

Lawyers, Guns and Money: The Coming Show Trial of General Xu Caihou

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On 30 June 2014, the Chinese Communist Party expelled former Politburo member and Central Military Commission vice-chair Xu Caihou for corruption following a three-month investigation. His case was transferred from the Central Commission for Discipline Inspection to the military justice system for possible criminal prosecution, making him the highest-ranking military officer to be prosecuted since the founding of the PRC in 1949. His primary crime involved “trading offices for bribes,” and reportedly was uncovered during the investigation of General Gu Junshan. This article examines the Xu case, and assesses its implications for Xi Jinping’s anti-corruption campaign and the military.

Introduction

On 30 June 2014, the Chinese Communist Party expelled former Politburo member and Central Military Commission vice-chair Xu Caihou for corruption following a three-month investigation. Xu, 70, joined the CMC in 1999 as director of the General Political Department and served as vice-chairman from 2004 to 2013. His case was transferred from the Central Commission for Discipline Inspection to the military justice system for possible criminal prosecution, making him the highest-ranking military officer to be prosecuted since the founding of the PRC in 1949. His primary crime involved “trading offices for bribes,” which was reportedly uncovered during the investigation of disgraced former General Logistics Department deputy Gu Junshan (see *CLM* 37).¹ This article examines the Xu case, and assesses its implications for Xi Jinping’s anti-corruption campaign and the military.

Xu was born in 1943 in Liaoning, and joined the PLA in 1963. He graduated from the prestigious Electronics Engineering Department of Harbin Institute of Military Engineering in 1968, but was then “sent down” (下) during the Cultural Revolution for two years to work on a farm run by the 39th Ground Army. After joining the party in 1971, Xu systematically worked his way up the political track through the Shenyang Military Region, moving to Beijing in the early 1990s to edit *Liberation Army Daily*. From there he became an assistant director of the General Political Department, and then served as political commissar of the Jinan Military Region. In 1999, he became a member of the Central Military Commission, serving first as director of the General Political Department after 2002 and then finishing his career as vice-chairman. Ironically, Xu was a secretary of the PLA’s Discipline Inspection Commission, the army’s anti-graft watchdog, from 2000 to 2002.²

Rumors that Xu Caihou was being targeted by the anti-corruption campaign began swirling as early as spring 2013, when Xu did not appear at the National People’s Congress, but his absence was ascribed by some to illness. The dual storylines of

corruption and illness appeared to be resolved on 17 March 2014 when the *South China Morning Post* reported that the corruption probe of the former general was being dropped because he was suffering from terminal bladder cancer.³ This followed the precedent set in the case of former CCP leader Huang Ju, whose corruption probe was reportedly curtailed because of his medical situation. In Xu's case, leniency was allegedly offered because the graveness of his illness was "equal to the death penalty."⁴ Indeed, only two months earlier Xu had attended a Spring Festival gala with Xi Jinping and a large number of current and former CMC members, where they sang songs like "Returning to Yan'an" that celebrated the selfless spirit of the revolutionary base areas. On 19 March 2014, however, the *South China Morning Post (SCMP)* reversed course and reported that Xu had been taken from his hospital bed at the elite PLA 301 Hospital on the 15th by "dozens of military policemen,"⁵ who also reportedly took Xu's wife, daughter, and personal secretary into custody. Hong Kong media quoted unnamed PLA officers who said that the reversal on Xu's leniency was a result of widespread discontent within the ranks.⁶ His detention not coincidentally took place on the day of the inaugural meeting of the Leading Group for Deepening National Defense and Military Reform (中央军委深化国防和军队改革领导小组), which Xi Jinping chaired (see *CLM* 44 for more details about this organization).

The *SCMP* alleged that Xu had been placed under *shuanggui*, which it described as "a Communist Party disciplinary measure used to interrogate party members suspected of corruption in a secretive detention center."⁷ He joined former General Logistics Department deputy Gu Junshan, who has been under *shuanggui* since early 2012. The two cases were allegedly linked, with widespread suspicion that Gu's case had not been resolved because of interference from Xu and other senior military leaders like Guo Boxiong. Gu reportedly "kicked up" some of his illicit gains to Xu, as one source told the *SCMP* that Gu gave a 20 million yuan (approximately \$3.25 million) debit card to Xu's daughter as a wedding gift.⁸ Less than two weeks after Xu's detention, Gu was formally charged with embezzlement, bribery, misuse of state funds, and abuse of power by China's military prosecutor's office.⁹

Hong Kong reporting also asserted that Gu was a main co-conspirator in the primary charge against Xu: taking bribes in exchange for promotions. The practice of using gifts and bribes to facilitate promotions has been long-rumored as pervasive in the PLA, though little concrete evidence has surfaced. According to one "Shanghai-based senior colonel," during Xu's tenure the buying and selling of military ranks was widespread in the PLA, with Gu himself being promoted under the practice. "Such transactions did not only happen at the highest levels, but also expanded to the grass roots," the source said. "The PLA has improved retirement and job replacement for veterans in the past decade, but it [the selling of ranks] has become a cash cow for many senior officials." The retired senior colonel said it was routine during Xu's tenure for military officials to pay if they wanted to climb the career ladder: "The more you could pay, the higher you could climb."¹⁰ Xi Jinping's task of rooting out corruption in the PLA was further complicated by the fact that Xu had been involved for 15 years in nearly every major promotion of senior officers, suggesting that the current military leadership was complicit in the practice. This may explain, in part, why the top 18 generals in the PLA felt the need,

within weeks of Xu's arrest, to take the highly unusual step of making a public, group *biaotai* (declaration of one's position) of loyalty to Xi Jinping via 18 articles in *Liberation Army Daily* on 2 April 2014.¹¹

In mid-June, rumors began to leak out to the Hong Kong media about Xu Caihou's imminent expulsion from the party and probable criminal trial.¹² Articles about military corruption began appearing in military and party media outlets, suggesting the leadership was preparing the population for a major announcement. A Xinhua commentary on 23 June called for "zero tolerance" of corruption among senior officials.¹³ Finally, on 30 June 2014, Xinhua formally announced Xu Caihou's expulsion from the party, which traditionally precedes criminal prosecution, and his handing over to military prosecutors.¹⁴ The decision was made at a Politburo meeting chaired by Xi Jinping,¹⁵ where the members listened to Central Military Commission Discipline Inspection Committee's "Investigation Report on the Serious Discipline Violations of Xu Caihou."¹⁶ The statement released after the meeting alleged that Xu "took advantage of his post to assist the promotion of other people and accepted bribes personally and through his family members."¹⁷ He was also found to have "sought profits for others in exchange for money and properties, taken through his family members."¹⁸ The statement described the case as "serious" and sniffed that it had a "vile impact."¹⁹ It closed with a warning: "The whole party and armed forces should be fully aware of the time-consuming, complicated and tough mission to fight corruption. . . . Anyone, no matter what authority and office he holds, will receive serious punishment if violating Party disciplines and laws. We will never compromise nor show mercy. . . . The Party will not harbor corrupt members nor will the armed forces."

After the official announcement, the entire military media establishment trained their guns on Xu in a coordinated assault:

All military personnel unanimously hold that the central decision fully embodies our party's political courage for seeking truth from facts, and manifests our party's clear-cut stance on rigorously managing the party and the military and our party's firm resolve to safeguard its advanced nature and purity. They unanimously express their heartfelt support for the party central leadership's correct decision, and their determination to resolutely obey the command of the party central leadership, the Central Military Commission, and Chairman Xi in all actions and to further rally will and strength for the fulfillment of the military strengthening goal.²⁰

A summary editorial from the political meetings at the military region and service branch level struck a similar theme, insisting that "the action against Xu Caihou's serious discipline-violating case once again shows that our party is strong and potent, and has the capability of self-purification, self-improvement, self-reform, and self-enhancement."²¹ At the same time, the main editorial in *Liberation Army Daily* acknowledged that the PLA does not operate in a vacuum, and therefore the "negative and corrupt phenomena in society inevitably find expression in the military."²² While admitting that the "lawbreaking and discipline-violating behavior of some individuals" has a negative effect upon the PLA, the same behavior by "high-ranking and intermediate-ranking leading

cadres may produce even greater harmful effects.”²³ In a particularly pointed comment, a PLA editorial reminded readers: “the military carries weapons, so corrupt elements can never be allowed to hide themselves inside the military.”²⁴ Yet the proposed remedy is as weak and milquetoast as ever, calling on units to “strengthen education, management, and supervision for party cadres, especially high-ranking and intermediate-ranking cadres, further strictly enforce party discipline, and persistently maintain the party’s advanced nature and purity.”²⁵

For their part, the party media piled on the Xu bashing, scolding him as a “borer” into the “body” of the military,²⁶ and linking the move to the 93rd anniversary of the founding of the CCP:

The Communist Party of China (CPC) has marked its birthday in a drastic and special way—forcing out one of its top former military officers and showcasing its slower membership expansion.²⁷

A *People’s Daily* commentator article took pains to point to the decision against such a former high-ranking officer as evidence of the party’s resolve to confront the issue head-on:

This decision has further demonstrated the Party Central Committee’s clear-cut attitude of exercising strict management over the Party and the armed forces, and indicated our party’s firm conviction in resolutely opposing corruption and punishing corruption with zero tolerance.²⁸

The CCP propaganda apparatus seemed particularly concerned that this arrest would “tarnish the military’s image.” To prevent this, “woodworms must be dug out.”²⁹

Even social media netizens felt free to criticize Xu and other senior corruption targets, though often hiding behind the veil of homophonic puns. One popular bit of verse read “The world is neither thick nor thin, but it is flat, and in the end, the earth is round.”³⁰ Another Weibo user from Anhui Province posted, “life cannot be too thin or too thick. A smooth life is much better.”³¹ According to the *SCMP* analysis, “thick” is a reference to Xu Caihou, as a different Chinese character *hou* means “thick.” The use of the word “thin” in Chinese characters is transliterated as *bo* and is a reference to Bo Xilai, the disgraced former Chongqing party chief who was sentenced to life in prison on bribery, embezzlement, and abuse of power charges last year. “Flat,” or *ping* in Chinese, refers to Xi Jinping, while “round” or *yuan*, refers to Xi’s wife Peng Liyuan. Other puns riffed on these themes. “Thin is no good, but thick is no good either. We need to learn more.” In Chinese, learning is *xi* and could refer to Xi Jinping. “No matter it is thin or thick, the key is it must be balancing in the end,” wrote another, likely referencing Xi, as *ping* also means “balancing.”

Conclusion

The investigation and arrest of Xu Caihou should not be seen in a vacuum. To date the party’s Discipline Inspection teams have gone after 30 provincial- and ministerial-level

and above officials, including two Central Committee members and two alternates.³² Nor is corruption in the PLA anything new.³³ As Liu Mingfu, a senior colonel at the National Defense University, told *The Age*: “For corruption to appear in an army is not scary in itself. . . . What will be scary is if the fight against corruption is not deep, thorough and resolute.”³⁴ This raises two questions: (1) how will the party handle the prosecution of Xu Caihou; and (2) will they take down other senior PLA officers?

On the first issue, the *South China Morning Post* published a fascinating exchange between three PLA observers that shows the spectrum of views about whether Xu’s trial should be public, a condition that some argue is essential for restoring the people’s confidence in their institutions. Zeng Zhiping, a retired lieutenant colonel and military law expert at Nanchang Institute of Technology in Jiangxi, called for change: “The opening up of courts martial is a basic requirement for a modern and powerful army.” While insisting that military secrets remain classified, “opening up judicial proceedings has been an old principle to prevent abuse of power. The rejection of open courts martial is always a powerful way to excuse corrupt and ignorant [behavior].”³⁵ Xu Guangyu, a retired major general, was more conservative, warning that the judicial system was not ready to deal with an open trial: “The idea of increasing transparency in PLA courts-martial is good, but these two cases should be handled within the existing legal system due to their seriousness and complexity. . . . I believe some details of the two cases will be disclosed later. Don’t worry about the abuse of power in the hearings because many eyes are monitoring them.”³⁶ Finally Ni Lexiong asserted that the party would not be able to contain the damage, which directly addresses the second question: “Public hearings will definitely expose more senior officials involved in their cases, which would totally ruin the PLA’s image at home and overseas.”³⁷ Given what we already suspect about the pervasiveness of corruption at every level of the system, especially in the context of the pyramid scheme of gifts and bribes for promotion, Xu’s open trial could be an indictment of the entire PLA leadership.

Notes

¹ <http://media.hoover.org/sites/default/files/documents/CLM37JM.pdf>

² http://www.chinavitae.com/biography/Xu_Caihou|306

³ Minnie Chan, “Corruption probe of PLA’s Xu Caihou dropped because of terminal cancer,” *South China Morning Post*, 17 March 2014.

⁴ Minnie Chan, “Corruption probe of PLA’s Xu Caihou dropped.”

⁵ “Ex-PLA top General Xu Caihou held in cash for rank probe,” *South China Morning Post*, 19 March 2014.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Xinhua, 29 March 2014.

¹⁰ “Ex-PLA top General Xu Caihou held in cash for rank probe.”

¹¹ “PLA Senior Generals Back Xi’s Orders,” Xinhua, 3 April 2014.

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- ¹² “Prosecution of PLA General Xu Caihou for graft about to begin, sources say,” *South China Morning Post*, 13 June 2014.
- ¹³ “China Focus: Senior Officials Prosecuted, Dismissed,” Xinhua, 23 June 2014.
- ¹⁴ “Former Military Leader Expelled from CCP,” Xinhua, 30 June 2014.
- ¹⁵ Ibid.
- ¹⁶ “CPC Central Committee Decides to Discipline Xu Caihou With Party Expulsion,” Xinhua, 30 July 2014.
- ¹⁷ “Former Military Leader Expelled from CCP,” Xinhua, 30 June 2014.
- ¹⁸ Ibid.
- ¹⁹ Ibid.
- ²⁰ Commentator, “Rally Will and Strength for the Fulfillment of the Military Strengthening Goal,” *Liberation Army Daily*, 2 July 2014, p. 1.
- ²¹ Xu Yeqing, Liu Andong, Li Yongfei, Li Xianghui, Qian Xiaohu, Sun Libo, Wei Guo, Wang Yugen, Li Huamin, Yin Jun, Tian Yiwei, Chu Zhenjiang, Wang Wowen, Zhao Bo, Luo Xin, “All PLA and Armed Police Forces Express Resolute Support for the CPC Central Leadership’s Correct Decision,” *Liberation Army Daily*, 2 July 2014, p. 1.
- ²² “Rally Will and Strength for the Fulfillment of the Military Strengthening Goal.”
- ²³ Ibid.
- ²⁴ Staff commentator, “Firmly Upholding the Correct Decisions of the CPC Central Committee,” *Liberation Army Daily*, 1 July 2014.
- ²⁵ Xu et al., “All PLA and Armed Police Forces Express Resolute Support for the CPC Central Leadership’s Correct Decision.”
- ²⁶ “People’s Daily Scolds Ousted Military Leader,” Xinhua, 2 July 2014.
- ²⁷ “China Voice: CPC Shows Resolve To Maintain Integrity,” Xinhua, 1 July 2014.
- ²⁸ Commentator, “Uproot Corruption Without Any Leniency,” *People’s Daily*, 1 July 2014.
- ²⁹ Commentator, “The Military’s Image Brooks No Tarnishing,” *People’s Daily*, 2 July 2014.
- ³⁰ “His codename is ‘thick’: Xu Caihou inspires veiled online poetry after graft indictment,” *South China Morning Post*, 1 July 2014.
- ³¹ Ibid.
- ³² “Anti-Graft Blitz KOs Civilian, Military Heavyweights,” Xinhua, 30 June 2014.
- ³³ See my *China Leadership Monitor* 19 piece entitled “So Crooked They Have to Screw Their Pants On” at http://media.hoover.org/sites/default/files/documents/clm19_jm.pdf.
- ³⁴ “China Corruption Purge Claims Top General Gu Junshan,” *The Age Online*, 1 April 2014.
- ³⁵ “Disgraced generals Xu Caihou and Gu Yunshan should have open trials, military law expert says,” *South China Morning Post*, 9 July 2014.
- ³⁶ Ibid.
- ³⁷ Ibid.