局（馆）编《建国后贵州省重要文献选编》（1951—1952），2008 年版，第 75 页。
- 注 155 《建国以来刘少奇文稿》第三册，中央文献出版社 2005 年版，第 53 页。
- 注 156 《司法工作手册》第一册，最高人民法院东北分院编印，1953 年 10 月版，第 196 页。
- 注 157 湖南省地方志编纂委员会《湖南省志政法志·审判》，湖南出版社 1995 年版，第 256 页。
- 注 158 《中国共产党辽宁省政法志》（1945—1985），1996 年版，第 84 页。

(责任编辑 洪振快)

Huang Zhong: An Examination of the first Zhenfan Campaign

Published: 2014-12-29 20:53 Author: Huang Zhong Views: 99

Huang Zhong

In October 1950, the Communist Party of China (CPC) launched the First Counter-Revolutionary Campaign (October 1950 to the end of 1953), mainly targeting "enemies without guns". Note 1 This was a seminal political event in the founding of the CCP. Liu Shaoqi said on May 11, 1951, that "the immediate result of such a great success in suppressing the counterrevolution was the creation of conditions for smooth work of all kinds." Note 2

Counter-revolution and Party Leadership

According to Luo Ruiqing's biography, in August or September 1950, Li Kénong relayed to Luo Ruiqing that on one occasion Mao Zedong had talked to Li and was very dissatisfied with the Ministry of Public Security for not writing a report to him. After hearing this, Luo Ruiqing immediately went to see Mao Zedong.

Mao asked him, "Why don't you write me a report?" Luo Ruiqing explained, "A report was written."

Mao said sternly, "Write it and bring me my receipt." Luo immediately explained that it had been reported to the Premier and forwarded to the President. Later Zhou Enlai learned of the incident and went to Mao Zedong to report, "Some of the reports from the Ministry of Public Security were pressed on me and not presented to the Chairman in time." The responsibility was shared for Luo.

When Mao Zedong found out about it, he said to Luo again, "Reports should be sent directly to me in the future. What documents do you have there now that you can send to me to look at." Luo immediately presented the documents of the Economic Defense Work Conference to Mao. Luo Ruiqing presided over the drafting of this document, there are several places mentioned in the Party's leadership, had been deleted by a more responsible comrade. September 27, Mao Zedong approved on this document: "..... Where the Party's leading role is deleted and changed to general words or changed to purely administrative leadership, the original draft is right, the deletion is not right, should be restored. should be restored to the original draft. Defense work must place special emphasis on the leading role of the Party and be directly led by the Party Committee in practice, otherwise it is dangerous." Note 3

Under the words "in practice", Mao Zedong added emphasis. Note 4

On October 9, 1950, Mao Zedong expressed his approval of Luo Ruiqing's proposal to "kill a number of people, lock up a number of people, and control a number of people" and said, "We have to clean the house." On October 10, the Central Committee of the CPC issued a document drafted by Peng Zhen, Luo Ruiqing, and others, and approved by the CPC Central Committee,

On October 10, the CPC Central Committee issued the Note 5 "Instruction on Correcting the Right-Leaning Bias in Suppressing Counter-Revolutionary Activities," or "Double Ten Instruction," drafted by Peng Zhen, Luo Ruiqing, and others and reviewed by Mao Zedong. It demanded that "steps must be taken" to overcome the "rightward bias" of "boundless leniency"; "Party committees at all levels should immediately lead and cooperate with the counter-revolutionaries who have already been arrested and those who have not yet been arrested". "Party committees at all levels should lead and urge the competent authorities to deal with counter-revolutionaries who have been arrested and those who have not yet been arrested" and "deal with them separately"; and "those who are to be killed should be sentenced to death immediately, and those who are to be imprisoned and reformed should be arrested and imprisoned and reformed immediately". Note 6

In order to convey and arrange for the implementation of the "Double Ten Directives", the Ministry of Public Security held the Second National Public Security Conference from October 16th to October 21st. Note 7 Luo Ruiqing, at the meeting on the 19th, talked specifically about the "leadership of the Party Committee" and conveyed Mao's instructions:

Chairman Mao explicitly instructed that "defense work must place special emphasis on the leading role of the Party and in practice--be under the direct leadership of the Party Committee, otherwise it is dangerous." The Ministry of Public Security is both a department of state power and an implementer of the Party's policy of hoeing and defense, a working organ under the leadership of the Party. The Ministry of Public Security is a social ministry, and the public security department is both governmental and party-affiliated. It is dangerous for the public security departments not to emphasize the leading role of the Party and not to accept the leadership of the Party Committee. Note 8

On October 26, Luo Ruiqing's report to Mao Zedong and the CCP Central Committee on the National Public Security Conference also suggested that the public security departments were the Party's working departments for the task of "suppressing counter-revolutionary activities and purging the remnants of the counter-revolutionary"; it was necessary to emphasize that "the actual leadership of the Party committees at all levels and the support of the Party as a whole"; "comrades in the public security departments must be proactive and adept at obtaining the leadership of the Party committees and reporting to them at any time to obtain instructions". On the 928th, the Central Committee of the Communist Party of China forwarded this report, requesting that "all parties concerned be urged to put it into practice". Note 10

According to the report, one of the manifestations of the "rightward bias" was the "delay in sentencing for serious crimes and the lack of timely suppression". Note 11 For example, in Shijiazhuang, "the death sentence for Wang Jun, the chief of the bandits, was delayed for three years before it was imposed recently"; Note 12 "in Xi'an, where bandits resisted arrest and killed a letter carrier, the Xi'an court held that it was a case of 'self-defense' and did not sentence him to death". The Xi'an court held that it was 'self-defense' and did not sentence him to death." Note 13

This report also says, "The formalities for the approval of judgments are numerous; East China says that the fastest is two or three months, the slowest two or three years. The courts are not sound, there is a strong view of the old law among the old judicial personnel, and many public security cadres have the erroneous idea that sending cases to the courts is the end of the matter, and there is a lack of perseverance and a responsible attitude towards the conclusion of the cases and the verdicts." Note 14 The report also states, "In order to simplify the formalities in dealing with counter-revolutionary cases, to suppress them in time and to avoid any trouble, it is proposed that an improved method be agreed upon with the Supreme Court, and that instructions be issued. improvement method and issue a directive". Note 15

On November 3, 1950, Zhou Enlai signed the Instructions of the State Council on Strengthening the People's Judicial Work, ordering that "the people's judicial organs at all levels should organize their forces to speed up the time limit for the hearing of cases, and resolutely eliminate the formalism and procrastination inherited from the Kuomintang courts ". Note 16 Even with this liberalization, there is still the problem of manpower. According to the Double Ten Directives, "at present, the courts should focus on counter-revolutionary cases". Note 17

However, a report by Minister of Justice Shi Liang dated August 13, 1952, stated that "the cadres of the People's Courts at all levels throughout the country number about 28,000, of whom about 6,000, or about 22 percent, are old judicial personnel, most of whom are engaged in trial work. It can be inferred from this that, at the time of the "Double Ten Directives", it was difficult for the courts to cope with the needs of the counter-revolutionary movement purely in terms of manpower.

Therefore, counter-revolutionary activities had to bypass the courts to a considerable extent, and counter-revolutionaries could not be sentenced only by the courts. The "Double Ten Instruction" required that the trial of counter-revolutionary cases "should still be the responsibility of the People's Courts or the Judge Advocate General's Office of the Military Regulatory Commission". Note 19

The Provisional Measures for the Control of Counter-revolutionaries, published on June 27, 1952, further stipulated that "the authority to approve the control of counter-revolutionaries, except for those who have been sentenced by the courts in accordance with the law, shall be vested in the public security organs of the counties and cities above". Note 20

From the point of view of the process, a counter-revolutionary campaign is a quick, one-stop operation in which the relevant military and political organs work together under the leadership of the CCP party committees at all levels to suppress what they consider to be "counter-revolutionaries". For example, on November 28, 1950, the "Draft Instruction on Severe Suppression of Counterrevolutionaries" issued by the Party Committee of the North Anhui District of the CPC stipulated that "in order to simplify the procedures, the Interrogation Section of the Public Security Bureau shall act as the trial organ of the court in the Public Security Bureau, and counterrevolutionary criminals arrested by the public security organs shall be concluded by the Interrogation Section and the Interrogation Unit, and then be submitted to the adjudicatory committees of the same level for examination, and opinions on their treatment shall be submitted to the higher levels for approval. The interrogation section and the interrogation unit would make their conclusions and submit them to the adjudication committee at the same level for examination and comment, and then submit them to their superiors for approval", and "for urgent cases, they could be reported by telegram, with the main facts of the crime only, and with the detailed information reported afterward, in order to achieve the effect of timely suppression". Note 21 The "Double Ten Instruction", on the other hand, decided on a global level that the public prosecutors and lawyers were to be one family in carrying out the CCP's policy of crackdown: "The courts, procuratorates, and public security organs are an important weapon of the people's democratic dictatorship, and the Party committees at all levels should strengthen their own leadership of these organs and appropriately enrich their cadres. " Note 22

It can be said that the key to the entire counter-insurgency campaign lay with Mao Zedong and with the CCP Party Committees at all levels. This included both the issuance of various counter-revolutionary instructions of general application and the determination of the life and death of

specific counter-revolutionaries. For example, according to the "Double Ten Instructions," "when the death penalty is imposed, the Party must obtain the approval of the provincial party committee, the municipal party committee, the district party committee, and the local committee entrusted with the task, and in the case of particularly important elements, the approval of the Central Committee must be reported." Note 23 Deng Zichu, secretary of the Central and South Bureau of the CPC Central Committee and vice-chairman of the Central and South Military and Political Committee, had personally approved the list of executions of important counter-revolutionaries. Note 24 It can be said that the counter-revolution was essentially carried out under the highly centralized leadership of the Party.

Figures in the Crackdown Campaign

(I) The total number of people captured, killed, imprisoned and sentenced nationwide in the counter-revolutionary campaigns

Accounts vary as to the total number of people killed, imprisoned, and sentenced in the counter-revolutionary campaigns, and official compilations of publicly published books on Party and State history generally avoid them. Note 25 Even some official internal publications use the terms "x names" arrested, "x names" executed, "x names" put into reeducation-through-labor, and "x names" put under control. "x name", "x name", "x name", "x name", "x name", "x name", "x name", "x name", and "x name". Note 26

However, Mao Zedong said at an enlarged meeting of the Political Bureau of the CCP Central Committee on April 25, 1956, that "it is very necessary to affirm that the killing, locking up, and controlling of two or three million people was very necessary in the past, and that it would not work without this hand." Note 27 The following year, on February 27, at a meeting of the Supreme State Council, he said again, "In 1950, 51, and 52, 700,000 were killed," and "since then probably more than 70,000 have been killed. Less than eighty thousand. Since last year there has been no killing at all, only a few individuals." Note 28

According to Mao, from 1950 to 1955, about 780,000 counter-revolutionaries were executed, including more than 700,000 in the first anti-revolutionary campaign. A January 1954 report by Xu Zirong, vice minister of public security, also mentioned that since the counter-revolutionary campaign, "more than 712,000 counter-revolutionaries have been killed, more than 1,290,000 have been imprisoned, and 1,200,000 have been put under control". Note 29 The three items totaled more than 320,000. Note 30

In the anti-revolutionary campaign, the executions of the "chief evildoers" accounted for 21% of the total number of arrests. Note 31 If the number of executions is 712,000, the number of arrests is more than 3.39 million. In addition, tens of thousands of arrestees died in prison and committed suicide. Note 32 In the entire southwestern region, according to a July 1952 report of the Southwestern Ministry of Public Security, there were about 25,000 deaths from disease and suicides. Note 33

(ii) It was not primarily the People's Court that sentenced "kill, lock up, and control".

With regard to this unprecedented political campaign, Huang Shouli, an assistant professor at the Law Department of Renmin University of China, said during the 1957 Rectification Campaign that "killing 770,000 people in the crackdown is too many, and there has never been such a large number of people killed in history". Note 34 Most of the "killing, locking up, and controlling" in the crackdown were not decided by the People's Court. Because according to the National People's Court judicial statistics history, in 1950, the verdict in this year, counter-revolutionaries for 18,845 people note 35, 1951 to 1953, convicted of counter-revolutionary crimes, respectively, 23,562 note 36, 170,502 note 37, 124,239 people note 38. and from 1950 to 1953, sentenced to more than 5 years of death, respectively, 7,661 note 39, 16,661 note 39, 16,560 note 38. From 1950 to 1953, the number of people sentenced to more than five years of imprisonment to death was 7661Note 39, 16006Note 40, 96059Note 41, and 70,199Note 42, respectively.

The above figures alone visually reflect the boldness of the CCP rulers at the time. on October 18, 1950, Liu Shaoqi told the Second National Public Security Conference that "counterrevolutionaries can be killed cleanly". Note 43 In his view, "If you don't do it, don't do it; if you do it, it hurts you; if it doesn't hurt and offends people, it's not worth it. Kill one to warn a hundred, a hundred people to kill one, this one is necessary to kill the very need, of course, we are not engaged in arithmetic, but a hundred landlords, one do not kill will have to make a mistake". Note 44

(C) The release of the "Double Ten Instructions" was beyond the imagination of some people.

However, the issuance of the "Double Ten Directives" was beyond the imagination of some people even within the CCP, and not just Mao Zedong's statement at the enlarged meeting of the Politburo on April 25, 1956, that "the democratic parties have differences of opinion with us". Note 45 Huang Kecheng said as much in his own account:

Some individual comrades in Hunan were still hesitant, not believing that the Central Committee had made this decision. This was the case with Zhou Chiping, the head of Hunan West. I went to western Hunan to urge him to crack down on the counter-revolution and said to him, "The place in Hunan with the most counter-revolutionaries is western Hunan, and the order to carry out the killing spree was decided by the Central Committee; according to the situation in western Hunan, I estimate that a considerable number of counter-revolutionaries will have to be killed in order to bring the situation under control. Make up your mind to do it! When Zhou Chiping heard that he had to kill people, he was even more worried. He personally went to the Central and South Bureau in Wuhan and found Deng Zichu to ask about this, and only after Deng Zichu confirmed it did he believe that it was indeed the decision of the Central Committee. Note 46

Not only that, some local party and government cadres were also apprehensive about the opening of the killings. on December 7, 1950, Huang Kecheng said in his Comprehensive Report on the Work of Hunan: "After the spirit of the Central Committee was conveyed to the counties and districts, both the party, the government, and the public security departments of the old cadres were

extremely apprehensive, believing that it would develop into a chaotic situation, and that in the future there would have to be another round of rectification, and that the 'left and right' would be the most important thing to be done. are all from above you, are talking a lot, but in the future we can't stand it below the rectification', quite resistant, after persuasion, roughly no problem." Note 47

After the Second National Public Security Conference, according to Liu Fuzhi, although a number of counter-revolutionaries had been "executed," "because quite a number of leaders did not have a deep and thorough understanding of Chairman Mao's spirit of resolutely and thoroughly suppressing counter-revolution," they They "failed to crack down resolutely" and "could not let go of their hands, so that more than two months after the beginning of the counter-revolutionary campaign, the masses had not yet been mobilized". Note 48 Thereupon, "Luo Ruiqing conveyed: Chairman Mao expressed his dissatisfaction with the development of the counter-revolutionary struggle. Chairman Mao said that to suppress counter-revolution is to let go of the need to capture and kill a number of people. He criticized certain leading cadres for being indecisive on the issue of killing people and for condoning traitors." Note 49 And "Chairman Mao took extraordinary measures to quickly turn the situation around." Note 50

(d) The killing and arrests in the climax of the crackdown After the reversal of the situation, the killing and arrests in the climax of the crackdown were like thunderbolts. For example, on March 13, 1951, Chongqing Municipality arrested more than 4,000 counter-revolutionaries at one time. Note 51

On April 27, Chen Yi, first secretary of the CCP Shanghai Municipal Committee, "instructed the city to carry out a raid on counter-revolutionaries and personally made rounds in jeeps late at night. That night 10,058 people were arrested." Note 52 Regarding this unique method of raiding, Mao Zedong mentioned in his April 10, 1951, "Briefing on Two Outstanding Experiences in Counter-Revolutionary Work" that the "planned and prepared large-scale raiding of a large number of counter-revolutionaries at the same time" was "an effective and It is an effective and indispensable step in the search and arrest of social counter-revolutionaries", Note 53, and "I ask you to pay attention and follow this practice". Note 54 In Huang Kecheng's Autobiography, it is mentioned

that in the Hunan Crackdown, "it took only twenty days to kill, but the number of killings exceeded the estimate by a great deal". Note 55 Liu Shaoqi in the third national public security work conference also said: "kill people did not kill open time, a few months a few years can not kill people; a open kill it, a few days on the head of thousands of people fell to the ground. Chuan Dong heard that the right to kill in April 15 began to receive before the district party committee, a few days to kill six thousand. Kill open to be received, sometimes it is not even possible to make a phone call." Note 56

(E) Mao Zedong personally stipulated the figures for the counter-revolt

The first crackdown was also, as Liu Shaoqi said at the Third National Public Security Conference, "done under the personal leadership of Chairman Mao." Note 57 The famous "Double Ten Instructions" were drafted by Peng Zhen and others and reviewed by Mao Zedong before being issued. Note 58 On January 17, 1951, Mao sent out the "Telegram on the Need to Fight Counterrevolutionaries Steadily, Accurately, and Vigorously," proposing that "several batches of people should be killed," and that "all the reactionaries that should be killed should be killed resolutely. Note 59 Liu Fuzhi, then deputy director of the General Office of the Central Public Security Department, later said that this instruction "gave a great impetus to the nationwide anti-reaction campaign" and that "from this point on, the anti-reaction campaign really entered a climax". Note 60 In the anti-revolutionary movement, according to incomplete statistics, Mao's handwritten instructions and approvals, there were 142 times. Note 61 The Third National Public Security Conference Resolutions, basically written by Mao from beginning to end; the Fourth National Public Security Conference Resolutions, he revised three times; the Fifth National Public Security Conference Resolutions, also reviewed and revised by Mao. Note 62

Some places, in order to kill more, also expressed dissenting views on the figures set by Chairman Mao and the Party Central Committee in their documents. According to a letter dated June 12, 1951, from Chen Dazhi, secretary of the Guizhu County Committee of the CPC, to Chairman Mao reporting on the suppression of the counterrevolution, the proportion of those executed to the total population of the county had reached 2.4 per 1,000 of the population. But he also said in the letter:

the Third National Public Security Conference resolved "to make the number of suppression and execution mandatory (not more than one in 1,000), and from June to September to stop killing people and clear up the backlog of cases, which is not quite right", and there were still 131 people in the whole county "who should be sentenced to death". . Note 75 He wanted to kill another 0.6 per thousand. For Guizhou Province as a whole, Su Zhenhua said in a report on June 2, 1951, "Since liberation, important counter-revolutionaries have killed two hundred and ninety-three, killed one hundred and sixteen thousand three hundred and seventy-seven, and imprisoned five hundred and twenty-one thousand eight, and we have achieved the goal of 'capturing several batches of people in large numbers and killing several batches of them,' and the most important counter-revolutionaries have been killed. Most of the counter-revolutionaries who should have been killed were killed", note 76, and "the number of killings in Guizhou has more than doubled the number stipulated by the Central Government". Note 77 In 1951, the total population of Guizhou province was 14,447,000 Note 78, killing 29,003 people, that is, 2 per thousand of the total population. But a year and a half later, on December 26, 1952, "Guizhou Province, the first public security meeting on the suppression of counter-revolutionary instructions" said: "since liberation to the end of February has executed counter-revolutionaries 13,143 people (last year before August only 500 people killed) "Note 79, and put forward:" according to the accurate, ruthless, stable, factual principle of killing, but also stipulates that roughly one-thousandth of the killers, our implementation of the experience feel some contradictions, such as roughly only one-thousandth of the killers, that is, can not meet the requirements of accurate, ruthless, our experience of a few land reform pilot areas, from the fight against bandits, anti-bullying, rent reduction, the return of the deposit to the completion of the land reform. Each township must have about thirty people (three thousandths) of those who should be killed in order to complete the killing. Therefore, according to the situation in Guizhou, we believe that from now on until the completion of the land reform, the province will have to kill 22,000 to 25,000 people, such as according to this plan is more than one-thousandth of a percentage, because the number is too large, we do not dare to make a decision, but according to the actual situation in Guizhou, we feel that one-thousandth of a percentage of the killers can not achieve the principle of accuracy, ruthlessness and stability. For these counter-revolutionaries, we are of the opinion that they should be dealt with firmly. But more than 20,000 people are not required to kill once, but a predetermined plan in stages, batches, sub-locations, step-by-step kill, the end of March before the end of a temporary work, the province to open the Party Congress, to

prepare for the agrarian reform around the leadership of the spring plowing, the execution of the counter-revolutionary is also with this pause, to be the beginning of the agrarian reform to kill a number of people, so that the leadership on the good to grasp, or else only emphasize the quasi-, ruthless, stable, realistic is not a predetermined goal, it is very difficult to grasp. " Note 80

(VII) Luo Ruiqing's two statements on the counter-revolt

The practice of setting ratios and targets in the crackdowns is unique in Chinese history. on July 31, 1958, Luo Ruiqing specifically addressed this issue at the Ninth National Public Security Conference: "In the past, the crackdowns should not have been planned, and the number of words stipulated? Some people think that should not plan, especially should not provide the number of words, that the number of words, it is bound to commit the 'left' of the expansion of the error. We have always believed, and practice has repeatedly proved, that the purges must be planned and numbered. This is a successful experience and an important method in Chairman Mao's method of leadership." Note 81

As to the question of whether it was a pity to kill intellectuals in the crackdown at a time when talents were scarce, the officials also had their own explanations. on April 4, 1951, Luo Ruiqing said at a general meeting of cadres of all the organs of the Central People's Government, "Our country is valuable in knowledge and technology; but it is not valuable in the so-called knowledge and technology of the resolute counter-revolutionaries. We must not confuse solidarity with technicians with the suppression of counterrevolution." "If we don't kill or deal with resolute counter-revolutionaries who have some ability, some knowledge and some technology, then counter-revolutionaries can obtain protection and wreak havoc just by learning a little technology; won't this help and encourage the counter-revolution? We cannot protect the counterrevolution just because we have the technology; if we do so, we may fall prey to the counterrevolution's treacherous plans." Note 82

Some Problems of the Counter-Revolution

The ways and means of the counter-revolutionary movement, such as manipulating the "masses" to counter-revolution, utilizing all possible means to create a one-sided public opinion, etc., have had far-reaching effects in the course of the history of the People's Republic of China.

(a) The counter-revolutionary movement was initiated on the basis of a series of secret Party documents of the Central Committee of the Communist Party of China (CCP), which served as the most authoritative criminal legislation, and it was on the basis of these secret documents, which they had no way of knowing or seeing, that those who were regarded as counter-revolutionaries were often killed, imprisoned, put under control, or released. The counter-revolutionary campaign, in a sense, was a national exercise and intensification of the Party in law and the Party in state.

According to incomplete statistics, from October 1950 to October 1951, i.e., during the first phase of the Crackdown Campaign, the CCP Central Committee gave 179 written instructions and approvals on the crackdown. Note 83 Mao Zedong gave similar instructions to the CCP on how many people had to be executed Note 84 or "kill several batches of people in a big way," Note 85 which were rare to hear about outside the Party at the time. Note 84 The CCP Central Committee's "Instruction on Dealing with the Issues Involving Democratic Parties, Democrats, and Patriotic Elements in the Crackdown on the Counterrevolution" of March 28, 1951. "Sent until the county committees and the divisional party committees of the army." Note 86 The notice of the CCP Central Committee transmitting the Resolution of the Third National Public Security Conference on May 16 of the same year also directly stipulated that "this resolution and the present telegram must be forwarded until the level of the local committees and the level of the military party committees, which is a confidential document and must not be lost." Note 87 The famous measure of "death reprieve" came from the Decision of the Central Committee of the Communist Party of China on

the Policy of Suspending the Execution of Death Sentences for Most Counter-revolutionaries Who Have Committed Capital Crimes, drafted by Mao Zedong on May 8, 1951.

(b) Crackdowns are highly strategic and flexible, varying according to time, place, person, nationality, status, party affiliation, etc. The intensity of crackdowns varies according to time, place, person, nationality, status, party affiliation, and so on.

1. The intensity of counter-revolution varied from time to time; on April 25, 1949, the Bulletin of the Chinese People's Liberation Army, signed by Mao Zedong and Zhu De, declared that "with the exception of the war criminals who have not been reformed and those counter-revolutionaries who have committed the most heinous crimes, all the officials at all levels of government of the Central Committee of the Kuomintang, at the provincial, municipal, and county levels, representatives to the National People's Congress, legislators, and supervisors shall be subjected to counter-revolutionary measures". ' delegates, legislators, supervisors, senators, police personnel, and district, township and township bailiffs and armorers, the People's Liberation Army and the People's Government will not take prisoners, arrest, or humiliate anyone who is not armed and resisting or plotting sabotage."

Note 88 By October 18, 1950, Liu Shaoqi, at the Second National Conference on Public Security, then said, "There is a fundamental difference between counterrevolution before and after the revolution is not won. Counter-revolutionaries before the victory should be dealt with as the first evil, coercion should not be questioned, and merit should be rewarded, while counter-revolutionaries after the victory of the revolution should be dealt with at all times." Note 89

Moreover, "Anyone who carries out counter-revolutionary activities after the victory, no matter what kind of person, working class or peasant, whatever party, secret agent or landlord, must be dealt with." Note 90

2. The strategic factor in launching the counter-revolutionary campaign: On October 27, 1949, Zhu De said at the first national public security conference: "Chairman Mao said: leniency to the meal, not only don't want him to die, but also to manage his meal, so that it is a good transformation. One does not kill, for really bad, kill him a handle, propaganda propaganda is possible." Note 91 less than a year, the CPC Central Committee issued the "Double Ten Instructions" to correct the "leniency"

of the "rightward bias". Mao Zedong explained to Luo Ruiqing: "Don't waste this opportunity, for I am afraid that the suppression of the counter-revolution will only come once, and there will be no more counter-revolution in the future. It's a once-in-a-lifetime occasion, so you should make good use of this capital, not so much for the sake of killing a few counterrevolutionaries, but more mainly for the sake of mobilizing the masses." Note 92 Subsequently, Liu Shaoqi also said, "The anti-U.S. assistance to North Korea is very beneficial and has made many things better for us (e.g., to carry out agrarian reforms, to draw up patriotic pacts, to carry out production competitions, to suppress rebellions, etc.). Because the gongs and drums of the anti-U.S. campaign against the Democratic People's Republic of Korea sounded so loudly, the gongs and drums of land reform and counter-revolution could not be heard so much, and it was then easier to carry out the campaign. If the gongs and drums of the anti-U.S. and anti-DPRK resistance did not sound so loudly, the gongs and drums of the land reform (and the suppression of the rebellion) would have been impossible. A landlord was killed here, another one there, and there was trouble everywhere", and "many things were not easy to handle". Note 93 In addition, Mao Zedong also said in his Telegram on the Need to Fight Steadily, Accurately and Vigorously Against Counterrevolutionaries, "Now when the time comes for the two climaxes of anti-Americanism and the land reform, I ask you to grasp this matter and deal with it in a good way." Note 94

3. Counter-revolutionary repression is treated differently depending on the status. The "Double Ten Instruction" stipulated that "when the death penalty is imposed, the Party must obtain the approval of the Provincial Party Committee, the Municipal Party Committee, the District Party Committee, and the local Party Committee entrusted with the task of imposing the death penalty, and if there are any particularly important elements among them, they must be reported to the Central Committee for approval." Note 95 This meant that some people's lives and deaths were to be decided directly by Mao Zedong et al. Huang Kecheng also said at an enlarged meeting of the CCP's Hunan Provincial Committee on February 27, 1951, that "a more cautious attitude should be taken in suppressing counter-revolutionary elements in the industrial and commercial circles, democrats, and the education sector, and that some of them should be reported to the Central Committee for approval, and some of them should be reported to the Provincial Party Committee for approval". Note 96 On January 8 of the same year Mao Zedong added a paragraph on the handling of the case of Chen Kuzhen: "Chen Kuzhen is a member of the Hunan Provincial People's Government, and a

cautious attitude should be taken in dealing with him, so as not to deal with him rashly and cause us to be caught in a passive situation." Note 97 This instruction spared Chen Quizhen, while many of his subordinates could not escape death. Similarly, some people regarded as "war criminals" by the CCP, such as Cheng Qian, Fu Zuoyi, Du Yuming, etc., who were "so guilty that the people of the country said that they could be killed," Note 98, were not arrested or executed, while some of the past henchmen of these "war criminals" were not arrested or executed, and some of their former henchmen, who were "war criminals," were not arrested or executed. Some of these "war criminals" were killed in the past. Mo Xiong was the Commissioner of Shaoguan Administrative Inspector and Commander of the Purge, and some of his old men and friends were arrested and suppressed, and he went to Ye Jianying to complain. Ye said to him, "Each has his own account, Brother Mo, you stay out of it. Cut off your feathers and you won't be able to fly." Note 99

4. Policies differed according to ethnicity. For example, with regard to the "Double Ten Instruction", Luo Ruiqing said in his report to Mao Zedong and the Central Committee of the Communist Party of China on the National Public Security Conference in October 1950: "In areas with a large number of ethnic minorities, the Central Government's instruction is not applied in general, and the policy of fostering ethnic cadres, investigating and studying the matter, and moving forward steadily is still being adopted. Counter-revolutionaries mixed up among the ethnic minorities should also be punished when evidence is obtained-but caution must be exercised to avoid involving ethnic disputes, and care must be taken to ensure that the way of doing so is through the conscientiousness and voluntariness of the ethnic minority masses themselves." Note 100 The Plan on Suppression of Counter-revolutionaries, formulated by the CCP Guizhou Provincial Committee on November 10 of the same year, also emphasized that "the counter-revolutionary suppression campaign in ethnic minority areas should carry out the policy of 'steady, prudent and slow advancement' formulated by the Central Committee, and that among the five major tasks, these places should only be cleared of bandits, not anti-hegemony ". Note 101 In October 1952, the Resolution of the Fifth National Public Security Conference also proposed to "adopt a prudent, steady and progressive approach, and not to launch counter-revolutionary campaigns except with the approval of the major administrative regions and with the consent of the ethnic minorities to pursue and arrest counter-revolutionaries lurking in a few foreign regions". Note 102

5. Repressive policies differed between urban and rural areas. For example, as to the number of counter-revolutionaries to be killed, the Resolutions of the Third National Public Security Conference said: "In the countryside, the number should generally not exceed one-thousandth of the population. Where special circumstances make it necessary to exceed this figure, it must be approved by the Central Bureau and reported to the Central Committee for the record, but it should not exceed it by too much"; "In cities, the number of counter-revolutionaries to be killed should generally be less than one-thousandth of the population, with 0.5 of a thousandth of the population being the appropriate number". Note 103 And the proportion of executions varies according to occupation: "In particular, for counter-revolutionaries punishable by death in the Communist Party, in the people's government system, in the People's Liberation Army system, in the cultural and educational circles, in the industrial and commercial circles, in the religious circles, in the democratic parties and in the people's organizations, the principle is generally to execute two-tenths of them, and the remaining eighty-nine-tenths should be adopt the policy of sentencing to death with suspended execution and forced labor to wait and see what happens." Note 104

6. Differentiated treatment according to the needs of the united front. The Instructions of the Central Committee of the Communist Party of China on the Treatment of Patriotic Elements Involving Democratic Parties and Democrats in the Suppression of Counter-Revolution stated that "all suspected counter-revolutionary elements in the democratic parties and democrats" should be resolved "by means of reconnaissance to obtain evidence and not by registration of secret agents. "; Note 105 "With regard to counter-revolutionary elements among the family members and friends of democratic party figures or other democrats, in principle they should be dealt with in accordance with the law. If their crimes are not serious, the masses do not have much to say about them, and the heads of the democratic parties or democrats have spoken to me about them, they can take the initiative to send some favors and be dealt with in a lenient manner. If he is a general member of the Democratic Party, he should be approved by the local party committee; if he is a well-known person in a county, he should be approved by the provincial party committee; if he belongs to or is related to a provincial-level cadre in charge of the Democratic Party or a well-known democratic figure in a province or district, he should be approved by the Central Bureau; if he belongs to or is related to a member of the Central Committee of the Democratic Party or a high-ranking cadre or a

member of the Central Committee of the Democratic Party or a senior member of the Democratic Party, he should be approved by the Central Bureau. Those belonging to or involving members of the Central Committee of the Democratic Party and senior cadres in charge or those who have greater status and influence in society must seek approval from the Central Committee". Note 106 On May 8, 1951, the CCP Central Committee further instructed, "Important elements of the united front must be reported to the Central Committee for approval." Note 10 On July 3, Mao Zedong gave Luo Ruiqing instructions, "In all cases concerning important democrats and their relatives and friends, only collect materials and do not rush to deal with them." Note 1086 On August 4, the "Provisions of the Central Committee of the Communist Party of China Concerning Care and Leniency for the Families of Senior Democrats in the Agrarian Reform and Crackdown," said, "There are now some non-Party members of the Central People's Government, members of the Council of State, and senior democrats in other areas who are being killed or arrested because their families or relatives and friends were killed, arrested in the agrarian reform and the crackdown, were 'swept off their feet' or had a number of urban properties confiscated, have aroused great uneasiness and dissatisfaction, and have had an extremely bad influence on the united front." Note 109 For the families of "senior democrats"-grandparents, parents, children, brothers, and wives-"unless there is a great necessity," "they Even if they have some bad deeds, they should be persuaded as far as possible to bow down to the masses and admit their faults in order to seek closure without being arrested, and those who should be arrested and sentenced should also be dealt with leniently"; Note 110 "In the future, all democrats among the government officials at the level of provincial chairmen, vice-chairmen, and mayors and above, as well as the family members of the Central Committee members of the various democratic parties and of the generals of the Uprising "In the future, when arrests and punishment are required by law, they shall be approved by the Central Bureaus and reported to the Central Committee for the record, and when the death penalty is imposed, it must be reported to the Central Committee for approval before it can be carried out. When the death penalty must be imposed on the family members of important democrats at all levels of government, below the provincial level and above the county level, it shall be decided by the provincial party committee and reported to the Central Bureau for the record before it is carried out." Note 111

7. The procedures for approving arrests and killings varied from time to time. The "Double Ten Instructions" stipulated that "when the death penalty is imposed, the Party must obtain the approval of the Provincial Party Committee, the Municipal Party Committee, the District Party Committee, and the local Party Committee entrusted with the task, and if there are any particularly important elements among them, they must be reported to the Central Committee for approval". Note 11 In December 1950, the Party committees of the southern and northern Anhui districts delegated the approval of the imposition of the death penalty on counter-revolutionary criminals to members of the CCP local committees, and the approval of the right of arrest to members of the county committees. Note 113 By February of the following year, in response to the report of the Northwest Bureau of the CPC Central Committee of February 5, 1951, which stated that "the power to authorize the killing of people is always at the provincial level," Mao Zedong instructed that "those who are sentenced to death should be approved by the special commission." Note 114 On April 2, one of Mao's instructions was still in effect. said that "the power to approve lists of arrests and killings must be controlled at the level of local committees and municipal committees." Note 115 By May 7, a directive from the CCP Central Committee written by Mao added: "It is hereby scheduled that from June 1 the power to authorize arrests of persons other than those in flagrante delicto throughout the country will be withdrawn to the level of local specialties, and the power to authorize killings will be withdrawn to the provincial level, and those who are far away from the province will be sent by the provincial level as their representatives to deal with them." Footnote 116 This authority to arrest and kill was reiterated immediately afterward in the Resolution of the Fourth National Public Security Conference. Note 117

The actual implementation of the arrest and killing approval procedures, in turn, was not entirely consistent with the instructions of the Party Central Committee and Chairman Mao. In Tongcheng County, Anhui Province, 16 prisoners who were to be sentenced to death were reported to the local party committee for approval, which instructed them to "continue to make additional inquiries," but the Tongcheng Public Security Bureau considered the death sentences to have been approved without reading the authorization and executed them. Note 118 Huoshan County executed five counterrevolutionaries whose death sentences had not been approved. Note 119 Even the head of the organization department of the CCP Yongning County Committee personally approved the death of 226 people. Note 120

Su Zhenhua, secretary of the CCP Guizhou Provincial Committee and political commissar of the Guizhou Military Region, said in a report on June 2, 1951, "The right to approve killings, the Provincial Committee stipulated that it was the three-member group organized by the secretary of the local committee, the commander, and the commissioner that would discuss and approve the killings, and by the midpoint of the movement the local committee's implementation resulted in the fact that the members of the local committee were able to approve the killings, resulting in the formation of indiscriminate approvals that could not control the number of killings. " Note 121 He also said on June 1 that in Guizhou "the phenomenon of disorganization and indiscipline has also occurred, with thirty-seven unauthorized executions". Note 122 The Fourth National Public Security Conference Resolution also mentioned that "there are a few areas even the capture and kill the authority wrongly handed over to the district township". Note 123

(C) Abandoning the "old law concept" of counter-insurgency

1. The principle of the statute of limitations, which states that no crime shall be committed and no punishment shall be meted out, has been discarded. As a matter of fact, counter-revolution is mainly based on the documents of the Communist Party of China to catch, kill, lock up, control and release. For example, the "Double Ten Directives" stated that counterrevolutionaries "should be suppressed in accordance with the Regulations for Punishing Counterrevolutionary Activities published by the State Council of the Central People's Government".

However, the Regulations for Punishing Counter-revolutionaries were not promulgated until February 21, 1951, after tens of thousands of counter-revolutionaries had been executed in the previous four months.

2. A system of analogies was established. Article 16 of the Regulations for Punishing Counterrevolution stipulates that "other criminals whose purpose is counterrevolutionary and who

have not been subject to the provisions of these Regulations may be sentenced by analogy to similar crimes under these Regulations." Note 126

Shi Liang, Minister of Justice, said in an article published in the People's Daily on February 24, 1951, that with regard to the Regulations for Punishing Counterrevolutionaries, "Do not implement them mechanically, but if there are counterrevolutionary acts not provided for by the Regulations, they should be dealt with in accordance with Article 16 of the Regulations," and that "it is imperative that all counterrevolutionary activities be firmly suppressed. and "to ensure that all counter-revolutionary activities are resolutely suppressed". Note 127 This meant that the new regime was able to weave a net of law that could be used to criminalize anyone, if necessary.

3. The principle of retroactivity was established. The Regulations for Punishing Counter-revolutionaries stipulated that "counter-revolutionary criminals before the implementation of these Regulations shall also be subject to the provisions of these Regulations". Note 128 Li Guangcan, a member of the Legal Affairs Committee of the Central People's Government, and others, in an article published in Study, No. 7, 1952, said, "Are the parts of the six laws of the Kuomintang available? According to recently uncovered material, some people's courts have secretly used some of them for more than two years! One of them is the 'non-retroactivity of the law' of the KMT criminal law, which was used in the suppression of counter-revolutionary activities, with the result that it has indulged the enemy and jeopardized the people." Note 129

4. The introduction of one-issue retrial. On November 28, 1950, the Party Committee of the Northern Anhui District of the Communist Party of China issued the "Draft Instruction on the Severe Suppression of Counter-revolutionaries," proposing that "the masses should be mobilized to report and retry those individual criminals who have been sentenced too leniently in the past". On February 9, 1951, the North China Bureau of the Central Committee of the Communist Party of China (CPC) proposed in a report that "counterrevolutionaries who should have been killed but were lightly sentenced or wrongly released may have their sentences overturned and reopened", and on the following day Mao Zedong drafted a reply to the CPC Central Committee's telegram stating that it "agrees with your plan and methods, and looks forward to implementing them resolutely". "

Note 131 Shi Liang also said, "For convicted criminals, if there is a major error in the judgment, upon complaint by the prosecuting authorities, dissatisfaction of the masses, or their own discovery, they should all be re-tried and re-sentenced in accordance with the Regulations for the Punishment of Counter-revolutionaries and should not be allowed to make a mistake in their judgment." Note 132

5. Counter-revolutionaries' right to defense is not guaranteed. The lack of guarantee for the right to defense involves many aspects. In the case of the lawyer system alone, the Circular of the Ministry of Justice on the Outlawing of Black Lawyers and Barristers of Law on December 21, 1950 said, "The old lawyer system has been abolished in accordance with Article 17 of the Common Program, but if the old lawyers are still engaging in illegal activities, which is detrimental to the prestige of the courts and to the interests of the people, they should be outlawed. " and that "the identity of all litigators should be strictly scrutinized in the future". Note 133

6. counter-revolutionaries sentenced to death and imprisonment were deprived of the right of appeal. the General Rules for the Organization of the People's Courts, published and put into effect on July 20, 1950, stipulated that "sentences of death imposed by county (municipal) People's Courts and their chambers on counter-revolutionaries who have been sentenced to death for banditry and espionage are not subject to appeal". ". Note 13 On April 23, the State Council and the Supreme People's Court's Instruction on the Suppression of Counterrevolutionary Activities stated, "No one sentenced to death may appeal." Note 135 Later, counterrevolutionaries sentenced to imprisonment were also not allowed to appeal. On September 29, 1951, the Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Justice issued the Instruction on Counterrevolutionaries Sentenced to Imprisonment Are Also Not All Allowed to Appeal, Like Those Sentenced to Death. Note 136

7. Counter-revolutionaries are deprived of their rights such as freedom of speech. The Regulations for Punishing Counter-revolutionaries provide that "Anyone who commits an offense under these Regulations may be deprived of his political rights".¹³⁷ Even counter-revolutionaries declared to be under the control of the public security organs are deprived of the right to vote and to be elected;

the right to hold administrative positions in state organs; the right to participate in the people's armed forces and people's organizations; and the right to participate in the work of the people's organizations, in accordance with the Provisional Measures for the Control of Counter-revolutionaries in 1952. The right to participate in the people's armed forces and people's organizations; the right to freedom of speech, of the press, of assembly, of association, of correspondence, of residence, of movement, and of demonstration; and the right to enjoy the people's honor". Note 138 The right to be stripped is so broad that, once deemed guilty, it is extremely difficult to even resort to the media to seek redress for one's grievances. In addition, according to the Regulations for Punishing Counter-Revolutionaries, "anyone who commits an offense under these Regulations" "may have all or part of his or her property confiscated". Note 139

8. The term "political prisoner" was abolished; on November 11, 1950, the Northeast Branch of the Supreme People's Court notified that: "In the future, all criminals who commit crimes with counterrevolutionary aims should be referred to as counterrevolutionary criminals, and the name of political prisoner should not be invoked." Note 140

9. Encouragement of political denunciation. The Regulations on Punishing Counterrevolution stipulated that "any person has the right to denounce or inform the people's government of counterrevolutionary criminals." Note 141 In Hebei Province, from November 1950 to August of the following year, more than 260,000 people denounced counterrevolutionaries, and more than 25,000 counterrevolutionaries were denounced; Note 142 while in Liaodong and Liaosi Provinces and in the five cities of Shenyang, Dalian, Anshan, Fushun, and Benxi, by the end of 1951, 5,000,000 people had taken part in the denunciation and exposing of counterrevolutionaries. Note 143

10. There is no distinction between "attempted" and "unattempted" counter-revolutionary crimes. Shi Liang said, "There is even the so-called 'attempt' theory, i.e., there is still much talk about 'attempted and unattempted' counter-revolutionary activities", "obviously, this is a way of distinguishing between ordinary criminal offenders and counter-revolutionary offenders who have been convicted. Obviously, this is to confuse ordinary criminal offenders with the attempts and failures of counter-revolutionary offenders." Note 144

11. Counter-revolutionaries do not have the right of self-defense. An example of the "rightward bias" quoted above is "when bandits in Xi'an resisted arrest and killed our letter carrier, the Xi'an court held that it was 'self-defense' and did not sentence him to death". Note 145

Shi Liang, on the other hand, criticized that "some cadres still have the 'Six Laws Viewpoints' in their minds, and often pass light sentences on important counter-revolutionary cases. The reasons for this are 'Although it is a bandit murder, it is out of self-defense' and so on", and openly said that "some regard the counter-revolutionary's resisting arrest and murder as excusable self-defense behavior called 'legitimate self-defense' is even more positionless." Note 146

12. The arrest and killing of counterrevolutionaries was authorized by the CCP. For example, one of Mao Zedong's instructions, quoted earlier, stated that "the power to approve lists of arrests and killings must be controlled at the level of the local party committee and the municipal party committee". Note 147

13. Presumption of guilt is practiced. This is visualized in some of the designations. For example, once a person who was considered a counterrevolutionary was arrested, he was called, without a verdict, a "criminal," an "emergency criminal," an "arrested and to be arrested criminal," a "current criminal," a "criminal," and a "criminal" without a verdict. "current offenders", "tried counter-revolutionary criminals", "persons on remand", "prisoners", etc.

14. The suppression of counter-revolutionaries was carried out in an "expeditious manner." On January 28, 1951, Liu Shaoqi wrote to Mao Zedong for the issuance of the Regulations on the Punishment of Counter-revolutionaries, stating: "The trial of counter-revolutionary criminals should be conducted in the same way as it is now, by military tribunals, and those who do not have such tribunals can immediately organize them. Some places do not have military court organizers, so the people's revolutionary tribunals can not be organized, it is also very difficult to organize, after the organization of the trial of cases is also very troublesome, all over the world at once to turn over,

can not cope with the current situation, so the trial by military tribunals to come to a simple and powerful. Is this the case? Please decide!" As a result, the Regulations for Punishing Counterrevolutionaries stipulated that "Anyone who commits a crime under these regulations shall be tried in accordance with these regulations by military courts organized by military commands, military control committees, or banditry-suppression commanding bodies in various places during the period of military control." In addition, special courts were established to deal with counter-revolutionaries. The General Rules for the Organization of the People's Courts stipulate that the county (city) people's courts and their divisions, which have the power to sentence an accused to death, "are special courts other than the civil and criminal divisions of the county (city) people's courts", and that their task is to punish "bullies, bandits, agents, counter-revolutionaries, and criminals who defy the decrees on land reform". ". In Hunan, as soon as the agrarian reform and anti-revolutionary campaigns ended in August 1953, the county (city) people's courts and their chambers were abolished. In the Liaoning region, "in order to shorten the time, the three organs of public security, judiciary and procuratorate worked jointly".

Annotation:

Note 1 On March 5, 1949, Mao Zedong said in his report to the Second Plenary Session of the Seventh Central Committee of the Communist Party of China, "..... After the enemies with guns have been eliminated, the enemies without guns still exist, and they will inevitably have to fight us to the death, and we must not belittle these enemies. If we do not now pose the question and recognize the problem in this way, we shall make a great mistake." [The Selected Works of Mao Zedong (a bound volume), reprinted in 1967 by the People's Liberation Army Warrior Press, p. 1365] On March 13, 1949, the resolution of the Second Plenary Session of the Seventh Communist Party of China (CPC) repeated this passage of Mao Zedong's (with a difference of two words), "After the enemies with guns have been eliminated, the enemies who don't have guns will still remain, and they will inevitably have to struggle with us to the death. We must not belittle these enemies. If we do not raise the problem and recognize it in this way now, we will be making a great mistake." (The General Office of the Ministry of Public Security of the People's Republic of China, "Selected Documents of the CPC Central Committee and Chairman Mao on Proletarian Dictatorship and the Lustration Issue," December 1958 edition, pp. 2-3) On October 10, 1950, the CPC Central

Committee issued the “Double-Ten Instruction” which stated that Deng Zicui should “immediately carry out a thorough and thorough investigation of the problem of the proletarian dictatorship and lustration. Deng Zichu “immediately deployed and implemented” . “He earnestly advised everyone that counter-revolutionaries were mostly enemies without guns; in the countryside they were the trinity of bullies, bandits and secret agents; in the cities they were the trinity of feudal leaders, reactionary gang leaders and secret agents; these enemies without guns had to be eliminated by means of suppression of counter-revolution, and this was the main method of struggle against the enemy after the end of the armed struggle” . (Deng Zichu, People's Publishing House, 2006 edition, p. 417).

Note 2 The General Office of the Ministry of Public Security of the People's Republic of China edited and printed Selected Documents of the Central Committee of the Party and Chairman Mao on the Dictatorship of the Proletariat and the Question of Purge and Rebellion, December 1958 edition, p. 47.

Note 3 Huang Yao, Zhang Mingzhe, etc., Biography of Luo Ruiqing, Contemporary China Press, 1996 edition, pp. 263-264.

Note 4 Mao Zedong's Manuscripts Since the Founding of the PRC, Book I, Central Literature Press, 1988 edition, p. 535.

Note 5 Huang Yao, Zhang Mingzhe and others, Luo Ruiqing, Contemporary China Publishing House, 1996 edition, p. 262, states that “Mao did not change a word of his instructions, and on the same day, the instructions were decentralized to the whole party for implementation” . This is different from the Peng Zhen Annals. The chronicle is at 1:00 a.m. and was issued after Mao's revision.

Note 6 “Instructions of the Central Committee on Correcting the Right-Leaning Bias in Suppressing Counter-Revolutionary Activities” , Teaching Reference Materials on CCP History, Book XIX, edited by the Department of Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, p. 205.

Note 7 Ministry of Public Security, Office of the Leading Group for the Collection and Study of Public Security History Materials, Suppression of the Counter-Revolutionary Movement in the Early Period of the Founding of the PRC, edited by the Mass Publishing House, 1992 edition, p. 20.

Note 8 Ministry of Public Security, Luo Ruiqing on People's Public Security Work, edited by the Editorial Group of Luo Ruiqing on People's Public Security Work, Mass Publishing House, 1994 edition, p. 34.

Note 9 “Report of the Central Public Security Department on the National Public Security Conference to the Central Committee” , CCP History Teaching Reference Materials, Volume XIX, edited by the Department of Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, p. 208.

Note 10 Liu Shaoqi's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 2005 edition, p. 520.

Note 11 Report of the Central Public Security Department on the National Public Security Conference to the Central Committee, CCP History Teaching Reference Materials, Book XIX, edited by the Department of Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, p. 206.

Note 12 “Report of the Central Public Security Department on the National Public Security Conference to the Central Committee” , CCP History Teaching Reference Materials, vol. 19, edited by the Department of Party History, Party Construction, Politics and Industry, National Defense University, 1986 edition, pp. 206-207.

Note 13 Report of the Central Public Security Department on the National Public Security Conference to the Central Committee, CCP History Teaching Reference Materials, Book XIX, edited by the Department of Party History, Party Construction, Politics and Industry, National Defense University, 1986 edition, p. 207.

Note 14 “Report of the Central Public Security Department on the National Public Security Conference to the Central Committee” , CCP History Teaching Reference Materials, vol. 19, edited by the Department of Party History, Party Construction, Politics and Industry, National Defense University, 1986 edition, p. 207.

Note 15 Report of the Central Public Security Department on the National Public Security Conference to the Central Committee, CCP History Teaching Reference Materials, Book XIX, edited by the Department of Party History, Party Construction, Politics and Industry, National Defense University, 1986 edition, p. 208.

Note 16 Instructions of the State Council on Strengthening the People's Judicial Work, Compilation of Historical Documents on Judicial Administration of the People's Republic of China (1950-1985), edited by the Ministry of Justice of the People's Republic of China, Law Press, 1987 edition, p. 8.

Note 17 Instructions of the Central Committee on Correcting the Right-Leaning Bias in Suppressing Counter-Revolutionary Activities, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Party History, Party Building, Politics and Industry of the National Defense University, 1986 edition, p. 205.

Note 18 Report of the Ministry of Justice on the Thorough Reform and Rectification of the People's Courts at All Levels, Ministry of Justice of the People's Republic of China, Compilation of Historical Documents on the Administration of Justice in the People's Republic of China (1950-1985), Law Press, 1987 edition, p. 10.

Note 19 Instructions of the Central Committee on Correcting the Right-Leaning Bias in Suppressing Counter-Revolutionary Activities, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Party History, Party Building, Politics and Industry of the National Defense University, 1986 edition, p. 205.

Note 20 Judicial Workbook, Book I, compiled and printed by the Northeast Branch of the Supreme People's Court, October 1953 edition, p. 203

Note 21 Anhui Provincial Records - Public Security, compiled by the Anhui Provincial Local Records Compilation Committee, Anhui People's Publishing House, 1993 edition, pp. 176-177.

Note 22 “Instructions of the Central Committee on Correcting the Right-Leaning Bias in Suppressing Counter-Revolutionary Activities” , CCP History Teaching Reference Materials, Book XIX, edited by the Department of Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, p. 206.

Note 23 “Instructions of the Central Committee on Correcting the Right-Leaning Bias in Suppressing Counter-Revolutionary Activities” (《中央关于纠正镇压反革命活动的右倾偏向的指示》), Nineteenth Book of Reference Materials for Teaching CCP History, edited by the Department of Teaching and Research on Party History, Party Building, Politics and Industry of the National Defense University (国防大学党史党建政工教研室), 1986 edition, p. 205.

Note 24 The Office of the Leading Group for Collection and Research of Public Security History Materials, Ministry of Public Security, edited Public Security Historical Materials, First Series, 1989, p. 83.

Note 25 For example, in the subsection “Suppression of the Counter-Revolutionary Movement” (pp. 46-50) of the 2011 edition of the CPC Party History Press and the Research Office of Party History of the CPC Central Committee's History of the Communist Party of China, there is no mention of the total number of killings, shutdowns, or controls.

Note 26 The Ministry of Public Security's Office of the Leading Group for the Collection and Study of Historical Materials for Public Security History, Suppression of the Counter-Revolutionary Movement in the Early Period of the Founding of the People's Republic of China, Mass Publishing House, 1992 edition, p. 56.

Note 27 Long Live Mao Zedong Thought, September 1967 edition, p. 291.

Note 28 “On the Correct Handling of Internal Conflicts among the People (Draft Speech)” (February 27, 1957), Selected Studies, 1967 edition, p. 198

Note 29 “Xu Zirong's Statistical Report on Several Major Figures Since the Crackdown” (January 14, 1954), cited in Yang Kuisong, Studies on the History of the Founding of the People's Republic of China (1), Jiangxi People's Publishing House, 2009 edition, p. 217

Note 30 During the counter-insurgency campaign, control did not have to be decided by a court, but could be decided by the public security organs, so the person under control did not necessarily have to be the one who was arrested. See Interim Measures for the Control of Counterrevolutionaries, approved by the State Council on June 27, 1952, and promulgated by the Ministry of Public Security of the Central People's Government.

Note 31 The Office of the Leading Group for Collecting and Researching Public Security History Data, Ministry of Public Security, edited Public Security Historical Materials, First Series, 1989, p. 58.

Note 32 No official published totals are available. Overseas estimates, such as the Cambridge History of the People's Republic of China, edited by Fei Zhengqing and MacFarquhar, suggest that the campaigns such as the Counter-Rebellion and the Three Anti-counter-Rebellion campaigns “also led to a large number of suicides (hundreds of thousands, I fear)” . (Fei Zhengqing and

MacFarquhar, *The Cambridge History of the People's Republic of China (1949-1965)*, Shanghai People's Publishing House, 1990 edition, p. 93).

Note 33 Hu Erqing, “Research on the ‘Suppression of Counter-Revolutionary’ Movement in Sichuan” , master's thesis, Sichuan Normal University, 2011.

Note 34 China Politics and Law Society, “A Collection of Fallacious Arguments by Rightists in Politics and Law” , Law Press, 1957 edition, p. 145. Huang Shouli's title according to the Office of Socialist Ideology and Education of the CCP Committee of Renmin University of China, September 1957 edition, *Selected Reference Materials on Socialist Ideology and Education*, Fourth Series, p. 137.

Note 35 “Statistical Tables on the Handling of Criminal Defendants in 1950,” Research Office of the Supreme People's Court, *Compilation of Historical Information on Judicial Statistics of the National People's Courts (1949-1998) (Criminal Section)*, People's Court Press, 2000 edition, pp. 8-9.

Note 36 “Statistical Table on the Handling of Criminal Defendants in 1951” , *Compilation of Historical Information on Judicial Statistics of the National People's Courts (1949-1998) (Criminal Part)*, edited by the Research Office of the Supreme People's Court, People's Court Press, 2000 edition, pp. 12-13.

Note 37 “Statistical Table of Counter-Revolutionary Cases in 1952” , *Compilation of Historical Information on Judicial Statistics of the National People's Courts (1949-1998) (Criminal Part)*, compiled by the Research Office of the Supreme People's Court, People's Court Publishing House, 2000 edition, p. 19. The number of convicted persons in the original table was 17,050, but this figure is incorrect. The total number of guilty persons in the text is obtained by the author by adding up the data in the statistical table.

Note 38 “Statistical Table on the Treatment of Criminal Defendants in 1953,” Research Office of the Supreme People's Court, *Compilation of Historical Information on Judicial Statistics of the National People's Courts (1949-1998) (Criminal Section)*, People's Court Press, 2000 edition, pp. 28-29.

Note 39 “Statistical Table on the Handling of Criminal Defendants in 1950” , *Compilation of Historical Information on Judicial Statistics of the National People's Courts (1949-1998)*

(Criminal Part), compiled by the Research Office of the Supreme People's Court, People's Court Press, 2000 edition, pp. 8-9.

Note 40 “Statistical Table on the Handling of Criminal Defendants in 1951” , Compilation of Historical Information on Judicial Statistics of the National People's Courts (1949-1998) (Criminal Part), edited by the Research Office of the Supreme People's Court, People's Court Press, 2000 edition, pp. 12-13.

Note 41 “Statistical Table of Counter-Revolutionary Cases in 1952” , Compilation of Historical Information on Judicial Statistics of the National People's Courts (1949-1998) (Criminal Part), compiled by the Research Office of the Supreme People's Court, People's Court Publishing House, 2000 edition, p. 19. The number of convicted persons in the original table was 17,050, but this figure is incorrect. The total number of guilty persons in the text is obtained by the author by adding up the data in the statistical table.

Note 42 “Statistical Table on the Treatment of Criminal Defendants in 1953,” Research Office of the Supreme People's Court, Compilation of Historical Information on Judicial Statistics of the People's Courts of the Whole Country (1949-1998) (Criminal Section), People's Court Press, 2000 edition, pp. 28-29.

Note 43 The General Office of the Ministry of Public Security of the People's Republic of China edits and prints Selected Documents of the Central Committee of the Party and Chairman Mao on the Dictatorship of the Proletariat and the Purge of Rebellion, December 1958 edition, p. 41.

Note 44 The General Office of the Ministry of Public Security of the People's Republic of China edits and publishes Selected Documents of the Party Central Committee and Chairman Mao on the Dictatorship of the Proletariat and the Prosecution and Rebellion, December 1958 edition, p. 39.

Note 45 Long Live Mao Zedong Thought, September 1967 edition, p. 291

Note 46 “Huang Kecheng's Autobiography,” People's Publishing House, 1994 edition, p. 227.

Note 47 “Comprehensive Report on the Work of Hunan” (December 7, 1950), Selected Military Writings of Huang Kecheng, PLA Press, 2002 edition, pp. 531-532

Note 48 Liu Fuzhi, *Memoirs of Liu Fuzhi*, Central Literature Press, 2010 edition, pp. 145-146.

Note 49 Liu Fuzhi, *Memoirs of Liu Fuzhi* (刘复之回忆录), Central Literature Publishing House, 2010 edition, p. 146.

Note 50 Liu Fuzhi, *Memoirs of Liu Fuzhi*, Central Literature Press, 2010 edition, p. 146.

Note 51 Ministry of Public Security, Office of the Leading Group for the Collection and Study of Historical Materials for Public Security History, *Suppression of the Counter-Revolutionary Movement in the Early Period of the Founding of the PRC*, Mass Publishing House, 1992 edition, p. 25. The “five counter-revolutionaries” are bandits, secret agents, bullies, reactionary party cadres, and reactionary gang leaders.

Note 52 Liu Shufa, ed. *Chen Yi's Chronicle*, People's Publishing House, 1995 edition, p. 623.

Note 53 Mao Zedong's *Manuscripts Since the Founding of the PRC*, Book II, Central Literature Publishing House, 1988 edition, p. 233.

Note 54 Mao Zedong's *Manuscripts Since the Founding of the PRC*, Book II, Central Literature Publishing House, 1988 edition, p. 234.

Note 55 Huang Kecheng's *Autobiography*, People's Publishing House, 1994 edition, p. 228.

Note 56 The General Office of the Ministry of Public Security of the People's Republic of China edits and prints *Selected Documents of the Party Central Committee and Chairman Mao on the Dictatorship of the Proletariat and the Question of Purge and Rebellion*, December 1958 edition, p. 49.

Note 57 The General Office of the Ministry of Public Security of the People's Republic of China edited and printed *Selected Documents of the Party Central Committee and Chairman Mao on the Dictatorship of the Proletariat and the Question of Purge and Rebellion*, December 1958 edition, p. 46.

Note 58 Huang Yao, Zhang Mingzhe and others, Luo Ruiqing, *Contemporary China* Publishing House, 1996 edition, p. 262, states that “Mao did not change a word of his instructions, and on the same day the instructions were decentralized for implementation by the whole party” . This is different from the Peng Zhen Annals. The chronicle is at 1:00 a.m. and was issued after Mao's revision.

Note 59 Selected Important Documents Since the Founding of the PRC, Book II, Central Literature Press, 1992 edition, pp. 36-37.

Note 60 Liu Fuzhi, Memoirs of Liu Fuzhi, Central Literature Press, 2010 edition, p. 146.

Note 61 Ministry of Public Security, Public Security History Materials Collection and Research Leading Group Office, Public Security History Materials, first series, 1989, p. 77.

Note 62 Ministry of Public Security, Public Security History Data Collection and Research Leading Group Office, Public Security History Materials, First Series, 1989, pp. 77-78.

Note 63 Mao Zedong's Manuscripts Since the Founding of the People's Republic of China, Volume II, Central Literature Publishing House, 1988 edition, p. 47.

Note 64 Yang Kuisong, Studies on the History of the Founding of the People's Republic of China (1), Jiangxi People's Publishing House, 2009 edition, p. 189.

Note 65 Yang Kuisong, “Study on the ‘Suppression of Counter-Revolutionary Movements’ in New China”, History Monthly, No. 1, 2006.

Note 66 Mao Zedong's Manuscripts Since the Founding of the PRC, vol. 2, Central Literature Press, 1988 edition, p. 296.

Note 67 Mao Zedong's Manuscripts Since the Founding of the PRC, 1988 edition, Central Literature Publishing House, p. 297.

Note 68 Resolutions of the Fourth National Public Security Conference, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Party History, Party Building, Politics and Industry of National Defense University, 1986 edition, p. 339.

Note 69 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 267.

Note 70 Resolutions of the Third National Public Security Conference, Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 296.

Note 71 Resolutions of the Fourth National Conference on Public Security, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Party History, Party Building, Politics and Industry of National Defense University, 1986 edition, p. 342.

Note 72 “Mao Zedong to Comrades Xiaoping, Shushi, Ziguang, Jianying, Zhongxun and to Comrades Bo and Gao Gang” (April 20, 1951), cited in Yang Kuisong, “Study on the ‘Suppression of Counterrevolutionary Movements’ in New China”, *Monthly Journal of History*, 2006, no. 1

Note 73 The General Office of the Ministry of Public Security of the People's Republic of China edited and printed *Selected Documents of the Party Central Committee and Chairman Mao on the Dictatorship of the Proletariat and the Anti-Revolution Purge*, December 1958 edition, p. 44.

Note 74 The General Office of the Ministry of Public Security of the People's Republic of China edits and prints *Selected Documents of the Party Central Committee and Chairman Mao on the Dictatorship of the Proletariat and the Lustration Issue*, December 1958 edition, p. 47.

Note 75 “Letter from Chen Dazhi, Secretary of the CPC Guizhu County Committee, to Chairman Mao,” CPC Huaxi District Party Committee Research Office, *Selected Historical Documents of the CPC Huaxi District (Volume I)*, 2007 edition, p. 120. According to a letter from Chen Dazhi, secretary of the Guizhu County Committee of the CCP, to Chairman Mao on June 12, 1951, reporting on the suppression of counterrevolution, Guizhu County, which had a total population of 222,669 (Letter from Chen Dazhi, Secretary of the Guizhu County Committee of the CCP, to Chairman Mao, CCP Huaxi District Party Committee Research Office, *Selected Historical Documents of the CCP's Huaxi District (vol. 1)*, 2007 ed., p. 117), sentenced 517 people to death (see CCP Letter from Chen Dazhi, Secretary of the Guizhu County Committee, to Chairman Mao, “Statistical Table on the Treatment of Counterrevolutionaries in Guizhou County,” CPC Huaxi District Party Committee Research Office, *Selected Historical Documents of Huaxi District (Volume I)*, 2007 edition, p. 119. According to the “Composition” item in the statistical table, there were 518 people.

Note 76 “Report of the Political Commissar of the Su Political Committee on the Suppression of Counterrevolution at the Joint Meeting of the Local Books” (June 2, 1951), Party History Research Office of the CPC Guizhou Provincial Committee and Guizhou Provincial Archives, *Selected Important Documents of Guizhou Province after the Establishment of the People's Republic of China (1951-1952)*, 2008 edition, p. 77.

Note 77 Report of the Su Political Committee on the Suppression of Counterrevolution at the Joint Meeting of Local Books (June 2, 1951), CCP Guizhou Provincial Party History Research

Office, Guizhou Provincial Archives (Museum), Selected Important Documents of Guizhou Province after the Founding of the Republic of China (1951-1952), 2008 edition, p. 78

Note 78 Guizhou Provincial Local Records Compilation Committee, Guizhou Provincial Records - Public Security Records, Guizhou People's Publishing House, 2003 edition, p. 524.

Note 79 Directives of the First Guizhou Public Security Conference on the Suppression of Counterrevolution (December 26, 1952), Selected Important Documents of Guizhou Province after the Founding of the PRC (1951-1952), edited by the Party History Research Office of the CPC Guizhou Provincial Committee and Guizhou Provincial Archives Bureau (Museum), 2008 edition, p. 438 Su Zhenhua already mentioned killing 29,003 people on June 2, 1951, but this instruction says “only 500 people were killed before August last year” . This seems to be a deliberate attempt to reduce the number of people to be killed.

Note 80 “Instructions of the First Public Security Conference of Guizhou Province on the Suppression of Counterrevolution” (December 26, 1952), Party History Research Office of the CPC Guizhou Provincial Committee, Guizhou Provincial Archives, Selected Important Documents of Guizhou Province after the Founding of the People's Republic of China (1951-1952), 2008 edition, p. 439.

Note 81 Compilation of Policy Limits and Related Documents on Crackdown and Purge, issued by the Secretariat of the Shaanxi Provincial Crackdown and Purge Work Conference, July 1961 edition, p. 24

Note 82 Luo Ruiqing, “Resolute Suppression of Counter-Revolution” , Criminal Law Teaching and Research Department of the People's University of China, Criminal Law of the People's Republic of China Reference Materials, Second Series, People's University of China, 1958 edition, p. 45.

Note 83 Public Security Historical Materials, first series, 1989, edited by the Office of the Leading Group for Collection and Research of Public Security Historical Materials, Ministry of Public Security, p. 77.

Note 84 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 47.

Note 85 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 37.

Note 86 《建国以来刘少奇文稿》第三册，中央文献出版社 2005 年版，第 205 页。

Note 87 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 294.

Note 88 The Selected Works of Mao Zedong (a bound one-volume edition), People's Publishing House, 1964 edition, p. 1395.

Note 89 Selected Documents of the Party Central Committee and Chairman Mao on the Dictatorship of the Proletariat and the Question of Purge and Rebellion, edited and printed by the General Office of the Ministry of Public Security of the People's Republic of China, December 1958 edition, p. 40

Note 90 The General Office of the Ministry of Public Security of the People's Republic of China edits and prints Selected Documents of the Party Central Committee and Chairman Mao on the Dictatorship of the Proletariat and the Lustration Issue, December 1958 edition, p. 40.

Note 91 The General Office of the Ministry of Public Security of the People's Republic of China edits and prints Selected Documents of the Party Central Committee and Chairman Mao on the Dictatorship of the Proletariat and the Lustration Issue, December 1958 edition, p. 30.

Note 92 Yang Kuisong, “Study on the ‘Suppression of Counter-Revolutionary Movements’ in New China”, in Historical Monthly, No. 1, 2006.

Note 93 Yang Kuisong, “New China's ‘Suppression of Counter-Revolutionary Movements’ ”, in Historical Monthly, No. 1, 2006.

Note 94 Mao Zedong's Manuscripts Since the Founding of the PRC, 1988 edition, Central Literature Press, pp. 36-37.

Note 95 “Instructions of the Central Committee on Correcting the Right-Leaning Bias in the Suppression of Counter-Revolutionary Activities”, Teaching Reference Materials on CCP History, Book XIX, edited by the Department of Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, p. 205.

Note 96 Selected Military Writings of Huang Kecheng, PLA Press, 2002 edition, p. 535.

Note 97 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 13.

Note 98 [Xinhua News Agency, Shaanbei 25] “Chiang Kai-shek and Others Should Be Classified as First Class War Criminals,” People's Daily, December 27, 1948, first page, headline.

Note 99 Yang Li, ed. The Red Rose with Thorns, CPC Guangdong Party History Research Office, 1997 edition, p. 95.

Note 100 Report of the Central Public Security Department on the National Public Security Conference to the Central Committee, CCP History Teaching Reference Materials, Volume XIX, edited by the Department of Party History, Party Construction, Politics and Industry, National Defense University, 1986 edition, p. 208.

Note 101 Guizhou Province Local Records Compilation Committee, Guizhou Province Records - Public Security Records, Guizhou People's Publishing House, 2003 edition, pp. 226-227.

Note 102 Ministry of Public Security, Public Security History Data Collection and Research Leading Group Office, Public Security History Materials, 1989, first series, p. 86.

Note 103 Mao Zedong's Manuscripts Since the Founding of the PRC, 1988 edition, Central Literature Publishing House, p. 296.

Note 104 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 296.

Note 105 Instructions of the CCP Central Committee on the Handling of Issues Involving Patriotic Elements of Democratic Parties and Democrats in the Suppression of Counterrevolution, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Party History, Party Building, Politics and Industry of the National Defense University, 1986 edition, pp. 258-259.

Note 106 Instructions of the CCP Central Committee on the Handling of Issues Involving Patriotic Elements of Democratic Parties and Democrats in the Suppression of Counterrevolution, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Teaching and Research on Party History, Party Building, Politics and Industry of the National Defense University, 1986 edition, p. 259.

Note 107 Mao Zedong Wenji (Collected Works of Mao Zedong), Volume VI, edited by the Documentation Research Office of the CPC Central Committee, People's Publishing House, 1999 edition, p. 122.

Note 108 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 352.

Note 109 Provisions of the CCP Central Committee on the Care and Leniency for the Families of Senior Democrats in the Land Reform and Crackdowns, CCP History Teaching References, Volume XIX, edited by the Department of Party History, Party Building, Politics and Industry of the National Defense University, 1986 edition, p. 319.

Note 110 “Provisions of the CCP Central Committee on the Care and Leniency for the Families of Senior Democrats in the Land Reform and Crackdown” , CCP History Teaching Reference Materials, Book XIX, National Defense University, Party History, Party Building, Politics and Industry Teaching and Research Department, 1986 edition, p. 319.

Note 111 “Provisions of the Central Committee of the Communist Party of China on the Care and Leniency for the Families of Senior Democrats in Land Reform and Crackdowns” , CCP History Teaching Reference Materials, Book XIX, edited by the Department of Teaching and Research on Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, pp. 319-320.

Note 112 “Instructions of the Central Committee on Correcting the Right-Leaning Bias in Suppressing Counter-Revolutionary Activities” , CCP History Teaching Reference Materials, Book XIX, edited by the Department of Party History, Party Building, Politics and Industry of National Defense University, 1986 edition, p. 205.

Note 113 Anhui Province Local Records Compilation Committee, Anhui Province Zhi-Public Security Zhi, Anhui People's Publishing House, 1993 edition, p. 179.

Note 114 Instructions from the Central Committee to the Northwest Bureau on the Suppression of Counterrevolution (February 7, 1951), Liu Shaoqi's Manuscripts Since the Founding of the PRC, Volume III, Central Literature Publishing House, 2005 edition, pp. 81-82

Note 115 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Press, 1988 edition, p. 219.

Note 116 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 375.

Note 117 Resolutions of the Fourth National Public Security Conference, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, p. 339.

Note 118 Anhui Provincial Local Records Compilation Committee, Anhui Provincial Records - Public Security Records, Anhui People's Publishing House, 1993 edition, p. 179.

Note 119 Anhui province local records compilation committee, Anhui province records - public security records, Anhui people's press, 1993 edition, p. 179.

Note 120 Yang Kuisong, Studies on the History of the Founding of the People's Republic of China (1), Jiangxi People's Publishing House, 2009 edition, p. 209.

Note 121 “Report of the Political Commissar of the Su Political Committee on the Suppression of Counterrevolution at the Joint Meeting of the Ground Book” (June 2, 1951), CPC Guizhou Provincial Party History Research Office and Guizhou Provincial Archives (Museum), Selected Important Documents of Guizhou Province after the Founding of the PRC (1951-1952), 2008 edition, p. 78

Note 122 Report of the Su Political Committee on the Suppression of Counterrevolution at an Enlarged Meeting of the Provincial Party Committee (June 1, 1951), Selected Important Documents of Guizhou Province after the Founding of the PRC (1951-1952), edited by the Party History Research Office of the CPC Guizhou Provincial Committee and the Guizhou Provincial Archives Bureau (Museum), 2008 edition, p. 74.

Note 123 Resolutions of the Fourth National Public Security Conference, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, p. 338.

Note 124 Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Teaching and Research on Party History, Party Construction, Politics and Industry, National Defense University, 1986 edition, p. 205.

Note 125 For example, the Forty-seventh Army executed more than 4,600 people; Henan killed 3,000; East China killed 2,911; and Mao Zedong said in a telegram to the Guangdong head of

the South China Branch on January 22, “You have killed more than 3,700 people” . (See Yang Kuisong, *Studies on the History of the Founding of the People's Republic of China* (1), Jiangxi People's Publishing House, 2009 edition, p. 189).

Note 126 Handbook of Judicial Work, Book I, compiled and printed by the Northeast Branch of the Supreme People's Court, October 1953 edition, p. 196

Note 127 Shi Liang, “Resolutely and Correctly Suppressing All Counter-Revolutionary Activities” , *People's Daily*, February 24, 1951, third edition.

Note 128 Judicial Workbook, Book I, compiled and printed by the Northeast Branch of the Supreme People's Court, October 1953 edition, p. 196

Note 129 Li Guangchan and Wang Shui, “Criticizing the Old Law Viewpoint in the People's Legal Work,” *Study*, No. 7, 1952, p. 18.

Note 130 Anhui Province Local Records Compilation Committee, *Anhui Province Zhi-Public Security Zhi*, Anhui People's Publishing House, 1993 edition, p. 177.

Note 131 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 116, note [1].

Note 132 Shi Liang, “Resolutely and Correctly Suppressing All Counter-Revolutionary Activities,” *People's Daily*, February 24, 1951, third edition.

Note 133 *Compilation of Historical Documents on Judicial Administration of the People's Republic of China*, Law Press, 1987 edition, p. 329. The directive stated that since the promulgation of the Regulations on the Punishment of Counter-revolutionaries, counter-revolutionary criminals sentenced to imprisonment in various places were not allowed to appeal, while some were still allowed to appeal, and the methods were quite inconsistent. It was hereby decided at a meeting of the relevant organs of the Central Government that counter-revolutionaries sentenced to imprisonment, like those sentenced to death, would not be allowed to appeal, but would still have to be submitted for review, and this is hereby notified for the information of all parties concerned, and forwarded to the courts at the county (municipal) level for their information.

Note 134 *General Rules for the Organization of the People's Courts* (July 20, 1950), *Nineteenth Book of Reference Materials for Teaching CCP History*, edited by the Department of

Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, pp. 171-172.

Note 135 The Criminal Law Teaching and Research Department of the People's University of China, Criminal Law Reference Materials of the People's Republic of China, Second Series, edited by the People's University of China, 1953 edition, p. 16.

Note 136 Handbook of Judicial Work, Book I, edited and printed by the Northeast Branch of the Supreme People's Court, October 1953 edition, p. 210

Note 137 Judicial Work Manual, Book I, compiled and printed by the Northeast Branch of the Supreme People's Court, October 1953 edition, p. 196

Note 138 Judicial Work Manual, compiled and printed by the Northwest Branch of the Supreme People's Court, March 1954 edition, p. 185

Note 139 Judicial Work Manual, Book I, compiled and printed by the Northeast Branch of the Supreme People's Court, October 1953 edition, p. 196

Note 140 Selected Materials on the History of the Dalian Courts (II), edited by the Office of the Leading Group of the Intermediate People's Courts of Dalian, Liaoning Province, February 1987 edition, p. 99.

Note 141 Article 19 of the Regulations of the People's Republic of China on Punishing Counter-Revolution.

Note 142 He Lanjian and Lu Mingjian, editors, Trial Work in Contemporary China (above), Contemporary China Press, 1993 edition, p. 228.

Note 143 Political and Legal Records of the Communist Party of China in Liaoning Province (1945-1985), 1996 edition, p. 83.

Note 144 Shi Liang, "Resolutely and Correctly Suppressing All Counter-Revolutionary Activities," People's Daily, February 24, 1951, third edition.

Note 145 The Reference Materials for Teaching CCP History, Book XIX, edited by the Department of Party History, Party Building, Politics and Industry, National Defense University, 1986 edition, p. 207.

Note 146 Shi Liang, “Resolutely and Correctly Suppressing All Counter-Revolutionary Activities,” *People's Daily*, February 24, 1951, third edition.

Note 147 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Press, 1988 edition, p. 352.

Note 148 Liu Shaoqi's Manuscripts Since the Founding of the PRC, Book III, Central Literature Press, 2005 edition, p. 81.

Note 149 Anhui Province Local Records Compilation Committee, *Anhui Provincial Records - Public Security Records*, Anhui Provincial People's Publishing House, 1993 edition, p. 176.

Note 150 Mao Zedong's Manuscripts Since the Founding of the PRC, Book II, Central Literature Publishing House, 1988 edition, p. 267.

Note 151 Resolutions of the Fourth National Conference on Public Security, Book XIX of Reference Materials for Teaching CCP History, edited by the Department of Party History, Party Building, Politics and Industry of National Defense University, 1986 edition, p. 339.

Note 152 Liu Shaoqi's Manuscripts Since the Founding of the PRC, Book III, Central Literature Publishing House, 2005 edition, p. 53.

Note 153 Instruction on the Rapid Clearance of Undecided Persons in Detention for Separate Treatment (February 5, 1951), *Selected Important Documents of Guizhou Province after the Founding of the PRC (1951-1952)*, edited by the Party History Research Office of the CPC Guizhou Provincial Committee and Guizhou Provincial Archives Bureau (Pavilion), 2008 edition, p. 10.

Note 154 Report of the Su Political Committee on the Suppression of Counterrevolution at an Enlarged Meeting of the Provincial Committee (June 1, 1951), *CPC Guizhou Provincial Party History Research Office and Guizhou Provincial Archives Bureau (Museum), Selected Important Documents of Guizhou Province after the Founding of the PRC (1951-1952)*, 2008 edition, p. 75.

Note 155 Liu Shaoqi's Manuscripts Since the Founding of the PRC, Book III, Central Literature Publishing House, 2005 edition, p. 53.

Note 156 Handbook of Judicial Work, Book I, compiled and printed by the Northeast Branch of the Supreme People's Court, October 1953 edition, p. 196

Note 157 Hunan Provincial Local Records Compilation Committee, Hunan Provincial Records of Politics and Law - Trial, Hunan Publishing House, 1995 edition, p. 256.

Note 158 The Political and Legal Records of Liaoning Province of the Communist Party of China (1945-1985), 1996 edition, p. 84.