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CHINA'S ATTEMPT TO
MUZZLE THE FOREIGN
PRESS

An Account of the Endeavours of
Nanking to Suppress the
Truth about Affairs
in China

WHAT THIS PAMPHLET IS ABOUT

FOR the second time in its history, and within a comparatively short time of the first occasion, the "North-China Daily News," together with its weekly edition, the "North-China Herald," has been arbitrarily banned from the Chinese Posts. That the move was designed completely to wreck the business of the newspapers in question is evidenced from the fact that at the time this step was decided on, it was also planned to make the ban completely effective by forbidding the Customs to allow the papers to be exported in bulk for circulation abroad. This, however, was not done and save for some inconvenience most of the foreign circulation has been maintained.

At the same time that this decision was taken, the Nanking Government also approached the American Minister asking him to order that Mr. Geo. E. Sokolsky, a contributor to the "North-China Daily News," of whose writings the Nanking authorities complained, should leave China.

In addition to these steps, the Nanking Government on May 11, 1929, issued an order forbidding officials in its service to read the two papers, threatening that offenders would be treated as counter-revolutionaries. Street sales outside the International Settlement and the French Concession of Shanghai have been stopped and the sale of the paper at the bookstalls of the two local railway stations has likewise been forbidden.

This pamphlet gives details of the illegal attack on the liberty of the foreign press and its correspondents (illegal because action has never been taken in Court or elsewhere) and reprints independent press opinions on the autocratic action of Chinese despots in Nanking.

SHANGHAI is under the joint government of the principal nations of the world, and by preventing the Chinese Post Office from carrying out its normal duties, so far as Shanghai is concerned, the Chinese Government is illegally cutting off this city from communication with other countries.

NANKING AND THE "NORTH-CHINA DAILY NEWS"

An Attempt to Muzzle the Foreign Press and to Control the Writings of Foreign Correspondents

Not content with severely censoring the native press of China, the Nanking Government is now embarking on a course of action calculated to prevent anything but their version of Chinese affairs coming before the public of the world. The Chinese press dare publish nothing in the nature of criticism of the government, nor of the Kuomintang party, which in effect is in complete control of the destinies of the country. And an attempt is now being made to prevent foreign journalists writing anything about China which is not favourable to the policies and actions of the government.

Censorship of foreign correspondents in China is difficult. It is possible to keep a careful watch on cabled despatches from Nanking, for from that city communications are carried on the Chinese Telegraphic Administration's wires and can be mutilated or completely held up at the discretion of the censors. But in the treaty ports, especially Shanghai, where foreign telegraphic services are not under Chinese censorship it is possible for foreign newspapermen to cable their reports to their head offices without let or hindrance. That, and paucity of accommodation in Nanking, are two chief reasons why correspondents prefer to remain in Shanghai, making only occasional visits to the capital.

Attempts at Expulsion

Failure thus to be able to control the foreign correspondent has led to the Chinese Government's adoption of a new scheme, namely, to endeavour to bring about the expulsion from the country of all journalists whose writings do not find favour in the eyes of the party. In this connection four American journalists have been singled out for attack:—Messrs. Rodney Gilbert, well known as the author of "What's Wrong with China?" Geo. E. Sokolsky, a contributor to the "North-China Daily News" and editor of the "Far Eastern Review," Hallett Abend, correspondent in Peking for the New York "Times" and Charles Dailey, correspondent for the Chicago "Tribune" in the same city. Up to the present, only in

the case of Mr. Sokolsky have matters gone much beyond threats, but in that gentleman's case the Nanking Government has formally addressed complaints to the American Minister in Peking asking that he should be expelled from the country. No action has as yet been taken by the diplomatic authorities of the United States, though the intentions of the Nanking Government have been made amply manifest.

What Britain has done

With regard to foreign newspapers the Chinese government, ignoring treaty provisions, particularly in the case of British newspapers, which provide for the punishment of newspapers in the case of certain offences, has taken the disciplining of the foreign press into its own hands.

Britons living in China are subject to the jurisdiction of British Consular Courts in which the Laws of England are applied, with such modifications as may have been found expedient through experience in the past. Such a modification is found in the China Order in Council, 1925, Art. 80, sub-sec. 3:—

"Matter calculated to excite tumult or disorder, or to excite enmity between His Majesty's subjects and the government of China, or the authorities or subjects of any Power in amity with His Majesty, being within the limits of this order, or between the Government of China and its citizens shall be deemed to be seditious matter within the meaning of this Article."

(4) An offence against this Article shall not be tried except on a charge and by the Supreme Court.

Severe Punishment Provided

It will be seen then that the publication of anything inimical to the friendly relations between Great Britain and China is deemed to be seditious and may be punished as such by the British Supreme Court in China. The punishments under the same Order in Council seem to include, after requirement to give security to abstain from printing, publishing or offering for sale such matter in the future, and upon failure to do so, or a repetition of the offence, the prohibition of the company from further carrying on business within the limits of the order, and the forfeiture of the property of the company to His Majesty the King subject to general or special directions of the Secretary of State for Foreign Affairs.

The punishments, therefore, seem remarkably severe, sufficient not only to put a newspaper, properly conducted, on its guard against committing such an offence, but providing for

the punishment of offenders to an extent which should be quite sufficient to meet even the requirements of the Chinese authorities.

Imposition of the First Ban

These latter, however, following a precedent established in 1927, have chosen to resort not to the constitutionally provided means for obtaining the righting of any wrongs they may have suffered but to wholly improper methods. In that year the commander of the district in which Shanghai is situated took offence at certain criticism appearing in the "North-China Daily News" and ordered the Chinese Postal Service to refuse to accept that newspaper and the "North-China Herald," its weekly edition, for transmission through the mails. To the surprise of most people the postal authorities, who are answerable only to the Chinese Government and not to regional commanders, obeyed these instructions, with the result that for some weeks mail facilities were denied the above-mentioned papers. The total effect of this ban was to give the circulation department no little inconvenience in getting the newspaper out of Shanghai. Once that was done, however, the Chinese posts carried it as usual, clearly demonstrating that the instructions were purely local and observed by the Postal Service in a purely local interpretation. This stoppage was eventually removed and from 1927 until May, 1929, the two newspapers were carried in the Chinese mails without any trouble.

Towards the end of 1928, however, following upon the passing of Peking into the control of the Nationalist Government, and the intensification of the anti-Japanese boycott, an order was issued banning the Japanese owned, Chinese language newspaper, the "Shun Tien Shih Pao" from the mails. Some little while later the same procedure was adopted in connection with the American owned newspaper, the "North China Star," an organ which had been notoriously pro-Kuomintang. The ground of complaint was the publication of an article written by Mr. C. D. Bess of the United Press. No action appears to have been taken against Mr. Bess, and the orders against the newspaper in question were withdrawn after some weeks.

The Second Attack

The first overt indications of another attack on the "North-China Daily News" appeared about the beginning of April and were dealt with in an editorial article on the 11th of that month in the "North-China Daily News" under the title "Freedom of the Press." Seven days later at a meeting of the

Standing Committee of the Central Executive Committee at Nanking it was decided to ban the "N.-C.D.N." and the "Herald" from the posts, and, if necessary, order the Customs to assist in preventing the circulation of the newspapers abroad.

The reasons for this action, as contained in a Reuter's telegram of April 18, were that the "North-China Daily News" had been anti-Kuomintang and had deliberately attacked the Central Government in spite of repeated protests of the Ministry of Foreign Affairs. For the same reason it was decided to ask the American Minister to expel Mr. Geo. E. Sokolsky from the country.

No Protests Received

It should be said that no protests of any nature have ever been received from the Ministry of Foreign Affairs by the "North-China Daily News" or the "North-China Herald."

Nor does there appear to have been any protest whatever lodged with the British Consular authorities, until after the ban had actually been imposed.

Nothing happened from April 18 until May 4, when early in the morning, the usual delivery of newspapers to be circulated by mail were taken to the Post Office. The Post Office refused to accept delivery, stating that that was according to the orders received from the Postal Commissioner. No notification of the withdrawal of mail facilities had been received by the "North-China Daily News" up to that time, and in fact was not received until some hours after the actual refusal had taken place. Consequently, since May 4 the circulation of the two newspapers outside Shanghai has been achieved only at the cost of great inconvenience and some doubt as to whether subscribers in the outports and abroad are receiving as complete a service as it is the ambition of the papers in question to maintain.

What Are the Charges?

What are the charges upon which this action of the Nanking Government is based? If they exist they have at no time been communicated to this paper in any official manner whatsoever. The alleged protests of the Ministry for Foreign Affairs have never been made in a way calculated to reach the attention of the editor, nor is there any evidence that anything in the nature of an official communication was ever made to the British Consular authorities prior to the institution of the ban. If the Nationalist Government has any case whatsoever against the "North-China Daily News"

it has never been presented in any form which would allow the paper to make its defense.

What Must People Think?

The above being the facts so far as the "North-China Daily News" knows them, what are the conclusions to be drawn from the action of a government which demands the restoration of juridical equality with the other nations of the world, which has for years insisted that its judicial system is sufficiently advanced to justify foreigners living within the confines of China being entrusted to its operation? In the first place the action of the Chinese government is lawless in nature. Under the Sino-British treaties, which still exist, a type of writing has been classed as seditious, not because it is *mala per se*, but made *mala prohibita*, by a British ordinance designed to give the fullest possible effect to the treaties. Thus we find that the publication of anything calculated to injure the friendly relations existing between Great Britain and China can and shall be dealt with by the British Courts. It is to be assumed that upon proper representations being made to the Crown, proceedings can be taken to put the "North-China Daily News" on its defence and, if found guilty of the offence charged, it can be placed under security not to repeat the offence, failing which punishment might go even to the confiscation of the whole of the newspaper's property.

Difficult Action to Defend

Nor would such an action be at all easy to defend, for it would appear to be no defence that the statements published were true in substance and in fact, if the Court decided that their publication did in truth jeopardize the relations existing between China and Britain. The only defence the paper would have would be one solely within the discretion of the Court to accept—that nothing inimical to friendly relations had been done.

It will be seen, then, that in drafting the order in council calculated to give full effect to the treaty, the Crown used the widest possible language designed to afford every assistance to the Chinese in prosecuting any such complaint against a British subject. There is not in any of the codes of China any such similar provision for the punishment of a Chinese newspaper found in a similar position.

But despite this, the Chinese government, adopting a course of action, which in the circumstances can be described as nothing but lawless, has taken matters into its own hands, has shown a complete contempt for proper procedure and has

created a situation which would be impossible in any civilized country. The Chinese government by its action has shown itself in this instance as in many others wholly unprepared for the abolition of extraterritorial rights.

How About Other Undertakings?

What would be the position of other big undertakings in China if similar procedure were adopted? It would be possible to deny the mail to some important import and export firm, thereby severely hampering it in its business, and possibly even ruining it. It would be possible to ruin a firm by denying it the right to pass anything through the Customs: it would place in the hands of an executive which knows little of law and wants to know less when such suits its purposes, a weapon against which there could be no possible remedy. For we should like to see the fate of mandamus proceedings in a Chinese Court calling upon the Chinese government to do certain acts which it was its legal duty to perform.

There exists then, this present danger, a danger which threatens every foreign undertaking in China, even during the existence of extraterritoriality, a danger that by lawless executive action by Nanking, any undertaking which has incurred the dislike of someone or other in Nanking, can be put out of business. What would happen for instance, if the Nanking Government decided to deny Customs facilities to the Shanghai Electricity Undertaking, and then seized its coal importations on the ground that it was smuggling? A far-fetched argument? The case of the "North-China Daily News" has only to be viewed logically in all its implications to realize that, extraterritoriality or not, the fate of every foreign institution in China is wholly dependent on the whims and vagaries of the gentlemen at present in power in Nanking.

The various articles, telegrams and letters referred to in the foregoing follow.

The following leading article, published in the "North-China Daily News" on March 29 is one of the grounds of complaint:—

THE PITY OF IT!

For months past close observers of Chinese events have felt that war must come, and still have hoped against hope that it might be averted. They told themselves that the pressure of public opinion was too strong now for any general to risk the odium that would fasten on the man who dared to make war. But public opinion has proved as useless as ever. The long-smouldering jealousies of Nanking and the Kuangsi party have burst into flame. So far back as the Financial Conference of last June the Wuhan Government has shown plainly that they meant to keep the management of their affairs in their own hands and in essentials they have never given in. Skilful tactics employed in the formation of the Five Council Government last October enable General Chiang Kai-shek to denounce the three Kuangsi leaders as rebels: they "are found to have been haughty and to have committed acts in the past without due respect to the law;" "these three rebels are obstacles to the People's Revolution and traitors to the Three Principles;" "the peaceful motives of the National Government have made these rebels more haughty and uncontrollable." So they are cashiered and ordered to be arrested for investigation and punishment, and the Government's troops are to advance to the attack.

But technical claims deceive nobody. To the onlooker there is nothing to choose between Wuhan and Nanking. Indeed many will incline to think that General Chiang Kai-shek's own ambition is the root cause of all troubles. His recently published utterances fill one with amazement. The Son of Heaven never spoke more grandiloquently, never demanded more unquestioning submission. And Chinese ask themselves who after all is General Chiang, and in what does the boundless authority he claims over all others consist. His arrest of General Li Chi-sen sticks in all throats. To accuse General Li of plotting revolt is manifestly absurd: had he been guilty, he would never have trusted himself so freely and frankly within the walls of Nanking. From the moment, too, of his arrival in Shanghai, General Li plainly threw all his weight on the side of a settlement. In interviews he gave his personal assurance that there should be no fighting. But as soon as he arrived in Nanking he was virtually a prisoner. He could never talk freely to his friends; his letters were read; even in the Congress he was surrounded with spies. Finally, he gave himself up, preferring actual imprisonment to sham freedom. It is a black story and one can only pray it has not had the blacker ending which was so persistently reported yesterday.

What the outcome will be, where the fighting will spread to before it is over, no one can tell. A swift, sudden stroke by Nanking might have finished the matter before Kuangsi had collected itself; but in such a country as China strategy is slow and lumbering. The South is furious at Li Chi-sen's arrest and prepares to march an army into Hunan. Whether it succeeds or

not, the mere attempt gives the Communist leader Chu Mao an opening to descend from the hills and harry Fukien. For all that one can tell similar risings might be tried in Kiangsu and Chêkiang. In the north, the Nationalists have been driven from Chefoo by Chang Chung-chang and all the peace of Shantung, such as it was, is threatened. Moreover, throughout Anhui and southern Honan the brigand forces will reassert themselves, as the pressure of operations against them is removed owing to the war on Wuhan. Though General Feng Yu-hsiang delays to declare himself, it is impossible that he should not be drawn in presently. Here are elements of discord which may keep China in anarchy and civil war and wretchedness indefinitely.

The failure to arrive at a settlement by peaceful means is, in all the circumstances of the case, a monstrous crime. What, at bottom, is the quarrel, but whether Hupeh and Hunan should have the spending of their money or hand it over to Nanking? And although we hold no brief of any kind for the Wuhan Government, whose record is as bad as that of most provincial authorities, Nanking has no such reputation for the management of the money it has had as to entitle it to be trusted with more. In the heat of this miserable exhibition of self-seeking, the welfare of the Chinese people counts for naught. The Third Party Congress issues a manifesto of 5,000 words, dwelling on the Kuomintang's solicitude for the people's sufferings. For practical purposes, these professions are not worth 5,000 cash. We have no caste in China, but the Brahmin's contempt for the "depressed classes" of India is not greater than the indifference with which the Chinese intelligentsia regard their humbler countrymen. There are individual exceptions, of course. We speak of mass thinking and general effects. From the outset, Nationalism's failure and withering disappointment has been due to its utter inability to take first things first. When Peking fell, any statesman would have seen that large constitutional questions were of secondary importance and must wait. The first essential was to restore order, cut down the army and reduce taxation, for which purpose such machinery of government as still existed within each province might have been utilized, each working independently in its own domain, though towards a certain broadly defined plan. As an illustration of what needs to be done, we heard only yesterday of a band of Kompo brigands descending on Tsungming Island, where, having cleaned out their own country north of the river, they were last reported to be living on the villagers with cruel oppression. That sort of thing is going on all over China. But who cares? The insensate squabbles of the politicians and militarists as to which shall be greatest among them, blinds them to all considerations of humanity. And Nationalist patriotism displays itself in fine speeches, in five-thousand-word manifestoes, in posturing for the deception of foreign Powers, in anything but hard work and practical thought for their country.

On April 11, the following was published in the "North-China Daily News" on extracts from the Chinese papers foreshadowing an attack on the foreign press:—

FREEDOM OF THE PRESS

Our attention has been drawn to two practically identical statements appearing in yesterday's Chinese papers, translations of which follow. Both statements are given as telegrams from Nanking:

From the "Sinwanpao"—The headquarters of the Kuomintang has communicated with the Ministry of Foreign Affairs asking that the Commissioners for Foreign Affairs in the various provinces be instructed to notify the foreign newspapers that special care should be paid when writing leading articles, otherwise restrictive measures would be adopted to deal with them.

From the "China Times"—In view of the insulting articles appearing in foreign newspapers at Shanghai, Peking and Tientsin, the writers not having first secured a thorough knowledge of the organization of the Kuomintang and the policy of the National Government, the headquarters of the Kuomintang has ordered the Ministry of Foreign Affairs to instruct the Commissioners for Foreign Affairs in various provinces to notify the foreign newspaper offices in their respective districts to pay serious attention to their articles; otherwise restrictions will be enforced.

For a number of reasons we do not think this announcement need be taken too seriously. Still, under the new instrument of government which was put into effect last October, the Kuomintang are declared to be the source of all authority, and the threat cannot be ignored. So far as this paper is concerned we wish to make it quite plain that "special care" and "serious attention" are and have always been paid to the writing of its leading articles, and that the same care and attention will continue to be used, neither more nor less; nor is this paper to be intimidated from speaking out where plain speech is needed.

There has never been any thought in the "N.-C. Daily News" but to serve the best interests of China in common with those of foreign residents in China, who obviously cannot prosper if she does not. To this end there was never a time when free unprejudiced criticism, based on careful consideration of all facts, was more needed than it is now. Since the Nationalists broke with Communism, we have been specially on the watch for any improvement that might be welcomed, any sign of solid work that could be praised, and we have made every possible allowance for shortcomings. So we shall continue to do. But we are certainly not going to pretend that all is for the best in the best of all possible worlds, nor refrain from censure in matters which go to funda-

mental principles such as the total failure of law in China to protect the individual, illustrated by the seizure of the Chung Hsing mines, the China Merchants S. N. Co., the Sheng Kun-pao fortune, the expropriation of defenceless householders for the Chung Shan Road and the flagrant manipulation of the Provisional Court. These things are wrong: and no knowledge of the organization or policy of any party is necessary to see that no administration which tolerates them can hope to prosper. There is no effective opposition to keep a check on the Government and the Chinese press is muzzled. Only this week we have been told how, immediately after the Nanking forces' arrival in Hankow, one paper which favoured Wuhan was suppressed, while another, which had been shut up for being pro-Nanking, was resuscitated. Even in Shanghai the Chinese papers dare not speak out. We know well that great numbers of the Chinese look to this paper to ventilate abuses on which their own are silent, and to the best of its ability the "N.-C. Daily News" will seek to deserve their confidence as it has tried to do for over three-quarters of a century.

Decision was taken on April 18, to ban the "North-China Daily News" and the "North-China Herald" and push for the expulsion from China of Mr. Geo. E. Sokolsky.

Nanking, April. 18.

At the meeting of the Standing Committee of the Central Executive Committee to-day, the question of the "North-China Daily News" was brought up for discussion.

It is stated that the decision of the meeting was that the "North-China Daily News" has been anti-Kuomintang and has deliberately attacked the Central Government in spite of the repeated protests of the Ministry of Foreign Affairs.

It was decided, therefore, that the Ministry of Foreign Affairs be instructed to make strong representations to the American Minister in Peking, asking him to call on Mr. George Sokolsky, a correspondent of the "North-China Daily News," to leave the country.

In the meantime, the circulation of the newspaper through the Post Office will be prohibited.

The Customs will also be asked to co-operate in stopping the circulation of the "North-China Daily News." In previous cases, the "North-China Daily News" has used the local steamers to distribute copies of the paper by shipping them in bulk as freight. Now the Customs will be called upon to search all out-going steamers at Shanghai to make sure that no copies of the "North-China Daily News" can be distributed through the same channel.—*Reuter.*

On the foregoing, the "Peking and Tientsin Times" (Tientsin) published the following comment on April 20:—

FREEDOM OF THE PRESS

A cable which appears in this issue announces that the Standing Committee of the Central Executive Committee of the Kuomintang has decided to demand that Mr. George E. Sokolsky, an American journalist who contributes frequently to the columns of the "North-China Daily News" be requested to leave China, and that in the meantime the Post Office is to be instructed to refuse transmission of copies of that paper, and the Customs authorities have been ordered to prevent circulation through bulk shipments from Shanghai by steamer. The reasons given for this action are that the "North-China Daily News" attitude has always been anti-Kuomintang, and that it has deliberately attacked the Central Government, in spite of repeated protests from the Ministry for Foreign Affairs. An agitation for the repression of the "North-China Daily News" has, apparently, been in progress at Party Headquarters for some time. Particular offence seems to have been given by its outspoken denunciations of the Provisional Court scandals. And the climax appears to have been reached when Mr. Sokolsky contributed a series of obviously well-informed articles on the inner history of the Third Party Congress. In these articles he asserted that the real control over the Congress was exercised by Mr. Chen Kuo-fu, Chairman of the Organization Department, and a nephew of the late General Chen Chi-mei. The reason for the repeated postponement of the holding of this Congress was, he said, the certainty that a genuine election would result in the return of a Left Wing Majority—"Left Wing" being defined, not as "Red" but simply as comprising those members of the Kuomintang who were not willing to accept the dominance of General Chiang Kai-shek. He described in detail, how the Congress was actually "packed," 294 out of the 356 Delegates having been appointed by the Organization Department, and particular pains being taken to exclude all Left Wing representatives and Communists. The Congress was, in fact, controlled by Mr. Chen Kuo-fu. It achieved nothing except the authorization of the anti-Kwangsi campaign and the giving a semblance of legality to General Chiang Kai-shek's position. And had the Chen family had their own way measures would have been adopted by which the mere swearing of an affidavit by any local Party Headquarters would have sufficed to ensure the conviction of any person charged with being a counter-revolutionary.

Nine days ago our Shanghai contemporary drew attention in a leading article to the appearance in two of the leading Chinese journals of practically identical statements to the effect that Kuomintang Headquarters had instructed the Commissioners for Foreign Affairs in Shanghai, Peking and Tientsin to notify the various foreign newspaper offices in their respective districts that restrictive measures would be adopted against them, unless they took special

care in the writing of their leading articles. The "North-China Daily News" took up the challenge, asserted that "special care" and "serious attention" were always devoted to the writing of its leading articles, and added that there never was a time when free, unprejudiced criticism, based on careful consideration of the facts, was more needed than now. It was not, it said, going to refrain from censure in matters which go to fundamental principles, such as the total failure of law in China to protect the individual. Hence the recently imposed ban.

We are, apparently, on the eve of a systematic attempt to muzzle the entire foreign Press in this country. Without any legal process, without any formal charges, and in complete disregard of Treaty rights, and international postal obligations, a small clique at Nanking is seeking to prevent any journal printed in China from telling the truth about the actual situation. A local American contemporary, notorious—often unfavourably notorious—for its pro-Nationalist sympathies, was recently banned from the posts for weeks on end. Now the experiment is to be tried upon the largest British newspaper in the country. And the small-minded men responsible for this flagrant interference with the liberty of the Press doubtless expect that truth will be "put to the worse" by this insidious and illegal prohibition. But they are mistaken, and grievously mistaken. The ban placed upon the "North China Star" raised questions of principle far wider than would have been expected from this arbitrary treatment of a local foreign newspaper. It became the subject of diplomatic representations in Nanking and in Washington. And leading American newspapers espoused the cause of the freedom of the Press. "The friends of the Nationalists" wrote the New York "Times," "had given the world to believe—or to hope—that they would be more liberal with respect to the Press. But this has not turned out to be the case. As a result, it is difficult to obtain accurate news from any of the Chinese-language newspapers. By reaching out to muzzle the foreign-language, as well as the native Press, the Nationalists make a bad matter worse." That will be the considered opinion of every responsible European and American journal regarding the latest action of the Central Executive Committee.

The action taken by this Committee against the "North-China Daily News" is a flagrant violation of Treaty rights. Under existing Treaties no Chinese authority can claim or exercise jurisdiction over a British newspaper. Special provisions, designed to prevent the abuse of this exemption from Chinese jurisdiction on the part of British newspapers are contained in the 1925 Order in Council, making it "a grave offence" to print, publish, or offer for sale any printed or written newspaper or other publication containing seditious matter, and a further provision defines as "seditious matter," matter "calculated to excite tumult or disorder, or to excite enmity between His Majesty's subjects and the Government of China." Charges under this heading can only be tried by the British Supreme Court. And this Tribunal would

not, of course, interpret as seditious matter, articles dealing with notorious abuses in the Shanghai Provisional Court, or narratives, even if inaccurate in some particulars, of the proceedings of a body such as the Third National Congress. The British Government never intended to destroy the liberty of the British Press in China, but only to prevent its abuse.

The action of the Central Executive Committee is also a flagrant violation of the conditions accepted by China when the Treaty Powers agreed to withdraw their Post Offices from this country. This concession was only made subject to the conditions that an efficient Chinese postal service would be maintained, and an assurance that the Chinese Government contemplated no change in the present postal administration so far as the status of the foreign Co-Director General is concerned. It is, of course, incredible that any of the Treaty Powers would have agreed to the withdrawal of their Post Offices, had it been suggested that the machinery of the Chinese Postal service could be arbitrarily and spitefully employed for the suppression of Foreign newspapers which had been guilty of no offence whatsoever against their national laws.

The inexperienced and intolerant politicians who are responsible for this attack upon the liberty of the Press may fancy that truth will be vanquished by their action. But they could not make a more egregious mistake. The effect will be that every newspaper whose existence is still tolerated in China will be regarded with suspicion and distrust. In Europe and America, the belief will gain ground that only such papers as pander to the Nanking Government, conceal its shortcomings, and suppress, falsify or garble the truth, are permitted to circulate freely within and outside of China. Such little confidence as now exists in the National Government will wither. History has shown that wherever a power is despotic or corrupt it resorts at once for its defence to attacks upon the Press. As an eminent British historian put it:

"When the Press errs, it is by the Press itself that its errors are left to be corrected. Repression has ceased to be the policy of rulers, and statesmen have at length fully realized the wise maxim of Lord Bacon, that the punishing of wits enhances their authority, and a forbidden writing is thought to be a certain spark of truth that flies up in the faces of them that seek to tread it out."

The attack on Messrs. Charles Dailey and Hallett Abend, was reported in the "Shanghai Evening Post" on May 1:—

DEPORTATION OF FOREIGN CORRESPONDENTS

A move on the part of members of the Central Executive Committee of the Nanking Government for the deportation of two American correspondents on the grounds that they were sending news back to their papers in the United States which, the Committee feels, was detrimental to the Nanking Government in the eyes of the American reading public, became known locally to-day.

The two correspondents are Mr. Charles Dailey of the Chicago "Tribune," and Mr. Hallett Abend of the New York "Times." Both correspondents reside at Peiping, but were recently in Shanghai. Mr. Dailey is said to have incurred the displeasure of the Nanking Government over a speech which he delivered recently at the Manila Hotel, Manila, in which he implied that large parts of China are still in a state of political chaos. The speech brought upon Mr. Dailey's head the wrath of the Manila branch of the Kuomintang, and the Chinese minister at Washington, Dr. C. C. Wu, has been ordered to report the matter to the American States Department asking that the correspondent be deported.

The other foreign correspondent is Mr. Abend, who was recently in Shanghai in the interests of his newspaper, the New York "Times." Mr. Abend's dispatches, the Nanking Government feels, fail to reflect the truth and he, according to Nanking, is pro-Japanese in his sympathies. Dr. Wu has also been asked to take this matter up in Washington.

The action of the Central Executive Committee follows an attempt also to remove Mr. George E. Sokolsky from China. Mr. Sokolsky, who is also an American, is credited with certain articles in the "North-China Daily News" which have provoked the displeasure of the Nanking Government.

Just what the effect of the Government's action will be none could foretell here to-day, recognizing that under American law and consular jurisdiction, the American Government recognizes no deportation law in China on such charges as are made against these three Americans.

The postal ban was eventually clamped down on May 3, Friday, and on the following Monday, May 6, the "North-China Daily News" wrote editorially as follows:—

NANKING AND THE "NORTH-CHINA DAILY NEWS"

On Saturday morning we received the following letter, dated May 3, from the Shanghai Postal Commissioner:

Dear Sir, Consequent upon instructions issued by the Ministry of Communications through the Director-General of Posts, acceptance and transmission of the "North-China Daily News" and "North-China Herald" by the Post Office is forbidden and this order is being enforced immediately.

Yours faithfully,

W. W. RITCHIE,
Commissioner.

CHANG YUNG-CH'ANG,
Co-Commissioner.

Simultaneously all newspapers sent to the post were returned. This action is presumably in fulfilment of a decision taken by the Standing Committee of the Central Executive Committee of the Kuomintang on April 18. It was there stated "that the 'North-China Daily News' has been anti-Kuomintang and has deliberately attacked the Central Government in spite of the repeated protests of the Ministry of Foreign Affairs." And it was decided that the circulation of the paper must be stopped.

It may be recalled that a similar boycott was enforced in 1927. On that occasion, however, it was the work of one local general who considered himself to have been affronted and the then Postal Commissioner had no excuse for acting on an order which no considerations could justify. In the present instance it is the Government of China which takes action, thus implicitly announcing to the world that it cannot brook criticism and will tolerate no expression of views differing from its own. We are not concerned to defend what the "North-China Daily News" has said from time to time. As for attacking the Nationalist Government, reference to our files and the recollection of many readers will tell that, since the Nationalists broke with Moscow, we have written at least as much in encouragement of them as in criticism. We certainly have written in criticism of the Kuomintang and there is not only no reason why we should not do so but every reason why we should. No political party is or ever will be immaculate, no democratic progress is possible in any country without a healthy opposition to check and stimulate the party in power; Chinese newspapers are muzzled; and we have good reason to know that large numbers of intelligent Chinese look to us for that fearless criticism which the "North-China Daily News" has always tried, and will continue to try, to utter in the interests of the Chinese people as a whole. If it is considered that the bounds of fair comment are over-stepped, there is the British

court, in which action can be taken against this or any other British institution, with the certainty of full justice being done.

It is to be emphasized that, prior to the enforcing of the ban, no complaint had ever been made to any member of this paper either in writing or by word, of any article to which exception was taken. The report of the Central Executive Committee meeting alluded to above speaks of "repeated protests" having been made by the Ministry of Foreign Affairs. We do not know to whom they have been sent. Certainly they have never reached this office. We have seen a number of more or less vague charges in Chinese papers and agency reports, which naturally we took for what they might be worth. The first official communication sent us is the Postal Commissioner's letter received on Saturday. This in itself is an aggravation of the attack, for the worst criminal is entitled to know of what he is accused. It is significant that the Central Executive Committee's decision of April 18 was taken at a time when all the principal members of the Government were away from Nanking, mostly at Hankow. There is some reason to believe that the Government is by no means unanimous as to the wisdom of the ban; and this would not be the first occasion on which a particular party or faction had seized a favourable moment to commit the Government to action which would not have been permitted except by a snap vote. It seems a good opportunity for the leading members of the Government to assert their authority for the undoing of an injustice which will certainly not redound to China's credit abroad.

In Saturday's issue we published the text of Dr. C. T. Wang's note to the British, French and American Ministers, asking for early revision of treaties and cancellation of extraterritoriality. In it appeared the following paragraph:

"Inasmuch as doubt has been entertained with regard to the advisability of relinquishing extraterritorial privileges at this juncture by the interested Powers, it may be pointed out that certain countries, having ceased to enjoy extraterritorial privileges in China, have found satisfaction in the protection given to their nationals by Chinese law and have had no cause for complaint that their interests have been in any way prejudiced. Your Excellency's Government may, therefore, rest assured that the legitimate rights and interests of your nationals will not be unfavourably affected in the least by the relinquishment of the exceptional privileges which they now possess."

It would be idle to pretend that the refusal of postal facilities will not cause the "North-China Daily News" some little inconvenience. But we would ask the Nanking authorities whether it will not cause China a great deal more—particularly in America, where the freedom, almost the licence, of the press is held specially sacred—as people contrast the summary methods used to shut this paper's mouth with the Chinese Foreign Minister's glowing assertions of the satisfaction foreigners may expect from Chinese law.

On May 6 the "Peking and Tientsin Times" (Tientsin) wrote:—

AREOPAGITICA

A deliberate attempt to suppress freedom of publication by the foreign Press, and the circulation of the truth by Foreign Correspondents in China, has now been initiated by the Nationalist Authorities. Some time ago it was announced that the Standing Committee of the Central Executive Committee of the Kuomintang had decided to demand the deportation of Mr. George E. Sokolsky, and to issue instructions to the Postal Department and the Maritime Customs to refuse transmission of copies of the "North-China Daily News." This action followed upon the absolutely illegal refusal of postal facilities to the "North China Star," an American-owned journal which if it had erred at all, did so by its fulsome flattery of the Nationalists. Now, we are told, efforts are being made to secure the removal from China of Mr. Charles Dailey, Correspondent of the Chicago "Tribune," and Mr. Hallett Abend, Correspondent of the New York "Times," on the ground of their "alleged unfriendly attitude to the Nanking Government, and alleged false reports which they have sent from China." The attempt to suppress the "North-China Daily News" and to secure the removal of three American journalists, follows closely upon the appointment of Mr. Thomas F. Millard as "Publicity Adviser" to the Nanking Government; and the attack upon our Shanghai contemporary is, it is significant to note, enthusiastically applauded by Mr. J. B. Powell in the "China Weekly Review." Mr. Millard was himself at one time special correspondent in China of the New York "Times," and distinguished himself—not for the first time—by his violently anti-British attitude. Mr. J. B. Powell's paper has for some time past been virtually a Nationalist organ, and he has exploited every item of information detrimental of British and other foreign interests in China. He gave prominence to the canard about Colonel Lawrence's alleged activities in Afghanistan, and even endeavoured to justify the suppression of the Morse-McNair volume on "Far Eastern International Relations." Mr. Powell for some years made a great grievance of the fact that there was no American-owned daily paper in Shanghai. It is, to say the least, curious, that he should now range himself on the side of the Chinese politicians who are avowedly engaged in an attempt to prevent the circulation in China, or abroad, of any news unfavourable to the Nationalist Government.

The alleged crimes of the "North-China Daily News" were set forth at considerable length in a Reuter cable dated April 20, from Nanking. It was accused of having typified "the so-called foreign diehardism and imperialism," of spreading rumours which it hoped would discredit China and its people in the eyes of the world, of having published (in common with practically every other Foreign journal) reports of a clash between the Kuominchun and

the former Hankow troops at Wushenkwan, and of publishing reports about "the alleged appointment of most of the delegates at the Third Kuomintang Congress" at Nanking. It is stated that in April the Chinese Commissioner for Foreign Affairs at Shanghai complained to the British Authorities, that the paper "often published false statements and unfavourable criticism, evidently with the aim of undermining the confidence and respect of the general public in the National Government." Certain trivial instances of alleged erroneous or unfavourable reports were given, but it is obvious that they were not deemed sufficiently serious to warrant proceedings under the Order in Council. An attempt—an absolutely illegal and unwarranted attempt—is therefore being made to paralyze the Shanghai paper by refusing it transmission through the mails.

We should probably not be wrong in assuming that the real reasons for this attack upon the "North-China Daily News" are to be found in the prominence it has given to the disgraceful state of affairs at the Shanghai Provisional Court, and its revelation, in a series of articles penned by Mr. Sokolsky, of the methods by which the Third National Congress was organized. As regards the Provisional Court, the frequent and forceful protests of the Senior Consul's Deputies against the abuses of the present régime completely vindicate our contemporary. Moreover, at the Annual Meeting of Shanghai Ratepayers the Chairman of the Council, who is perhaps better qualified than anyone else to form an opinion, asserted that "the Provisional Court presents one of the most forcible arguments imaginable against the premature abolition of Consular jurisdiction in China. It is a most dubious and disappointing witness to the inability of the Nationalist Government to institute juridical reform of any kind in China." As to the "packing" of the Kuomintang Congress, we need not rely upon Mr. Sokolsky's evidence. The official "Gazette" of the Shanghai Municipal Council of April 26, has the following to say in the monthly Police Report, under the heading of "Political Situation."

The leaders of the Central Party now in power in Nanking gave evidence of a departure from the leftist tendency of the past few months. Ingenious tactics were employed to ensure the presence of a sufficient number of their own adherents at the third National Congress in order to lessen the Kwangsi grip on the Kuomintang.

The machinery for electing delegates was such that the Central Party Headquarters in Nanking has been able to appoint or control the appointment of about 80 per cent. of the delegates. Nanking methods are typified by the appointment of General Liu Wen-to, former Mayor of Nanking and a native of Hunan, as representative of Kirin; General Ho Chong-chun, adjutant to Chiang Kai-shek, as representative of Mukden; while Marshal Chang Hsueh-liang's name was absent. General Kuo Chen-lien, Garrison Commander of Nanking, represented Harbin, and C. T. Wang and H. H. Kung represented Peiping. These methods have aroused the resentment of the factions opposing the Chiang Kai-shek régime. The Party Headquarters of Honan, Hopei (Chihli), Hupeh and the Left Wing refused to attend, and issued lengthy manifestoes against the Congress, which was in session from March 15 to March 28, 238 members, practically all of whom represented the Right Wing, attended, but Feng Yu-hsiang and Yen Hsi-shan were absentees.

It may be undesirable from the Nanking Government's point of view that the facts regarding the Provisional Court and the National Congress should be made known to the world. But a policy of continually hoodwinking Europe and America in regard to what is happening in this country cannot be successfully enforced by repressive measures against the Foreign Press and attempts to intimidate Foreign Correspondents. There are, unfortunately, some foreign journalists who, in return for a subsidy, or even to gratify their spite against their fellow-countrymen, will circulate any lying propaganda with which the Nationalist Government likes to furnish them. But they are in a minority. The majority of the Foreign-owned newspapers, and of the Foreign Correspondents in this country, are not amenable to bribes or to intimidation. They will somehow or other contrive that the truth shall become known. And all the efforts of the Nanking Government to thwart them in the process will simply react to its own discredit. Attempts to suppress foreign newspapers of recognized standing and repute, for printing reports unfavourable to the Nanking Government, will simply make journals that are unmolested suspect throughout the world. And nothing could be better calculated to damage China's case, at a time when she is striving for general treaty revisions, than this cynical attempt to keep the people of Europe and America in ignorance of the realities of the situation.

The American Government will probably ignore the impudent demands of the Nationalist Authorities for the removal of Messrs. Sokolsky, Abend and Dailey. It will be interesting to see what attitude will be adopted by the British authorities in connection with this barefaced attempt to destroy a long-established and valuable British property. Is it conceivable that the British Minister will give further face to a Government capable of such wilful defiance of its treaty obligations by attending the obsequies of the late Dr. Sun at Nanking? Or is the policy of patience and conciliation now to be carried so far that a British Envoy must dance attendance on a Government which presumes to remove from British jurisdiction the question of what does and does not constitute "seditious matter" within the meaning of the 1925 Order in Council?

In the last issue of the "China Weekly Review" there is an article on "The First Step Toward Personal Liberty." From this we learn that on April 20 the National Council of State at Nanking adopted a Mandate which read:

It is an established fact that all peoples are protected by law. At the inauguration of the Period of Political Tutelage, it is of especial importance that the foundation of the Law should be securely laid. Therefore, all individual persons or organizations within and under the jurisdiction of the Republic of China shall not encroach unlawfully upon the person, liberty and property of others under severe punishment according to law. The Executive and Judicial Yuan are hereby instructed to order all concerned to observe this mandate accordingly.

Commenting on this the Editor, Mr. J. B. Powell, remarks that "the security of private rights of person and property against arbi-

trary and oppressive action upon the part of those in governmental authority is an element that has contributed, perhaps more than anything else, to the upbuilding of western democracies, particularly the United States and Great Britain." Yet four pages further on we are told by the same writer that Chinese action against the "North-China Daily News" "should not be interpreted as an attack upon the freedom of the Press." The law by which that paper is protected is the law of Great Britain, which, until such time as extraterritoriality is abandoned, the Chinese Government is bound to recognize. And it is clear that in attempting to suppress that journal the very Government which has ordained that all within its territory are to be protected by law, has encroached "unlawfully upon the person, liberty and property of others," and defied the Mandate of the Council of State.

The following day, May 7, "G.C." in the "Peking Leader" wrote:—

THE "NORTH-CHINA DAILY NEWS" CASE

By denying mail and customs privileges to the "North-China Daily News," and asking the American authorities to bring about the withdrawal from China of two (some reports say three) American newspaper correspondents, the authorities at Nanking have caused many to wonder whether orderly legal procedure or arbitrary governmental action is to become the rule in this country.

On technical legal grounds, the authorities have been within their rights. The supreme authority in China now is the Kuomintang—and the administration set up under the rules now in force has been accepted by the foreign Powers as the government of China. Between congresses of the Kuomintang, the central executive committee of the party exercises that supreme authority. Between full sessions of the central executive committee, it is exercised by the standing committee. When the standing committee of the central executive committee of the Kuomintang speaks, therefore, its word is final, and no appeal to a higher law is possible on any legal grounds.

The standing committee instructed the state council to take the action it has in connection with the "N.-C. D. N." and the correspondents. The state council carried out those instructions. The whole procedure was strictly legal.

* * *

The fact that these actions were technically legal, however, did not make them any the less arbitrary exercises of governmental power. They showed, simply, that as things stand individual rights considered sacred in most modern countries, and duly protected by law against violation by even the highest governmental authorities, are not secure in China to-day. If the Chinese authorities, though acting within the legal limits of their authority, thus ignore the fundamental principles of modern democratic government in these cases, what assurance is there that they will not act in the same way in others?

That, put very bluntly, is the really serious issue raised by the actions against the newspaper and the newspapermen. What the "N.-C. D. N." and the correspondents may or may not have said is of comparatively minor importance. What really matters is the way in which the Chinese authorities are going to use the power which legally is theirs under the present governmental organization.

* * *

It is not as though the Nanking government had no other possible means of dealing with the cases in question.

Both British and American laws are adequately strict on the subjects of publication of false reports and libel. Britain even has special laws dealing with newspapers published in China. The

able businesses, many rich institutions will pass under Chinese jurisdiction. Opponents of China's demand will say, and in view of the facts we have under consideration there would appear ground for their contention, that the abolition of extraterritoriality would render it easier for such attacks by the government on foreign property; that anyone who earns the dislike of anyone influential enough to sway the councils of government would be able to kill any business or institution which had incurred that enmity, that valuable interests might be subjected to the vagaries of ill-experienced and immature decisions. Dangers such as these must necessarily put the foreigner in China on his guard, force those at home to insist that their governments go slowly in the matter of relinquishing those protections which the case of the "North-China Daily News" show to be not very good at the present time. There is the real danger. Action such as this is calculated to postpone the achievement of a state of affairs which every articulate Chinese so earnestly desires.

From the Chinese point of view there offers certain other considerations. The first would seem to be that Nanking is making a mountain out of a molehill. Foreign newspapers do not circulate largely among the masses of the population, though it is true that they do among the well-educated classes to a moderate extent. Those classes are usually well-informed, and perfectly capable of making their own judgments, of deciding what news is acceptable as accurate and what it would be dangerous to take for truth. If then the "North-China Daily News" has been inaccurate at times, or has drawn wrong conclusions from the facts it has known—we don't propose to defend our contemporary in this respect—the damage done, if any, has been small. The action of the Nanking government has been to magnify the importance of the paper in question, has given it, already, a worldwide importance and will continue to do so. That is the danger from a purely Chinese point of view, for people hearing of this denial of postal facilities will be driven to the conclusion that, after all there must have been something in what the newspaper said.

TIGHTENING UP THE BAN

Nanking, May 11.—It is authoritatively stated that the Central Authorities in an order to the various Government organs in Shanghai and elsewhere forbids any person in Government service to read the "North-China Daily News." The order threatens to punish as Counter-Revolutionists all who fail to observe the instructions of the Government in this respect.—Kuo Min News Agency.

This order was actually carried out.

NOTE

On May 4, 1929, the Nanking Government ordered the Post Office to refuse to accept copies of the "North-China Daily News" and the "North-China Herald" for transmission through the mails, and on May 27 the Chinese Customs was ordered to prevent copies from leaving Shanghai on ships of all nationalities.

These newspapers have been published continuously in Shanghai since 1850 and 1864 respectively.

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