

A Friend In Need

A DLA Piper associate's human rights organization helps free a Chinese dissident.

By Michael D. Goldhaber

TEN YEARS AGO, JARED GENSER AND Yang Jianli camped out on the steps of Harvard University's Memorial Church and went on a hunger strike to protest the visit of Chinese president Jiang Zemin. Both protesters were students at the John F. Kennedy School of Government, but that's all they had in common. At 34, Yang was a seasoned Chinese dissident who had left the safety of his doctoral studies in mathematics at the University of California, Berkeley to document the atrocities at Tiananmen Square. The 25-year-old Genser was a well-intentioned Jewish American kid, until then mainly drawn to domestic causes. At the end of their 48-hour hunger strike, Genser and Yang helped to lead a 5,000-strong rally—according to *The Boston Globe*, one of the largest at Harvard since Vietnam.

Since then, Yang and Genser have found their lives intertwined. Genser was inspired by Yang first to become a lawyer and then to found Freedom Now, a group dedicated to freeing prisoners of conscience. And it was largely thanks to Freedom Now and Genser that Yang was able to leave a Chinese prison earlier this year and to return to the United States on August 18 as a free man.

Freedom Now functions as a sort of boutique law firm version of Amnesty International. "While Amnesty raises the same issues," says Carl Gershman, president of the nonprofit National Endowment for Democracy, "nobody approaches cases in quite the same way [as Freedom Now]." Unlike Amnesty, Freedom Now is retained by victims' families as their legal representative—which gives extra credibility in lobbying and the ability to supplement lobbying with legal action. Most importantly, Freedom Now's campaigns are highly targeted. As co-founder Jeremy Zucker of Hogan & Hartson puts it: "We focus on the trees rather the forest, and we pick our trees carefully." The results have been impressive. Freedom Now's efforts have helped liberate six of its eight clients, among them a Vietnamese doctor who translated an ar-

title entitled, "What is Democracy?" and a Pakistani Christian falsely accused of praising Salman Rushdie's novel *The Satanic Verses*.

Genser managed to free his first overseas political prisoner while still in law school at the University of Michigan. During a London human rights internship in the summer of 2000, he spotted a tabloid article on a Briton named James Mawdsley, about his own age, who was languishing in a Burmese prison for distributing leaflets on democracy.

The law student adopted the inmate's cause as his own, pioneering the techniques that would become his signature. He persuaded 23 U.S. congressmen to sign a letter on Mawdsley's behalf and petitioned the U.N. Working Group on Arbitrary Detention for a declaration that Burma was in violation of international law. Genser returned to the University of Michigan with low expectations. But in September of that year, as he was setting out from his dorm for his corporate finance class, he received a call from Geneva, informing him that he had won his case at the United Nations. Weeks later, Burma set Mawdsley loose, and Genser flew to greet him at Heathrow Airport. Gaunt and scarred, Mawdsley clasped the law student in a bear hug and told him, "You saved my life."

Genser saw that he was on to something. In spring 2001, as soon as he graduated from law school, Genser founded Freedom Now with five other young lawyers to put his model to the test. Genser's friends have since scattered to various jobs in government, law firms, and elsewhere, but they maintain Freedom Now as an active sideline.

Genser himself has found a home at DLA Piper in



YANG (LEFT) SPENT FIVE YEARS IN A CHINESE PRISON WHILE GENSER CAMPAIGNED FOR HIS RELEASE.

Washington, D.C., where he is a seventh-year public affairs associate. At DLA he sees himself as advancing human rights both during his 1,900 annual hours of paid work and his 600 hours of pro bono. At Genser's prodding, DLA has written two ambitious pro bono reports to the U.N., urging the security council to take a stand on the human rights records of Burma and North Korea. "The combination of a law firm approach and a political approach has been highly effective and innovative," says Kjell Magne Bond-ek, a former Norwegian premier who collaborated on the Burmese and Korean campaigns. Among Genser's paying gigs are advising BP plc on its human rights record in Indonesia and lobbying Congress for humanitarian support on behalf of Côte D'Ivoire. DLA generally supports Freedom Now, while steering clear of any involvement with Genser's Chinese advocacy, to avoid conflict with DLA's Chinese offices.

The inspiration for Genser's human rights work, Yang Jianli, finished his doctorate in political economy at the Kennedy School and then founded his own nonprofit, the Foundation for China in the 21st Century, to promote Chinese democracy. He and his wife, Christina Fu, who also left China for a math Ph.D., sank roots in Boston with their two

children. But Yang told the *Globe* in 1998 that he struggled with a "dilemma of conscience" and yearned "to go home and share the burden, share the suffering." In April 2002 he sneaked into China to investigate rural labor unrest and was arrested for entering the country under a false passport.

When Genser heard the news, he says he thought to himself, "Wow, I don't know if

Wow," Genser thought upon hearing of Yang's detention, "I don't know if I'm ready to take on China."

I'm ready to take on China." But there was no question that Freedom Now would take the case.

Over the next five years, Genser barraged the Chinese government with 40 letters from dignitaries including Hillary Clinton and John Kerry, successfully lobbied for unanimous House and Senate resolutions supporting

Yang, held vigils at the Chinese embassy on birthdays and anniversaries, and procured a sympathetic opinion from the U.N. Working Group on Arbitrary Detention. "Jared really knows how to play the game," says Gershman of the National Endowment for Democracy. "His campaign made a dissident who was not very famous into an enormous issue."

However, with its admission to the World Trade Organization already secured, China has sometimes seemed less eager to please the international community than to curry favor with military hardliners. China held Yang incommunicado for nearly a year, with no notice to his family or access to counsel—violating even its own pretrial procedures. Then, as Yang's detention was set to exceed the one-year penalty for illegal entry, China restarted the clock—a common gambit in Chinese courts—by recharging Yang with espionage, a crime punishable by death. After an unusual delay in the Chinese courts, possibly signaling disagreement within the Communist Party, Yang was sentenced to five years in prison.

The son of a county-level Communist boss, Yang says that he was driven to seek social change by what he witnessed—not only his father's persecution during the Cultural Revolution, but also the corruption and brutality that his father's office perpetrated.

Yang's wife describes him as the type of person who demands justice on matters large and small. Behind bars, Yang objected not only to his limited legal access, but also to the high prices in the prison store for items like soap and apples, which he documented in a letter to the justice minister. This missive received no response, and it could not have helped his cause—but someone in China seems to have been reading the letters orchestrated by Genser. In September 2006 prison authorities drove Yang to the airport for early release. There, at the threshold of freedom, Yang loudly insisted on the right to return to China. He was taken back to prison. "He really wanted to leave," says Fu, who had remained in Boston with the children. "On the way back to prison he was very sad."

Yang was finally released April 27, five years after his arrest. John Kamm, president of the Chinese detainee rights group Dui Hua, says that Yang's release should be seen as an achievement by Freedom Now even though Yang served his full sentence. "Anyone else would have gotten at least ten years and wouldn't have gotten such good treatment," he says, noting that anonymous inmates suffer from torture, prison violence, hard labor, and illness. "No question,

[Freedom Now's] campaigns help save lives."

For four months Yang remained in China, because the government barred him from leaving the country. "Jianli," Genser said, "[was] released from prison only to enter the largest prison of all, which is China." Restricting the rights of nominally freed detainees is a form of political control that China increasingly favors, according to Jerome

About to be released to the U.S., Yang insisted on the right to return to China. He was taken back to prison.

Cohen, a law professor at New York University who advised Yang's family at Genser's request. In the most egregious examples of this trend, China is now holding two of the nation's leading human rights lawyers—Zheng Enchong of Shanghai and Gao Zhisheng of Beijing—under house arrest [*"Peasant Justice,"* November 2005, and *"Banned in*

Beijing," January 2006]. Cohen is guardedly hopeful that China will yield to foreign pressure to use this month's National People's Congress as a forum to remedy defects in China's pretrial procedures, starting with the length of detention. Kamm, who recalls the false hope raised in the human rights community two years ago that China would reform its vast system of administrative detention, known as "reeducation through labor," is less sanguine about criminal justice reform in the near term.

There is new proof that China remains vulnerable to international pressure, at least on a case-by-case basis. U.S. Treasury secretary Henry Paulson, Jr., at the urging of Genser and Congressman Barney Frank, revived Yang's cause in the context of the U.S.-China strategic economic dialogue this summer. China relented, issued Yang a new passport, and put him on an airplane to America.

On August 18 Genser greeted Yang at the terminal in Boston, in one of those airport moments that, Genser says, make his career worthwhile. The two old friends embraced, and Genser told Yang: "Don't even think about going back." Yang being Yang, there's a fair chance that at some point he will. But if he does, Freedom Now will be waiting.