

The mortal dangers of parenthood in China

By Chris Smith and Henry Hyde

A few weeks ago, on Good Friday, 13 Chinese women held in detention by the U.S. Immigration and Naturalization Service (INS) were moved to a deportation holding center in Bakersfield, Calif. Five of these women had fled the People's Republic of China (PRC) after being forced to have abortions. Others had been forcibly sterilized, or had escaped after being ordered to undergo abortion and/or sterilization. Their asylum claims were rejected. It appears that their deportation to the PRC is imminent — unless Congress acts to save them.

These women and others like them may be forced back to China because of a novel and bizarre interpretation of U.S. asylum law, under which those who resist forced abortion or forced sterilization are regarded as common criminals rather than victims of persecution.

Civilizations can be judged by how they treat women, children, old people and strangers. Vulnerable people bring out the kindness in every society, and also the cruelty. Every so often they become the object of practices so vile that they will cause people to recoil in horror across the centuries. One such practice is forced abortion.

The government of China now routinely compels women to abort their "unauthorized" unborn children. The usual method is intense "persuasion," using all the economic, social and psychological tools a totalitarian state has at its disposal. When these methods fail, the woman is taken physically to the abortion facility. Forced abortions are often performed very late in pregnancy, even in the ninth month. Sometimes the baby's skull is crushed with forceps as it emerges from the birth canal. Either the woman or her husband is then forcibly sterilized.

Degrading a few million men, women and

children may be no great matter for a regime which has long regarded homicide and torture as among the basic tools of statecraft. So the most shocking thing about forced abortions and sterilizations in China is not that they happen, but that otherwise humane societies might forcibly return people who have managed to escape from them.

The Clinton administration, which campaigned on a human-rights platform that was justly critical of some of the refugee policies of its predecessors, quickly reversed course and began forcible repatriation of people who had escaped from China. Responding to a wave of anti-immigrant hysteria sparked by the arrival of a few hundred Chinese boat people, the administration also reversed the Reagan and Bush administration policy of granting asylum to people who can prove a well-founded fear of forced abortion or forced sterilization.

Congress will vote today on an important provision that would restore the traditional interpretation and save these women. This provision should not be controversial. Almost all Americans, whatever their views on the moral and political questions surrounding abortion, regard forced abortion and forced sterilization as particularly gruesome viola-

tions of fundamental human rights.

Congress will do the right thing if it follows a few simple rules:

- Get the facts right. The centerpiece of the scare campaign that caused the Clinton administration to discard its human rights policy was the constant repetition by "government experts" of two statistics: that 100,000 Chinese nationals enter the United States illegally every year, and that 85 percent of them are granted asylum. These anonymous "experts" frequently went on to state that the refugees were mostly "single young men" who had been given asylum because of their assertion "that they might want to have children some day."

The real number of undocumented Chinese immigrants to the United States has never been more than a tiny fraction of the 100,000 estimate. The total number of Chinese given asylum in the last year of the Bush administration was only 654, and no more than 200 of these had based their claims on forced abortion or sterilization. The successful applicants did not include any unmarried men. But the news media repeated the larger figures so often that they became canonical. The 85,000 imaginary Chinese refugees loomed so large in the public consciousness that they became

one of the assumptions upon which government policy was made.

Congress is now the focus of yet another scare campaign. The forced-abortion asylum provision has become the subject of an organized barrage of phone calls and form letters saying that it would "invite 1.2 billion Chinese to

the United States" — or, at the very least, "every Chinese of child-bearing age."

This slogan ignores the rule that every asylum applicant must prove his or her individual case. It is equivalent to arguing that if we provide refuge to a few people who face severe persecution for waving pro-democracy placards at Tiananmen Square, we must also give asylum to "every Chinese of placard-waving age."

- Punish criminals, not victims. The primary justification for the Clinton administration's harsh policy is its characterization of the boat people as "smuggled aliens." Nobody is in favor of smuggling, and nobody is against prosecuting smugglers. The free nations of the world can also address the root causes of refugee departure by taking forceful measures against human rights violations in China and elsewhere.

Like the Chinese, many refugees from Nazi Germany were "smuggled aliens." When our government turned away a vessel full of German Jews called the St. Louis in 1939, it gave the justification that these were illegal aliens, well-to-do people who had the money to pay for fraudulent documents and passage to America. So they must be economic migrants, not "genuine" refugees. We sent them back to Europe, where many died in the gas chambers.

- Avoid non-solutions. Opponents of asylum for forced abortion and sterilization victims argue that denying asylum is necessary to prevent fraudulent claims. But it will almost certainly have little or no effect on such claims. People who are willing to lie in order to get asylum will simply switch to some other story. The only people who will be forced to return to China will be those who are telling the truth — who really do have a reasonable fear of being subjected to forced abortion or forced sterilization. The solution to credibility problems is careful case-by-case adjudication, not wholesale denial.

Measures to prevent abuse of refugee programs must distinguish between toughness and meanness. Americans must bear in mind that the national attributes of which we are justly proud — liberty, decency and fairness — are not free goods. One of the costs they impose is that we may not return people, even inconvenient people, to dangerous places for subjection to unspeakable acts.



Chris Smith of New Jersey and Henry Hyde of Illinois are Republican members of the House.