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# CHINA'S STATE CONTROL MECHANISMS AND METHODS

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## HEARING BEFORE THE U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION ONE HUNDRED NINTH CONGRESS FIRST SESSION

APRIL 14, 2005

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The Commission's full charter is available via the World Wide Web: <http://www.uscc.gov>.

The Commission's Statutory Mandate begins on page 223.

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

JUNE 16, 2005

The Honorable TED STEVENS,  
*President Pro Tempore of the U.S. Senate, Washington, D.C. 20510*  
The Honorable J. DENNIS HASTERT,  
*Speaker of the House of Representatives, Washington, D.C. 20515*

DEAR SENATOR STEVENS AND SPEAKER HASTERT:

On behalf of the U.S.-China Economic and Security Review Commission, we are pleased to transmit the record of our April 14, 2005 hearing on ***China's State Control Mechanisms and Methods***. This hearing addressed the charge in our mandate to evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the Internet, the Chinese print and electronic media, and Chinese internal propaganda.

The Commission heard Congressional perspectives and expert testimony from government officials, academics, and representatives of human rights organizations about the methods and implications of the Chinese government's control of information through the news media and Internet. Several witnesses expressed particular concern about how this control exacerbates and perpetuates a xenophobic—and at times particularly anti-American—Chinese nationalism. The Commission remains concerned about the long-term effects of a new generation of Chinese citizens who are exposed to a highly controlled and manipulated intellectual environment. China's control of the print and television media and monitoring of the Internet and political speeches and its arrest of so-called cyber-dissidents have increased since the Commission's 2004 Report to Congress. Most observers expect that Beijing's efforts to restrict the news media and the Internet will continue to increase in the foreseeable future.

The Commission received testimony that China's Internet filtering system has grown markedly in size and sophistication over the last two years. Search techniques that precisely target prohibited content coupled with less blocking of similar but less sensitive materials make the Chinese system more effective but less obvious to the casual Internet user. In addition, the Chinese authorities' focus on Chinese content rather than content in English or other foreign languages draws less attention from foreign critics but does not appreciably dilute the effectiveness of the censorship.

The Chinese government uses several techniques to minimize Chinese citizens' exposure to topics the Chinese Communist Party sees as threatening to its rule or as impure. These include "hard" techniques such as routers that disrupt user attempts to access sensitive websites, software that detects sensitive key words and prevents user connections to these sources, and programs that block Internet discussion board and chat room postings. "Soft" methods are also employed, including imposing burdensome licensing requirements and monitoring users' web activities through access providers.

The Commission also used this hearing as an opportunity to pursue an ongoing subject of interest, the Broadcasting Board of Governors' (BBG) Internet anti-censorship program. In fiscal year 2004, \$1 million was appropriated to the BBG to assist Chinese Internet users in undermining or circumventing China's Internet controls. In FY 2005, \$1 million again was appropriated for the program, but was included in the larger BBG budget. The Commission believes that the BBG's program has been effective in providing Chinese Internet users with access to otherwise unavailable information. Moreover, the program is scalable and could magnify its effect if supported with increased resources.

We present the following findings from this hearing:

- China's Internet filtering system is the most sophisticated in the world, and uses numerous techniques simultaneously to minimize Chinese citizens' exposure to topics the Chinese Communist Party sees as threatening to its rule or as impure.
- The Chinese government also uses collective responsibility and self-censorship to discourage free expression of ideas via the Internet, such as requiring at least two people to be responsible for content posted on a website and threatening imprisonment for posting material to which the government objects. These means of censorship are highly effective in preventing posting of material the government deems unacceptable.
- Chinese security agents harass and threaten Chinese, Tibetan, and Uighur relatives of employees of Voice of America (VOA) and Radio Free Asia (RFA).
- The Chinese government encourages nationalist sentiment in the media and online. Anti-U.S., anti-Japanese, and anti-democratic views are rarely censored while anti-government sentiments are heavily monitored and removed as soon as they are spotted by the government Internet police, who number in the tens of thousands.
- China now acts as a regional Internet provider for neighboring countries including North Korea, Uzbekistan, and Kyrgyzstan. Through this role as an Internet gatekeeper, China exports its filtering technologies to other governments that may choose to employ them.

In light of the Commission's findings and analysis, we offer these recommendations:

1. Congress should increase funding for the BBG's Internet anti-censorship activities targeted at China.
2. Congress should urge the Executive Branch to respond to the Chinese government's efforts to block VOA and RFA broadcasts and websites by vigorously and frequently raising to high-level officials of China's government the United State's displeasure with this practice of censorship and requesting that the government cease this practice. Additionally, Congress should recommend that the Executive Branch monitor the broadcasts in the U.S. of electronic media controlled by the Chinese government (such as China Central Television (CCTV)) and develop and implement a plan to issue corrections of factual errors contained in those broadcasts and dis-

- seminate them to news media and influential persons and organizations within Chinese-speaking communities in the U.S.
3. Congress should prohibit disclosure by U.S. companies to the Chinese government, in the absence of legal compulsion, of information about Chinese users or authors of online content.
  4. Congress should instruct the Department of State to monitor and report on China's proliferation of Internet filtering technology to other repressive and authoritative regimes.
  5. Congress should direct the Administration to create an entity within the Executive Branch to develop a comprehensive strategy to combat state-sponsored blocking of the Internet and persecution or harassment of users. The strategy should include the development and deployment of anti-censorship technologies. The strategy must recognize certain universally recognized limitations that may appropriately be imposed, such as the need to limit access to, and production of, child pornography.

The Commission will provide a comprehensive analysis of this issue, with elaboration of these recommendations for Congressional action, as part of its 2005 Annual Report to the Congress.

Sincerely,



C. Richard D'Amato  
*Chairman*



Roger W. Robinson, Jr.  
*Vice Chairman*



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## **CHINA'S STATE CONTROL MECHANISMS AND METHODS**

**THURSDAY, APRIL 14, 2005**

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION,  
*Washington, D.C.*

The Commission met in Room 385, Russell Senate Office Building, Washington, D.C. at 8:50 a.m., Chairman C. Richard D'Amato and Commissioners June Teufel Dreyer and William A. Reinsch (Hearing Cochairs), presiding.

### **OPENING STATEMENT OF CHAIRMAN C. RICHARD D'AMATO**

Chairman D'AMATO. The hearing will come to order. Today the U.S.-China Commission will examine the state of control by the Chinese regime over the media, particularly the Internet. The fundamental question of the state of the free flow of information in China is one in which the Commission has been specifically directed by the Congress to examine on a continuing basis.

When the Congress granted China Permanent Most Favored Nation treatment, a central part of the debate included the assertion that the development of an open and free market economy in China would lead over time to the easing of political controls by the government and would lead to political reforms and democratization.

The question before the Commission today is whether there has been any tangible progress toward these goals since legislation was passed in 2000. We're fortunate to have a number of outstanding witnesses. This includes the release of a major new work on the topic of Internet controls.

Secondly, the question arises as to what, if anything, the Chinese regime is doing to mold public opinion in China through the extensive controls over the media and the Internet. The Commission will explore whether a troubling new nationalism is being fostered with the attitudes of the younger generations of Chinese being influenced, perhaps in a negative direction, against the United States.

Control over information is one of the most powerful and dangerous tools that can be developed by a government. China has clearly worked hard to establish and maintain such control. Has the U.S. through its advanced technologies and companies supported the Chinese government in these control efforts and, if so, what might be done to reduce that support?

If the Chinese government has succeeded in developing a commanding influence over opinion toward the United States, what is the message that the younger generation is getting about the United States?



Today's hearing will examine all of these questions. We're fortunate in having outstanding witnesses in these areas. We look forward to their testimony. The Cochairmen of today's hearing, on my left, Commissioner June Teufel Dreyer; on my right, Commissioner William Reinsch. Commissioner Dreyer will handle the morning session. Commissioner Dreyer.

[The statement follows:]

**Prepared Statement of Chairman C. Richard D'Amato**

Today's hearing on "*China's State Control Mechanisms and Methods*," will examine internal dynamics within the People's Republic of China. Quite often, this topic is discussed under the heading of China's political reform—but I think that today's hearing will demonstrate why the use of that heading would be misleading to a considerable extent. It entails the assumption that China is reforming, has been reforming, and will continue to reform. Instead, one of the key questions that we will ask today is "To what extent is China reforming?"

One way to address that question is to look at the government's control of information flows. To do that we must assess China's efforts to control news media, the Internet, and other forms of communication. A fundamental human right is the right of free speech and exchange of information, and China's status within the global community of nations necessarily will be largely affected by the extent to which it offers and guarantees this basic freedom.

The Commission's last hearing to address China's media and Internet control was held as Beijing backed out of its untenable efforts to block reporting on the SARS crisis in the spring of 2003. A common refrain at the time was that China's leadership might draw a permanent lesson from the severe criticism it received for its censorship in that episode and move toward greater media freedom and openness. Two years later, it seems clear that China has not changed its basic stance on free speech and control of the media. The narrative the Congress heard in the months preceding the granting of permanent normal trade relations (PNTR) to China in 2000 held that mass communication technologies would ensure unfettered information flows which would in turn encourage political reform. But I expect the testimony we will receive today will show that China's government has found and is widely employing ways to stifle use of the Internet and other information media.

Control over information is a very powerful tool. China has worked to establish and maintain that control over a wide range of information exchange media. As a result, China's government is particularly well positioned to influence popular perceptions of the U.S. and its policies. Today's hearing will take up the question of how Beijing uses its influence, and how resulting public sentiments affect U.S. interests. We will look at how nationalism appears to be growing in China, and how it is primarily built around antagonism toward the U.S., Japan, and Taiwan.

One predictable consequence of this development is that any existing or future difficulties between the U.S. and China are likely to be more complicated to resolve than necessary. For example, in a situation of high tension—such as occurred after a U.S. reconnaissance plane and a Chinese fighter collided—popular demands attributable to the PRC government's long-term fanning of nationalist flames among the Chinese people may produce irresistible pressure on China's government to reject otherwise tenable resolutions.

Our panels today will explore how China's government wields its information control systems as a tool for building and redirecting Chinese nationalism, how much control the central government has over nationalism, and whether nationalism is used as a distraction from other social concerns. Many observers anticipate political reform in China because they believe that decreased state participation in the economy will lead inexorably to the expansion of civil society and growing restraint of the state's power in the political realm. Our panels will address this questionable assertion, examining how China's human rights and labor practices play into its system of social control.

All we see in China today adds up to a picture of concerted state control over society. Information control can be and appears to feed nationalism, which in turn can be harnessed to support the government or can surge out of control, as has been the case in recent anti-Japanese protests. Both information control and nationalism help distract the Chinese people and dissipate efforts to catalogue and eliminate human rights abuses, exploitative labor practices, corruption, environmental degradation, and other important societal concerns. It is our hope that today's hearing will help us develop a more sophisticated understanding of China's mechanisms for

societal control—which can and should serve as a basis for the United States to develop and adopt realistic policies to safeguard U.S. interests and empower those Chinese individuals and organizations that are engaged in the struggle to obtain greater freedom of expression for the Chinese people.

**OPENING STATEMENT OF COMMISSIONER JUNE TEUFEL DREYER  
HEARING COCHAIR**

Cochair DREYER. Thank you, all of you, for coming. Welcome to this hearing. I am, as Commissioner D’Amato said, going to be chairing the morning’s topic on China’s State Control Mechanisms and Methods.

We are pleased to have statements from Congressmen Wu and Burton. The Commission was established to analyze important matters in the U.S.-China relationship and inform and advise Congress, and we take this very seriously.

We are going to be joined by Ms. Susan O’Sullivan from the Department of State. Ms. O’Sullivan is Senior Advisor in the Bureau of Democracy, Human Rights and Labor, and will present highlights of the State Department’s recent report on human rights in China.

I commend this report to all of your attention. It is available in its entirety on the web and is fascinating reading.

Today’s hearing will also serve as the venue for the release of the OpenNet Initiative’s report on Internet filtering in China. The OpenNet Initiative, funded jointly by Harvard, Cambridge University in England, and the University of Toronto in Canada, will release a case study report entitled “Internet Filtering in China in 2004–2005.”

This provides the most detailed analysis to date of China’s censorship strategy, its filtering regime and the mechanisms it employs to limit the free exchange of information. Some of these things are amusing as you’ll see. The U.S. Embassy web site is blocked because the word embassy contains the sequence of letters A–S–S.

Discussing the report will be Mr. John Palfrey, Executive Director of the Berkman Center for Internet and Society at Harvard Law School; Mr. Derek Bambauer, a Fellow at the Center; and Mr. Nart Villeneuve, Director of Technical Research at the Munk Centre for International Studies at the University of Toronto.

This probes the specifics of China’s Internet control regime, and identifies taboo topics and web sites. We’re very pleased that these panelists are joining us today.

We will then hear from a panel addressing political developments in China including Dr. Jiao Guobiao, who was until recently a Professor at Beijing University’s College of Journalism and Communications; Dr. Perry Link, a Professor of East Asian Studies at Princeton; and Dr. Rick Baum, the Director of the Center for Chinese Studies at UCLA.

Dr. Jiao has the unfortunate distinction of having been recently fired from his post for his very courageous research and commentary on China’s propaganda department. And we on the Commission extend our sympathy to him, and our respect. Dr. Link will share with us his expertise on public intellectuals in China, and Dr. Baum will assess the political and social conditions in China to draw conclusions about the prospects for political reform.

The last several decades have seen the development of a dramatic and growing imbalance in China between a drastically changed economy and a society where the political system lags behind and fails to recognize or honor individual liberty. We will attempt to assess the prospects and implications of structural political change in China.

And without further ado, I would like to invite Representative Wu to speak.

[The statement follows:]

**Prepared Statement of Commissioner June Teufel Dreyer  
Hearing Cochair**

I would like to welcome all of you to this hearing of the U.S.-China Economic and Security Review Commission. I will be chairing the morning panels of today's hearing on China's State Control Mechanisms and Methods. The Commission is pleased to receive the statements of Congressmen Wu and Burton, as well as a written statement from Senator Burns and Congressman Cox. This Commission was established to analyze important matters in the U.S.-China relationship and inform and advise the Congress, and we take this responsibility very seriously. It always is beneficial to get feedback and guidance from our clients.

We will be joined shortly by Ms. Susan O'Sullivan from the Department of State. Ms. O'Sullivan is a Senior Advisor in the Bureau of Democracy, Human Rights and Labor. She will present highlights of the State Department's recent report on human rights in China.

Today's hearing will also serve as the venue for the release of the OpenNet Initiative's report on Internet filtering in China. The OpenNet Initiative, funded jointly by Harvard University, the University of Cambridge, and the University of Toronto, will release a case-study report entitled "Internet Filtering in China in 2004-2005." This report provides the most detailed analysis to date of China's censorship strategy, its filtering regime, and the mechanisms it employs to limit the free exchange of information. Discussing the report will be Mr. John Palfrey, Executive Director of the Berkman Center for Internet and Society at Harvard Law School; Mr. Derek Bambauer, a Fellow at the Berkman Center; and Mr. Nart Villeneuve, Director of Technical Research at the Munk Centre for International Studies at the University of Toronto. This is a fascinating study that probes the specifics of China's Internet control regime, identifying taboo topics and web sites. We are pleased that these panelists will be joining us today because their work relates directly to the Commission's mandate, which instructs us to evaluate Chinese government efforts to influence and control perceptions of the U.S. and its policies. ONI's report provides insight beyond the fact of China's Internet control—looking into the choices made by China's government regarding what information should be available for consumption by its citizens.

We will then hear from a panel addressing political developments in China, including Dr. Jiao Guobiao, until recently a Professor at Beijing University's College of Journalism and Communications; Dr. Perry Link, a Professor of East Asian Studies at Princeton University; and Dr. Richard Baum, the Director of the Center for Chinese Studies at the University of California Los Angeles. Dr. Jiao has the unfortunate distinction of having been recently fired from his post for his groundbreaking—and very courageous—research and commentary on China's propaganda department. He has both the Commission's sympathy and respect for that series of events. Dr. Link will share with us his expertise on public intellectuals in China, and Dr. Baum will assess the political and social conditions in China to draw conclusions about the prospect for political reform. The last several decades have seen the development of a dramatic and growing imbalance in China between a drastically changed economy and society and an outdated but unyielding political system that fails to recognize or honor individual liberty. This panel will address the challenging questions surrounding this imbalance and offer an assessment of the prospects and implications of structural political change in China.

Chairman D'AMATO. Thank you, Commissioner Dreyer. The Commission is honored and would like to greet Congressman David Wu, a third-term Member of the 108th Congress from Oregon's first congressional district. It stretches from Portland to the Oregon coast.

Congressman Wu has the distinction of being the first, and I believe the only, Chinese American to serve in the House of Representatives. He was born in Taiwan in 1955, and moved to the U.S. in 1961, was educated in public schools, and got his bachelor's from Stanford University. You might be interested to know that we're going to Stanford next week and having a hearing on high technology matters, for two days there. He attended Harvard Medical School, and received a law degree from Yale Law School.

Congressman Wu serves on the House Education and Workforce Committee including the 21st Century Competitiveness Subcommittee, and the House Science Committee, and Subcommittee there, Environment, Energy, Space and Aeronautics, and is highly qualified to understand the developments in high technology.

We understand some of your proudest accomplishments are building businesses that take advantage of high technology in your region. You represent I guess what's known as the "Silicon Forest" area of the United States.

Congressman Wu, thank you very much for coming. We look forward to your statement.

## **CONGRESSIONAL PERSPECTIVES**

### **STATEMENT OF DAVID WU A U.S. CONGRESSMAN FROM THE STATE OF OREGON**

Congressman WU. Thank you very much, Commissioner D'Amato, Chairman D'Amato, Vice Chairman Robinson, and today's hearing Cochairs Commissioners Dreyer and Reinsch. Thank you very much for this opportunity to testify before the U.S.-China Economic and Security Review Commission.

I would like to begin by thanking you for this opportunity to speak before this very important hearing and extending me an invitation to be here. As a person who aspires to a both democratic and prosperous China, I am pleased to present my views today and look forward to working with this Commission to help develop our foreign policy toward China.

I was almost going to focus exclusively on the aspects of Internet and other technical forms of expression and attempts at censorship. When I thought about this more carefully and reviewed the overall task of this Commission—I will, in the second part of my discussion, talk about some of the things that I have learned during this week or two of learning as all of us Congress Members stretch ourselves to cover so many topics. I thought it would be very worthwhile, to begin with a few personal observations of China's internal security system which distinguish it from security systems that we would normally think of from a Western or North American frame of mind.

I traveled in central and eastern Europe when I was a student. I noticed the many uniforms, guns, and badges on the street. I have traveled extensively in China between 1978 and 1989, and it struck me that I rarely saw uniformed security officers. The Gong An Bu or the public security bureau had an office in any significant community, and they were certainly there to be called upon, but they were more like the Air Force. They would only be called in for very difficult missions.

As I traveled more and came back into contact with mostly relatives, especially with relatives, but also with just friends that I became better and better acquainted with, in the process of negotiating Portland's sister city relationship in China. I became somewhat more aware of the way that the security system works in China, which is not obvious.

The system, as many of you all know and particularly the experts in the room, is based on a very old system that goes back to imperial days of controlling people through where they live and today also through the workplace. I asked them, look, how come I don't see security officers around? They said, well, Mrs. so-and-so in this apartment block or Fred, down the street, he's the representative of the Gong An Bu or he is the local security person. Usually the person that is selected to be the lowest level where the rubber hits the road in security matters, is usually a retired person, frequently what we would think of as the nice little old lady on the block, someone with a lot of time on their hands, who can observe everything that's going on in that apartment block or that particular little living area. There is one such person for every so many neighbors.

Just as it is sometimes challenging to get out from under the gaze of a busybody in your neighborhood here in the United States who likes to keep an eye on things, it is also very difficult to get out from under the gaze of this person who not only may have a lot of time on his or her hands and observes everything that is going on on the block, but also has the imprimatur of the state because ultimately things are reported up the chain and go into the formal security system. Everything from reproductive cycle to who is visiting your house becomes a matter potentially of public record.

Let me mention one specific incident that was very illuminating to me. I came to know a Chinese graduate student. We were both in our mid- to late-20s, and we took a lot of long walks and became friends, and he was studying late Ching dynasty history. In China, at least at that time, and I believe it is still true today, if you're a historian, it's better to study old history rather than recent history. The more recent history you study, the more risky it is because periodically history is revised, and it happens in every academic community but it's particularly dramatic in theirs, and if you happen to be on the wrong side of revision, it's not a good thing, and the revisions tend to occur more dramatically and more frequently with respect to recent history.

He was taking on a relatively controversial topic of self-reform in the late Ching dynasty, in the 1800s, because the analogies to modern China, 20th century changes, were self-evident to any Chinese scholar who is looking at the written materials.

Anyway, I thought it would be very interesting for this young fellow who I thought was very much like me to meet a few Americans. I took him into a hotel where I can't even remember who the Americans were—I thought these were just a couple of interesting Americans, an interesting Chinese graduate student, and I took him in there not really thinking much about the security apparatus because at that point, I was under the impression, at these lower levels, everybody kind of walks around, and we're all friends.

We went up to the floor where these Americans were staying, and at least at that time—it is my impression that this is still true—I want to make it very clear that I have not been back to China since 1989. It was my intention after Deng Xiaoping died to return to China, but I ran for Congress instead, and that's gotten in the way of my traveling, which is a surprising thing in this town, but it's true.

So I haven't had a chance to refresh some of these facts, but this is precisely what happened when I brought this Chinese graduate student up to this floor. Let's call it the eighth floor of a hotel, and the hotel was primarily dedicated to foreigners. The folks who are on every such floor in every foreigner's hotel in 1989 in China, the folks you thought were changing your water or your sheets or, just taking care of things. As I was walking down the hallway, there were two fellows on the floor. They're kind of like at a nursing station in the middle of this floor. These fellows jumped out and said [Chinese], basically what business do you have here?

I tried to explain that I'm visiting these Americans here and I guess it was ambiguous enough, so I said, well, I'm an American, and so that became okay. Then they said what about you, pointing to the graduate student that I was with, and he said, well, I'm doing graduate work here in the city. [Chinese] Where do you work? His workplace was in a different city, let's just call it a thousand miles away. And they really gave him a grilling, and we, long story a little bit shorter, we never got to see the Americans.

I thought this is going to cause this poor graduate student a lot of trouble. We just turned around and left. But in the process, they had gotten his name, gotten his workplace, gotten his number, his card that everyone carries, and the next thing you knew, a few days later, his workplace a thousand miles away was calling him, and at that time using a telephone to cover a thousand miles wasn't that common, and they were saying what the heck are you doing?

We sent you off to the big city to get an education, not to stir up trouble. Now, from their, from the workplace's perspective, it wasn't quite political; it was just that they didn't want any trouble with anybody. The control mechanism was right on that hotel floor and the control mechanism worked through the place where you live and the place where you work.

I believe that that is consistent to this day. That the control mechanism is rather informal and it works where you work and where you live, and there are a couple of lessons from this, I believe. The first one is to the casual Western observer. You can travel around China a lot and say, this looks like a free country to me. Well, that's because you don't have a neighborhood to live in and you don't have a regular Chinese workplace.

If you did, and if you had an opportunity to ask a worker in his or her own language, walk a neighborhood and ask the residents in their own language, you would find out what the control mechanism really is and how pervasive it is in daily life.

So first impressions for Western travelers used to formal law enforcement, used to guns, badges and uniforms, those lessons don't apply in the Chinese environment. The second lesson to take away, and there are many others, but the second major lesson that I

would take away from this is that the very enveloping security apparatus is dependent upon the active cooperation, the action of citizen enforcement.

It's that little old lady or the little retired guy on the street that's ultimately going to report to the Gong An Bu or to the uniform folks. The lesson from this is that if the government does something that loses the confidence, of the citizens on the block, the little old ladies, little old retired guys, or whoever is doing the reporting, the system develops major fault lines, and its effectiveness is severely curtailed, and that was the lesson of 1989, I believe, when so many students did not make it out of Beijing or other large cities, but it was shocking to me at first how many people, in essence, made it through an underground railroad from Beijing and popped out at places like Hong Kong, which as you know is very far away.

But, if the people on the surveillance blocks have turned temporarily against government, they will turn a blind eye to what's going on and it would be possible to travel the length of the country, as some people did, to get out of the country or anyway the system depends on active cooperation. In those periods, if folks lose faith in the top levels of government, the effectiveness of the whole security apparatus is severely curtailed. I would just make one further observation. Because the security system is dependent on a place of work and a place of residence, and my first comment that, if you are someone who is visiting and you don't have a place of work, and you don't have a place of residence, then you don't notice the system.

It is also true that I believe the governmental system is most at risk if there are large pools of Chinese, in China who are rootless, people who have lost their place to live or who have gone on the road to look for work, and people who haven't found work, because now these rootless people do not have a place of work, they do not have a place of residence, and while they may have a registration card they can track them through, I believe the traditional security system depending on tracking through the workplace and through residence is unable to work effectively. I think that is the root of a lot of the Chinese government's concern about having tens or hundreds of millions of people being rootless and looking for work in China. In fact, in prior late dynasty and inter-dynastic periods in Chinese history, I think that that has been both an issue of great concern and a cause of inter-dynastic change historically.

I've taken more time than I intended to already. There are people in the room who are much more expert than I am at Internet and Internet issues. But I just want to comment very briefly on a sheaf of materials that my staff was very kind to pull together for me and that I tried my best in the last week late at night to read, but one's attention wanes in the early hours of the morning.

But the Internet issue is a double-edged sword because the same technology that permits people to communicate with each other in a relatively anonymous way configured in a different way can permit the search of very large databases and real time searches of e-mails for forbidden words and forbidden content, forbidden links between different words. They're looking for words, looking for concepts, and there's a very active conflict going on on the Internet in China.

As all of you know, China has 90 million plus Internet users. It is the second largest user group in the world behind the United States, but there has been a conflict going on on the Chinese Internet. There are let's say 90 million users. The best guess that I've run across is that there are about 30,000 individuals being used by the government to censor the Internet in one way or another, whether that is that person live on the Internet or developing technology to better search through e-mails and through web sites.

So there is a constant conflict going on between those who are using the Internet for various forms of communication and a very large group of people that the Chinese government is using to both develop new technologies, to hunt down information sources and to also personally police the Internet. My understanding is that more than 12,000 Internet cafes have been shut down in the last year alone. A program of restricting the Internet kicked in a little while ago and, as is the classic pattern, began with commercial or general sources, the various commercial Internet providers and public bulletin boards.

Those are the ones that were first subject to a policy of scrubbing content, of having to register your real name and your ID. After that step was taken, earlier this year, the policy came into effect with respect to academic bulletin boards. The universities became subject to these restrictions, and while the earlier restrictions sparked some protests and some significant protests, the new policies with respect to universities have sparked significant protests, and it's not clear yet which way this is going to be resolved and will probably be related to a much higher level of struggles within the Chinese political hierarchy, on the one hand, and the level of resistance, either passive resistance or active resistance on the part of students and ordinary citizens, on the other.

There is no authoritarian or totalitarian regime that can truly enforce its will if the other 98 or 99 percent of the people really rebel, but I would just add a cautionary note. It is not clear which way this conflict will be resolved, whether it's in favor of enhanced communication and freedom, as we in the West would like to think, or whether it's resolved in favor of a computerized authoritarian-totalitarian regime.

Either outcome is possible. I think it's truly ironic that it's American policy, American foreign or trade policy, American trade policy, that has become the acme of Marxist thought in the early 21st century, and I say this at some political peril to myself, but I think it's really true. You know Marx commented that you have an economic system and the politics automatically follows that was Marxism, Leninism, Maoism, et cetera.

We have a way of believing, and I don't think that the business folks who came to Washington really thought of this. I think the business people who came to Washington wanting to do China trade probably came and said, hey, I just want to do business. I don't care what happens.

I think that they had some smart political advisors here that said, you know, that line of argument doesn't really wash. I just want to make money is not going to wash with Congress.

So what you have to say is if we do business in China, we're going to automatically make the system better. Now, that's a mes-



sage. I think this is a political advice that they got. That's a message that is going to sell. If we do trade, automatically things will become free. That was very good political advice, gives everyone cover, and I think it's absolutely wrong.

It is absolutely wrong. Nothing, nothing in this world comes free and automatically. You can have totalitarian regimes with capitalist systems, and I submit to this Commission that the struggle of the last century was between democracy and fascism and communism, and we won that fight. We won that fight not because we thought anything would automatically happen, but because we had the strength, the moral strength and the fortitude to make that fight, and we stood up for it and we fought for it.

The struggle of the next century is not the struggle of the last. I believe that the Chinese government—and they're trying to do the best by their sites by their people—I believe that they are trying to follow the Singaporean or Malaysian model of market capitalism with an authoritarian government. I believe that that is going to be the conflict of the next century, whether you are going to have market capitalism coupled with democracy, and I hope that that's what we have or aspire to, or you're going to have a form of capitalism and a form of authoritarian government, and I believe that is what the current regime in Beijing aspires to.

That I believe is the ideological conflict of the next century, which I believe we must win with all the tools in our toolbox, including the Internet. But the most crucial factor in winning that battle isn't technology; it isn't what automatically comes with trade. It is the courage of individuals to stand up for what's right. That is true in China and that is true in the United States; it is true here in Washington, D.C.

We in this country cannot change China ourselves. What we need to do is to give indigenous forces in favor of freedom, democracy, human rights and the rule of law in China, indigenous forces in China, room to breathe. That's all that we can do, but I believe that if we do that job, that is a minimum job, but that is a difficult job. If we do that job, then the Chinese will take care of themselves and I hope that a peaceful evolution in China will be possible, and there will be a prosperous and democratic China in the future, and with that, I end my testimony. I apologize for having gone on longer than I intended. If the Commissioners have any time for questions, I'm certainly willing to try to answer any that I can.

[The statement follows:]

**Prepared Statement of David Wu  
A U.S. Congressman from the State of Oregon**

Chairman D'Amato, Vice Chairman Robinson, today's hearing Cochairs Commissioner June Teufel Dreyer and Commissioner William Reinsch, and Members of the U.S.-China Economic and Security Review Commission, I would like to begin by thanking you for holding this hearing, and for extending this opportunity to speak in front of this panel. As a Chinese American and a person who aspires to a democratic and prosperous China, I am pleased to present my views today and look forward to working with this Commission to help develop America's policy on China.

When I first arrived in Washington, DC in 1999 as the newly elected representative from the First Congressional District of Oregon, I was immediately faced with the challenging choice of first extending what used to be called the Most Favored Nation status to People's Republic of China (PRC), and then the "Permanent Normal Trade Relations." As many of you may remember, I voted against the annual extension of MFN and PNTR for China in 1999 and 2000.

As a former business lawyer who represented American businesses in their trade concerns in China and other countries, I believe in the virtue of trade. I believe such commercial and intellectual interactions between the American and Chinese people could financially benefit both peoples, raise China's standard of living, and stimulate independent thinking and democratic development in China.

However, after four plus years of trade under the previously agreed-upon terms of the PNTR legislation, I remain skeptical about trade's ability to single-handedly foster a multi-party democracy in China.

In the United States and many parts of the world, the Internet provides a liberal forum where individuals can discuss any number of subjects, from your local football team, scientific reviews, to talks about elections and political subjects. In America, this is simply a fact of life we enjoy and take for granted.

For the past decade, e-commerce and web sites like sohu.com, sina.com, and Yahoo China are popularizing Internet use in the PRC. Next to the United States, China's approximately 78 million Internet users constitute the world's second largest online population. American technology entrepreneurs are rushing to China to cash in on potential business opportunities. While U.S. businesses should get a fair shot at the Chinese market, I believe America should not lose sight of its core values of promoting human rights, democracy, and the rule of law.

In the last year alone, the PRC government graduated from simply blocking certain objectionable web sites, such as popular news sites like the New York Times and the Washington Post, to increasingly sophisticated and intensive censorship efforts.

Both the U.S. State Department and other human rights sources documented a Chinese Internet police force at in excess of 30,000.<sup>1</sup> These censors monitor online conversations at real time and block out anything they consider to be inappropriate. Aside from taking down web content, PRC officials also work to take down the physical infrastructure of the Internet. Just in 2004, the Chinese authorities shut down more than 12,575 Internet cafes.<sup>2</sup>

Aside from investing in manpower to monitor the Internet, the PRC is also investing in sophisticated technology to police the online community. Recent crackdowns have focused on online discussion groups, one of the most vibrant parts of the Internet.

The Chinese government is systematically going after student-run online discussion groups. Tactics employed include requiring individuals to re-register with their real names, discontinuing access to these online forums beyond the university campuses, and taking these discussion forums offline altogether.

How are all these Chinese governmental actions important? After all, the Internet is more popular than ever in China, and American businesses are still in position to make a profit in that country.

I submit that the American people consented to a bilateral trade agreement with China because we not only want to trade with that country, but also because we believe in spreading universal values of democracy, human rights, and the rule of law.

Instead of spreading these important values through trade, American ventures in China are forced to submit to PRC's oppressive standards and cannot operate in the same openness that have not only made Silicon Valley the envy of the technology world, but also promote traditional American strength of openness and value for human dignity and democratic governance.

Cochair DREYER. Thank you so much for that very wise testimony. It is ironic, is it not, that Americans who profess to be anti-Marxist have accepted the Marxist category, that if you have the economic system organized in a certain way, the politics will follow along?

Congressman WU. Well, I think that there is a short-term view and a long-term view, and the tendency is to take a short-term view and a quarterly-by-quarterly results approach to various things. If you take a quarter-by-quarter financial results approach, then stability at any cost is what you want to maximize short-term profitability. But, in my view, long-term stability is very, very important. I believe that the only thing that ensures long-term sta-

<sup>1</sup> U.S. Department of State 2004 Human Rights Report on China.

<sup>2</sup> Los Angeles Times, 2/14/05.

bility is a system, which permits individuals to express themselves and realize their potential. I believe that not only is that conducive toward domestic long-term stability, but that also democracies keep the peace among themselves, and that it is difficult for authoritarian regimes to keep peace between themselves and difficult for democracies in the long-term to be at peace with authoritarian regimes.

So democracy is good not only for domestic economy and business for the long term, but is also helpful to international peace in the long term.

Cochair DREYER. Thank you. Commissioner Bartholomew has a question.

Commissioner BARTHOLOMEW. Thank you, Madam Chair. I just wanted to thank Congressman Wu for his testimony today. Also, it was a privilege for me in my many years in the House—actually from the moment he walked in the door of the House of Representatives—to work with him. From the day he started in the House of Representatives, he has been eloquent and a visionary leader on behalf of democracy and human rights in China and elsewhere around the world, so I just want to acknowledge your leadership and thank you.

Congressman WU. Thank you, Commissioner. It's a great pleasure to see you again this morning.

Cochair DREYER. Chairman D'Amato has a question.

Chairman D'AMATO. Thank you, Commissioner Dreyer. Thank you very much for your testimony, Congressman. I have a question that I think is something that you probably have thought about. In talking about giving the Chinese room to breathe, part of this control of the Internet, we think, was a result of technologies that came from the United States and continued control of the Internet may involve further technologies that may come from American companies in the United States.

Do we need as a government to take responsibility for a policy with regard to the export of technologies that would frustrate the goals that we had in passing PNTR? As you recall, when you first came here, we passed PNTR, there was a Marxist theory there, and that was give them a market economy, we're going to get political reform, and a lot of people bought that argument in voting for PNTR.

But won't we work against that in allowing technologies to be provided which will continue to control the Internet? Do you think that we should take a look at the question of regulating export of these kinds of technologies?

Congressman WU. I would probably look at it from the other way around although I would at least take a look at, Commissioner, your suggestion about the export of various technologies. I think that it was perhaps effective but certainly morally meaningful for us to have been very careful about the export of various arms or police technologies to South Africa during the embargo on South Africa.

Now, we hardly have an embargo on China; we have several hundred billion dollars in trade. I don't want to rule out the possibility, but it may be worthwhile to look at various technology ex-

ports that help police or control the Internet, although I suspect that in this leaky Internet world, it may be very difficult to do that.

I don't want to eliminate that possibility, but I think (a) it would be difficult. It's probably worth exploring. But the third point is that it may not be the best approach. In reviewing various materials, it came to my attention that there are individuals and companies here in the United States, which are in the business of cracking the Chinese security systems. While we should not forget the possibility of impeding export of control technologies, it may be a much better bang for the buck to invest in those companies that are specifically trying to crack various security systems.

Now, that's a double-edged sword, too, because you may find your own account somewhere open, but I understand there's at least one company or more in Silicon Valley that's focused on specifically cracking the Chinese security systems. There are people in various academic institutions around the country doing the same work. And just as Radio Free Europe played a very important role, I believe, in transmitting information for a long time in the cold conflicts of the last century. I also believe that traditional sources of information like television and radio continue to play an important role today. I believe that it is also important for us to move into a new arena of information transmission and expressly support some of these technologies and mechanisms, particularly the organizations that can generate technologies quickly that make it hard for censorship systems to keep up.

I think that supporting those penetration mechanisms may be a better bang for the buck, but I think that's a very good discussion to engage in.

Chairman D'AMATO. Yes, thank you. I'd just make the point that we actually as a Commission have been in touch with the organizations that you mention in Silicon Valley and have facilitated support by the U.S. Government of resources to help accelerate their ability to break through the firewall in a meaningful way.

Cochair DREYER. Commissioner Mulloy.

Commissioner MULLOY. Yes. Congressman Wu, thank you very much for your really excellent testimony. My own impression is that for a number of years, we subcontracted our foreign policy toward China to the business community, who helped frame the issues. You point out that the Chinese have a very sophisticated way of controlling thought and behavior. Is it your impression that the Chinese government has a way of influencing the way our business community projects the image of China in the United States and what our policy should be? Do you think there is conscious effort to shape the image that we get and how we ought to deal with China through our business community?

Congressman WU. Yes, but not in the traditional sophisticated PR ways that one might associate with shaping public opinion. Let me just unpack that a little bit. If you're thinking of a sophisticated PR campaign that's generated by folks on our side of the fence. Those are individuals and businesses which are indigenous to this country, have significant foreign interest, and understand America and American society and politics, and hire PR firms, and so on and so forth.

I think that's the shaping of public opinion to some significant degree, and it competes in the marketplace for information and ideas with open press sources, governmental sources of information, and all the different sources of information that the general public has access to, but that is a fairly loud voice in American society. I represent a congressional district and the two largest employers in that district have huge interests in China. The Commissioner mentioned that I represent the Silicon Forest. In essence, in taking the stand I have vis-à-vis China, it's like someone from Washington State voting against the interests of both Microsoft and Boeing at the same time. It may happen, but you don't see it happening very often.

The mechanisms of influence that the Chinese government itself uses are much cruder than the mechanisms that American businesses use in America. The mechanisms that the Chinese government use, and I think it's worth focusing on this, because so few Americans know about it—you're going to Stanford next week?

Chairman D'AMATO. That's right.

Congressman WU. It's my recollection that it was sometime ago, and maybe Stanford has made its peace with the PRC, but certainly at the time I was paying attention to this brouhaha, Stanford was in the process of being severely penalized by the PRC because one of the resident scholars had done some work that the PRC government didn't look favorably upon. So the unspoken rule is if you're a researcher or if you're a university and you want to have long-term interests in China, you should toe the line, study Ming dynasty painting, not the politics of 20th century China.

Be good about educating engineering and science Ph.D.s and don't let these student movements get too out of hand. You have to play ball with us. That's one form. Another form is squeezing—that's universities—then the Chinese government will also squeeze businesses, and the squeeze comes in various ways, but basically if you want to do business in China, you have to pay attention to what current government policy is, and be careful about that.

So multinational corporations, American corporations, will be cautious about taking stands which are or having policies, even personnel policies, which are contrary to current PRC government policy.

A third arena, the debate about whether the Internet is going to help with political liberalism or not or discussion, a freer flow of discussion in China or not. A very specific example of this kind of pressure—and I'll resort to my technology here, because I wanted to make sure that I got it right. I'm not on the floor of the House so I'm not immune from a lawsuit—it's a lawyer's joke.

Let's see. The PRC compels businesses to sign a public pledge on self-discipline for China's industry. More than 300 companies signed the pledge including the popular sina.com and sohu.com as well as—oh, Jerry, I'm so disappointed, and Yahoo has such a reputation for being Yahooers—as well as foreign-based Yahoo's China Division. Those who signed the pledge agreed not to spread information that breaks laws or spreads superstition or obscenity. They also promise to refrain from producing, posting, or disseminating pernicious information that may jeopardize state security and disrupt social institutions.

I believe that's a direct quote from the pledge that various companies signed. So it remains an open question whether the interchange with China is liberalizing China or actually ossifying American institutions and flows of information as the Chinese government uses relatively crude but sometimes effective mechanisms to bring pressure upon universities, upon traditional businesses and even upon nouveau Internet businesses.

Their mechanisms of control aren't the public relations campaign type. They're a little bit cruder, but because they're squeezing large entities and making those entities do the dirty work, there is some question about whether they're being quite effective at channeling the kind of discussion that can be had even in the United States about China because institutions and individuals are afraid to say things that would endanger their academic or business interests in the long term.

Commissioner MULLOY. Thank you so much, Congressman. Very helpful.

Cochair DREYER. Commissioner Becker.

Commissioner BECKER. Thank you, Congressman. I very much appreciate your remarks from the open and candid way you've laid some of these problems out and your thoughts on those. I often wonder when we run into problems with China, how we as a government, as a people, can trust the Chinese when they don't even trust their own people. I think that's very apparent from the comments you made and others have made when we're talking about all phases of media being controlled and people being controlled.

But the question I had to ask you, when you referred to the struggle in the last century, between communism, between capitalism, and how we're going to approach this at the present time. We had a struggle with Russia also, and we approached it with a policy of containment in virtually every aspect until the system collapsed from within. At the same time we just go immediately into a policy of engagement with China, which has resulted in the transfer of a tremendous amount of wealth to China and technology, which we're agonizing over now, how they use that technology and the degree of freedom that their people are going to enjoy as a result of that.

In your own opinion, did we do wrong in approaching this with a policy of engagement versus how we dealt with Russia?

Congressman WU. Well, Commissioner, first to comment on your comment about trust. Sometimes as a legislator, it's hard to trust the folks at the other end of Pennsylvania Avenue, and there are many times when I don't trust the other body, the Senate side.

So, in a political context, it's always important to work together, but as Ronald Reagan said, trust but verify. As bodies become more and more different, as the House and the Senate are different, as the executive branch and the legislative branch are different, as these differences become more apparent, and it's really important to realize, yes, we are the same as human beings, but we have very different social systems at times. As that gulf becomes larger, it's very important to do the Ronald Reagan thing, the trust and verify thing more often.

It just reminds me of Lyndon Johnson saying that a Vietnamese mother wants the same thing that a poor mother in south Texas

wants for her kids—to learn and prosper—and while that may be true in some limited context, and Lyndon Johnson was brilliant as a domestic politician, I think that he overlooked some really dramatic differences between Vietnamese history and culture and American history and culture that might explain why a country was willing to fight for so long. Maybe he wasn't overlooking it; he was intentionally selling something to the American public and did so successfully for a number of years.

But turning to your question, are we wrong to engage? I think that every century and every challenge calls for its own answer. I'm not a foreign policy expert, Commissioner. I have intentionally focused on domestic policy precisely because I didn't want to get involved in these foreign policy matters, but I kind of get sucked into the back draft because that's the way life is.

I am not a foreign policy expert, and as an armchair observer, certainly not even an armchair historian, and I want to avoid being, that most dangerous form of public servant who makes easy assumptions about knowing more than he or she does. Just looking back through a couple of centuries, there had just been a war, the Russians seem to be rolling country by country through a good part of the world, and while it's difficult to see things from their perspective, from our perspective, it was clearly the case that it looked like a good bit of the map was going Red, and Kennan in coming up with his formulations and the Truman administration in coming up with their implementation of the containment policy, that was appropriate to the time.

I want to go back 50 years prior to that with the rise of Germany in the last decades before 1900. I believe that that is a fine historic example of inadequate response by the incipient democracies. What I mean by incipient democracies is Great Britain, France, the countries that had more democratic governments than Germany had, and Germany had a developing democracy, but I believe that the upper echelons had more influence than say in Britain and in France. Germany clearly had to be integrated as a very fast-rising power into the new world order of 1900.

I believe the failure of the democracies of that era to make clear what the rules of engagement were resulted in miscalculations which led to two cataclysmic world wars in the 1900s. I'm not a historian. It's just a superficial observation that I have. It is easy for authoritarian regimes to misjudge the strength of democracies.

You think you can just push a democracy around and what happens is that a democracy gives and gives and gives and gives, and finally there's a cataclysmic conflict because there's a misjudgment. What the model should be for our engagement or any other word you want to put on it, our relationship with China in the early 21st century should draw upon our historic lessons in Western Europe's experience with the rise of German power and our experiences in dealing with the then Soviet Union in 1945–1950, during that period.

There is no doubt in my mind that China will be a great economic and probably a great military power in this coming century. It is absolutely essential that we successfully integrate China into the world order. But it is also essential that we project our own values and those things that are essential to us and things that we

will stand firm on and, indeed, those things that we will fight for so that there is no miscalculation in Beijing, Washington, Tokyo, Seoul or anywhere else about where the bright lines are.

I believe that keeping the peace for the long-term is the absolute prerequisite. We have to keep the peace and find ways to do that through both diplomacy and having a strong military. That's the bottom line, but what we aspire to is by keeping the peace, working through all these other mechanisms that you all are looking into, whether it's the commercial relationships, the cultural relationships, the interchange of people or the Internet to help with evolutionary processes in China. I hope that there is an evolutionary process in China so that within my lifetime I live to see a democratic and prosperous China.

I don't claim to have a prescription for the right mix of American policy between the carrot and the stick. It's just my impression that current American policy tends to be dominated by large commercial voices which don't want to be bothered by anything other than commercial interests, and from my perspective, that, first of all, is a prescription for a foreign policy disaster in the long term, and secondly, it does not speak well of us as individuals or as a people because America has always cared about more than the almighty dollar.

We have always cared more about democracy and freedom, and if we can make a decent living while doing it, we'll do it, but we have cared about more than commercial interests, and to stake our foreign policy on commercial interests alone, I know that's wrong. I may not know what's right, but I know staking on commercial interest alone is wrong.

Chairman D'AMATO. Thank you.

Cochair DREYER. Commissioner Donnelly.

Commissioner DONNELLY. Thank you very much and thank you, Mr. Wu. Like my colleagues, I've been very taken with your testimony. I got a little nervous when you started talking about armchair strategists and historians. It hit a little close to home, but if you consider yourself to be an armchair historian, that's a pretty high standard. So I'm comfortable with it.

I wanted to get ahead of the Commission's agenda a bit just because we have you and because your testimony was so provocative, and specifically because in your last answer you raised the Germany analogy. Later in the day we'll be examining the phenomenon of Chinese nationalism, which it seems to me, apropos of your opening remarks, might be very important for maintaining that low level loyalty to the state and might even be regarded as the software or the operating system for a computerized totalitarian society.

So again, we're getting ahead of ourselves a bit, but I think I'd like to take the advantage of your appearance to get your comments on that.

Congressman WU. I think that that is an issue to be very concerned about. China very, very legitimately should be proud of a long continuous history, a deeply developed culture. Even the language itself has descriptions for human relations that are unknown in English. You know just as we used to joke in New Haven that people in New Haven have seven different words for different



shades of gray or maybe the Inuit have 20 different words for different kinds of ice, I try to tell my kids that in China, there's a specific term for every family relationship out to the nth degree, whether it's an uncle on your mother's side or your father's side. That's a big deal. You use different words for that whether they're older or younger, generationally above you or behind you, et cetera, and all those things are descriptively termed.

My parents know the terms. I know a few of them. I'm hugely unsuccessful in getting my five and seven-year-old to take interest currently. But while there is that rich tradition and legitimate pride, like some current and domestic U.S. policy, although I don't want to state that there is moral equivalence in many of the things we're talking about here, there is a risk that you've cited of using nationalism as a card.

It is a very strong theme in Chinese history for a long time in Chinese history. It was part of the Ming dynasty revolt against the Mongols that had preceded the Ming dynasty. It was part of the resistance to the Qing dynasty that kept on creeping up after the Qing replaced the Ming dynasty and for almost 300 years, there were periodic anti-Qing dynasty events, if you will, because the Qing dynasty continued to be looked upon as foreigners even though they had ruled China as a dynasty for over 200 years.

It is certainly a very deep strain in Chinese culture and history, and I believe that it is very risky in the current context for a couple of different reasons. Even independent of the cross-Straits issue, there is a strain between the United States and China.

When I visited China multiple times over more than a decade long period, there was a tendency to be very friendly towards the United States, and I believe that that strain is still there, that that is the deepest undercurrent of friendliness toward the United States and interest in many things American.

There is also a frustration at the United States, and maybe it's because we're the superpower right now. Maybe there's a frustration at the United States because the United States sometimes doesn't pay very close attention to foreign policy, and we tend to be very domestic policy oriented, and it is, I think, unfortunate but in all likelihood a sincere manifestation of that second strain of resentment toward the United States that one sees manifested on those bulletin boards. For example, when there was that tragic bombing of the Chinese Embassy facilities in Belgrade, I believe, and then more recently with the Abu Ghraib, with the extremely grave situation that developed in that prison in Iraq at Abu Ghraib, there were tens of thousands of postings on Chinese bulletin board sites criticizing the United States on how there was, in essence, no difference—that's what some of them said—there's no difference.

So there is a strain of anti-Americanism that can be tapped into, but I think that sits on top of a very large reservoir of goodwill toward the United States. It is a relatively straightforward matter for any government in Beijing to play on that strain of anti-Americanism when given the opportunity, when there is an incident such as Belgrade or Abu Ghraib.

But it can also be crudely done and ineffectively done. When you throw in the mix of Taiwan, then all the needles are pinned be-

cause while China has gone through long periods where pieces of China may not have been integrated all into one entity, there is a very deeply seated cultural resistance and historic resistance to divisions within the country.

I hear all the time the phrase “we’re all Chinese.” That can cause problems when there’s 23 million people sitting 100 miles offshore who under current circumstances have a lot to lose and perhaps not too much to gain by reintegrating or integrating with mainland China. You throw the American position into the mix there, and it becomes very easy, quite frankly, for either side of the Strait to play the nationalism card. The party politics in the PRC and the politics between the political folks and the military political folks argue for taking a very hard line with respect to Taiwan.

It helps keep the entrenched powers entrenched. Misplayed, it’s very, very dangerous and very dangerous to international peace. The party politics in Taiwan have become much more complex, but there is also a risk in Taipei. Just as there is a risk in Beijing, there is a risk in Taipei for playing domestic Taiwanese-Chinese politics and playing those cards, and if played inadroitly, it can also be very, very dangerous and the United States can be drawn into something that we had no intention of being involved in in the first place.

I think it is emphatically in the United States’ interests to make sure that conflicts in the Pacific and hopefully everywhere else in the world are resolved without resort to arms. That is why I have been so deeply concerned about other aspects of American foreign policy in the last few years because we have to set a good example ourselves lest others, and China comes to mind, but so do India and Pakistan, lest others follow a bad example set by a superpower of using a roll the tanks philosophy rather than a containment philosophy as was used 50 years ago.

The nationalism card is a very risky card to play. It’s very tempting to play because it is so effective in domestic politics. It’s effective in domestic politics in Taiwan; it is effective in domestic politics in the PRC; it is effective in domestic politics in the United States, and I suspect everywhere else.

The problem is once you set that tiger loose, you have to hang on to the tail or stay on the back of the tiger for all your life and it is fraught with risk and I just try to encourage everybody I can talk to here and everywhere else to try to avoid playing that card, just because you don’t know where you’re going to wind up.

Cochair DREYER. Which may be something that the Chinese government is wondering about now, with this anti-Japanese sentiment. The honor of the last question goes to Commissioner Wortzel.

Commissioner WORTZEL. Thank you very much, but George essentially asked the containment question that I was going to ask, but I want to thank you very much for your testimony. I appreciate it and appreciate your response to Commissioner Becker on containment. On the Stanford University incident you mentioned, Stanford University rolled over and lost that academic battle with the Chinese and threw that scholar out of its program so they could continue their access to research in China.

Congressman WU. That’s my recollection of the resolution also, but those being the four most wonderful years of my life, I didn’t

want to say that without having very specific facts in front of me. It is really unfortunate that when large institutions get pressured, sometimes they do the right thing and sometimes they don't, but I think that we are all called upon to just try to do the right thing, to do the right thing every single day.

This testimony today may cost me a little bit of heartache back home in my district. It may certainly cause me a little bit of heartache—it's my impression that I was not welcome in China for a while—and I may become unwelcome in China again for a while. But the reason why I'm here, and I think the reason why you all are here is to try to do the right thing and to do the right thing by this country and by the world for the long term.

I'm here speaking because other people can't. If I shirk my duty to do that, then why am I here in Congress in the first place. If we as any free citizens of a free country shirk our duty to support the aspirations of those who are not free to have their own democracy, then how can we look ourselves in the mirror? That is the challenge that each of us faces every single day.

Thank you for the opportunity to testify before you all. I just hope that we all go out and do our jobs the best we can every single day when we get up. Thank you very much.

Cochair DREYER. Congressman, thank you so much for this very candid and interesting testimony. We very much appreciate it.

Congressman WU. Thank you.

Chairman D'AMATO. Thank you very much, Congressman Wu. Is Susan O'Sullivan here? Sorry to keep you waiting.

Go right ahead.

## **ADMINISTRATION VIEWS**

### **STATEMENT OF SUSAN O'SULLIVAN SENIOR ADVISOR, BUREAU OF DEMOCRACY HUMAN RIGHTS AND LABOR, DEPARTMENT OF STATE**

Ms. O'SULLIVAN. Thank you, Chairman D'Amato and Commissioner Dreyer and other Members of the Commission for this invitation to the U.S.-China Economic and Security Commission hearing on China's State Control Mechanisms and Methods.

As you know, I'm here standing in for my Assistant Secretary Michael Kozak and his deputy who are deeply engaged with the U.N. Commission on Human Rights this week. I'm pleased to have the opportunity to provide you with an assessment of China's human rights practices as reported in the recently released 2004 Country Reports on Human Rights, focusing particularly on the state's control of the media and the Internet.

I would also like to briefly discuss what the Department is doing in China to promote increased respect for international human rights standards and the subject of the even more recently released Supporting Human Rights and Democracy Report. Although enormous economic and social progress has taken place in China over the past 20 years, political reform has lagged far behind and the repression of citizens seeking to exercise their internationally recognized fundamental freedoms continues to be a systemic problem.

Our hopes that the pace of political reform would quicken and the space for public discourse would expand when the fourth generation of leaders led by President Hu Jintao came into power have

not been realized. Although the leadership has demonstrated concern for the rapidly growing inequalities between China's urban and rural areas, and the need for social safety networks, often those citizens who shine the spotlight of attention on those very problems become targets of government harassment or even repression.

In our most recent human rights report released in February, we once again concluded that China's human rights record remained poor and the government continued to commit numerous and serious human rights abuses including torture, mistreatment of prisoners, incommunicado detention and denial of due process.

We noted Chinese authorities remain quick to suppress religious, political or social groups when they perceive to be threatening to government authority or national stability. And that the space for public discourse had contracted. Leaders continue to make a top priority in maintaining stability and social order, anxious to perpetuate the rule of the Chinese Communist Party.

Laws and regulations were arbitrarily enforced and it remained difficult for citizens seeking to express their political or religious views to know exactly where the line between the permissible and the illegal lay. Throughout the year, the government prosecuted individuals who miscalculated and went over the line, charging them with subversion and loosely defined state secrets crimes.

The government also severely restricted freedom of assembly and association, and increased the repression of members of unregistered religious groups in some parts of the country. The crackdown on Falun Gong continued. The government continued to deny internationally recognized worker rights and forced labor in prison facilities remained a serious problem.

The government also at times used the global war on terror as a pretext for cracking down on Uighur Muslims who peacefully express dissent and on independent Muslim religious leaders. Citizens who openly express dissenting political views were harassed, detained or imprisoned, and in a particularly discouraging development in late 2004, Chinese authorities launched a campaign that targeted writers, religious activists, political dissidents, and petitioners to the central government.

Many of those who paid the highest price in this campaign were those who sought to publish information or express their political views in the media or on the Internet, making today's topic of state control of the media and Internet particularly timely.

Although other panelists who will appear today are the true experts on the media and Internet in China, I would like to take a few minutes to briefly summarize the Department's assessment and the extent of controls on both. It will come as no surprise to anyone who reads the Chinese press or Western reporting on China that the government maintained tight restrictions on the print and broadcast media and used them to propagate government views and party ideology.

All media employees were under explicit public orders to follow CCP directives and guide public opinion as directed by political authorities. Newspapers could not report on corruption without government and party approval and publishers publish such material at their own risk. Formal and informal guidance that required jour-

nalists to avoid coverage of many other politically sensitive topics contributed to a high degree of self-censorship.

However, on issues such as economic development, social change, and culture, there was considerably more leeway for journalists and publishers. Journalists who reported on topics that met with the government's or local authorities' disapproval suffered harassment, detention, imprisonment, confiscation of editorial work. Closings, firings, threats, harassment and beatings were also used to keep journalists in line.

Many journalists were charged with the crime of leaking state secrets, but authorities using a 1994 guideline of handling political questions through non-political means also used spurious charges of corruption, fraud, and sexual misbehavior to discredit journalists whose actual offenses were political.

For example, in January 2004, the chief editor and six staff members of the Guangdong province's Southern Metropolitan Daily newspaper were all detained on alleged economics crimes. In September, New York Times employee Zhao Yan was detained and formally charged with leaking state secrets shortly after the newspaper correctly predicted that Jiang Zemin would resign as chairman of the Central Military Commission.

Just recently authorities perhaps because of lack of evidence for the state secrets charge have initiated a fraud investigation in this case. Last year, the Committee to Protect Journalists again assessed China as one of the world's leading jailers of journalists with 43 journalists imprisoned.

In addition to controls on the press, the Chinese government maintained tight controls on the publishing industry. No newspaper, periodical, book, audio, video or electronic publication may be printed or distributed without the printer or distributor being approved by relevant provincial publishing authorities and the State Press and Publications Administration.

The Communist Party exerted control over the publishing industry by preemptively classifying certain topics as off limits, selectively rewarding with promotions and perks those publishers, editors and writers who adhered to party guidelines and punishing those who did not adhere to party guidelines with administrative sanctions and blacklisting.

The government has also increased its efforts to control the Internet while simultaneously encouraging its use. The Ministry of Information Industry regulated access to the Internet while the ministry's public and state security monitored its use.

According to recent estimates, as many as 90 million Chinese are on the Internet and approximately 22 percent of them access the web in Internet cafes. Regulations prohibit a broad range of activities that authorities have interpreted as subversive or slanderous to the state, including dissemination of any information that might harm unification of the country or endanger national security or social order. Promoting evil cults is banned. Internet service providers were instructed to use only domestic news postings to record information useful for tracking users and their viewing habits to install software capable of copying e-mails and to immediately end transmission of so-called subversive material.

Many ISPs practice extensive self-censorship to avoid violating very broadly worded regulations.

During 2004, as Congressman Wu pointed out, the government continued to press for compliance with its 2003 public pledge on self-discipline for China's Internet industry. More than 300 companies have signed the pledge including popular sina.com, sohu.com, as well as the foreign-based Yahoo China Division.

Those that signed the pledge agreed not to spread information that breaks laws or spreads superstition or obscenity. They also promised to refrain from producing, posting, or disseminating pernicious information that may jeopardize state security and disrupt social stability.

China has employed an estimated 30,000 tech experts as part of its massive control effort to control the Internet. They have the power to block offending material temporarily or permanently or edit it electronically, and if the web site is domestic, they can issue a warning or close it down, a practice that is common during sensitive political periods of the year.

China has also invested heavily in new technology and over the past year has introduced sophisticated technology that enables selective blocking of specific content rather than entire web sites.

Such technology was used to block e-mails containing sensitive content. In July of last year, the government also began implementing new measures to monitor and filter text messaging to control politically sensitive material. All text message service providers were required to install filtering equipment to monitor and delete messages deemed offensive by authorities.

The government also resorted to dispatching police to deal with offenders if the control system failed. Sanctions are similar to those imposed on journalists and writers: rectifications, fines, confiscation of money or equipment, closings, and sometimes arrest.

Of the 69 people throughout the world listed by Reporters Without Borders as in jail for using the Internet, 61 are in China. Their sentences have ranged from two to 15 years. The human rights abuses I've described today and which are spelled out in much greater detail in the annual Human Rights Report are systematic and rooted in structural deficiencies of Chinese political system.

Although a genuine transformation of China and its political system can only be realized by the Chinese themselves, it is in the interest of the United States to encourage China to move in the right direction of political reform and increased respect for human rights.

The Department's comprehensive strategy for doing so is based on two basic principles: that international pressure can over time encourage China to take steps to bring its human rights practices into compliance with international standards, and that there are opportunities to support those within China who seek structural reform.

I would like to conclude by discussing some of the steps we took in 2004 to implement our strategy. The recently released report Supporting Human Rights and Democracy: The U.S. Record 2004-2005 provides a complete summary of our bilateral diplomatic efforts, multilateral action in support of government and non-governmental channels.

I'll just mention a few. Importantly, President Bush, former Secretary of State Colin Powell, and Secretary of State Condoleezza Rice, have raised human rights issues and individual cases in public remarks and private meetings with the Chinese officials making absolutely sure of the importance we place on this issue in our bilateral relationship.

Other U.S. officials in Washington, throughout China, and at the U.N. Commission of Human Rights in Geneva consistently highlight publicly and privately the need for improvements. We call for the release of prisoners of conscience including those imprisoned for expressing their views on the Internet and in the media, and we have pressed China to honor its international commitments in its own constitution respecting religious freedom.

We're supporting activities in China to reform the judicial system, improve public participation and strengthen civil society. In FY2004, the Bureau of Democracy, Human Rights and Labor, my bureau, alone spent \$13.5 million to support these programs. In 2005, we will program an additional \$19 million.

These are wide-ranging strategies, programs, and commitments and they grow out of our conviction as President Bush said in his speech to the National Endowment of Democracy, that the calling of the country is to advance freedom, support allies of freedom and liberty everywhere and help others create the kind of society that protects the rights of the individual.

The activist He Qinglian's new book, *Media Control in China*, she refers to China's journalists and Internet writers as "dancing in shackles" pointing out that despite the sometimes heavy consequences of freely expressing one's views or exposing the truth, there are those in China with the courage and idealism necessary to continue the traditional Chinese virtue of speaking for the people. The Administration is determined to stand by them.

Thank you very much for holding this hearing and calling attention to continuing human rights abuses in China, particularly the repression of those seeking to express views and speak for their fellow citizens. Thank you very much. I look forward to your questions.

Cochair DREYER. And thank you, Ms. O'Sullivan. We very much appreciate this. Ms. O'Sullivan has informed us that since she is sitting in for her boss, she may not be able to field a wide range of questions following the opening statement, but Chairman D'Amato does have a question for you.

#### **Administration Views: Discussion, Questions and Answers**

Chairman D'AMATO. Yes, thank you, Ms. O'Sullivan, for that statement. I just had two quick questions for the record. First, have you seen this OpenNet Initiative study? It's just been released today.

Ms. O'SULLIVAN. I picked it up as I came in here.

Chairman D'AMATO. Yes, what we would like to do is get the view of the Department on the study.

Ms. O'SULLIVAN. Okay.

Chairman D'AMATO. If the Department would give us a view as to whether they agree with it, where the deficiencies are, whatever, their view on the study.

And secondly, you can get back to us on this, too, I didn't necessarily hear you say that the United States had communicated an official position to the Chinese as to our views of Internet censorship.

The question is whether we have communicated that to the Chinese and in what context, and you may get back to us for the record on that, or you may answer it now.

Ms. O'SULLIVAN. I'd be happy to answer that. We have made that very clear to the Chinese both during our official bilateral human rights dialogue. Most recently former Assistant Secretary Lorne Craner raised this in talks in Beijing during the dialogue.

Other officials in China and the United States raise this as well. We attach enormous importance to freedom of expression and the free flow of information into China. So we're raising it all the time. Of course, our advocacy on the part of individual prisoners also is an occasion where we raise this because so many of the people that we are talking to the Chinese about and seeking the release of are in jail for expressing their views on the Internet or publishing something that got them on the wrong side.

Chairman D'AMATO. Thank you.

Cochair DREYER. Thank you very much. To those of you in the audience who may not have read the State Department study, it is an absolutely superb tour of the horizon on these and other matters, and it's available on the web. I commend it to everyone's attention.

Thank you.

Commissioner MULLOY. Why don't you give the web site. Do you have it, June?

Cochair DREYER. It is just the State Department web site.

Ms. O'SULLIVAN. If you go to [www.state.gov](http://www.state.gov), you can find your way there. Maybe the easiest way is just to go to our page, the Bureau of Democracy, Human Rights and Labor.

Cochair DREYER. Thank you.

Chairman D'AMATO. Thank you.

Ms. O'SULLIVAN. Thank you.

Chairman D'AMATO. I think that we're expecting Congressman Burton to appear at any moment. Why don't we take just a three or four minute break?

[Recess.]

**OPENNET INITIATIVE (ONI) REPORT RELEASE  
"INTERNET FILTERING IN CHINA IN 2004-2005"**

Cochair DREYER. Ladies and gentlemen, Congressman Burton has been detained, so I would like to start with our next group of people, the OpenNet Initiative. Gentlemen, would you please take your place at the table?

Mr. Palfrey, Mr. Bambauer and Mr. Villeneuve. I'd like to take you all in the order listed on the program. Mr. Palfrey, if you would lead off, please.

**STATEMENT OF JOHN G. PALFREY, JR.  
EXECUTIVE DIRECTOR, BERKMAN CENTER FOR INTERNET & SOCIETY  
HARVARD LAW SCHOOL**

Mr. PALFREY. Thank you very much. Mr. Chairman, Madam Co-chair, Members of the Commission, thank you very much for the



opportunity to present to you today a report that has been in the works for three years prepared by the OpenNet Initiative on Internet Filtering in China. My name is John Palfrey. I'm Executive Director of the Berkman Center for Internet & Society at Harvard Law School and only one of several people involved in creating this report.

I'm joined today by Mr. Nart Villeneuve, the Director of Technical Research at the University of Toronto Citizen Lab and a colleague of mine at Harvard Law School, Derek Bambauer, a Fellow at the Berkman Center. Not joined here are three other principal authors of this report. I just want to make sure that I'm clearly stating this is the work of a wonderful team.

Today, the Commission is considering China's mechanisms and methods of state control. While China seeks to grow its economy through use of new technologies, the state's actions suggest at the same time a deep-seated fear of the effect of free and open communications made possible by the Internet. This fear has led the Chinese government to create what we've found to be the world's most sophisticated Internet filtering regime.

The People's Republic of China has the most extensive and effective legal and technological system filtering Internet content, censorship and surveillance available in the world today. China's system prevents users from accessing most politically sensitive content on the Internet including information about opposition political groups, independent movements, Falun Gong, the Dalai Lama, and the Tiananmen Square incident.

China's system blocks virtually all of the content on BBC and much of the content on CNN online. The Chinese government has imposed significant legal and technical restrictions that prevent the publication of and access to sensitive information on the Internet.

China's filtering has advanced far beyond the comparatively limited filtering regimes in other places in other states, and also since we last tested in 2002, its approach has become markedly more sophisticated and successful. The success of China's filtering efforts lie in its reliance on multiple overlapping filtering methods and systems. China's filtering takes place at multiple levels including at access points such as cybercafes, at intermediaries such as Internet service providers, and at the central national Internet backbone network.

China employs a mixture of soft and hard controls to limit the Internet material its citizens can access. We heard this earlier, of course, from Congressman Wu, making very importantly the point that many of the controls on access of the Internet are soft controls, done very locally by individuals. Hard controls include technical measures such as key word blocking, which we've identified extensively in the report, but also source-based blocking of IPs and URLs. I'd be happy to get into that in more detail over time.

China also has extensive legal enforcement. These measures concentrate primarily on the creation and dissemination of content rather than its retrieval. We heard about that from the State Department and Mr. Bambauer will talk about that at greater length throughout the course of the testimony.

The combination of these soft and hard controls create a chilling effect that deters users and intermediaries such as ISPs from posting content on sensitive and prohibitive topics to the Internet.

Since we last tested in 2002, China has broadened its controls over the Internet through expansion of both laws and technology. Legally, new requirements and restrictions raise barriers to creating and hosting sensitive content, placing authors and intermediaries in the network on notice that their actions are being monitored. Technologically, China's filters have become more sophisticated with improved targeting of prohibited content and less over blocking of similar but less sensitive materials, obviously a good sign.

As new Internet communications methods have become popular in China—for instance, online discussion forums, search engines and web blogs, personal journals online that individuals post to—the Chinese state has extended its filtering apparatus to control expression in these new media. Filtering systems have also become integrated into the architecture of the new technologies. Chinese blog providers, for instance, at least the three largest ones, now include code to prohibit publication of sensitive political content.

The Chinese state's filtering regime lacks transparency in nearly every sense. In addition to limiting what Chinese citizens can come to know about this censorship regime itself, this lack of transparency complicates the task of monitoring the filtering regime. Most important, this lack of transparency contributes mightily to the climate of self-censorship.

Chinese officials very rarely admit that the state censors Internet contents. Officials do not disclose at any level of granularity what material it targets through the filtering regime, and unlike Saudi Arabia, for instance, and some of the other countries that filter extensively, China does not permit users to participate in any sense in the blocking decisions or to appeal erroneous filtering of sites that do not include contents that would otherwise be blocked for sensitivity reasons.

China's Internet filtering and censorship efforts have global ramifications as you obviously know and should be of concern to Internet users worldwide. Most of all, the ramifications of the censorship regime should be of concern to anyone who believes in participatory democracy online and offline.

China's growing Internet population represents nearly half of all Internet users worldwide and will soon overtake the United States as the single largest national group of Internet users. How the Chinese government restricts its citizens online interactions is significantly altering the global Internet landscape.

China's advanced filtering regime presents a model for other countries with similar interests in censorship to follow. Importantly, China now acts as a regional Internet access provider for neighboring states, China, North Korea, Uzbekistan, Kyrgyzstan, for instance. Through this important role as a gatekeeper to the Internet for other neighboring states, China may be able to share or to export its filtering technologies. There's no particular reason to believe that the Chinese government would refrain from exporting its filtering technologies to other states.

While it may be an open question as to whether democratization and liberalization overall are taking place in China's economy and government, there is no doubt that neither is taking place in China's Internet environment today.

I'd like to switch gears for a moment and talk briefly about the methodology behind the report that we're releasing today. If there are further questions over the course of the testimony, I may well turn it over to Mr. Villeneuve who knows it best of all.

This report is, as I noted, a follow-up to a report that we did in 2002. That was members of our consortium put together an initial take on how and why China filters Internet. The data included in this report have been collected since that time roughly, but using a new series of methodologies in which we have greater confidence than the previous report, and the data that are included in this report were collected as recently as this very week.

As the Chinese government has developed these more sophisticated means of filtering, we too have tried to develop more sophisticated and comprehensive means of testing their filtering efforts. To gauge how Internet filtering likely affects the average Chinese Internet user, we employ a variety of means to test blocking and censorship, and then after that to ensure data integrity. We test filtering from different points on the Chinese network, in different geographic regions and across time, very important variables, of course.

The resulting data allow us to conduct rigorous longitudinal analysis of interblocking in China. We examine both the response that users receive from the network and from the web servers involved and information about the route that a request takes as it goes along the web allowing us to pinpoint in many cases exactly where information is censored and controlled.

While it's impossible for us to paint a flawless picture of Chinese Internet filtering—it's very dynamic—we do believe that we are able to give a fairly good snapshot of Internet filtering in China today. We've used four different methods in order to test in this report. The first primary one is actually in-state testing as we call it. Nart Villeneuve and his colleagues have developed an application based on technology we've had for several years in the hopper, which is actually installed, on computers that are in-state in China. They're often installed at the home of a volunteer or otherwise deployed from within the country. From that system, we're then able to run a series of queries remotely. We also have our volunteers do manual checks of different things that we're interested in having them run from their machines.

Secondly, we've accessed, as we have in the past, proxy servers in China to duplicate and augment this in-state testing of whether or not a citizen could access a certain web site. Proxy servers as you know are points in China on its network that act to aggregate and to respond to user request for content.

By accessing proxy servers, we're able to browse the Internet as though we were in China, even though we're physically located, of course, in other countries. Through proxies we're able to obtain a random sampling of web content and censorship across multiple networks and service providers.

It's important to note that our previous report in 2002 relied almost exclusively on these proxy tests. We believe that the combination of in-state testing plus proxy testing raises the level of confidence dramatically.

So the other category of testing we've done has been not just of whether you can access a given web site, but rather some of the other kinds of censorship that are happening on the network. The State Department's representative, Ms. O'Sullivan, mentioned a number of these other things. We've been interested particularly in two areas. One is the extent to which you can post to web blogs, which are obviously a growing force in terms of citizen activism and people publishing to the web; and secondly, e-mail.

So to test these hypotheses, first, with respect to blogs, we posted content, published content on three of China's most important blog service providers. We then later sought to access this blog content through our primary testing methods.

Finally, as the fourth of our methodologies, we sent a series of test e-mail messages to and from accounts hosted by several Chinese ISPs. The messages contained content on sensitive topics such as political dissidents, objections to the state's repression of the Tiananmen Square protests, and religious persecution typical of e-mails sent by human rights organizations, which we believe to be the ones most likely to be blocked.

In addition to employing these technical measures, of course, we've studied closely the legal and policy regime in China and have relied on the support and help of activists and academics both here and in China who have studied it, and so hopefully this is a context rich and supported from many different points report.

Now to move on briefly to the topics that China ends up filtering. Chinese Internet filtering—

Cochair DREYER. Could you summarize, please?

Mr. PALFREY. Absolutely. In terms of the content filtering, it's almost exclusively focused on politics. There is extensive filtering across an array of topics, but the thing that sets China apart from others is the emphasis on political speech. We found that particularly sensitive topics that we've mentioned before, Tibet, Taiwan, independence and others, have been blocked.

One thing to note is that many other regimes saying they're blocking pornography. China also says it does, but blocks at a much lower rate than in other areas. And we did find, of course, that there was blocking of blog sites and bulletin board systems, which has been reported elsewhere, but we've confirmed that as well as blocking of Internet-based e-mail messages that have gone across the networks.

To summarize the report overall, we believe that China's Internet filtering regime has become much more sophisticated in the last three years. It's become much more precise and much more effective and we'd love to take any questions. My colleagues Derek Bambauer most likely on legal issues, and Mr. Villeneuve most likely on technical issues.

[The statement follows:]

**Prepared Statement of John G. Palfrey, Jr.  
Executive Director, Berkman Center for Internet & Society  
Harvard Law School**

Mr. Chairman, Madame Cochair, distinguished Members of the Commission:

My name is John Palfrey, and I am the Executive Director of the Berkman Center for Internet & Society at Harvard Law School, where I also teach on Internet-related subjects as a Lecturer on Law. I am a member of a team of researchers, called the OpenNet Initiative, based at the University of Toronto, the University of Cambridge, and Harvard Law School, that has been conducting rigorous empirical testing of China's Internet filtering regime for the past several years. The report we present to you today builds on a similar report we released in 2002. My colleagues Ronald Deibert of the University of Toronto, Rafal Rohozinski of the University of Cambridge, and Jonathan Zittrain of Harvard Law School are also principal authors of this report. We have also studied in depth the filtering regimes of states in the Middle East, the former Soviet republics, and parts of East Asia. I am joined today by my colleagues Nart Villeneuve, the Director of Technical Research at the Citizen Lab at the University of Toronto, and Derek Bambauer, a research fellow at the Berkman Center at Harvard Law School.

Today the Commission considers China's mechanisms and methods of state control. While China seeks to grow its economy through use of new technologies, the state's actions suggest a deep-seated fear of the effect of free and open communications made possible by the Internet. This fear has led the Chinese government to create the world's most sophisticated Internet filtering regime.

The People's Republic of China has the most extensive and effective legal and technological systems for Internet censorship and surveillance in the world today. China's system prevents users from accessing most politically sensitive content on the Internet, including information about opposition political groups, independence movements, the Falun Gong spiritual movement, the Dalai Lama, and the Tiananmen Square incident. China's system blocks virtually all BBC content and much CNN content online. The Chinese government has imposed significant legal and technical restrictions that prevent the publication of and access to content sensitive to the government.

China's filtering has advanced far beyond the comparatively limited filtering regimes in place in other states and, since we last tested China's filtering systems in 2002, its approach has become markedly more sophisticated and successful. The success of China's filtering efforts lies in its reliance on multiple, overlapping filtering methods and systems. China's filtering takes place at multiple levels, including at access points such as cybercafés, at intermediaries such as Internet Service Providers (ISPs), and at the national Internet backbone network.

China employs a mixture of soft and hard controls to limit the Internet material its citizens can access. Hard controls include technical measures such as keyword and source blocking. Soft controls include both extra-legal measures, such as informal pressure on users and content providers, and formal legal measures, such as broad and often arbitrary-seeming legal restrictions combined with zealous enforcement. China's legal enforcement measures concentrate primarily on the creation and dissemination of content rather than its retrieval. Thus, these soft controls create a "chilling effect" that deters users, and intermediaries such as ISPs, from posting content on sensitive or prohibited topics.

Since we last tested, China has broadened its controls over the Internet through expansion of both laws and technology. Legally, new requirements and restrictions raise barriers to creating and hosting sensitive content, placing authors and intermediaries on notice that their actions are monitored. Technologically, China's filters have become more sophisticated, with improved targeting of prohibited content and less "overblocking" of similar but less sensitive materials. As new Internet communications methods have become popular in China—for instance, on-line discussion forums, search engines, and Web logs—the Chinese state has extended its filtering apparatus to control expression in these media. Filtering systems have also become integrated into the architecture of new technologies. Chinese blog providers, for example, include code to prohibit publication of sensitive terms and content.

The Chinese state's filtering systems lack transparency in nearly every sense. In addition to limiting what Chinese citizens can come to know about the censorship process, this lack of transparency complicates the task of monitoring its filtering regime. Most important, this lack of transparency contributes mightily to the climate of self-censorship. Chinese officials very rarely admit that the state censors Internet content. Officials do not disclose at any level of granularity what material it targets through the filtering regime. Unlike Saudi Arabia, for instance, China does not per-

mit users to participate in blocking decisions or to appeal erroneous filtering of sites that do not include content intended to be blocked.

China's Internet filtering and censorship efforts have global ramifications, and should be of concern to Internet users worldwide. Most of all, the ramifications of this censorship regime should be of concern to anyone who believes in participatory democracy—online and offline. China's growing Internet population represents nearly half of all Internet users worldwide, and will soon overtake the United States as the single largest national group of Internet users. How the Chinese government restricts its citizens' online interactions is significantly altering the global Internet landscape. China's advanced filtering regime presents a model for other countries with similar interests in censorship to follow. China acts as a regional Internet access provider for states such as Vietnam, North Korea, Uzbekistan, and Kyrgyzstan. Through this important role as a gatekeeper between citizens in other states and the Internet, China may be able to share or export its content controls to neighboring states and their local Internet service providers. There is no reason to believe that the Chinese government will refrain from exporting its filtering technology to other states, if the opportunity arises.

While it may be an open question as to whether democratization and liberalization are taking place in China's economy and government, there is no doubt that neither is taking place in China's Internet environment today.

### **The OpenNet Initiative's Methodology for Studying Internet Filtering in China**

Members of our consortium have been collecting data on China's Internet filtering regime since 2002. The data included in this report have been updated as recently as this week. As the Chinese government has developed more sophisticated means of filtering, we too have developed more sophisticated and comprehensive means of testing their filtering efforts. Since our last study, our testing methods have become substantially more fine-grained and reliable.

To gauge how Internet filtering likely affects the average Chinese Internet user, ONI employs a variety of means to test blocking and censorship and to ensure data integrity. We test filtering from different points on China's network, in different geographic regions, across time. The resulting data allow us to conduct rigorous longitudinal analysis of Internet blocking in China. We examine both the response that users receive from the network and from the Web servers involved and information about the route that a request takes on its way from a user to a Web server—allowing us to pinpoint exactly where information is censored and controlled. While it is impossible to paint a flawless picture of China's Internet filtering efforts at any given time, we are increasingly confident that our data present an accurate snapshot of China's Internet filtering regime today.

We have tested China's Internet filtering regime using four methods. Under Nart Villeneuve's leadership, ONI developed and deployed an application to test within China what content is, and is not, blocked by the state's system. Volunteers installed and ran this application on their home computers to allow ONI to probe China's filtering from a wide range of access points inside the country. Our volunteers also ran manual checks for access to web sites.

Second, we accessed proxy servers in China to duplicate and augment this in-state testing of whether or not a citizen could access a certain web site. Proxy servers are points in China's network that act to aggregate and respond to user requests for content. Accessing a proxy server in China allows ONI to browse the Internet as though we were in China, even though we are physically located in another country. Through proxies, we are able to obtain a random sampling of Web content—and censorship—across multiple networks and service providers.

We have also explored whether China blocks other types of Internet-related communications. Anecdotal evidence has suggested for a long time that China blocks certain e-mail communications and that Web logs—or “blogs,” which are personal online journals, often kept by increasingly famous activists—have been more recently targeted by the Chinese government for blocking.

To test these hypotheses, we published content on blogs on three of China's most popular blog providers to evaluate the services' keyword filtering mechanisms. We then later sought to access this blog content that we had published.

Finally, we sent a series of test e-mail messages to, and from, accounts hosted by several Chinese ISPs. These messages contained content on sensitive topics—such as political dissidents, objections to the state's repression of the Tiananmen Square protests, and religious persecution—typical of e-mails sent by human rights organizations.

In addition to employing these technical methodologies, we have closely studied the legal and policy regimes in place in China. The insights of many scholars and

activists, both inside China and elsewhere, guided our research and provided quality assurance.

### **Topics Censored by the Chinese Filtering Regime**

China filters Internet content on a broad array of topics. The censors particularly target sensitive political topics for blocking. To determine precisely what is blocked, we created a keyword list of terms on sensitive topics, such as the Falun Gong spiritual movement, the Taiwanese independence movement, and criticism of China's government and leaders. We used the Google search engine to compile a list of large numbers of sites related to these keywords. Our volunteers then attempted to access these sites from within China using our testing application.

Some of the most noteworthy of the topics censored include:

- Information online related to opposition political parties (more than 60% of Chinese-language sites tested were blocked);
- Political content (90% of Chinese-language sites tested on *The Nine Commentaries*, a critique of the Chinese Communist Party, and 82% of sites tested with a derogatory version of Jiang Zemin's name were blocked);
- The Falun Gong spiritual movement (44–73% of sites tested, in both English and Chinese languages);
- The Tiananmen Square protest of June 4, 1989 (at least 48% of Chinese-language sites tested, and 90% of sites related to the search term “Tiananmen massacre”);
- Independence movements in Tibet (31% of tested Chinese-language sites), Taiwan (25% of tested Chinese-language sites), and Xinjiang province (54% of tested Chinese-language sites); and,
- Virtually all content on the BBC's web properties and much of the content published online by CNN.

China has issued official statements about its efforts to limit access to Internet pornography. However, we found that less than 10% of sites related to searches for the keywords “sex,” “pornography,” and “nude” were blocked. This imprecision, when compared either to the effectiveness of China's censoring of political content or to the relatively thorough blocking of pornographic materials by states in the Middle East, suggest that blocking pornography is nowhere near the imperative that controlling political speech is in China. It also suggests that China's war on pornography may be focused more on closing domestic sources of pornography than on filtering foreign sites that are providing pornographic content.

Our testing also found evidence that China tolerates considerable overblocking—filtering of content unrelated to sensitive topics, but located at URLs or with keywords similar to these subjects—as an acceptable cost of achieving its goal of controlling Internet access and publication. China has managed over time to reduce the rate of overblocking as its filtering technologies have improved.

### **Types of Communications Affected by China's Filtering Regime**

China's commitment to content control is revealed by the state's efforts to implement filtering for new methods of communication as they become popular. Most states that filter the Internet do an ineffective job of blocking access to certain web sites, and stop there.

While China's blocking of World Wide Web sites is well-known, much less is known about the extent to which China blocks other forms of Internet-based communications. As Web logs (“blogs”) became popular in 2004, the state initially closed major Chinese blog service providers until they could implement a filtering system. When these providers re-opened, their service included code to detect and either block or edit posts with sensitive keywords. Similarly, on-line discussion forums in China include both automated filters and human Webmaster inspections to find and remove prohibited content. Most recently, China moved to limit participation in university bulletin board systems (BBS) that had featured relatively free discussion and debate on sensitive topics. The Chinese filtering regime also causes the blockage, or dropping, of e-mails that include sensitive terms. Our testing of e-mail censorship suggests that China's efforts in this area are less comprehensive than for other communications methods, though reports from the field suggest that the fear of surveillance and blockage of e-mails is a serious issue for many activists regardless of the precise extent of the censorship itself.

One of the most intriguing questions, as yet unanswered, is whether emerging new technologies will make Internet filtering harder or easier over time. A new, emerging crop of more dynamic technologies—centered on the fast-growing XML variant RSS, which is a means of syndication and aggregation of online content, such as weblog entries and news stories from major media outlets—should make fil-

tering yet harder for the Chinese and for other countries that seek to control the global flow of information. The cat-and-mouse game will continue.

#### **The Legal Context of Filtering in China**

China's intricate technical filtering regime is buttressed by an equally complex series of laws and regulations that control the access to and publication of material online. While no single statute specifically describes the manner in which the state will carry out its filtering regime, a broad range of laws—including media regulation, protections of “state secrets,” controls on Internet service providers and Internet content providers, laws specific to cybercafés, and so forth—provide a patchwork series of rationales and, in sum, massive legal support for filtering by the state. The rights afforded to citizens as protection against filtering and surveillance, such as a limited privacy right in the Chinese Constitution, which in other situations might provide a counter-balance against state action on filtering and surveillance, are not clearly stated and are likely considered by the state to be inapplicable in this context. For the most part, the Chinese legal regime is not transparent, in the sense that it does not describe the filtering regime.

Our analysis of China's legal regime indicates a significant expansion in the number of statutes, regulations, and regulatory bodies involved in oversight and control of Internet access and content since 2000. These rules often appear to be arbitrary and are certainly extraordinarily burdensome, such as rules that call for multiple licensing and registration requirements imposed upon Internet content providers.

China's legal system imposes liability for prohibited content on multiple parties: the author who creates it, the service provider who hosts it, and the end user who accesses it. This combination of transaction costs and broad liability has a substantial chilling effect on on-line communication.

We are cognizant that, while we have taken great care in our legal analysis of China's filtering regime as it appears on the books, our report may not describe the law as it applies on the ground. Political stability is clearly more important than legal justification for the state's actions, as a comparison of China's filtering regime to the corresponding legal framework demonstrates.

#### **A Comparison of China with Other States that Filter**

Our studies have compared the Internet filtering practices of a series of national governments in a systematic, methodologically rigorous fashion. A primary goal of this research is to reach useful, substantive conclusions about the nature and extent of Internet filtering in states that censor the Internet and to compare practices across regions of the world. Over the course of the next several months, we will release a series of extensive reports that document and provide context for Internet filtering, previously reported anecdotally, in each of the dozen or so countries that we have studied closely. The new reports released to date—which document filtering in Saudi Arabia, the United Arab Emirates, and Bahrain as well as in China—will be followed shortly by other studies of other states in the Middle East, East Asia, and Central Asia.

Filtering regimes—and their scope and level of effectiveness, respectively—vary widely among the countries we have studied. Filtering is practiced at some level by most countries; it is best thought of as a continuum of behavior rather than a binary, on-off approach to content control. Some countries employ only symbolic filtering, and depend on legal or social pressures to constrain content. These states include Bahrain and Singapore, which block only a few sites that are primarily pornographic in nature. Other countries demonstrate limited blocking but, because of an unsophisticated approach to filtering, also censor large numbers of unrelated sites. This inadvertent filtering, known as “overblocking,” was demonstrated by South Korea when it sought to prevent access to sites promoting North Korea. Finally, many countries employ a mix of commercial software (from American companies such as Secure Computing and Websense) to control content such as pornography and gambling while also customizing their block lists to target prohibited political, religious, and social content.

China, as documented in a number of studies and supported by our findings, institutes by far the most intricate filtering regime in the world, with blocking occurring at multiple levels of the network and covering content that spans a wide range of topic areas. Though its filtering program is widely discussed, Singapore, by contrast, blocks access to only a small handful of sites, mostly pornographic in nature. Most other states that we are studying implement filtering regimes that fall between the poles of China and Singapore, each with significant variation from one to the next. These filtering regimes can be properly understood only in the political, legal, religious and social context in which they arise.



### Conclusion

By any means of comparison, the People's Republic of China's Internet filtering regime has the greatest effect on the freedom of expression of any filtering regime throughout the world.

The Chinese censors have a very difficult job as they try to contain the flow of information on the Internet. The most determined Chinese Internet users can often elude the censors in nearly all instances. But the Chinese censors are head and shoulders above everyone else—short of those who block access to the network altogether—in terms of filtering the Internet. Most citizens see a very different Internet in China than citizens in other places around the world.

The Chinese Internet filtering regime grows more robust each day. As new information and communications technologies develop, the Chinese censors track the technologies and determine means to control the freedom of expression through the new media. Filtering and efforts to circumvent it are likely to continue into the foreseeable future. Though far from completely effective, China's filtering regime achieves a climate of self-censorship and a chilling of expression and communications online, particularly when it comes to political dissent.

The Internet can be an extraordinarily empowering tool. Individuals who have never before had a voice—whether in China or anywhere else that the network reaches—can today project their voice to a world-wide audience. Seen from another vantage point, the way citizens use the Internet is a threat to the political stability of the governing Communist Party in China. The state's Internet filtering regime is intended to mitigate this threat.

If deployed properly, the Internet can help foster active, participatory democracies throughout the world. Internet filtering and surveillance, most clearly exemplified by China's Internet filtering regime, threaten to choke this potential.

\* \* \*

A complete study of Internet filtering in China, as of 2005, may be found at <http://www.opennetinitiative.net/china/>.

Cochair DREYER. Thank you very much. I'm sorry. Our first effort of the day here ran over time. I'm sorry to have to try to keep you all to the time.

Mr. PALFREY. I quite understand. No problem. Thank you.

Cochair DREYER. The study as a whole, again, is a really, really impressive work, and it will be entered in full in the record.

Mr. PALFREY. Thank you.

Cochair DREYER. Mr. Bambauer.

**STATEMENT OF DEREK BAMBAUER  
FELLOW, BERKMAN CENTER FOR INTERNET & SOCIETY  
HARVARD LAW SCHOOL**

Mr. BAMBAUER. Just briefly, I wanted to touch one thing that John Palfrey discussed which is soft controls. We think of technology as hard controls, blocking users from certain sensitive topics, and I wanted to mention briefly soft controls and to make the point that the legal and regulatory system concentrates primarily on creators and disseminators of content, while the technical system, the hard controls, concentrates on the users who seek to access it.

And I wanted to give the Commission two quick examples of the burdens that are placed on the creators and on the access points. Professor Jack Goldsmith at the Harvard Law School says that ultimately regulation is about increasing the cost of information, and so I think both of these examples speak to that point.

The first is, let's assume that you wish to become the new sina.com, a portal that operates in China, what regulatory hurdles

do you need to overcome? The first is licensing, and there are several licenses you need to obtain. If you intend to earn a profit, you need a business license. You need approval from the Ministry of Information Industry.

You need to register with the Ministry of Culture. You'll have to obtain a special license if you seek to broadcast news, something that's appealing on most of these portals, or if you want to run a bulletin board system, there are other requirements that you have to meet.

First, you have to archive all the content that appears on your system so that there is a record of it. You need to create a secure registration and log-in system so that you can track who's posting what content. You have to implement what's known as an editorial control system, in other words, a legally prescribed system of review for content that appears on your site.

You have to track user's usage, particularly the content that they access. So this is a not insubstantial burden for any entity that wants to become an official Internet content provider. So if we turn briefly from creators of information to access points for it, and we think about cybercafes, which Congressman Wu mentioned earlier, to open you need a wide series of permits, again from the Ministry of Culture. You need an information safety permit. You need a fire safety permit, which was put in place after a fire dramatically swept through an unlicensed cybercafe causing a tragedy covered throughout China.

You need an Internet culture business permit and a business registration. Once you're actually up and running on these points, you actually need approval for fairly minor changes in the location, where it is physically, in the size of the cafe, if you want to put in more seats, if you want to put in more computers, if you want to change the interior of the cybercafe.

And there are a host of other requirements more targeted to information control. For example, the requirement to install filtering software. As Nart Villeneuve's research, China actually has domestically produced filtering software specifically for cybercafes.

Cybercafes are required to log users, the pages they accessed, and particularly the pages they accessed that are blocked or prohibited, and to obtain an ID card from users before they're permitted to use the cybercafe.

And briefly, I wanted to point out these hurdles just because the point here is twofold. One is to, again, raise the cost of information, and the second is to put these entities who are involved in this important medium on notice that they are being watched and that they need to be cautious.

Thank you.

Cochair DREYER. Thank you very much. We are pleased to have been joined by Representative Burton, and Mr. Villeneuve, I beg your indulgence—Representative Burton's time is really short. Representative Burton, thank you.

**CONGRESSIONAL PERSPECTIVES—Continued**

**STATEMENT OF DAN BURTON  
A U.S. CONGRESSMAN FROM THE STATE OF INDIANA**

Congressman BURTON. Thank you very much, Madam Chairman, and I apologize to my friends at the table here for rushing in and taking their valuable time, so please forgive me. I hate it when I see people from the Congress get preferential treatment, but it is kind of nice.

Forgive me for reading my statement. I have a lot of things I'd like to say off the cuff, but I think because of the importance of the issue, I'd like to make sure that everything I say is well thought out, and I don't want to leave anything out.

I want to thank you, Mr. Chairman and Members of the U.S.-China Commission for the opportunity to be here this morning, and I also want to thank the Commissioners and your excellent staff for continually providing China watchers like me with a reliable and steady stream of valuable timely information about China.

The subject of today's hearing—political repression in China, and media and Internet censorship by the Communist Regime in Beijing—is a subject that I've been monitoring closely for quite a while and one that I feel very strongly about. For years, I've worked with like-minded colleagues in both chambers and parties to send a strong consistent message to repressive regimes like China to open the floodgates and to make a real commitment to support and promote political openness, respect for human rights and more democratic governance.

I believe that if we're serious as a nation about our desire to enhance the spread of human rights, democracy and freedom across the globe, then we can send no other message to the Chinese. If we compromise those principles for the sake of political expedience, then we do a disservice to the memory and the sacrifices of those who died in Tiananmen Square in 1989 and the ideals of freedom for which they died.

China's leaders seemed to think that continued market reforms and rapid development will placate their citizens to the point that the populace will simply forgo true political reform. I fervently hope that will not be the case. I trust that the Chinese people are not that easily duped and testimony from Chinese dissidents and exiles does give me reason to believe that it will be otherwise.

In addition, in China, an emerging middle class is benefiting from China's recent economic growth. Chinese citizens are now starting to become independent homeowners, traveling internationally, studying abroad and engaging in international commerce, and historically governments that grant citizens the right to engage freely in commerce find it very difficult to simultaneously deprive citizens of political and civil liberties.

The key to economic growth and the key to civil and political freedom is, of course, the same: the free flow of information and data. Every repressive regime seeks first and foremost to control the flow of information. After all, the people cannot ask for something they don't know anything about or don't know that it exists.

Chinese citizens cannot change their government democratically beyond direct elections of officials at the village level or express

their opposition to government policies. Why? Because the Communist Chinese Party holds all the strings of power and bars the media from criticizing leaders or their policies, changing Communist ideology or discussing such sensitive topics as constitutional and political reform.

The government owns all television and radio stations and most print media outlets, and uses these vehicles to propagate and promote only state-sanctioned ideology and information. Media professionals operate under strict orders to follow central party directives and to, quote, "guide public opinion" as directed by political authorities, even going so far as to directly censor both the domestic and foreign media to ensure compliance.

I would like to share with you an anecdote to highlight and illustrate the links to which China's rulers will go to control information. Despite the growing economic strength China projects in the region, in the aftermath of the devastating earthquake and tsunami in the Indian Ocean in December 2004, China conspicuously failed to step up to the plate. In fact, China's contributions to the massive international humanitarian relief effort were minimal and hence a potential embarrassment for Beijing.

The American response to similar and unwarranted complaints of stinginess was to dramatically increase our pledge of assistance. In contrast, the Chinese responded by having the propaganda department simply ban all domestic news media from reporting the donations made by other countries including the United States.

The heavy hand of Chinese censorship even extends into the untamed electronic wilderness that is the Internet. As I understand it, the official Communist Party line is to promote the use of the Internet, but in reality, they heavily regulate access to and monitor the use of the Internet.

According to the State Department's estimates, China's Internet control system employs more than 30,000 people through an official bureaucracy to specifically target and punish Internet users who question, criticize or stray from the accepted, heavily-censored landscape of topics and Communist Party dogma.

In other words, in China, one uses the Internet at great risk of punishment and imprisonment, more so than even conventional media. This movement towards blanket censorship is not surprising for a repressive regime. But it is disconcerting to discover that U.S firms like Google and Cisco Systems are, in fact, complicit in China's attempted control of the Internet.

Google has decided that its Google News China edition will not include sources that are inaccessible from within China, thereby keeping Chinese users from knowing what their government has blocked.

Cisco's participation and expertise was integral to the establishment of Beijing's so-called "Great Firewall," and arguably as a reward in November 2004, Cisco announced that it had been given the job of building China's next-generation Internet backbone, slated to become operational in ten to 20 years.

I believe that fostering and nurturing democratic reform in China is critically important to the long-term economic and security interests of the United States and the entire free world. As a Member of Congress and a Senior Member of the House Inter-

national Relations Committee, I am deeply concerned when I see U.S. firms apparently facilitating Chinese censorship. So you can be sure that I will continue to monitor the activities of these two companies in China in the future.

Every avenue of information or free thought feels the heavy hand of authoritarianism. Chinese political activists no longer use mobile phone text messaging to disseminate information and organize their activities as that avenue, too, has been closed off. China's cellular phone network is now subject to heavy policy surveillance. The government monitors the activities of official religions—Buddhism, Taoism, Islam, Protestantism and Catholicism. It targets leads of unauthorized religious groups for harassment, interrogation, detention, and abuse, destroying or seizing unregistered places of worship.

The Chinese government's crackdown on the Falun Gong and other unauthorized religious groups continues. I could go on and on, but I know you are well aware of the plight of political dissidents, advocates of human rights reform, pro-democracy activists, and religious worshippers in China. So I'm preaching to the choir.

The question that I have been struggling to answer is how long can Chinese authorities keep the lid on this potential powder keg? I believe that the Chinese cannot stop the inevitable tide of democracy and freedom that is beginning to sweep the globe. The flow of information in today's digital satellite age is simply too vast to contain forever in my opinion. In time, we will see whether a human rights abusing Communist state can sustain a development program which prioritizes the eradication of poverty but places little if any emphasis on political freedoms.

Whichever way China goes, whether towards more oppression or greater freedom will have a profound effect on the sustainable growth of China, the political stability there, and the nature of power that China projects abroad.

I believe that we Americans should continue to encourage the movement towards freedom everywhere, and I strongly believe the President has been a real leader in that regard. We should use all available resources to achieve this. Our ultimate goal as a country should be to sow the seeds of freedom everywhere. I truly believe that is our major goal in the world. John F. Kennedy talked about that when he was President, and I think every President ultimately has that as one of their major goals. So I'll just state it one more time in closing, that the ultimate goal of the United States should be to do everything possible to sow the seeds of freedom everywhere on the globe.

With that, I want to thank you very much.

[The statement follows:]

**Prepared Statement of Dan Burton  
A U.S. Congressman from the State of Indiana**

I would like to thank Chairman D'Amato and the Members of the U.S.-China Commission for the opportunity to be here this morning. I also want to thank the Commissioners and your excellent staff for continually providing China watchers like me a reliable and steady stream of value-added, timely information about China.

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In time we will see whether a human-rights-abusing Communist state can sustain a development program which prioritizes the eradication of poverty but places little if any emphasis on political freedoms.

Whichever way China goes, whether towards more oppression or greater freedom, will have a profound effect on the sustainable growth of China, the political stability there, and the nature of power that China projects abroad.

I believe we should continue to encourage movement towards freedom whenever, wherever and however possible, but I am also pragmatic enough to know that we need to be prepared for either eventuality.

Thank you.

### **Congressional Perspectives: Discussion, Questions and Answers**

Cochair DREYER. Thank you so much, Representative Burton. We know that you're having a particularly busy morning even though you usually have busy mornings. Chairman D'Amato would like to add a word.

Chairman D'AMATO. Yes, thank you very much, Congressman Burton, for coming today. Incidentally, the gentlemen to your left have performed a real service and that is released today a study on the Internet Filtering in China.

Congressman BURTON. Good.

Chairman D'AMATO. That was produced jointly with Harvard, Cambridge and the University of Toronto. It's a tremendous study. It was reported on in the press today. Take a copy home with you.

Congressman BURTON. I will, and I want to thank them very much for doing that. I only wish they were from the Big 10 instead of the Ivy League.

Chairman D'AMATO. I just have one question for you, Congressman. In terms of the companies that you mentioned, Cisco and others, for example, that have provided the Chinese with control technologies that have been used to suppress freedom of information on the Internet, I guess the question is in the future, what do you derive as a conclusion in terms of policy implications? Do you think it would be wise for us to consider regulating the export of information control technologies because of the effect that they have on our goals as bringing freedom to the Chinese people?

Congressman BURTON. Well, I don't know whether regulation would be the right approach or not. I'm one of those who believes in minimal governmental intervention.

Chairman D'AMATO. Yes.

Congressman BURTON. But it seems to me we could come up with ways to encourage the private sector in this area and other areas to not support tyrannical regimes like the Chinese. I really haven't given a lot of thought to the best way to do that, but since you pose the question, you may rest assured that I will give that some thought.

Chairman D'AMATO. Thank you.

Congressman BURTON. And try to figure out ways to discourage technology transfers that are going to benefit the tyrannical regime over there, while at the same time, helping them grow in the worldwide marketplace. That's a tough question, but it's one that I will look into.

Chairman D'AMATO. Yes. The other side of it is, of course, that there are technologies that are being developed and people that are using them, and we're supporting them, to break through the fire-wall and bring information into the user community in China that, of course, the administration in China wants to prohibit.

Congressman BURTON. Yes. In my remarks, I made some comments about that. They have the thought police over there that are trying to monitor the Internet and monitor cell phones and everything else to discourage people from using them, who have the thought of freedom and democracy and human rights.

So, it's a real tough issue, but it's one I think the United States should talk about on a regular basis. As one of the Senior Members of the Foreign Affairs Committee, International Relations Committee, I think it's incumbent upon us as leaders in the Congress of the United States to constantly focus on the repression in China and the repression that the thought police are placing on these people who want to get information and use the Internet and cell phones to bring about some positive change over there.

Chairman D'AMATO. Thank you very much, Congressman Burton.

Congressman BURTON. Thank you.

Cochair DREYER. Thank you. The Commission looks forward to working with you on the issues of the Internet and freedom of the press. We appreciate your time.

Congressman BURTON. Thank you very much. It's nice being with all of you, and excuse me for having to leave.

**OPENNET INITIATIVE (ONI) REPORT RELEASE**  
**"INTERNET FILTERING IN CHINA IN 2004-2005"—Continued**

Cochair DREYER. Mr. Bambauer, had you just concluded?

Mr. PALFREY. Actually, Mr. Villeneuve has graciously agreed to cede his time to questions if that would be helpful to the Commission, because we realize you're running late.



**OpenNet Initiative (ONI) Report Release  
“Internet Filtering in China in 2004–2005”  
Discussion, Questions and Answers**

Cochair DREYER. Well, thank you. In that case, I’m going to take the prerogative of the Chair, Cochair, or rather Cochair, and ask the first question. Mr. Palfrey, in your statement about your methodology, you mentioned that computers are located in the homes of volunteers in the People’s Republic of China. I am wondering what is the level of risk to someone who volunteers?

Mr. PALFREY. That’s a good question. I think the level of risk is substantial, and we obviously take steps to safeguard the identity of the people who help us. We also have people who travel in the state and do some of this testing.

We realize there’s a very high risk associated with getting very good data, but we feel like it’s necessary. The results of our 2002 study were terrific and helpful, but they relied upon the proxy testing which we are not certain at all times is fully accurate. There are multiple points of potential failure in connecting that way, and so the risk that exists of using in-country volunteers, we think is necessitated by the way the technology works.

Maybe I could ask Mr. Villeneuve to mention just a few of the distinctions in terms of the two technologies.

**STATEMENT OF NART VILLENEUVE  
DIRECTOR, TECHNICAL RESEARCH, CITIZEN LAB  
MUNK CENTRE FOR INTERNATIONAL STUDIES  
UNIVERSITY OF TORONTO**

Mr. VILLENEUVE. Yes. Proxy servers give us a good sense in terms of the breadth of Internet filtering because China’s networks are so extensive. What we try to do as researchers is pinpoint and reproduce the behavior that other people tell us about like I couldn’t get to this particular site; can you investigate why?

So what we try to do is isolate why that particular site was blocked because they’re blocked for different reasons. Some of them are blocked because the specific domain name like voanews.com is blocked. Others are blocked because the unique IP address, that those domain names represent is blocked, and that will cause the blocking of any other, up to many thousands of domain names can be hosted on one single IP address, so that’s when we look for content that’s over blocked or blocked by mistake.

We also try to look for content that’s blocked not because the domain name itself is blocked but because the specific URL path or path to the specific document contains a key word in it that causes it to be blocked. So sometimes there’s unintentional blocking, and it’s difficult for us to determine precisely why a specific site is blocked.

The testing tools that we can deploy with the help of volunteers significantly help us determine precisely why something is blocked, whereas when we do it remotely through proxies, it’s pretty much we couldn’t get there or we could get there, and we can’t really figure out precisely why.

Cochair DREYER. You may or may not know the answer to this, but a couple of days ago, in the height of the anti-Japanese demonstrations, there was a poll on CNN that asked—“Do you think that Japan should receive a permanent seat on the United Nations

Security Council?” Although CNN is frequently blocked in China, millions of Chinese were able to vote no on this question. Do you know what happened? Did someone issue a directive throughout China saying “we’re unblocking CNN for the next 12 hours, please log on and participate in the poll,” or do you have any information on that at all?

Mr. VILLENEUVE. Our experience with testing on CNN is that the front page at cnn.com is generally accessible, but specific content usually because of key words in the URL path to a specific topic, oftentimes the URL path to an article about, say, Tiananmen Square will have the Tiananmen Square or Tiananmen incident or massacre in the URL path which would cause that specific article to be blocked, whereas articles about health issues or some other topic would be accessible.

Mr. PALFREY. Generally in English.

Mr. VILLENEUVE. Yes, and in English. That’s another thing to note as well as that. The content filtering in China specifically focuses on Chinese language content as opposed to English language content.

Cochair DREYER. So, then, it’s a bit like the access to pornography in the Middle Ages, if you could read Latin, it was all right?

Thank you. Other questions? Commissioner Reinsch.

Cochair REINSCH. Thank you. A couple of things. I think it was Mr. Burton who I believe quoted the State Department as estimating this exercise on the part of the Chinese involves some 30,000 people; is that correct in your judgment? Have you made any attempt to figure that out?

Mr. BAMBAUER. I actually attempted to trace this 30,000 number, which is widely quoted but rarely cited, and it’s quite difficult to discern its origin. I was able to find two references or original sources. One appears to have been to a Chinese newspaper article in 2002, which is no longer available online, and the second is a reference in Ethan Gutmann’s book *Losing the New China* where he actually cites a rumor that there were 30,000 police in Beijing alone, which seems sizable.

It’s quite difficult to know how many police there actually are. It would depend on your counting methodology and the important point, as well, is that no matter how many employees are formally employed by the state to control Internet content, that would overlook voluntary efforts such as Congressman Wu mentioned. There are analogs on the Internet, and also efforts by providers such as Yahoo or other portals who act to censor content, sometimes even without having a requirement to do so. They do so preemptively as a way of protecting themselves.

Cochair REINSCH. Can you estimate how much all this is costing them?

Mr. BAMBAUER. It’s incredible simply if you look at the hardware alone what these many routers that Nart, for example, has looked into. Simply the purchase of the Cisco routers alone is just incredible. I think it would be very difficult to estimate the cost in person time as well.

Cochair REINSCH. Well, let me ask a question about that and you have to fill in my great spaces of technological ignorance. Simply to run the Internet or to run the breadth of Internet capability that

they have now without any filtering is going to take a lot of routers anyway; isn't it?

So there's a lot of equipment that performs ordinary non-filtering functions. Now, in order to provide the hardware filtering, not the soft side, if you will, that they've undertaken, is that special equipment or is that just dedicated functions of the regular equipment?

Mr. BAMBAUER. I would if I may, defer to Nart on this who is more the technical expert.

Mr. VILLENEUVE. Unlike several years ago, today most companies that produce routing equipment that can handle routing for backbone Internet requirements have the capabilities to filter.

Cochair REINSCH. Built into the—

Mr. VILLENEUVE. It's built in, and it's generally used to combat the spread of worms and viruses and to stop denial of service attacks. But if you go through the manuals on how to implement filtering to stop, for example, the Code Red worm and virus that was so prolific several years ago, the exact instructions used to stop the spread of that worm would work as equally well to block political content because it works by looking in the URL path for a specific pattern. In the case, they identified the pattern that the worm was using to spread, added that basically as a key word to the router, to stop requests for this worm to keep spreading to other machines.

You could equally as easily substitute voanews.com or Falung Gong or some other sensitive word in the spot in the router where you would put that information. And as processing power becomes cheaper and better, it's easier and easier to tunnel further down to block more specific content, because that's the big problem is processing power.

You don't want to implement too much blocking because all of the traffic passing through these routers, and it's a lot of traffic for China, you're then looking inside the individual packets for these key words, and that's just—without processing power, that's really difficult to do.

Briefly, that response, two quick things. One is if you talk to people at Cisco or other network providers, they'll often talk about the fact that they put these technology controls into the system on the basis of United States requirements in the first instance to allow law enforcement to do surveillance, as you may know, so that the filtering regime and the surveillance regime are cheek by jowl here, and I think it's very important to recognize that there are, we have good reasons for needing law enforcement to do surveillance.

I'm not taking on that issue. But it is often that pressure that has caused it. The second thing is that these controls, the things that sets China apart in large measure from other countries is that the controls are happening at many, many levels, so what you're talking about initially was at the central backbone level, having some technology there that does it, but so much of this is done in distributed fashion, so through licenses to Internet service providers who then have lists that they're supposed to check, that cost is pushed down into the networks, into private providers, and then further yet, into the cybercafes and into the people who are exercising the soft controls.

So I have no idea what the cost would be, but it's interesting to note that a lot of it is borne out at the edges of the network and

probably not centrally by, it's the 30,000 people or whatever it is, and some cost of hardware, but a lot of it is borne outward.

Cochair REINSCH. Thank you. I have some more, but I'll defer.

Cochair DREYER. Commissioner Donnelly.

Commissioner DONNELLY. Thanks. Just to pick up on a couple of themes. If we can't put a dollar value on the drag that this filtering, do we have even an impressionistic sense of the proportional? Obviously there's a price to be paid for the filtering.

Secondly, is there any more you can tell us about the software side of the equation? A couple of you referenced domestically developed software. Do we see the Chinese out on the international software-writing marketplace looking for expertise to do this better?

Mr. PALFREY. I'm going to give software over to Nart here.

Mr. VILLENEUVE. There are several companies that produce filtering technology in China that is somewhat equivalent to the type of technology that parents would use, for example, to protect their children or that's used at schools and businesses all over the world. There are companies that basically produce the same type of software, but in the lists that they produce, they obviously include content that would be blocked for political reasons rather than say content that would be blocked for pornographic reasons.

One particular piece of software that I've looked at but not fully completed a report on is called (inaudible), and they produce a special edition for Internet cafes, and we acquired this software and installed it on a test computer, and during the installation process, we were required to put in the IP address of our local PSB bureau, which we obviously don't have, which led us to conclude that there is probably some form of remote logging capability that's built into this software.

Commissioner DONNELLY. One quick follow-on. We've been talking about filtering, essentially defensive ways of controlling political content. Are there offensive or do you find Chinese, either the government or by their sources wherein there are attacks that are targeted on particular sites or others, kind of in a broad policy way to take down or complicate life for people who are providing politically sensitive content?

Mr. VILLENEUVE. I haven't seen direct information about that in terms of log files that I can analyze and look at, but I know there's plenty of reports out there where people have reported this type of behavior, but I'd say that what I have more experience with is the frequency with which certain organizations, for example, send addresses of web sites that are basically set up for people to use to circumvent the censorship and how there's a cat and mouse game going on between how they get that information and then add that to their blocking list.

So in terms of an informational sparring, that's the level that I have more experience with.

Mr. BAMBAUER. Commissioner, if I may just briefly, you had mentioned about targeting content, not just filtering it, but going after it, which is, of course, especially potent when the content is hosted from within China. We've just had a report that there is a well-known blogger in China who writes on a web log a personal diary and analysis named Isaac Mao, and around the first of April, he posted two things. One was some satirical essentially April

Fool's commentary. The second interestingly was a diagram as to his guess of how China's Internet filtering system works. His blog has been offline ever since.

So this seems to speak to two things. One is that if you're a blogger, you should probably host your content outside China because it's easily taken down. The second is the alacrity with which this filtering regime can react to a new content.

Commissioner MULLOY. I want to thank you all for putting your skills and energy into a project like this. I salute the three of you. I have two questions. I was reading our briefing book last night, and the Chinese say they do this to keep pornography and other things away from their youngsters.

Technically, can you do that without doing all the other things? In other words, can you do these things that normal parents would want to do and still permit all the other stuff that people should be seeing?

Mr. VILLENEUVE. In general, filtering technology has two inherent problems: underblocking and overblocking.

All filtering technologies, commercial or otherwise, fall into that category. You're going to block too much and you're going to block too little. One of the things we're seeing is that in other countries that we've studied, not in China, where the emphasis is more on blocking pornographic materials or sites about gambling and that kind of thing, is that what's happening. They're using these commercial technologies, these same technologies that we use in schools and office buildings everywhere, and then adding their own politically motivated content to those lists.

Commissioner MULLOY. So you can distinguish between the two and do it?

Mr. VILLENEUVE. Yes, you can.

Mr. PALFREY. Can I just follow on very briefly to that? We have outside, and I would be glad to give you, studies of Saudi Arabia, for instance, and the way that it does its filtering regime. Saudi is on a different pole than China, where Saudi says we're not going to give anybody to the Internet until we can control the content in the way that we want. This is not necessarily good or bad, but let me just play it out. We're going to run it all through a central agency, the ISU. They will have a site where you go to and you can see, it's on the web. It says we're going to block the following things. If you're a Saudi citizen, you can suggest a site to be blocked or you can suggest a site to be unblocked, and they get an amazing amount of the pornography. It's about 98 percent of the pornography that we tested and a couple of other categories, and at the margins they do some political stuff.

But they're basically like we don't want you to see any pornography and we're going to block it, and they do a really pretty good job of it. They're doing that using one of two American companies that make the software. So remarkable is that these American companies are choosing what these Middle Eastern regimes are deciding to block their citizens to see, but they are able to do it in a way that is a fair amount more transparent in a meaningful sense than the way that China does.

Commissioner MULLOY. Secondly, we heard earlier from Congressman Wu, and I've heard Dr. Perry, who is going to appear

later, refer that the Chinese government can try to control what institutions here do by denying access to China or other things. Do you expect that there will be any fallback on the three institutions here from engaging in a project or have you heard of any? Are they unhappy? Have they expressed any unhappiness with this project being carried out?

Or if not, and if they do later, would you so inform us?

Mr. PALFREY. When we released our 2002 report, the entire tree of harvard.edu was blocked from China for a period of time thereafter. It was not that popular among some of our colleagues who otherwise did want to get information to China, so I suspect we may well see the OpenNet Initiative and others get blocked in a similar fashion.

Commissioner MULLOY. Thank you.

Cochair DREYER. Commissioner Bartholomew.

Commissioner BARTHOLOMEW. Thank you very much. This is really interesting. I'm sorry I wasn't here for the very beginning of it, so forgive me if I ask something that you've answered. I know that these questions about how many people are engaged in the filtering are very difficult, and how much money is being spent, but I guess my question is about the human infrastructure that is supporting all of this ongoing filtering.

I was privileged to spend 15½ years of my career working for a Member of Congress from northern California, so I know that the e-revolution in a lot of ways in this country was really based on the importance of access to information. Much of it is coming out of private genius. There's an independent streak, let's put it that way, about the electronic frontier, and so what I wonder do we have any information on who is it that the Chinese government is employing in order to do this?

I'm intrigued with the cat and mouse idea. There seems to be some inherent belief that for every person who creates a blocking, there's somebody with this independent spirit who is going to be trying to move around the blocking.

Mr. PALFREY. One of them at this table.

Commissioner BARTHOLOMEW. Yes, and I commend people for that. But do we have any sense? Are the best and the brightest in China who are working on technology issues, Internet-related issues, actually being employed by the government in order to do the filtering or are there people who are really engaged in trying to overcome it?

Mr. BAMBAUER. There are certainly both, so we have contact with people in China who say that filtering is irrelevant and that we are wasting your time here today because they're able to circumvent it so easily. The way that we like to explain is that in some ways the world is divided into two camps of computer users: the AOL users and the Linux users. Most of us are AOL users.

Mr. PALFREY. Some people may not know the difference.

Mr. BAMBAUER. For people who are very technically sophisticated, the Linux users, the filtering regime presents less of a problem because they're skilled enough to use circumvention tools to access the content that they want to view. But for most of us, it's either too difficult or too time consuming to do so, and so these cir-

cumvention efforts are I think rightly directed and important, but they're very difficult.

For example, if we take the equivalent of my grandparents in China are very unlikely to install a circumvention tool for their Internet browser. The second point, as to whether the best and the brightest are engaged in this, it's difficult to quantify but we can probably draw indirect support from the fact that China has recently moved in its purchasing decisions to favor domestic providers of both hardware, software and IT services, which is in some ways an indication of confidence in the quality of that hardware and software to actually meet this task.

So their ability to develop, as Nart was mentioning, filtering software that's capable of handling the load, rather than purchasing it from U.S. vendors such as Secure Computing or Websense may indicate, in fact, that they have very, very skilled people doing this.

Mr. PALFREY. Could I just add one tiny anecdote to it? I spend a lot of time talking to a labor activist who is based in Hong Kong, and they send out blast e-mails, that's their primary approach, and this person came up to me and said we're spending all this money trying to hire somebody who can help us figure how to route around the controls. Activist groups on a shoestring are trying to hire the best technologists they can find to find these reliable circumvention methods.

So this may go to the drag issue, the transaction costs associated with this. The transaction costs may well be highest in dealing with this for the activist groups that are already struggling to exist because they do have to hire very good people in order to get around the controls.

Commissioner BARTHOLOMEW. Anything else?

Mr. VILLENEUVE. One small point that I would add is it helps sometimes to separate the content that's filtered from the technology that's doing it. Once you have a technically sound system in place, it just becomes a question of identifying what you want to block and adding it to your existing system. With the technology all set up and in place, the actual people, the amount of people that it would take to identify the stuff, they wouldn't necessarily have to be technical people, know what type of content they wanted to add to their lists that they were already blocking.

Commissioner BARTHOLOMEW. Again, in some ways I'm asking you to speculate. But the people who are creating the technical systems, which need to be upgraded obviously as people get around them, are they people who were primarily trained in China? Are they using a domestic base of knowledge of how to do this? Are they people who were trained in this country? Is it American technology, American ingenuity?

Mr. VILLENEUVE. Not really other than as we wrote in the report that most of the technology that's now available includes capabilities to filter and filter very well. I would assume vendors of these products would offer customer support for the features of their products.

Commissioner BARTHOLOMEW. Probably from Bangalore. All right. Thanks very much.

Cochair DREYER. Chairman D'Amato has a brief concluding question.

Chairman D'AMATO. Yes. We're running a little bit late, but we're very, very interested in what you've done, and this Commission has supported efforts to break through the firewall, through the use of servers in this country. We'd be interested in pursuing with you the question of the cat and the mouse. You're talking about a mouse that's sophisticated. We want to get to the mice that aren't so sophisticated through this technique. We'd like to discuss that further with you as to what would be feasible. Thank you very much.

Cochair DREYER. And your study is available on the web; correct?

Mr. PALFREY. Absolutely. It's [opennetinitiative.net/china](http://opennetinitiative.net/china). It's available right now and we're extremely grateful for the chance to present today and to release the report in concurrence with this hearing. So thank you.

Chairman D'AMATO. Congratulations on your report.

Mr. PALFREY. Thank you very much.

Commissioner MULLOY. My understanding, Mr. Chairman, is that their report will be in the record of this hearing?

Chairman D'AMATO. Yes, in full.

Cochair DREYER. Thank you very much. We will have a very brief break so that the next panel can take its place. Thank you.

Chairman D'AMATO. Thank you.

[Recess.]

#### **PANEL I: POLITICAL DEVELOPMENTS**

Cochair DREYER. Ladies and gentlemen, I would really appreciate it if you all would take your seats so we can begin. I'd like to take this in order starting with Dr. Jiao, and I take it you heard your introduction. We lauded your character, your many achievements, and we're very pleased to read your attack on the central propaganda ministry, which was beautifully written, and are not sure whether we ought to extend condolences on the severance of your employment relationship or congratulate you on the other things.

But anyhow, thank you very much, and without further ado, we are eager to hear from you.

#### **STATEMENT OF JIAO GUOBIAO, FORMER PROFESSOR COLLEGE OF JOURNALISM AND COMMUNICATIONS BEIJING UNIVERSITY**

Dr. JIAO. Thank you. First, I want to say I'm sorry for my oral English. I cannot express myself.

[Following is interpreted from Chinese:]

Because I couldn't fully understand the previous speakers' presentations so I wondered if my speaking would duplicate their content, so I may prefer to have a shorter speech and answer more questions.

Journalism school teaches us that media is an extension of human being's body, but in China every such kind of extension is trying to be cut off by the Chinese government.

The previous speakers' focus on media control mechanism, I will talk more about those control mechanisms beyond media. Let me give you an example. Yesterday, Radio Free Asia asked me to do an interview on the program, and I recommended they interview



some of my previous professors and my students in Beijing University. A professor in University of China replied to a Radio Free Asia reporter that the university administration does not allow them to be interviewed.

Not only the University does so, but I know the University does the same thing and many other universities do the same. In Beijing University where I worked, though, there was no such strict restriction on being interviewed by a foreign media, but in my situation there suggests that there is kind of rules, regulations are going to be done.

After I posted my article criticizing the Propaganda Department of China's Communist Party, one of the regulations given by the university's administration was to not be interviewed by any foreign reporter. In a recent article published by me, I mentioned 28 methods of the Chinese government to block information.

Those 28 methods not only included methods in media control but also include others like control of thought and control of other things. In publication books, there are many strict restrictions. For example, the Bible is a very important literature. However, in the past more than 50 years, there is not any publisher that published any type of bible, and there is not any bookstore that sells any bible.

I classify the 28 methods into two groups. One group is to block China from the outside. Another one is to block Chinese people from Chinese media. Previous speakers already mentioned a lot about filtering the Internet. Now, in some universities, it has become impossible to register an e-mail account outside of China. My experience and impression is that the Chinese government is trying to block any way the Chinese people could think of to break through the information blockage.

I would like to ask if ladies, gentlemen and every Commissioner, if you can think any of method that there is no filtering or information blockage, you may ask such question, and I will reply. And that's all.

Cochair DREYER. Thank you. Professor Link?

**STATEMENT OF PERRY LINK  
PROFESSOR, EAST ASIAN STUDIES, PRINCETON UNIVERSITY**

Dr. LINK. It's a pleasure to be here of course. I have a written statement that I won't read because it's too long. I understand I have seven minutes, and this machine is a bit intimidating. It ticks away one by one.

Chairman D'AMATO. It will be in the record in full.

Dr. LINK. Good. Thank you. I'll try to just make two broad points in maybe three-and-a-half minutes each. One is that the controls on the media in China in recent years since Hu Jintao and Wen Jiabao have become tighter, not looser. And here I mean not just the Internet. We need to remind ourselves that the Internet after all reaches a lot of people in China, but still only about seven percent of this huge population, so I want to expand my comments to the print and electronic media as well. And it's a bit paradoxical sometimes to say that the control is tighter because on the surface we see a pluralism that's very obvious on topics like commerce, entertainment, fashion, sports, romance—even sex if you don't go too

far, and even corruption if you don't aim too high. This can leave the casual observer to the conclusion that a kind of liberalism has set in, and that's a mistake, a serious mistake in my view.

Whenever the topic is serious from the point of view of political control at the top—topics such as Tibet, of course Taiwan, of course Falun Gong, and so on—on those topics, the control is very tight. So what we have now is a smaller focus of the kinds of expression that is controlled but a tighter control where that focus is, and next, and this is the point I want to elaborate a bit, is that the controls have become more invisible.

For example, on the call-in shows in China now, just as of about 18 months ago, there's a new regulation that says you have to have equipment to allow a 20-second pause between when the speaker who calls in talks and when it goes on the air, so that the editor can exercise "political responsibility" and other clichés whose meaning everyone knows: you can't say certain things, and if you do, you're cut off.

He Qinglian, who will talk to you this afternoon, has a wonderful book in which she shows how the prohibitions about what you can't write and express in the media are no longer printed and out in public. They are sent through internal communications *neibu*, as we say. This is very different from the way literary and journalistic controls worked about ten years ago.

In the Mao era and even the Deng era one heard, "don't do spiritual pollution," don't be a bourgeois liberal,"—guidelines that are fuzzy to be sure, but at least they're out there, and everybody knows you're not supposed to do this or do that. Now, when someone like He Qinglian's books are banned, the message is delivered only orally to her editors: "you mustn't publish her anymore," and "you mustn't tell anybody even that you're getting this message—even her." You're not supposed to tell.

So you've got this interesting bent towards secrecy of the control mechanisms, which is significant, and we need to think about why it is there. It seems to me that one of the reasons obviously is to give the appearance that there is no control, to us foreigners, to Chinese inside China who don't bother to dig deep enough, to the younger generation who might not quite understand and so on.

Anyway, there is this dive into secrecy, and by the way, every publisher is bound to it no matter how flamboyant the publications about sex, detectives, or whatever. You have to be owned by a unit that is part of this system that Professor Jiao has described so well and that sends messages to all concerned editors.

So the liberal appearance on the surface is deceptive. Now, you might look at that and say, "wait a minute, Professor Link, you've got these flamboyant speakers and writers like Liu Xiaobo and Yu Jie who say some pretty heavy stuff politically and they're inside China, and get onto the Internet." But these writers don't get into the print media. They only get onto the Internet, and now we come to this topic of the control of the Internet that we've just heard about.

I like the question that Chairman D'Amato was leading us to when he talked about—what was his phrase?—the "unsophisticated mice" at the bottom. I think that's really important. This police system of the Internet that controls it, to my surprise—ten years ago,

I wouldn't have predicted this—has been pretty effective in blocking and controlling expression on the Internet.

There was discussion before about who they are. I think this is significant. There was a good question here from Commissioner Bartholomew about the costs and the training of the people. Traditionally, in Chinese culture police and soldiers were at the bottom of the social hierarchy. *Haoti buda ding*. . . . You don't go be a soldier unless it's the only thing you can do. Soldiers and police have traditionally been recruited from working class people—from farmers and others—except now. Now, the college graduates from the best colleges, from Qinghua and so on go into this Internet policing cadre because they are the ones that can do the job. It's my impression by the way, that most of them are homegrown from inside China, not reimported from the West.

But then they go into the Ministry of Public Security, and I think we didn't quite appreciate this morning how this is a hierarchy, a bureaucracy. It's a mistake to think of all these 30,000 or whatever they are bundled in Beijing. No. They are in the provinces, in the townships, down to a pretty low level of this hierarchy we call the Ministry of Public Security, where all up and down their responsibility is to monitor the Internet and block it and so on.

I think the “unsophisticated mice” at the bottom do get blocked. Somebody said this morning, Mr.—I forgot the name—that the sophisticated users, the Linux users at the top can get around it. My friends, the dissidents in Beijing, have no problem getting around. They can read anything. They're smart enough and sophisticated enough, but most aren't.

Another thing about Internet control: this morning we were talking mostly about the mechanics of it, and to be sure that's important, blocking sites and so on, but only briefly did we talk about the psychology of it. The threat that you can be blocked means that you censor yourself. Recently, just starting two years ago, there's a new regulation that you can't be a one-person web site. You have to have at least two or three people in order to set up a web site. That immediately brings in this old Chinese control technique that imposes collective responsibility: If you make the mistake, I take the rap, and therefore I help to watch you. This is spread even to the national level where now the Ministry of Public Security has a web site. Now anyone can e-mail (you can too!) to [jubao@china.org.cn](mailto:jubao@china.org.cn) and report on anybody who you think has crossed the line. So this collective responsibility system has really increased the psychological pressure on the control.

Now, as professors do, I'm running out of my time here. I'll go to my second point and try to do it very quickly. In He Qinglian's very fine book that she'll tell you about, she's got two big topics. One is the methods of control and how they've changed. One is the effects on Chinese thinking, and this is where my written testimony goes into some detail.

People are told over and over and over in China that the Dalai Lama and President Chen Shui-bian in China are treacherous liars who seek to split the territory of the sacred motherland and so on, and eventually believe it or at least in part—or, what's almost more pernicious take Taiwan or Tibet or Falung Gong as a high priority in their thinking. Ordinary Chinese people in ordinary life

are concerned about ordinary things, just as we are. Do my children get an education? How's my family doing? Can I afford to go to a doctor? Will I have a secure retirement? That's where popular thought is in China.

This effort by the propaganda to insert what it wants people to care about and think about intrudes upon that. I've studied this question in the popular sayings called *shunkouliu* that course through Chinese society. They don't have known authors and aren't censored, but completely spread through the society. Overwhelmingly, the topics in them are corruption, inequality, abuse of power, and things like that. Nobody talks about the Dalai Lama or Chen Shui-Bian in these popular *shunkouliu*, so it's a big mistake for us to think that Chinese popular thinking is naturally in the categories that the government presents to us.

The other side of that coin, of course, is that the Chinese government loves to pretend that it speaks for all of China. "The Dalai Lama has hurt the feelings of 1.3 billion Chinese" and so on sounds funny, but it's amazing to me how often we in the West uncritically absorb claims of that sort.

I don't want to be provocative, but just in this morning's session, I heard several people refer to "China" or "the Chinese" view on something when that wasn't what really was in mind. It was the Chinese government's view on something. So that's my second main point, that Chinese popular thought is originally quite different from what the government pretends to represent when they talk about "China's views," and within that question, we have to think hard about how the propaganda apparatus does distort and affect the way people think about things.

My time is nearly done, but we could talk about these anti-Japanese demonstrations in the last few days in this context as well. Thank you.

[The statement follows:]

**Prepared Statement of Perry Link  
Professor, East Asian Studies, Princeton University**

***What do "the Chinese" Think?:  
Reflections on Chinese Popular Opinion***

I come to your Commission from, perhaps, a slightly different angle from others because my specialty is not politics, economics, or international relations but literature and popular culture. I am professionally interested in what ordinary Chinese people think, feel, and want from life. I use literature (and indeed anything else I can get my hands on) to study these questions.

I often cringe to hear diplomats or experts on international relations refer to "the Chinese position" on Taiwan, "the Chinese view" of textile exports, and so on. If one speaks rigorously of the Chinese populace as a whole, it is almost impossible to find "the" Chinese opinion on anything at all. There are 1.3 billion Chinese, and they exhibit considerable variety. What diplomats and political scientists really mean when they speak of "the" Chinese view is—to put it bluntly—the official Chinese government view. This view may or may not coincide with the opinions of other parts of the populace.

The diplomats and others who speak of "the" Chinese view sometimes defend the usage by saying it is simply shorthand for "the government view" and that they of course are aware that underlying realities are more complex. This would be all right, I suppose, if everyone constantly bore the shorthand in mind. But in the rough and tumble of debate over money, arms, sovereignty, and the like, the distinction is lost more often than not. The government view comes to stand, simplistically, for all of China.

When foreigners make this lazy elision, it suits China's unelected rulers quite well. They have no interest in drawing attention to any distinction between their own opinions and "China's." Indeed they often deliberately present themselves as speaking for all of China when their actual goal is a narrow strengthening of their own rule. A world lulled into the habit of equating "China" with "the Chinese government" is too easily misled.

For example, from listening to China's rulers one could get the impression that positions like the following dominate in Chinese popular thought: adamant opposition to Taiwan independence, fear of the Dalai Lama as a "splittist," resolute opposition to terrorist activity in Xinjiang, and disgust with the evil cult called Falun Gong. Some Chinese do hold these views, but many do not. Moreover many Chinese would not even think about this list of topics were it not for the state's inveterate "thought work" efforts that stimulate them—and sometimes require them—to form and express opinions. These topics are not the kind that naturally hold center stage in Chinese daily life.

What are? The evidence is overwhelming that Chinese popular thinking, now as in the past, is preoccupied by daily-life issues: Do I have a job? Is my family healthy? Can my children go to school? Will my old age be secure? To the extent that broader social and political concerns impinge, they are still concerned with daily welfare: Are taxes excessive? Why is the gap between rich and poor getting so big? Are the leaders corrupt? The extensive popular commentary in uncensored "oral rhythmic sayings" (*shunkouliu*) is almost exclusively focused on such questions. The question of whether the Dalai Lama is a splittist or not would come far, far down any list of natural concerns. If the government's propaganda system were to leave the Taiwan question alone, it, too, would not matter much. Falun Gong would draw considerably more attention, but much of it would be positive, with Falun Gong viewed as a route to daily-life health and well-being.

When the Chinese government leads the outside world to believe that "the Chinese people" stand behind government views, the outside world needs to peel off three levels of possible bias before drawing conclusions:

- Have the Chinese people really expressed such views? (Or is the government simply making rhetorical claims for its own purposes?)
- If the Chinese people really have expressed such views, do the views reflect their true inner thoughts and feelings? (Or are people just delivering the "right answer" for prudential reasons?)
- If the expressed views truly do reflect inner feelings, did those feelings arise naturally from daily life? (Or were they stimulated and shaped by government "thought work"?)

Let me sketch these issues in slightly more detail.

1. The Chinese government often presumes to speak for all of the Chinese people as if they were a monolith. One does not have to be a China expert to see these rhetorical flourishes as far-fetched, and sometimes even funny. "The feelings of 1.3 billion Chinese people would be hurt," for example, by U.N. criticism of China's human rights record. It is not quite accurate to describe these outlandish claims as "lies." In lying, a person seeks deliberately to mislead a listener about a matter of fact; but when it uses this kind of rhetoric, the Chinese government is not even thinking about facts one way or the other. It is simply manipulating language in pursuit of its own interests, a process in which truth or falsity is incidental. The manipulation is not always bald and obvious, however. Sometimes it is subtle, and even experienced scholars can be taken in. Chalmers Johnson, for example, recently wrote that:

China fears that Taiwanese radicals want to declare independence a month or two before [the 2008] Olympics, betting that China would not attack then because of its huge investment in the forthcoming games. Most observers believe, however, that China would have no choice but to go to war because failure to do so would invite a domestic revolution against the Chinese Communist Party for violating the national integrity of China.<sup>1</sup>

Note, first, Johnson's easy equation of "China" with "Chinese government elite" in his claim about what "China fears." Is this shorthand, forgetfulness, or naïveté? Next, his claim that if Beijing were to make concessions on the Taiwan question it could spark "domestic revolution" suggests that 1.3 billion Chinese would be ready to rise up and risk all on this issue. It is highly doubtful that most Chinese—especially if left alone on the issue—would want to do this. Johnson's statement also

<sup>1</sup>Chalmers Johnson, "No Longer the 'Lone' Superpower: Coming to Terms with China" at <http://www.tomdispatch.com/index.mhtml?mm=3&yr=2005>.

misreads the constituency of the Party elite. It is true that the appearance of “softness” on Taiwan policy could leave top leaders vulnerable from below. But the threat would come from those *right below*, i.e., among rivals who could grab the issue and use it to try to jockey themselves to the top position. “The masses,” unless manipulated, don’t really figure into such calculations, because they don’t have political power. Johnson’s image of “domestic revolution” betrays a fundamental misunderstanding of Chinese politics. It buys into the government’s repeated claim that it—the ruling elite—is the same as all of China.

2. The combination of traditional Chinese concepts of “proper speech” with decades of repressive Communist rule have produced in the contemporary Chinese populace a marvelous ability to dissemble. We should not judge the Chinese people harshly for this; they have developed their skills in response to the natural and universal human preferences to survive and to thrive. But we must bear in mind that their surface expression—in public meetings, in answering questionnaires, in talking with foreigners whom one does not know very well, etc.—often has little to do with their inner feelings. The pressures to perform the “right answer”—meaning the answer that the context calls for, not the answer that springs from inside—can be overwhelming. And with many years of practice, performing right answers can come to seem so natural that a speaker will lose all sense of strangeness or alienation while doing the performance. To say that “Falun Gong is an evil cult” becomes the way to get along in school or to keep one’s job at the factory. The truth or falsity of the statement doesn’t matter; it is the “right” statement because it works in daily life. It might or might not correspond to the views that a person might have at home, while reflecting on things in private.

3. Sometimes views held at home, in private, etc., do correspond with those of the governing elite, and sometimes, of course, this coincidence of views is perfectly natural. But sometimes not. Especially on political questions, one must ask how much of the coincidence of opinion is an effect of the propaganda system. Recently a widely-publicized opinion poll in China showed that 60% of Chinese feel that American policies toward Taiwan will become the most important obstacle in Sino-U.S. relations in coming years.<sup>2</sup> But this survey comes after several years of unremitting and extremely one-sided presentations of the Taiwan issue in the Chinese media. Hence one must ask: absent that stream of invective, would popular perceptions be the same? What would popular Chinese views of the Taiwan issue have been if, over the same period, a free press had presented a variety of views to Chinese readers? He Qinglian’s recent book . . . (How the Chinese government controls the media)<sup>3</sup> argues a strong case for the connection between government propaganda and warped popular opinion in China. I attach here a review of He’s book that I wrote last year for *The New York Review of Books*.

What can Americans or other outsiders do? Not too much, I’m afraid. Freer expression and a better informed Chinese public could do immense good in China, but the achievement of these results will depend mostly on people working inside China. Still, some things that outsiders can do are:

- Support people inside China (journalists, lawyers, special-issue activists) who are seeking more openness in the media and more respect for rights.
- Get good information into China as much as possible via the Internet, email, and radio and television (including Radio Free Asia and the Voice of America).
- Constantly remind our colleagues in government, the press, and academe that “China” does not mean the top leadership of the Communist Party of China. The point is not trivial, and will have numerous consequences for action if bourn properly in mind.

Cochair DREYER. Thank you very much. I should have mentioned that Professor Link is Professor of Chinese Language and Literature at Princeton University, and perhaps the foremost exemplar on modern Chinese literature in the United States. He is the person we all ask when we need to know the nuance of a Chinese phrase.

Our next speaker will be Professor Richard Baum, who is Director of the UCLA Center for Chinese Studies, and has been, my goodness, 35 years on the faculty of UCLA. I say this because Dr. Baum and I were fellow graduate students in Hong Kong at the

<sup>2</sup>News.Sohu.com, 10:13 a.m., March 2, 2005.

<sup>3</sup>New York: Human Rights in China, 2004.

same time, but he finished his dissertation before I did. Dr. Baum, please.

**STATEMENT OF RICHARD BAUM  
DIRECTOR, UNIVERSITY OF CALIFORNIA AT LOS ANGELES  
CENTER FOR CHINESE STUDIES**

Dr. BAUM. Thank you very much, Chairman D'Amato, ladies and gentlemen of the Commission. This is a tale of two Chinas. One China is in the midst of an astonishing societal transformation triggered by the powerful twin engines of marketization and globalization, a country whose socioeconomic landscape has been altered profoundly and irreversibly.

There is another China. The seismic shift that I just mentioned has not affected this other China, the political China. With their deeply ingrained commitment to a Leninist political order, China's leaders have struggled mightily to contain and control the inherently pluralizing forces of the other China, of marketization and globalization.

The result has been a build-up of tensions between a vibrant thriving society and a rigid monochromatic party state. This morning I want to begin briefly by mapping out what I consider to be the most salient features of the recent Chinese political landscape. I'll then draw out a few key policy implications.

Since the crackdown at Tiananmen Square 15 years ago put an end to early hopes for political reform, a number of deepening social stresses have festered under the surface, sometimes bubbling up into the open. These are well known and need not be belabored: high levels of unemployment, urban-rural, and coastal-interior income gaps, growing waves of unregulated internal migration, widespread cadre corruption, a teetering banking system, and a looming HIV/AIDS epidemic.

Throughout the 1990s and early 2000s, high rates of economic growth and a massive influx of foreign direct investment enabled the Chinese government to mask these stresses and muddle through in the absence of political reform. When problems arose that could not be ignored—farmers protesting arbitrary taxes, laid off workers demanding payment of embezzled pensions—they were handled on an ad hoc case-by-case basis. So long as these incidents were localized, isolated and unorganized, they could be dealt with by a paternalistic government determined to keep the lid on social disorder.

What began happening in the late 1990s was that the aggregation and mobilization of discontent on the part of aggrieved individuals and groups possessing modern means of communication—cell phones, personal computers, SMS and the Internet. As manifestations of discontent became larger in scale and more readily communicated, their potential danger to the regime grew—witness the Falung Gong. When Jiang Zemin began his phased retirement from politics two years ago, hopes were initially raised that his successor, Party Chief Hu Jintao, might jumpstart the long-stalled process of reform. It did not take long for such expectations to be deflated.

In September of last year, Hu Jintao made it clear that the Communist Party would not relinquish its 55 year monopoly on power. Indeed, he called for the party to strengthen its grip on the institu-

tions of governance. At the same time, however, faced with deepening societal tensions, the Central Committee of the Party last September, took the unusual step of acknowledging openly the increasing fragility of party rule. In its statement, it said, "China's reform has reached a critical stage in which new problems are mushrooming. The CCP's ruling status will not last forever if the party does not safeguard it. We must develop a strong sense of crisis and strengthen our ruling capacity."

What did party leaders have in mind? In the official communiqué of the Central Committee Plenum that was held last September, a number of measures were proposed that were aimed at improving the increasingly strained relationship between the party and the people. In one key section, it said the party should enforce and further improve existing rules and practices of "democratic recommendation," "multi-candidate selection," and "opinion solicitation" concerning appointed official posts.

The choice of language here is important. Democratic recommendation was stressed, not nomination; candidate selection rather than election; opinion solicitation by party committees rather than decisionmaking by elected representatives. In these and other respects, the Fourth Plenum's call to strengthen the ruling capacity of the party seemed less like a manifesto for serious political reform than a call for patching up and applying a fresh coat of paint to the CCP's stress-damaged control mechanisms.

While continuing to resist political pluralism and power sharing, China's post-Mao leaders have on the other hand shown a growing appreciation for the advantages of rationalized rule-based governance, i.e., rule by law. Chinese accession to the WTO a few years ago involved an explicit acceptance of prevailing norms governing regulatory transparency, market openness and dispute resolution.

By the same token, a long list of legislation over the past few years reflects the party's growing recognition of the need to protect vulnerable citizens against arbitrary actions by state agents. Just yesterday, the PRC announced that almost 1,600 law enforcement officials had been disciplined for abusing detainees.

The problem with China's emerging rule by law system (as distinct from a rule of law system, which subjects all state institutions and elites to binding legal restraint) is threefold. First, despite periodic disclaimers, the party itself remains above the law. There is no appealing its decisions.

Second, in the realm of criminal law, such notions as rights of the accused and due process are still often honored in the breach. And finally, the administration of justice is subject to wide variation depending on the province and locality of jurisdiction. Courts remain under the jurisdiction of local government organs, and an individual's chances of receiving a fair hearing or speedy trial are dependent upon accidents of venue and the vicissitudes of personal connection.

To make matters worse, there remains a serious nationwide shortage of competent, professionally trained legal and judicial personnel.

Viewed from below, and here's a third China, the political situation in some ways looks a bit more hopeful. In the rapidly developing cities and special zones of the east coast, where incomes are



relatively high, where a sizable middle class has taken shape, a cosmopolitan culture is emerging that is sensitively attuned to the outside world and supportive of modern ideas and values.

Such urban environments can be regarded as the “petri dishes” of incipient political pluralism. In recent years, experimentation with urban political reform has proceeded in fits and starts. Since 1999, more than a dozen large cities, have conducted direct election to urban residence committees, the lowest level of a municipal government.

According to various observer groups, these first urban elections were relatively free and transparent. Other local experiments in government transparency have also been undertaken. In Guangdong, for example, officials in several counties have started to open their budgets and hiring practices to public scrutiny.

Yet another interesting experiment involves the rapid rise of e-government in China, the advent of web-based online access to provincial and municipal administrative services, informational resources, and electronic bulletin boards that solicit citizen opinion and feedback.

While e-government is sometimes discounted as a paternalistic substitute for genuine transparency and accountability, it is arguably helping to reduce the information gap between the Chinese state and its increasingly information hungry, Internet savvy urban citizenry.

In rural areas, which contrast with the increasingly cosmopolitan, information rich urban culture of the eastern seaboard, life remains harsh for most of 700,000 Chinese villages and associated townships. Yet, even in the vast backwater of China’s agrarian heartland, some significant changes are taking place. The most widely noted political innovation in rural China has been village elections. First introduced in 1987, the practice of directly electing village leaders was widely expanded in response to reports of worsening rural discontent.

In many villages, autocratic local cadres were indulging in predatory practices, exploiting powerless peasants. With reports of rural unrest on the rise, elections were viewed as a safety valve for venting rural frustration and keeping it local in nature and focus.

To date, elections for village leaders have been conducted in over 70 percent of China’s rural areas. The results have been encouraging if decidedly mixed. There is much anecdotal evidence to suggest the removal of corrupt and unpopular village leaders through elections is not uncommon.

Another controversial rural innovation is the phenomenon of direct elections at the township level. Unlike villages, whose leaders are not state employees, township officials have government status. For this reason and because townships present a wider variety of political monitoring and control problems, party leaders have been reluctant to approve the spread of township elections.

To date, only a few such elections have been held, often without higher level approval. To limit the potentially pluralizing effects of rural elections, many rural areas have recently introduced a new regulation that only party members are eligible for election as village chiefs. Such a requirement effectively serves to fuse political

power in the villages by eliminating the possibility of peasants rejecting the party's leadership.

Given the determination of party leaders to maintain their grip on the political life of the country, it would be unrealistic to expect an early democratic breakthrough from above. However, given the spontaneous emergence of the first clear sprouts of a self-organizing civil society in cities, townships and eventually villages throughout China, we are likely to see a low-key gradual market-driven evolution from below in the direction of greater societal pluralism and an attendant flowering of diverse political interests and opinions.

This evolutionary progression is likely to receive a boost toward the end of the present decade with the accession to power of the fifth generation of Chinese political leaders, who are generally more cosmopolitan, well-traveled, open-minded, and in many cases foreign-educated than their predecessors.

While it is too soon to tell whether China's fifth generation will break the long-standing taboo on political-institutional reform imposed after the Tiananmen crackdown, they are less likely, in my opinion, to be instinctively averse, for example, to a reversal of verdicts on the events of 1989.

Cochair DREYER. Rick, could you just summarize?

Dr. BAUM. I will wrap it. I'm at the end.

Cochair DREYER. Thank you.

Dr. BAUM. In order to allow China to have a chance to let these forces from below do their work, which is not magical and is not immediate, we must be prepared, I think, patiently and in the long term, to nourish these sprouts of civil society. We must at the same time, however, be firm and clearheaded in our support of core values of freedom, openness and rule of law.

Still, China is not a third-rate rice republic that can be bullied or cowed into conforming with American values and preferences. Its vital national interests must be understood and within reason accommodated. A zero sum mentality will surely lead us into an adversarial relationship. Though we do not have it in our power to determine China's future, we can by our behavior and the power of our example encourage a more benign outcome. This means that we must pursue a long-term policy of cooperating where we can while contesting where we must.

Paraphrasing Winston Churchill's ironic defense of democracy as the "least bad" form of government, I would conclude by observing that "constructive engagement" may well be the worst possible American policy toward China—except for all the rest.

Thank you.

[The statement follows:]

**Prepared Statement of Richard Baum**  
**Director, University of California at Los Angeles**  
**Center for Chinese Studies**

Chairman D'Amato, Ladies and Gentlemen of the Commission:

China is in the midst of an unprecedented societal transition. Triggered by powerful twin engines of change—marketization and globalization—the country's socioeconomic landscape has been altered profoundly and irreversibly over the past quarter-century. For most of China's 1.3 billion people, the changes have brought new (if unevenly distributed) opportunities for self-betterment and freedom of personal choice, along with new risks of personal failure.

This profound seismic shift in China's socio-economic landscape has not been matched by equally profound changes in the country's dominant political institutions and processes. With their deeply engrained commitment to a monocratic Leninist political order, China's leaders have struggled mightily to resist—or at least to contain and control—the inherently pluralizing forces of marketization and globalization. The result has been a build-up of tensions between a complex, vibrant society and a rigid, monochromatic party-state.

Not all the political news is dim and dreary, however. There are at work in China today transformative forces that are slowly altering the country's underlying political dynamics—even as its leaders try to redirect and channel these forces from above. In the cracks of the monolithic Chinese party-state there are growing the first visible sprouts of a frail but genuine civil society. The net result is a complex and multi-layered political reality, not easily captured in conventional “either/or” dichotomies. The Chinese political glass is both half full and half empty, both ossified and evolving.

For those who may have expected to see an early, wholesale democratic breakthrough in China—marked by Western-style competitive elections, a constitutional separation of powers, and free, unfettered political participation and debate—the outlook is not particularly encouraging. For those who measure political progress by degrees, however—in the ability of Chinese farmers to reject corrupt village leaders, or the ability of ordinary citizens to sue government agencies in court, or the ability of urban residents to have their electronically registered complaints attended to by local officials—the outlook is somewhat brighter.

In my testimony this morning I begin with a brief recapitulation of relevant background events. I then map out what I consider to be the most salient features of the current Chinese political landscape at both the national and local levels, followed by an assessment of China's near- and intermediate-term prospects for meaningful political reform. I conclude by drawing out a few key policy implications and recommendations.

## **A. China's Political Landscape: The View from Above**

### ***1. Past efforts at political reform.***

It is sometimes forgotten that there were positive signs of imminent political reform in the years prior to the student demonstrations of spring 1989. At the CCP's 13th Party Congress in September 1987, Party General-Secretary Zhao Ziyang proposed a number of institutional innovations that, if adopted, would have moved China in the direction of a more open and pluralistic—albeit “soft authoritarian”—political system. Included in his recommendations were: a complete separation of the Communist Party from the functions of state administration; a thorough reform of the state personnel system—the notorious “Nomenklatura”—to minimize political patronage and ensure reliance on merit in government appointments and promotions; amplifying the voice and legislative autonomy of people's congresses at all levels; augmenting the watchdog role of “democratic parties,” mass organizations, and the Chinese People's Political Consultative Conference (CPPCC); and strengthening the rule of law. Perhaps most radical of all was Zhao's call for the Communist party-state to recognize the legitimacy of diverse socio-political interests and interest groups—the first step toward authentic political pluralism: “Different groups of people may have different interests and views,” he said; “they too need opportunities for the exchange of views.”

If adopted, Zhao's reforms would have taken the first meaningful steps toward easing the growing disconnect between state and society in post-Mao China. Zhao's proposals were stillborn, however, stopped in their tracks by the bloody crackdown of June 4, 1989; and Zhao himself was removed from his leadership post for “splitting the party.” Thereafter, fear of endemic instability and chaos, reinforced by the sudden, startling disintegration of the Soviet Union, prevented nervous Chinese leaders from renewing Zhao's call for enhanced political pluralism or institutional checks and balances. To date neither Zhao, who died in disgrace in January 2005, nor his 1987 proposals have been rehabilitated.

### ***2. Worsening socio-economic stresses.***

Partially masked by China's ongoing economic miracle, a number of deepening societal stresses festered just under the surface in the 1990s. These included: high levels of urban unemployment (fueled by the closure of tens of thousands of over-staffed, inefficient state-owned enterprises; growing urban-rural and coastal-interior income and productivity gaps; massive waves of internal migration by a “floating population” of perhaps 100 million rural villagers seeking urban employment; widespread cadre corruption; a teetering state banking system awash in non-performing loans; and a looming HIV/AIDS epidemic of major proportions.

Throughout the 1990s and early 2000s, high rates of economic growth, underpinned by a massive influx of foreign direct investment, permitted the Chinese government to “muddle through” in the absence of a viable strategy for political-institutional reform. When problems arose that could not be ignored—farmers protesting arbitrary taxes and fees; laid-off workers demanding payment of embezzled wages and pensions; outraged parents demanding investigation of a fatal primary school fireworks explosion—they were handled on an *ad hoc*, case-by-case basis. So long as such incidents were localized, isolated, and unorganized they could be dealt with by a paternalistic government determined to keep the lid on social disorder. If necessary, village elections could be held to remove corrupt rural cadres; government officials could launch high-profile investigations into the causes of a school fire or a coal mine disaster; and money could be found to pay off angry workers and pensioners.

What began to happen in the late 1990s, however, was the *aggregation* and *mobilization* of discontent by aggrieved individuals and groups possessing modern means of communication—cellphones, pagers, personal computers, fax machines, SMS, and the Internet. As manifestations of discontent become larger in scale and more readily communicated to others, their potential danger to the regime became greater.

### 3. Jiang Zemin’s “three represents.”

Confronted with growing symptoms of incipient unrest in the late 1990s, Zhao’s successor, Jiang Zemin, sought to shore up the Communist Party’s flagging popular appeal by broadening its social base. The result was Jiang’s famous “theory of the three represents” (*sange daibiao lilun*), which officially invited China’s *nouveaux riches* capitalist entrepreneurs and commercial middle classes to join the CCP.

In the event, Jiang’s initiative did little to ease the “great wall of power” that separated the Party from the Chinese people. Most ordinary citizens displayed a guarded, non-committal attitude toward the “three represents”; others were openly cynical, regarding the new doctrine as a thinly veiled attempt to co-opt upwardly mobile groups and individuals without diluting the Party’s political power monopoly. With Jiang’s phased retirement from active political leadership in 2002–03, the “three represents” began to fade from public view, though they remain embedded in the CCP Constitution.

### 4. The rise of Hu Jintao and Wen Jiabao.

When China’s new leaders began to emerge from Jiang Zemin’s shadow in the early years of the new millennium, hopes were raised that the long-stalled process of political reform might be jump-started. With the autocratic, risk-averse Jiang out of the picture, it was anticipated that Hu Jintao and Wen Jiabao might be free to raise their own profile and pursue their own, ostensibly more progressive policy agenda.

It did not take long for Hu Jintao to deflate such expectations. In a September 2004 speech commemorating the 50th anniversary of the National People’s Congress, Hu made it clear that the Communist Party would not relinquish its 55-year monopoly of political power:

“The Communist Party of China takes a dominant role and coordinates all sectors. . . . The leading position of the Party is a result of long-term practice and is clearly stipulated by the Constitution. People’s congresses at all levels and their standing committees must consciously put themselves under the Party’s leadership. . . . The role of Party organizations and Party members in government departments should be brought into full play . . . so as to realize the Party’s leadership over state affairs.”

### 5. The drive to “strengthen ruling capacity.”

In the face of deepening societal tensions, the CCP Central Committee, at its Fourth Plenum in September 2004, frankly acknowledged the fragility of Communist Party rule and affirmed the urgent need to strengthen the Party’s ruling capacity:

“China’s reform and development has reached a critical stage in which new problems are mushrooming. . . . The CPC’s ruling status . . . will not last forever if the Party does nothing to safeguard it. . . . We must develop a stronger sense of crisis . . . and strengthen our ruling capacity in a more earnest and conscientious manner.”

What did Party leaders have in mind? In the Fourth Plenum’s official Communiqué a number of measures were proposed that aimed at improving the increasingly strained relations between the Party and the people:

“The Party will guarantee that the people carry out democratic election, policymaking, management and supervision according to law, while improving the People’s Congress system and the system of multi-party cooperation and political consultation under CCP leadership. . . .

“The Party should continue to enforce and further improve existing rules and practices of democratic recommendation, multi-candidate selection, opinion solicitation on newly appointed official posts, decisionmaking through a vote by all members of a Party committee instead of arbitrary decisionmaking by head of the committee. . . .

While these (and other) pledges of improved political performance seemed sincere on the face of it, the choice of phrasing (democratic *recommendation* rather than nomination; candidate *selection* rather than *election*; decisionmaking by vote of *all members of a Party committee* rather than by the people’s elected representatives; and improving people’s congresses *under CCP leadership*) suggests that the Party would continue to guide and control all aspects of the country’s political life.

As if to underscore this point, a lengthy commentary by Politburo Standing Committee member Zeng Qinghong (a protégé of Jiang Zemin), published shortly after the Fourth Plenum, spelled out in greater detail the dominant role to be played by the Party. Among other things, Zeng called for strengthening the Party’s control over legislative process and content; blurring the functional distinction between Party and state leadership; and preventing the emergence of interest-based pluralism:

“Upholding rule by law requires strengthening the Party’s leadership of legislative work and being good at turning what the Party advocates by way of statutory procedures into the national will. . . .

“The Decision proposes . . . increasing to an appropriate extent the overlap in the duties and positions of Party and government leaders. . . .

“Creating sound supervisory channels . . . will prevent the formation of vested interest groups.”

Not coincidentally, these three imperatives directly contradicted key reform proposals advanced by Zhao Ziyang in 1987. In this and other respects, the Fourth Plenum’s call to “strengthen ruling capacity” seemed less a manifesto for serious political reform than a call for patching up and applying a fresh coat of paint to the CCP’s stress-damaged institutional façade.

#### **6. The Mass Media: Barometer of change?**

Along with the CCP’s recent decision to tighten its grip on the institutions of governance, in the past six months there has been a visible tightening of Party controls on the mass media. In November 2004 the CCP Propaganda Department blacklisted six well-known political commentators from the state-owned press. The six banned journalists were: Peking University Journalism Professor Jiao Guobiao; veteran Communist Party member (and Mao’s former political secretary) Li Rui; political commentators Wang Yi and Yu Jie; Tianze Economic Research Institute director Mao Yushi; and Yao Lifa, a peasants’ rights activist in Hubei province. At the same time, the authorities have disparaged the role—and muted the voice—of China’s “public intellectuals.” And at least two Chinese journalists, Wang Guangze of the *21st Century Business Herald* and Jiao Guobiao, a frequent critic of the Chinese censorship system, were sacked earlier this year after making extensive U.S. speaking tours.

#### **7. Recent developments in “rule by law.”**

While continuing to resist intellectual pluralism and institutional power sharing, China’s post-Mao leaders have shown a growing appreciation for the advantages of rationalized, rule-based governance. Chinese accession to the WTO in 2001 involved an explicit acceptance of prevailing international norms governing regulatory transparency, market openness, and dispute-resolution, thereby signaling the emergence of an embryonic legal culture in China. By the same token, a long list of progressive legislation, from the 1990 Administrative Litigation Act to the 1994 State Indemnity Law to the 1996 Law on Administrative Punishments to the 2003 Law on Identity Cards (passed after police brutally murdered a migrant worker in Guangzhou), reflected the Party leadership’s growing recognition of the need to protect vulnerable citizens against overzealous state agents.

The problems with China’s emerging “rule by law” system (as distinct from a “rule of law” system, which subjects *all* state institutions and ruling elites to binding legal restraint) are three-fold. First, despite periodic disclaimers, the Communist

Party itself remains essentially above the law by virtue of its self-arrogated “leading role” in every sphere of governance. There is simply no appealing a decision of the Party Central Committee. Second, in the realm of criminal law, such notions as “rights of the accused” and “due process” are frequently honored in the breach. To give but one particularly egregious example, extrajudicial administrative detention is widely used by police to incarcerate “undesirable elements”—sometimes indefinitely—without a formal hearing. Finally, the administration of justice is subject to wide variation depending on province and locality of jurisdiction. In many places today, an individual’s chances of receiving a fair administrative hearing or a speedy public trial are more dependent on accidents of venue and the vicissitudes of personal connection than on the law itself. Despite the training and accreditation of 130,000 Chinese lawyers since the onset of the reform era, many Chinese judges are demobilized servicemen with no post-secondary education; and there remains a serious nationwide shortage of competent, professionally trained legal and judicial personnel.

#### **8. *The rebirth of Confucianism and the search for “socialist harmony”:***

In recent months a new challenge to the emergence of a rule-based, pluralistic polity has appeared. Since last winter, Party theorists have begun to promote a renaissance in Confucian philosophy, centering on the quest for a “harmonious society.” Premier Wen Jiabao laid the cornerstone of this renaissance on March 5, 2005, in his Report to the National People’s Congress. “We must,” said the Premier, “build a harmonious socialist society that is . . . fair and just, trustworthy and friendly, full of vigor and vitality, secure and orderly, and in which man and nature are in harmony.” While there was nothing particularly onerous or alarming about the Premier’s exhortation, subsequent media commentaries gave a more problematic political spin to the quest for organic social harmony. On March 23, an article in the overseas edition of *People’s Daily* defined the political goal of “harmony” as a desire to “reach unanimity after taking many things into consideration.” The author went on to say:

“When five-tones are harmonious, their sound is audible; when the five-colors are harmonious, they become a set or well-designed pattern; when five flavors are harmonious, they are edible. When this logic is [applied] to administration, we must harmonize various kinds of interests, synthesize different opinions and defuse complicated contradictions.”

While this language is idealistic and even inspirational, it should not be forgotten that in Imperial China, self-serving dynastic rulers adopted this same Confucian value system as their official *ideologie d’etat*, using it to impose a paternalistic, ritualized ethos of political consensus and conformity upon a voiceless, powerless peasantry. While it is too early to draw firm conclusions about the likely impact of a Confucian revival on the nature and quality of governance in today’s China, efforts to achieve organic social unity and harmony under one-party auspices, in the absence of authentic political pluralism, are more likely to lead to a suppression of heterodox opinion than to a spontaneous blending of complementary colors, flavors, or tones.

### **B. China’s Political Landscape: The View from Below**

While those at the top of the Chinese political system struggle to maintain their Leninist advantage, viewed from below the political situation in China looks rather different, and in some ways more promising. Partly because of constraints imposed (and opportunities afforded) by fiscal and administrative decentralization since the mid-1980s, and partly because of the polarizing second-order consequences of China’s rapid market transition, local politics in China currently exhibits a fascinating variety of political colors, patterns and processes.

#### **1. *Urban political trends.***

In the rapidly developing cities and Special Zones of the East Coast, where incomes are much higher than average and where a sizeable middle class has begun to emerge, a cosmopolitan consumer culture is taking shape that is sensitively attuned to the outside world, supportive of “modern” ideas and values, questioning of authority, and relatively tolerant of nonconformity. Such vibrant urban cultural environments, while still in their relative infancy, can be regarded as the “petri dishes” of incipient political pluralism.

Although national political institutions have remained rigid and change-resistant, experimentation with urban political reform has proceeded apace. Beginning in 1999, more than a dozen large Chinese cities—including Beijing, Shenyang, Ningbo and Nanning—were selected for a pilot study involving direct elections to urban residence committees—the lowest level of municipal governance. Following a pattern

established in village elections a decade earlier (see below), elections in these cities involved open nominations, secret ballots, and more candidates than posts. According to observer groups from the International Republican Institute and the Carter Center, the first urban elections were relatively free and transparent, notwithstanding occasional efforts by local officials to manipulate the outcomes.

Other local experiments in increased governmental transparency and accountability have also been undertaken. In Guangdong province, officials in several counties have started to open their budgets and hiring practices to public scrutiny. Going a step farther, local authorities in one Jiangsu county conducted a public referendum in 2003 in which residents were asked to name the county's worst performing officials in each of several administrative spheres. Private entrepreneurs voted for the most inefficient commercial cadre; taxi drivers chose the worst traffic cop; fisherman selected the most incompetent fishery official; and so on. Altogether, nine local cadres were suspended for six months. Their salaries were halved and they were forced to undergo self-criticism.

Another interesting experiment involves the rapid rise of "e-Government" in China, i.e., the advent of Web-based, online access to provincial and municipal administrative services, informational resources, and electronic bulletin boards (BBS) that solicit citizen opinion and feedback. While e-Government is sometimes discounted as a paternalistic alternative to genuine democratic transparency and interest articulation, it is arguably helping to reduce the information gap between the Chinese state and its increasingly information-hungry, Internet and cellphone-savvy urban citizenry. (The CECC maintains a list of more than 60 provinces and municipalities offering e-Government services on its website at <http://www.cecc.gov/pages/prcEgovDir/dirEgovPRC.php>.)

## **2. Rural political trends.**

In contrast to the increasingly cosmopolitan, consumer-driven, information-rich urban culture of China's Eastern seaboard and major provincial capitals, life in most of China's 700,000 rural villages and associated townships remains relatively harsh. Resources there are generally meager, infrastructure sparse, information scarce, and opportunities for advancement few. Yet even in the vast backwater of China's agrarian heartland, some significant changes are taking place.

The most widely noted political innovation in rural China has been village elections. First introduced in 1987, the practice of directly electing village leaders was widely expanded in the 1990s, in response to reports of worsening rural discontent. In many villages, autocratic local cadres were indulging in predatory practices, exacting arbitrary fees, fines, and taxes from powerless peasants. With reports of rural unrest—including demonstrations and large-scale riots—on the rise, elections were viewed as a safety valve for venting rural frustration and directing it against local, rather than national targets.

To date, elections for village leaders have been conducted in over 70% of China's rural areas. The results have been generally encouraging, if decidedly mixed. In many cases, nominees are pre-screened for acceptability by local Party officials, and balloting is often less than wholly secret. Moreover, organized campaigning is prohibited. Still, for all their procedural flaws, village elections have enabled many rural dwellers to gain their first meaningful taste of political empowerment. Though aggregate statistics have not been kept, there is considerable anecdotal evidence to suggest that the removal of corrupt and unpopular village leaders through elections is not uncommon.

Another new and more controversial rural innovation is the phenomenon of direct elections at the township level. Unlike villages, which are not part of the government's formal hierarchy (and whose leaders are not considered state employees), township governments have official status. For this reason, and because townships are much larger and more complex than villages, presenting a wider range of political monitoring and control problems, Party leaders have been reluctant to approve the spread of township elections. To date, only a relative handful of such elections have been held, on an experimental basis and often without higher-level approval.

## **3. Merging village and Party leadership.**

One way of controlling the potentially pluralizing effects of rural elections is to require that nominees for the post of village chief be drawn from a narrow pool of local Party branch members. Such an electoral device, which has recently been introduced in village elections in several provinces, effectively fuses the top village and Party leadership posts, thereby eliminating the possibility of a "runaway" village electorate rejecting Party leadership. Ironically, and despite the obvious restrictiveness of this electoral device, the practice of subjecting party members to

electoral competition for village chief has been hailed in the official media as a step forward in the development of “socialist democracy.”

### C. Prospects for Future Political Reform

Given the determination of Party leaders to maintain their grip on the political life of the country, it would be unrealistic to expect an early “democratic breakthrough” from above. On the other hand, rising elite concern with the spread of popular discontent and disorder, most apparent in the less-developed areas of the country, has caused Beijing to be more receptive to local experiments in controlled grass-roots political participation. In tandem with the spontaneous emergence of the first clear sprouts of a self-organizing civil society in cities, townships and villages throughout China, the new willingness to tolerate local political experimentation may portend the rise of a more innovative, self-confident class of political entrepreneurs.

However, given the well-known existence of Chinese “*guanxi* networks” that enmesh government officials and entrepreneurial elites in a web of symbiotic mutual dependency—a phenomenon variously known as “state corporatism” or “crony capitalism”—it would be naive to view China’s new bourgeoisie as an independent, free-standing political force, ready to assert its democratic will against the confining bonds of a one-party dictatorship. On the contrary, China’s *nouveau riches* have increasingly been embraced by, and embedded within, the hegemonic party-state. Consequently, the likelihood of a British or American-style bourgeois revolution appears remote.

More likely is a continuing low-key, market-driven evolution-from-below in the direction of greater societal pluralism and an attendant flowering of diverse political interests and opinions. This slow, evolutionary progression is likely to receive a boost toward the end of the present decade with the accession to power of the “fifth generation” of Chinese political leaders. In contrast to their third and fourth generation predecessors (respectively typified by Jiang Zemin and Hu Jintao), who grew up and gained educational and career mobility within the firm technocratic embrace of Leninist institutions and values, members of the fifth generation, now in their late forties and fifties, are generally more cosmopolitan, well-traveled, and open-minded. Many have lived abroad, receiving higher education and professional training in Europe and America.

While it is too soon to tell whether China’s fifth generation leaders will break the longstanding taboo on political-institutional reform imposed by their forebears in the wake of the 1989 Tiananmen debacle, they are less likely to be instinctively averse, for example, to a revival of the “soft authoritarian” political reforms proposed by Zhao Ziyang, or even to a “reversal of verdicts” on the events of 1989.

### D. Changing Chinese Attitudes toward the United States

Reflecting a series of exacerbatory incidents in U.S.-China relations over the past half-dozen years, including the “accidental” U.S. bombing of China’s Belgrade Embassy in 1999, the EP-3 spyplane incident of 2001, China’s escalating threats against Taiwan, and President George W. Bush’s declaration of intent to do “whatever it took” to defend Taiwan, Chinese attitudes toward America have perceptibly hardened. In a survey of residents of five major Chinese cities designed by the American Studies Institute of CASS and published earlier this year in the *Global Times* (*Huanqiu shibao*), 49.2% of people polled viewed the United States and China as “rivals” in world politics, while an absolute majority of 56.7% believed that the U.S. was out to “contain” China. By the same token, over half of the respondents agreed with the statement that the Taiwan issue “would” (11.9%) or “would probably” (41.2%) lead to a clash between China and the United States. The survey also revealed negative Chinese attitudes toward American efforts to raise issues of human rights in China, with 49.3% agreeing that U.S. actions reflected a desire to “disturb China’s stability” and another 10.4% believing that it was intended to “smear China’s image.” On the other hand, attitudes toward the American people (as opposed to the U.S. Government) were rather more benign, with almost two-thirds of respondents saying they either “like Americans” (13.2%) or “like Americans, but not particularly” (52.9%). On the whole, these results do not provide much cause for optimism, particularly since residents of the five polled cities are among the most cosmopolitan and well educated in China.

### E. Key Policy Implications and Recommendations

Given the deterioration in Chinese images and attitudes toward America, and given the prevalence of near-term political forces that favor continuation of “hard authoritarian” political controls in China, the prospects for “peaceful convergence” of fundamental Chinese and American political and ideological values and interests in the foreseeable future would not seem particularly bright. On the other hand, as



suggested above, there are at work in China long-term, secular forces that are capable of eroding the narrow political monism and brittle nationalism that characterize contemporary Chinese politics.

To give these longer-term forces of market-driven societal pluralism, personal freedom, and global economic and cultural interdependence a chance to mature and breed peaceful political change in China, we must be prepared to nourish them, patiently and persistently. At the same time, we must be firm and clearheaded in our support for the core American values of freedom, openness, and rule of law, as well as in our principled opposition to such things as the persecution of dissident Chinese intellectuals and journalists, unfair trade practices, and military threats against Taiwan. But China is no third-rate Rice Republic that can be bullied or cowed into conforming to American values and preferences. It's vital national interests must be understood and, within reason, accommodated. Wherever possible, "win-win" strategies must be devised in our dealings with China. A "zero-sum" mentality will surely lead us into an adversarial relationship.

China today is undergoing a dramatic transformation. Whether it will, in the long run, be a force for good or for ill remains to be seen. Though we do not have it in our power to determine China's future, we can, by our behavior and by the power of our example, encourage a more benign outcome. In concrete policy terms, this means that we must pursue a long-term policy of cooperating where we can, while contesting where we must. Paraphrasing Winston Churchill's ironic defense of democracy as the least bad form of government, I would conclude by observing that "constructive engagement" may well be the worst possible American policy toward China—except for all the others.

Thank you.

#### **Panel I: Discussion, Questions and Answers**

Cochair DREYER. Thank you very much, Professor Baum. The first question belongs to Commissioner Wortzel.

Commissioner WORTZEL. Thank you very much. Thank all of you for being here and for your testimony. My first question, I'm going to direct to Professor Jiao, but I will also ask Professors Link and Baum if they have any comments to follow through.

There are a number of academics in China who are routinely available to foreign press and the media. So my question is what specific foreign press organizations get more restrictions from the Chinese government? For instance, many American academics have been privately approached by people from the Chinese Embassy and told it's not a good idea to be on Voice of America if you want to be able to do research in China. Are there specific press organizations from outside China that the Chinese government is more comfortable allowing access to Chinese academics?

Second, there are some Chinese academics who routinely are interviewed by the press. You'll see them on CNN. You'll see them on Fox News. They'll be on Hong Kong Television. When three or four very prominent academics in China always appear on the press, how should we in the United States sort of assess them as spokesmen for China or for policies in China or the Chinese people, and those people's relationship to the government?

Cochair DREYER. For those of you who don't understand Chinese, this is a difficult question to translate. [To interpreter:] We thank you very much for taking this job.

Dr. JIAO. [Interpreted from Chinese.] From my experience and as I know, the restrictions for my work unit to the foreign media looks the same. All foreign media are not supposed to be—all Chinese scholars are not supposed to have contact with any foreign media, but among those foreign media, some of them are considered more like enemy.

For example, in terms of Radio Free Asia and Voice of America, Radio Free Asia is considered more kind of enemy like. I heard the same story that Chinese academics are not supposed to receive interview from foreign media. I was told not only by American reporters but also by other foreign reporters like the French Ifacaro [?] reporter and also the Japanese news agency's reporter and some American higher education journal's reporter in Beijing. They all told me the same story so actually all foreign media are considered. [End of interpreted remarks.]

Dr. JIAO. The second question, I want to know who. For example, please?

Commissioner WORTZEL. Yan Xuotong routinely appears. A couple of scholars from the Central Party School routinely appear. Chu Shulong who is also I think routinely appears.

Cochair DREYER. Wang Jisi.

Dr. JIAO. Yes, I know. Yes, I see. I understand. Yes. [Interpreted from Chinese] In my understanding, the role of those scholars who appear frequently on CNN is eventually no different with those speakers in foreign ministry. The Minister of Foreign Affairs can talk with any foreign media and these people do the same thing.

Dr. LINK. Can I comment briefly on that? I would agree that the five you discussed, there may be little nuances that are different that might be significant in watching and figuring out—on the whole “domesticated.” They're within a scope that they're not going to go out of and I agree with Professor Jiao about that.

I want to comment, though, on a very radically different kind of voice that you can see—in Chinese, anyway—on the Internet from people like Liu Xiaobo, Zhang Zuhua, and Yu Jie that are extremely critical of the Communist Party, and it's a puzzle—it can be anyway—why that's allowed. The government did confiscate their computers a couple of months ago and held them for a day or two and let them go, but clearly could shut them up if they wanted, and the question is why don't they?

The other day the compiler of the Tiananmen Papers gave me a theory on this. He thinks, and I'll put it out for you to think about—it may be right—that the party SEES IT IN ITS interests to let that kind of voice be on the Internet so that it reaches the outside, so that it gives the impression to the Chinese diaspora and to people like us that there is more pluralism in China. But as I tried to say in the statement I made a moment ago, inside China, those voices aren't very well known, because they are blocked inside.

That might be a little bit too cynical, but I'm not sure. A certain number of voices are allowed, even wanted to be very radical just in order to give us the impression that there's more pluralism than there actually is.

Dr. BAUM. Two very recent examples, quick ones. Last week's anti-Japanese demonstrations were not visible on the Chinese-language CC-TV, but they were carried quite extensively on the English language CC-TV which is for international consumption.

Secondly, there is a program on television in Beijing called “Dialogue” in English, which often has some very controversial speakers and topics and is quite free-ranging, but again it's in English, so it's limited. Its audience is limited, and it is done principally I

think for its impact on foreign audiences—to raise the image of liberalism in China.

Cochair DREYER. Something I would add to that is the very interesting photographs of some of the obscene T-shirts that appeared in those demonstrations. I noticed that several of them contained the “F” word—“F Japan” in both Chinese and English, but not in Japanese. And having lived in Japan, I can tell you, “F” is not the same word in both languages.

Commissioner Reinsch had the next question.

Cochair REINSCH. Thank you. Professor Baum, I was struck by your “nurturing the sprouts” metaphor. That was colorful if nothing else. What do you think we ought to do to nurture the sprouts of civil society or perhaps more appropriately what do you think we should not do?

Dr. BAUM. What we shouldn’t do, I believe, in generic terms, is the kind of zero sum think [because] China is a Leninist dictatorship therefore it is an evil empire that must be contained, constrained, challenged at every turn. I think we have to be more subtle, more discrete and more selective in our policies. I think there are lots of things that we can encourage in China, from the sending of election observers to the support of NGOs that are sprouting up all over China.

I spent a summer a few years ago in northwest China with a rural NGO, which was quite free from government interference. At the civil society level, things are growing, things are flourishing, and I think we need to be aware of those. It’s not that we need to stop criticizing what’s happening in Beijing, but we need to be aware of what’s going on in other parts of China and nourish them as best we can.

And as I said, I think a policy of cooperating where we can and contesting where we must is good politics, is good for the United States.

Cochair REINSCH. Dr. Link or Dr. Jiao, would either of you like to add to nurturing the sprouts?

Dr. LINK. I would add that we should disaggregate China. It’s not just a matter of tough or soft on “China,” but which China, which people within China? Recently, there’s been a number of sprouts type people who are intellectuals of a kind—lawyers and journalists and special cause advocates like the AIDS activists that in my view are doing a lot of good on the ground in China—and I think it’s good to support them any way we can. One way, of course, is to get information into China. This is why I’m a supporter of VOA and RFA and BBC and getting around the firewall and so on.

I think lawyers in particular are doing some very interesting good work. Twenty years ago when the work unit system was so much intact in China, all of the disputes that came up in society were handled in the work units, even divorces and so on. Now, the power of the work units has receded but, of course there are still disputes. How do you settle them? Suddenly law becomes more important than it was before.

Moreover, this role of lawyer is something that Chinese Communist ideology hasn’t had to deal with before.

Ever since Mao, the opposition in politics was that “you’re wrong and I’m right” or “I’m right and you’re wrong,” and there’s no middle ground. Now the lawyer comes along and says “I don’t believe Falun Gong, but I’m here to support Falun Gong’s right to express itself.” That’s an awkward kind of thing for the party to have to try to handle, and the smart lawyers are doing a good job. There aren’t many of them, but there are more and more, and if we can reach out to them, that’s good.

Dr. BAUM. Let me make just one more comment about the sprouts and how they can be nurtured. There have been small victories in China in recent years. There’s an administrative litigation law that allows Chinese citizens to sue agents of the state, successfully in many cases. There’s a personal identity law which was passed two years ago in response to a well-publicized case of visiting migrant worker who was detained in Guangzhou and beaten to death by police. That case was widely publicized and a new law was passed to prohibit such things.

Just a few months ago, two labor lawsuits were won by workers who claimed occupational safety violations by their employers. The lawsuits were financed by the China Labour Bulletin in Hong Kong, which retained the lawyers who won the suits. So there are small victories, what they used to call in Eastern Europe “tiny revolutions,” and I think these should be encouraged and recognized.

Cochair REINSCH. Thank you. Dr. Jiao, do you want to add anything?

Dr. JIAO. Yes. I think the United States can do anything especially—[Interpreted from Chinese]—In terms of the efforts the U.S. Government is supposed to do is, for example, to stop the cooperation of foreign companies with Chinese government to develop such kind of filtering system like Golden Shield project which is impossible for Chinese government to develop with its own technology.

Cochair REINSCH. Thank you, Madam Chairman.

Cochair DREYER. Thank you. Commissioner Mulloy. I would ask the Commissioners to please keep their questions brief because we’re really running out of time.

Commissioner MULLOY. Thank you. Dr. Perry Link, you talked about self-censorship in your testimony. I have testimony from William C. Baum, who is the Chinese Branch Chief of Voice of America. He states this: Many China scholars in the U.S., both ethnic Han and non-Chinese, decline to appear on VOA programs for fear their opportunities for research and travel to China may be threatened.

Does that imply that the China watcher community in the United States, the people who have the language and who have to get to China in order to keep fresh in their views, may be self-censoring themselves so that we’re not getting the real view from that community, or we’re getting some censored view of China?

Dr. LINK. The short answer is yes, but, of course, there’s a spectrum here. It’s not just an on-off switch and you’re getting the censored or the uncensored view. It’s a subtle thing, and there are pressures. I have a wonderful colleague, a historian actually, who is an expert on pre-modern peasant revolt ideology. About a year and a half ago, he or she—was invited to be on the evening news with Jim Lehrer and declined for that reason—because, you know,

he or she's got a research project in China, doesn't want to have a visa rejected.

People who do go over the line like me and get their visa applications rejected—I just had my latest rejection yesterday after applying to go to a conference—for somebody who goes over the line like me, there's a sudden feeling of liberation about the whole thing because, you know, it's like the nuclear deterrence. It works only before it is actually used. Once it is used, then you're free to say what you want.

That's the way I feel personally, but I think that there's no question that the deterrence happens. Graduate students who are considering careers in this or that department—we have a very brilliant graduate student at Princeton in our politics department who recently wanted to study China as a case in democracy, a comparative case, the problem of democratization in China compared with a few other places—and his advisor said “you better not study China because if you really go on the ground and want to ask these questions in China, you might get in trouble and you might not get a visa. Your work might get ruined”—and so he dropped it, this grad student. But these are subtle things, and it's a spectrum, so it's not that easy to say that it's a yes or no, and that you've got exactly the wrong answer either.

Dr. BAUM. Can I elaborate on that just a moment? It is possible for scholars to be critical of China and still be able to go to China. There are several people in this room who are in that category. Perry Link is not one of them. But the Chinese have a way of classifying scholars as “subjective” or “objective.” And you can be critical as long as you're considered objective. I think it's a matter of how the Chinese perceive an individual scholar, whether they're put into one category or another; but I don't have any trouble criticizing China, and I don't have any trouble getting into China.

Cochair DREYER. Commissioner Bartholomew.

Commissioner BARTHOLOMEW. Dr. Link, you look like you wanted to say something.

Dr. LINK. Well, what Rick refers to as *keguan* and *zhuguan* “objective” and “subjective,” of course, really means from the government's point of view: Are you nice to us or not? So it's not really a matter of objective or subjective. With all due respect to Rick, I would still say that for the vast majority of people who work on contemporary China, the psychological pressure is there.

It's just a matter of degree, and it can be sometimes almost inadvertent and it even happens to me. Before I was on the blacklist and even after I've been on the blacklist, it becomes so subtle. Are you going to use the words “Taiwan independence” in a context where you know that that's taboo, and it's just going to feel wrong and so on? And so people avoid it. My political scientist friends won't use that term even when they're talking about that concept sometimes. So it's a very subtle thing, and it is a spectrum, but it is something this Commission should worry about, yes, I think.

Commissioner MULLOY. Thank you.

Commissioner BARTHOLOMEW. Dr. Link, I think the point you just made is also particularly important. Tying it into some of the bigger issues on which this Commission is supposed to be engaged, including national security implications, if we are sadly training a

generation of scholars who for research purposes or career purposes or whatever and they feel they don't have the academic freedom that they can avail themselves of—academic freedom is perhaps not the right phrase—but don't have the freedom to think about some of the issues that would be useful for all of us to be thinking about, it's not only a sad state of affairs, but it's a state of affairs that has consequences for us, just in terms of the kind of analysis that we get five, ten, 20 years down the road. So I think that's a very important point.

I mostly wanted to thank our witnesses for appearing today. Professor Jiao, I also want to thank you for your courage and the inspiration that you provide to all of us. You continue to give us hope that there are people who are willing to take the personal and professional risks we know they are up against when they speak out, and I think that it's very important.

We talked a bit about how do we nurture the sprouts. It's something that a number of us think about a lot. What can we do, if there is anything that we can do, to help create the space within China so that the Chinese people who want to move forward with reform are not exiled or imprisoned. As we move forward, if there are more ideas that you have on that, it would be very helpful.

Out of deference to the Cochair, I will go ahead and make those comments and not ask any particular questions.

Cochair DREYER. Okay. Commissioner D'Amato has a very brief interjection at which point Commissioner Donnelly will get the final brief question.

Chairman D'AMATO. I wanted to follow up with what Commissioner Bartholomew was saying. We have had frequent experiences in this Commission with regard to major American companies who tell us we can't possibly testify before the Commission because the Chinese will retaliate against them in China. We have the same answer from our allied ambassadors at the WTO, who say we're not going to bring a case against the Chinese because the Chinese will retaliate against their companies in China.

This is an international trading system that's being dominated by Chinese intimidation. That's the only word that, we can be subtle about it. I think one of the greatest pieces I've read in terms of this psychology is your piece, Dr. Link, called *The Anaconda in the Chandelier*. It doesn't have to do anything but sit there and look at you and everyone tiptoes around the room. Everybody is tiptoeing around China afraid to speak frankly before retaliation, and I think that's a very, very serious problem that afflicts the relationship that everybody is having with this regime.

Cochair DREYER. Commissioner Donnelly.

Commissioner DONNELLY. In the interest of brevity, I'll substitute a snippy but serious comment for a question, and that's that the Commission actually seriously look at the issue of the American academy as an instrument of Chinese state control. Does anyone want to reply to that? No reply is necessary.

Dr. BAUM. Yes, it's a bad idea.

Cochair DREYER. Good. In that case, gentlemen, thank you very, very much for your time and your very interesting and provocative statements. We look forward to working with you in the future on

this question. Again, we very much appreciate your time and wisdom.

We will return at 1:15.

[Whereupon, at 12:30 p.m., the proceedings were recessed, to reconvene at 1:10 p.m., this same day.]

**AFTERNOON SESSION, 1:10 P.M.  
THURSDAY, APRIL 14, 2005**

**PANEL II: THE STATE OF THE  
CHINESE MEDIA AND INTERNET IN CHINA**

**OPENING STATEMENT OF COMMISSIONER WILLIAM A. REINSCH  
HEARING COCHAIR**

Cochair REINSCH. Take your seats, please. All right. We're going to reconvene if I can have everyone's attention. The hearing will come to order. Welcome back to the second half of the U.S.-China Economic and Security Review Commission's hearing on China's State Control Mechanisms and Methods. Today, we've been discussing the Chinese government's restriction of freedom of expression and civil and political liberties and the mechanisms Beijing uses to improve and enforce its restrictions.

We now will continue today's hearing with an in-depth examination of the state of the Chinese media and Internet followed by discussion of the trajectory of Chinese nationalism and its implications for U.S.-China relations, and then we'll conclude with a panel on socioeconomic unrest and state control mechanisms.

The first presenter on the panel, the first panel that's here before us right now, will be Dr. James Mulvenon, Deputy Director of the Defense Group Inc. and author of several publications including "You've Got Dissent," a wonderful title; "Chinese Dissident Use of the Internet and Beijings' Counter-Strategies."

Xiao Qiang, Director of the China Internet Project at UC Berkeley will join Dr. Mulvenon in discussing China's Internet control regime.

Ken Berman, Manager of the Anti-Censorship Program at the Broadcasting Board of Governors will speak about a U.S. Government program to assist Chinese Internet users in circumventing the Internet controls of their government. This is a program that the Commission strongly supported after its last hearing on this topic, and we want to learn how successful the program has been.

The panel will conclude with Frank Smyth representing the Committee to Protect Journalists. Mr. Smyth will relate the conditions in China for journalists and others in the news media.

The next panel after these gentlemen will be addressing Chinese nationalism and its implications for U.S.-China relations. The panel includes Dr. Edward Friedman, Professor of Political Science at the University of Wisconsin, Madison, and Dr. Yu Maochun, Associate Professor of East Asia at the U.S. Naval Academy. Among other topics, these panelists will examine how China's control of information shapes the Chinese people's perception of the United States.

The final panel for the afternoon will address socioeconomic unrest and state control mechanisms. Dr. Murray Scot Tanner, Senior Political Scientist at the RAND Corporation, will discuss his extensive work on the Chinese public security bureau's attempts to prevent and break up protests, sit-ins and other forms of social discontent.

Ms. He Qinglian and Mr. Li Qiang will discuss the Chinese government's efforts to quash dissent in the form of intellectual criticism and independent labor movements respectively.

This testimony will inform the Commission's work on this aspect of our mandate and will be passed on to the Congress in the form of our annual report which will be released later this year.

Let me say to all witnesses, we'd appreciate your testifying in the order in which I introduced you, and, second, your full statements will be automatically entered in the record. You don't need to ask to have that done. We'll take care of it. But we hope each of you will deliver an oral statement that will be limited to seven minutes or less. So with that news, let's move on directly to Dr. Mulvenon.

[The statement follows:]

**Prepared Statement of Commissioner William A. Reinsch  
Hearing Cochair**

Welcome back to the second half of the U.S.-China Economic and Security Review Commission's hearing on China's State Control Mechanisms and Methods. Today we have been discussing the Chinese government's restriction of freedom of expression, and civil and political liberties and the mechanisms Beijing uses to improve and enforce its restrictions.

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The first presenter of the next panel will be Dr. James Mulvenon, Deputy Director of the Defense Group Inc. and author of several publications including *You've Got Dissent! Chinese Dissident Use of the Internet and Beijing's Counter-Strategies*. Xiao Qiang, Director of the China Internet Project at UC Berkeley, will join Dr. Mulvenon in discussing China's Internet control regime. Ken Berman, Manager of the Anti-Censorship Program at the Broadcasting Board of Governors will speak about a U.S. Government program to assist Chinese Internet users to circumvent the Internet controls of their government. This is a program that the Commission strongly supported after its last hearing on this topic, and we want to learn how successful the program has been. The panel will conclude with Frank Smyth representing the Committee to Protect Journalists. Mr. Smyth will relate the conditions in China for journalists and others in the news media.

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This testimony will inform the Commission's work on this important aspect of our mandate and will be passed on to the Congress in the form of our annual report which will be released later this year. Now without further delay, Professor Mulvenon.



**STATEMENT OF JAMES C. MULVENON, PH.D.  
DEPUTY DIRECTOR, ADVANCED STUDIES AND ANALYSIS  
DEFENSE GROUP, INC.  
CENTER FOR INTELLIGENCE RESEARCH AND ANALYSIS**

Dr. MULVENON. Thank you, sir. Thank you to the Commission for inviting me to come here today. I've testified before the Commission once before on pure military matters. I have spent ten years or so working mainly as a China military analyst first at the RAND Corporation but now at the Center for Intelligence Research and Analysis which is a new thinktank downtown where I'm building the same kinds of teams of Chinese linguist analysts to work on subjects related to a wide variety of China issues.

Although I was a China military specialist early on in my Washington career, some of my wise and generous U.S. Government sponsors found out about my misspent youth as a computer hacker and said that this is a perfect marriage. You need to start thinking about Chinese Internet issues, Chinese military computer network attack issues, and me and my team undertook over the course of the last six or seven years a series of studies on the implications of this information revolution in China for U.S. national security.

We looked at a wide variety of issues. Commissioner Reinsch mentioned the study, "You've Got Dissent," which was our first study on Chinese dissident use of the Internet and Beijing's counter-strategies. Before I left RAND, we completed a second study called Breaching the Great Firewall, which was a much more technical study of the actual mechanics of the firewall itself. I know you got an excellent presentation this morning from the OpenNet Initiative People. We did very similar technical studies. We've also done a wide variety of work on Chinese military computer network attack doctrine and C4ISR and things like that.

I'd like to make five basic points today in the discussion, mainly derivative of the Breaching the Great Firewall study that I distributed to the staff before the meeting. First was that in the time between You've Got Dissent and this later study, one of our main conclusions unfortunately had not changed, which is that contrary to all the predictions of the optimists about the information revolution, that the Chinese government continues to have remarkable nimble success in adapting to the information revolution and being able to balance the control between information and openness that it needs by any metric that you could come up with, but the most important metric in our mind is whether there are any organizations in China currently using these information technologies to be able to effectively challenge the single-party rule of the Chinese government.

This remarkably successful activity by the Chinese government is all the more remarkable because of the dilemma that they face. We discussed this at length in the study, what we called China's information security dilemma, which is basically that they recognize that they live in a hostile international security environment in terms of information flows.

They recognize that there are wide varieties of parties outside of China who would seek to use these information technologies to the detriment of the regime in Beijing, but they also recognize that they need access to the global information grid in a sense because it's a driver of economic growth. And that economic growth is the

basis of social stability which is the number one priority of the government.

So, in essence, they're forced to strike a very knife-edge balance, if you will, between controlling information that could be used for political purposes versus not fettering information coming into the country that could be bolster economic growth.

They've done a remarkable job, I would argue, thus far of striking that balance. One of the interesting issues for me, though, is that I don't really believe that the Chinese government at its core is all that concerned about the actual information content itself.

They are clearly looking for people who are making fun of Jiang Zemin and other people on the Internet and they're very concerned about certain ideas, but I would argue that they are actually much more concerned about the use of that information and the use of those information technology mediums for the organization of anti-regime behavior and that to a certain extent, what might be misinterpreted from the outside as laxity on enforcement of certain topics, in fact, reflects an understanding that you can't stamp out every fire, that you can't police every thought, but instead you focus on your priority which is preventing people from using that information to organize anti-regime behavior, and a perfect example of that was the China Democracy Party who really came under intense pressure from the government when they published when they published their constitution listing chapters in all of China's provinces, and it was very clear that they had done this organization via e-mail and that they had distributed this.

So all of a sudden China Democracy Party became a national organization through this medium, and then the pressure on the government became intense upon them.

The third point I'd like to make is that when we looked at the actual way in which the Chinese government was able to do this, we distinguished between what we called low tech and high tech Leninism. Low tech Leninism uses regulations, as well as the use of threats and arrests to warn large groups of people with a single illustrative case, to create an environment of self-deterrence and self-censorship that is far more powerful than any explicit monitoring or 30,000 Internet police.

They created situations in which Internet service providers are responsible for the actions of their subscribers, so they themselves deterred and censored their own subscribers so the Chinese government didn't have to do it for them. But as you heard this morning, undoubtedly what's been added since then is the high tech piece, a very sophisticated national network that we've done technical studies on, that allow them to block sites, find proxy servers, filter content on the web and e-mail, and hijack the domain services that go on.

The bottom line for us is that the implications of this is that China is basically undermining some of the core Internet protocols precisely at a time when they seek to be a leader on international technology standards around the globe.

But I'd just like to close with a source of hope and optimism, thus belying my Irish roots, I guess, and I would offer you a surfing metaphor which is that everyone on the beach is fascinated that the amateur who had never been on a board before got up on the

wave at pipeline on the North Shore in Hawaii, but they also remained equally confident that that person is going to be crushed mercilessly against the coral reef. So while the early optimism about the Internet and China may have been too optimistic, it may have been too enthusiastic, it may not have understood how authoritarian systems have monopoly on control in physical security and technological security. But ultimately I still believe that the rise of the middle class and the desire of the Chinese Communist Party to co-opt and pluralize the system, to bring new voices into the system, means that these technologies will fundamentally over time change this regime.

Thank you very much.

[The statement follows:]

**Prepared Statement of James C. Mulvenon, Ph.D.  
Deputy Director, Advanced Studies and Analysis  
Defense Group Inc., Center for Intelligence Research and Analysis**

***“Breaching the Great Firewall”***

**Introduction**

Thank you, Mr. Chairman and the other Members of the U.S.-China Economic and Security Review Commission for the opportunity to take part in the hearings you are holding today on the topic of “China’s State Control Mechanisms and Methods.” It is an honor to and a privilege to appear here today, and I hope my presentation helps answer your questions regarding Chinese government censorship of the Internet. Before addressing that subject, however, I would like to offer some information about my background and current position. I have been studying China for more than fifteen years. For ten years, I was a researcher at the RAND Corporation, where I conducted numerous studies exploring the implications of the Chinese information revolution for U.S. national security, including analyses of Chinese domestic Internet controls, military computer network attack doctrine, and acquisition of international Internet infrastructure. With my colleague Michael Chase, I authored a 2002 RAND study entitled *You’ve Got Dissent! Chinese Dissident Use of the Internet and Beijings’ Counter-Strategies*. My testimony today draws from our follow-on, unpublished RAND study entitled *Breaching the Great Firewall*.

I left RAND late last year to help found the Center for Intelligence Research and Analysis (CIRA), a high-quality thinktank that supports the people and organizations throughout the U.S. intelligence enterprise. CIRA’s mission is two-fold: (1) improve the conduct of U.S. intelligence through unique research and analysis across the spectrum of intelligence activities, whether at home or abroad; and (2) help foster a more thoughtful and responsible debate about the future of the U.S. intelligence enterprise. I lead CIRA’s Advanced Studies and Analysis unit, which currently has six advanced Chinese linguists conducting research studies for various parts of the intelligence community.

**China and the Information Revolution**

The importance of cyberspace as a battlefield in the struggle between the Chinese government and foreign and domestic critics of its censorship policies has been magnified as a result of the dramatic growth of Internet access in China. Increases in the number of users since personal accounts were made available in 1995 has been virtually exponential and is expected to grow at impressive, though declining rates for the foreseeable future. China’s international connectivity and the number of computers with Internet access are also expanding impressively. Along with the rapid diffusion of Internet connectivity in China, many commentators, politicians, and pundits in the United States and elsewhere have speculated not only about the economic and social implications of the Internet, but also about its potential to facilitate political change and undermine the dominance of the Chinese Communist Party (CCP).

Especially in the early years of the IT revolution in China, many observers argued that the Internet would dramatically shift power to the Chinese people by allowing them to organize and by channeling uncensored information from outside, especially about democracy and human rights. To be sure, the Internet has further degraded the regime’s ability to control the flow of information, both within China and across its borders.

Despite these initial expectations, however, the Chinese government has managed to stifle most attempts to use the Internet to promote political change. The regime has imprisoned dozens of web surfers for “subversive” use of the Internet and erected a technologically complex set of monitoring and control mechanisms, widely referred to as the “Great Firewall,” to limit access to information it deems harmful to its interests. Online freedom of speech advocates and exiled Chinese democracy activists have mounted numerous attempts to breach the Great Firewall, achieving limited results. Meanwhile, in response to these challenges, the Chinese government has increased the sophistication of its Internet controls.

The technological enhancement of China’s Great Firewall and the July 2003 approval in the U.S. House of Representatives of the Global Internet Freedom Act, which reflects the growing involvement of the U.S. Government in supporting attempts to undermine Beijing’s Internet controls, portend an intensification of the online struggle between the Chinese government’s Internet censors and U.S.-based advocates of online freedom of information. The escalation of this struggle in cyberspace also underscores the need for thorough analysis of the strengths and vulnerabilities of the Great Firewall and of the most promising anti-censorship technologies. Drawing on Chinese primary sources, independent technical analyses, and interviews with key participants in ongoing efforts to circumvent the Chinese government’s Internet controls, this report assesses the Chinese government’s Internet monitoring and control mechanisms and evaluates the anti-censorship technologies that are the cornerstone of efforts to circumvent these restrictions.

### **Building the Great Firewall**

From public statements, policies, and actions, it is clear that the Chinese regime is anxious about the consequences of the country’s information technology modernization, in particular the challenge of confronting an increasingly complex and challenging global information security environment. The government fears that hostile organizations, either foreign or indigenous, will use these new information technologies to agitate the population and undermine the regime.

As a result of the rapid growth of the Internet in China, the leadership of the Chinese Communist Party faces a series of challenges that are testing its ability to balance the competing imperatives of modernization and control. On one side, the regime believes that information technology is a key engine of economic development, despite the burst of the Internet bubble and the dashed hopes of numerous Chinese “dotcom” companies, and that future economic growth in China will depend in large measure on the extent to which the country is integrated with the global information infrastructure. At the same time, however, China is still an authoritarian, single-party state, whose continued rule relies on the suppression of anti-regime activities. The installation of an advanced telecommunications infrastructure to facilitate economic reform greatly complicates the state’s internal security goals. Faced with these contradictory forces of openness and control, Beijing has sought to strike a balance between the information-related needs of economic modernization and the security requirements of internal stability. In doing so, the authorities are actively promoting the growth of the Internet even as they place significant restrictions on online content and the political use of information technology. The operationalization of this strategy includes low-tech and high-tech countermeasures. The low-tech countermeasures draw upon the state’s Leninist roots and tried-and-true organizational methods, while the high-tech countermeasures embrace the new information technologies as an additional tool of state domination. The mixture of the two has proven a potent combination in deterring the majority of anti-regime behavior and neutering most of what remains.

Since the arrival of the Internet in China, low-tech countermeasures have been an important component of the regime’s strategy for countering what it regards as subversive uses of the Internet and related communications technologies. The Chinese authorities have issued a series of broad regulations that forbid online activities seen as detrimental to the Communist Party’s interests. These bureaucratic regulations, such as the Internet Service Provider laws that make providers responsible for the activities of their subscribers, are among the most effective lines of defense in China’s Internet security strategy, shaping the market environment and the incentives of key participants in ways conducive to the state’s interest. To complement the regulations, the authorities have also elicited further pledges of cooperation from key industry players.

Another important part of the low-tech counter-strategy is making examples of dissidents and other Internet users who violate the regime’s rules. In all, at least 35 Chinese Internet users have been arrested for “subversive” use of the Internet. In addition to selectively publicizing some of these arrests, the regime occasionally highlights the monitoring capabilities of its “Internet police” in the official media.

In some cases, official media reports may deliberately exaggerate the ability of the authorities to monitor the activities of ordinary Chinese web surfers to deter Internet users from engaging in “subversive” online activities. The desired result is the creation of a climate in which the vast majority of Internet users are either disinterested in or deterred from undertaking any online activities that might risk punishment by running afoul of the censors.

Initially, the regime was heavily reliant on this sort of “low-tech Leninism.” More recently, however, the regime has supplemented its strategy with an array of high-tech countermeasures. Over the past several years, these high-tech countermeasures have become both more sophisticated and effective, apparently reflecting a substantial investment by the Chinese authorities in enhanced blocking, filtering, and monitoring capabilities. According to an estimate by an exiled Chinese economist, Beijing’s total investment in these capabilities may amount to as much as \$800 million. The centerpiece of this high-tech component of the regime’s strategy for limiting what it perceives as the negative side-effects of the spread of the Internet has been the construction of a system of high-tech Internet controls, dubbed “the Great Firewall” by the regime’s critics. Although it remains far from impenetrable, in recent years, the Great Firewall has become increasingly technologically advanced and effective.

Technical analysis of the Great Firewall indicates extensive deployment of sophisticated equipment capable of blocking access to prohibited sites and proxy servers as well as filtering the content of accessed sites and email, though uncoordinated internetworking construction in China appears to be a growing source of disruptions and failed service for China’s Internet users. In particular, technical analysis reveals the widespread use of transparent proxies to perform inline content filtering, proxy server hunting, and POP3 email filtering, as well as rampant hijacking of domain name service (DNS) queries, including the capturing of requests to foreign servers on the wire and spoofing responses.

#### **Breaching the Great Firewall**

Various parties outside of China—ranging from Chinese exiles seeking to promote human rights and democratization in China specifically to international hacktivists focused on undermining online censorship worldwide—have responded by developing technologies designed to breach the Great Firewall. To date, only a few groups have managed to deploy programs that have generated substantial levels of traffic. The two groups that are currently enjoying the greatest success in that regard are Dynaweb and UltraReach. Both groups are on contract with the U.S. Government to support efforts to facilitate access to the Voice of America’s Chinese language news website, which has been blocked in China (the two groups are staffed largely by Chinese-American computer technology specialists and expatriate adherents of the banned Falungong spiritual sect, though the latter fact speaks more to motivation of the organizations than deliberate support for Falungong by the U.S. Government).

Discussions with members of the DynaWeb team indicate that thousands of Chinese users access the system regularly; they estimate that the system currently transfers about 400GB of data each week, excluding media file downloads, and that the homepage is viewed about 90,000 times per day. Overall, traffic has grown considerably over the past year, as a result of several factors, including enhanced server side performance, Dynaweb’s online promotion efforts, and an apparent increase in demand for uncensored information during periods when heightened political sensitivity results in particularly strict censorship of domestic media. For example, user traffic surged during the April 2003 SARS crisis and also increased dramatically around the time of the March 2004 Taiwan Presidential election.

The services Ultrareach provides to VOA and RFA have generated substantial levels of traffic from Chinese web surfers. In May 2004, the latest month for which statistics were available, Ultrareach’s https, UltraScape, and UltraSurf systems allowed a daily average of about 4,000 visits and nearly 30,000 page views for VOA, and about 2,600 visits and 28,000 page views each day for RFA. The usage statistics for early 2004 indicate that UltraReach traffic to the VOA and RFA websites peaked in March, probably as a result of intense interest in the controversy surrounding the contested Presidential election in Taiwan.

The designers of these programs and other similar programs, however, must contend with several structural constraints that have the potential to limit the influence and effectiveness of their anti-censorship systems. Recent surveys indicate that the most significant problems related to Internet access in China are slow access speeds, connection difficulties, and high costs. Many of the same constraints that have apparently slowed the growth of P2P technology for exchanging music files in China are also likely to pose some obstacles to the use of P2P applications for polit-

ical purposes. The most frequently cited constraint, however, is that many of the P2P programs designed to breach the Great Firewall are not particularly user-friendly. Developers are aware of this problem, and many say they are making improvement of user interfaces one of their highest priorities, but much remains to be done to make the anti-censorship applications more accessible to average Chinese web surfers. This in particular reportedly has limited the popularity of some P2P applications, such as Freenet China, that were designed to help Chinese Internet users undermine official censorship. The inability on the part of many groups to produce software that is sufficiently user-friendly stems in large part from shortage of manpower and the inadequacy of financial resources. Most of the groups that are developing anti-censorship programs have only a handful of full-time programmers, and a few are effectively one-man operations. Although a few groups have received limited U.S. Government support, most suffer from weak funding. With no commercial applications for their programs, many say, private foundations and governments are their only potential sources of financing. Beyond these resource constraints, there are two more fundamental problems: lack of interest and lack of trust. These final structural constraints are perhaps the most difficult challenges for the groups that seek to breach the Great Firewall.

Architectural vulnerabilities also pose serious concerns. Indeed, although the technology and tactics they have employed have evolved over time, most of the mechanisms designed to breach the Great Firewall suffer to varying degrees from architectural flaws that render them vulnerable to several blocking or exploitation measures, including IP blocking, port blocking, packet sniffing, virus attacks, and infiltration by security agents.

### **Implications**

In its efforts to filter content and hijack DNS requests, it is no hyperbole to say that China is undermining some of the core, trusted protocols of the global Internet. The implications of these activities are profound at many levels. Internationally, China has quickly emerged as a major player in the global information technology policy arena, as measured by involvement in international organizations and creation of new IT standards, but its rampant DNS hijacking and content filtering should give pause about its dedication to international rules and protocols. Domestically, the real target of this activity, Chinese users seeking to circumvent the Great Firewall to obtain independent news and information, are clear losers, but they are not the only ones. Since the regime believes that information technology is a key engine of economic development and that future economic growth in China will depend in large measure on the extent to which the country is integrated with the global information infrastructure, overzealous application of DNS hijacking and content filtering could spill over into non-political transactions as well, perhaps threatening to undermine the Chinese government's strategy of exploiting the Internet's potential as a key driver of economic growth.

As for the pro-democracy activists and computer engineers who are trying to "breach the Great Firewall," even if they managed to wrest the technological advantage from China's Internet censors, they would still need to contend with a more fundamental strategic problem: devising a workable plan for using technology to promote political change in China. Harnessing the Internet and related technology to support political change has proven challenging and frustrating for those who anticipated that the diffusion of the Internet would facilitate change simply by making a variety of sources of outside information accessible to Chinese Internet users. Beyond the increasing scope and sophistication of the Great Firewall, anti-censorship and pro-democracy groups face other challenges. There are now many more internal sources of information in China, including an increasingly vibrant traditional media and a dynamic Internet news environment, and these trends reduce the demand for external sources of information, particularly given the possible risks. Inconvenience is also a factor; many of the circumvention programs are not user-friendly or require sophisticated computer skills to install and operate, and therefore appeal to only a small core group of technical experts and are not used by the much larger group of casual users. Those technologies that are explicitly designed to be as user-friendly as possible still face significant technical obstacles, especially the determined counter-measures of an increasingly sophisticated content filtering and blocking regime.

For those trying to use technology to foster change in China, it is also not simply a question of outsmarting the censors, but also one of dealing with disinterest, apathy, and mistrust of outside sources of information, all of which are obstacles to finding a workable model for using the Internet for disseminating information and facilitating change. Some advocates of online freedom of speech are beginning to rec-

ognize the centrality of the issues of trust and credibility. In a recent paper, Bobson Wong summarized the problem as follows:

Improving the ability of people in China to access banned material online is certainly necessary and important, but there is no guarantee that Chinese users will want to take advantage of this privilege ... simply 'liberating' China's Internet from government censors may not lead to a dramatic change in popular attitudes. Turning the Internet into an effective tool for social change in China involves not only solving the technological problem of reducing online censorship, but also providing a balanced forum for communication that Chinese users can trust.

This forces many anti-censorship activists to consider a problematic tradeoff: the U.S. Government is likely their most attractive source of funding, yet association with a foreign government might compromise their credibility as an unbiased source of information in the eyes of many Chinese Internet users.

Despite these many obstacles and the success of the censors in China thus far, however, there are some reasons for optimism and hope, however slim. A recent Chinese Academy of Social Sciences (CASS) report on the social impact of the Internet in China found that Chinese web surfers expect the Internet to enhance freedom of speech and increase opportunities for political participation. According to the report, "The Internet is changing the Chinese political landscape. It provides people a platform to express their opinions and a window to the outside world as never before." As a professional Chinese middle class emerges, it will likely increasingly seek to leverage its growing economic clout in the political arena, at least to provide inputs into state economic policies. With the media under state supervision, the Internet is an attractive forum for organizing and articulating these preferences, and could thus serve as the medium for the pluralization of the Chinese political system, either within a co-opted space permitted by the Chinese Communist Party or in direct opposition. In this way, the Internet in China could facilitate political change in the same way that audio tapes of Khomeini's speeches helped overthrow the Shah in 1979 and fax machines almost brought down the Beijing government in 1989.

Cochair REINSCH. Thank you. Mr. Xiao.

**STATEMENT OF XIAO QIANG  
DIRECTOR, CHINA INTERNET PROJECT  
THE GRADUATE SCHOOL OF JOURNALISM  
UNIVERSITY OF CALIFORNIA AT BERKELEY**

Mr. XIAO. Thank you, Commissioners. It's an honor to be here. I have been testifying in American Congress including this Commission before. My name is Xiao Qiang. I am the Director of the China Internet Project in UC Berkeley. For 12 years between '91 and 2002, I was Executive Director of Human Rights in China, an organization in New York, and I came from China and I kept my Chinese nationality until early this year during my entire years of human rights activism.

But now I'm an American citizen and a new identity testifying in front of the Commission. I listened to other panelists in this panel and other panels and under discussion questions. I feel there are a few things I would add in addition to my written statement. First, I want to very briefly say that China's Internet users are by majority young, urban and educated, as a recent Gallup survey indicated.

Eighty-five percent of Internet users are male; 40 percent are in the 21 to 25 age group; and 86 percent have college degrees. Take that demography into consideration when we think about Internet in China. As a matter of fact, I think the Chinese government is betting on that. These are the people who have a vested interest in the status quo, and they are not the revolutionaries for social political changes. Also we should distinguish the fact you have

more degree of freedom expression is one thing, but to translate it into a political action, is something else. My fellow panelists just mentioned that.

Let me just reaffirm what the Chinese government is thinking behind promoting the Internet. They see it as a weapon for themselves, the party's ruling. They see that as an instrument for its own purpose, and what's the purpose? The purpose is simply two. One is develop economy; two, is to keep the parties status quo.

That's on their central agenda. And they use Internet any way they can towards that goal. And there are essentially four ways I would call how they really control the Internet. The technology side, we talked a lot about it. They create a firewall because the government is the driving force to build up the Chinese Internet, and it's very centralized networks. Unlike many democracies, it's emerging, it's distributive. In China, there's only six researchers in nine main gateways of networks you can have access to global Internet and therefore you can easily implement the firewall and filtering technologies.

But also the technologies are not limited at those national gateway level, much more distributive in every level of servers, cities, private companies, to filtering and control the information. Then they also have an entire legal structure go with it. There are 37 laws and regulations being issued specifically regarding to Internet account and Internet regulation since 1994. And they have typically very broad and vague definition of what's subversive, what's sabotaging state security, and giving the state security and public security bureaus enough room to using not really implementing precisely the law, but using that as a powerful tool, as an intimidation to control the people.

I think my fellow panelists from Committee to Protect Journalists will testify the worker result in terms of direct arresting and imprisoning people. But much more sophisticated work is done between that. We talked about Internet police. Some people say there are 30,000 of them. The real number is much higher than that. I don't have statistics, but all you need to do is Google in Chinese Internet police, you have more than a million white pages carrying that word, and lots of them are individual police sections having their own home pages.

It is public knowledge that China since 2000, they officially established a new division called Net Police in every single public security bureau in every city, every town from top to above. China has more than 700 cities, so imagine employees working for that particular division. In addition to dealing with all the normal typical computer related crimes, of course, they also do political content policing.

And they are parallel to fire police or forest police or traffic police. That's an entire division of police force being specifically established for that formally since 2000. Let me emphasize two more things. I mentioned the law. I mentioned technology. But I want to mention two more things. One is self-censorship. One is propaganda. Self-censorship here particularly means using licensing to all the commercial enterprises, the Internet service providers and Internet content providers. Everyone has to be responsible for whatever is distributed and being hosted on their web site. So if



you want to do business Internet related with China, you better follow those rules.

You'd better self-police yourself. A lot of technologies and human censoring are done at that level. That's the fundamental level in every single web hosting service. And another one being mentioned much less, which is actually a critical component in the Chinese government control of the Internet, is propaganda. Government deliberately funding the sites, giving policy permission, special privilege to the government web sites, not only the top five, top ten, the biggest, Xinhua, People's Daily, China Daily, but regional ones, news portals, citywide ones. About 10 percent of the web site contents in China are the government funded sites. Over 150 main news sites are established by the central and local governments directly.

More than that in every chat room are most the dynamic online communities, not only censors that are working, undercover agents are working, so-called to direct public opinions, to guide the discussion, to cut away certain topics, to make sure the majority of the public opinion online are under their control, not only by force, but also by this guide and propaganda guide.

That is an enormous effort the Chinese government put in. To give you an example, Strong Country Forum, which is one of China's most lively political social forums hosted by People's Daily, whenever there is an important international event or domestic events, the government officials, the government approved scholars, will be there as a special guest directly communicating with netizens to give a government point of view across, and probably more effective than those official newspapers and the magazines.

Conclusion. So far I agree, the Chinese government has managed to effectively control the Internet. I'm not saying it's complete. There is no way to absolutely control the Internet. There are lots of new activities and a greater freedom of information expression.

But effective in terms of a political control mechanism that they can make sure the majority of the people online, the information they are seeking, the opinions would reflect are aligned with the government main policy goals including the people's impression by the United States. The majority of the materials and the information floating there are in align with what the government would like people to know and would like the people to see. They have succeeded on that.

Government is also acutely aware of the potential possibility not about information but as a communication medium for organizing and that they are much harsher to crack down on any activities even the simple, little clue. That is something we need to watch very carefully. If there are more radical political and social changes emerging in Chinese society, these new communication technologies can play a very powerful role in it.

But I want to conclude to say that Internet is not simply an instrument of information freedom. It's not simply a weapon for the dominant party as well. It depends on who is to use it and how to use it and that dynamic is changing in China. I'm also cautiously optimistic to say the power shifting is happening in Chinese Internet and more power is shifting toward Internet users. Given a long-term I still believe the freedom will prevail through the Internet.

Thank you.  
[The statement follows:]

**Prepared Statement of Xiao Qiang  
Director, China Internet Project  
The Graduate School of Journalism, University of California at Berkeley**

*The Development and the State Control of the Chinese Internet*

Commissioner June Teufel Dreyer, Commissioner William Reinsch, and distinguished Commission Members:

My name is Xiao Qiang. I am the Director of China Internet Project, of the Graduate School of Journalism of UC Berkeley. The Berkeley China Internet Project was founded in fall 2003, with the mission to explore the impact of the digital communication technologies on China's transition and its emerging role in the global community. In the last two years, my research has been focused on state censorship in Chinese cyberspace and the creative use of interactive media to advance the world's understanding of China. It is an honor to be among my distinguished fellow panelists, in front of this important Commission.

China is in the nascent stages of a momentous transition that will shape the world of the 21st century and beyond. The country's opening to the outside world, the rapid expansion of access to the Internet, and reforms in state-owned media demonstrate that there is a greater flow of information within China, and between China and the rest of the world than ever before. Over the past two decades, China's rapid economic growth allowed it to emerge as an economic and political power in the international community. China is now a member of the World Trade Organization (WTO) and will host the 2008 Summer Olympic Games. With booming Internet use and an expanding high-tech sector, the government lauds the country's transformation into an "Information Society."

Despite this remarkable transformation, however, the country is still a one-party state, and its leaders are fearful that free speech combined with the free flow of information could destroy both their political legitimacy and control over society. Maintaining the power status quo is the central agenda of the ruling Chinese Communist Party (CCP). The government views the Internet as vital to economic and technological development but is expending significant resources to maintain control over both Internet content and public access to that content. I am pleased to share with this Commission some of my research and observations about the development and the state control of the Chinese Internet.

**Internet Usage**

Chinese Internet usage has continued to expand exponentially, rising from about 2,000 people online in 1993 to over 100 million in the spring of 2005. According to Gallup's latest nationwide poll of China, 12% of all Chinese aged 18 and older—or more than 100 million people—say they have used the Internet. The number of users is now second only to the number in the United States. Thirteen percent of Chinese households nationwide own at least one computer—a proportion that rises to 47% in the country's 10 largest cities, and 66% in Beijing. More than 100,000 Internet cafes throughout China provide Internet access to individuals, especially youth, who do not own computers. Domestically produced websites number in the millions. 85% of Chinese Internet users are male, 40% are in the 21–25 age group, according to the latest Gallup survey. Cellular phones are rapidly becoming another important means of communication in China, and there are now more than 300 million mobile phone users in China, many of whom carry phones with wireless and short message services (SMS) capabilities.

**Chinese Government Control Over the Internet**

Since 1995, the PRC government has been the main force promoting the expansion of the Internet and high technology in China, in order to improve the country's economic competitiveness as a "knowledge-based economy." Though they acknowledge that China needs the economic benefits the Internet brings, authorities also fear the political fallout from the free flow of information. Since the Internet first entered China, the government has used an effective multi-layered strategy to control Internet content and monitor online activities at every level of Internet service and content networks.

- The Centralized Infrastructure for Controlling the Internet

Unlike in the United States and most democratic countries, where the Internet has grown in a distributive, emerging fashion, development of the Internet in China

was driven by the government, and its hardware infrastructure remains very centralized, making it easy to implement top-down control mechanisms. Internet users in China connect to the global World Wide Web through six interconnection networks, or gateways, which are tightly controlled by government agencies. Many private Internet Service providers (ISPs) exist, but they can only operate if they connect to the web through the six gateways. In effect, the Internet in China is really a nationwide Intranet, with limited and government-controlled access to the global Internet.

- Rules and Regulations Regarding the Internet

The first regulations covering online activities were passed in 1994, and since then, 37 laws and regulations have been implemented to govern the Internet.

Some of these laws are unremarkable, while others explicitly mandate state control of the Internet. Article 15 of the 'Measures for the Administration of Internet Information Services' lists the content that is illegal on the Net:

1. information that goes against the basic principles set in the Constitution;
2. information that endangers national security, divulges state secrets, subverts the government, or undermines national unification;
3. information that is detrimental to the honor and interests of the state;
4. information that instigates ethnic hatred or ethnic discrimination, or that undermines national unity;
5. information that undermines the state's policy for religions, or that preaches evil cults or feudalistic and superstitious beliefs;
6. information that disseminates rumors, disturbs social order, or undermines social stability;
7. information that disseminates pornography and other salacious materials; that promotes gambling, violence, homicide, and terror; or that instigates the commission of crimes;
8. information that insults or slanders other people, or that infringes upon other people's legitimate rights and interests; and
9. other information prohibited by the law or administrative regulations.

These definitions are vague and broad, and can easily be arbitrarily interpreted by state powers such as State Security and Public Security agencies. It also is explicitly stated in these laws and regulations that all netizens, including individuals, service providers, hosts of chat rooms or bulletin boards, or hosting companies, bear responsibility for all content that they access or make available online. Through these strategies of intimidation, the government has effectively legislated self-censorship in Chinese cyberspace.

- Establishing Internet Police Force

In addition to legal regulations, since 2000 China's police force has established Internet departments in more than 700 cities and provinces. As in many other countries around the world, these police handle all computer and network security related crimes, but in addition, the Chinese Net police also monitor websites and email for "heretical teachings or feudal superstitions" and information "harmful to the dignity or interests of the state." In the last five years, international human rights organizations such as the Committee to Protect Journalists has documented dozens of imprisonment cases of people only publishing information on the Internet.

Internet police also have access to software which enables them to detect "subversive" key words in emails and downloads as well as to trace messages back to the computers from which they were sent. Internet police can routinely deny access to Internet protocol (IP) addresses—the series of numbers which are behind the familiar "www" addresses.

- Technological Filtering of Internet Content

Perhaps the most internationally known component of government control is the "Great Firewall," which protects the six gateways connecting China to the global Internet. Its main function is to prevent surfers in China from accessing "undesirable" web content in the global cyberspace.

Research at the Berkman Center at Harvard University has found that blocked sites include overseas Chinese-language news websites, such as BBC Chinese, and most news sites originating in Taiwan and Hong Kong; and religious and human-rights websites such as Falun Gong and Amnesty International USA.

Content filtering is not only implemented at the "national gateway" level, but also throughout the public Internet access facilities in China. In 2003, the net police closed almost half of the country's 200,000 Internet cafes, and installed surveillance and filtering software in the rest.

- Controlling of Internet Service Providers (ISPs) and Internet Content Providers (ICPs)

In addition to directly controlling Chinese Internet users access to the global World Wide Web, the Chinese government mandates that all ISPs and ICPs must bear responsibility for any information distributed through their site. Authorities use licensing regulations and financial penalties to punish any companies that fail to comply. ICPs and ISPs are required to keep personal data on subscribers (including account numbers, addresses or domain names of websites, and telephone numbers) for two months, and to pass it on to authorities upon request. When website operators discover a message containing forbidden content, they are required to send it on to the Ministry of Information Industry, the Ministry of Public Security, and the Bureau for the Protection of State Secrets.

As a direct consequence of these control policies, all ISPs and ICPs in China must police themselves in order to operate. For example, the most politically active spaces online are online forums like bulletin boards and chat rooms. These allow people to express themselves anonymously and therefore safely, and are already beginning to have a social impact. Because of the government regulations, all web hosting services must hire moderators in order to keep their sites' content acceptable to the Internet police. In addition to human censors, all website hosting services have also installed keywords filtering software. Posts on politically sensitive topics, such as Falun Gong, human rights, democracy, and Taiwan independence are routinely filtered. A list recently obtained by the China Internet Project in Berkeley found that over 1,000 words, including "dictatorship," "truth," and "riot police" are automatically banned in China's online forums.

- Establishing Powerful Propaganda Presence Online

This actually constitutes a critically important component of the Internet control strategy by the Chinese government, though it is less well-known to observers outside of China. In the last seven years, Chinese government has put in enormous financial resources and allowed special privileges to set up and support government-sponsored websites, from the national level to regional and provincial levels. About 10% of all sites in Chinese cyberspace are directly set up and run by the government. Over 150 main news sites are established by the central and local government directly, including China's top five websites: Renmin Ribao, Xinhua News Agency, China Radio International, China Daily, and the China Internet Information Center.

Because of the increasing influence of online forums, in addition to the technological filtering and human censorship, the government also adopted a more sophisticated propaganda approach to "guide opinions" in those forums. For example, in one of the most popular bulletin board sites, "Strong Country Forum," whenever there are large news events, the editors always invite "experts" and government officials to directly chat with netizens, and communicate the government point of view. They also designated propaganda agents to work undercover online, pretending to be ordinary netizens, in order to monitor Internet forums as well as "guide" online discussions.

### **Conclusion**

The government so far appears to think that the benefits of the Internet for promoting economic development outweigh the political risks. Authorities are also betting on the demography of Internet users. According to the latest Gallup survey, 86% of Chinese Internet users have college degrees. Typically, those social elites with a vested interest in status quo are more likely to adopt the Internet as part of a newfound consumer lifestyle rather than a tool for social and political changes.

Thus far, the Chinese government has managed to promote the development of the Internet for its economic benefits, while maintaining enough control over online information. While the Internet is promoting communication through greater access to information in the public domain, it is also clear that the new technologies alone is not sufficient to open up the Chinese political system. However, despite all of the state censorship measures I have described above, it is also undisputable that the Internet is expanding the freedom of information and expression in China. Although many of these changes are still incremental, they are nevertheless profound. In the long term, when the Internet penetration in Chinese society continues to grow, and in the time of more radical social and political change emerging in Chinese society, the Internet and other digital communication technologies such as mobile phones will definitely play a powerful role, hopefully to facilitate those changes towards the positive direction: a peaceful transition to a more open and democratic China.

Cochair REINSCH. Thank you. Mr. Berman.

**STATEMENT OF KENNETH BERMAN  
DIRECTOR OF INFORMATION TECHNOLOGY  
INTERNATIONAL BROADCASTING BUREAU  
BROADCASTING BOARD OF GOVERNORS, WASHINGTON, DC**

Mr. BERMAN. Thank you. Mr. Chairman and Members of the Commission, I too was here at your previous hearing on this subject, and I'm honored and pleased to be here again. I am the Director of Information Technology at the International Broadcasting Bureau.

The name of the agency I work for is the peculiarly called Broadcast Board of Governors which is charged with handling all non-military, that is civilian, broadcasting which includes, of course, the Voice of America but also Radio Free Europe, Radio Liberty, Radio Free Asia, and the Office of Cuba Broadcasting, which is Radio Marti.

The International Broadcasting Bureau of the Broadcasting Board of Governors is the administrative arm that supports the Voice of America and also handles in many cases, but not all, program distribution for Radio Free Europe, Radio Liberty. In other words, we're the transmission medium.

Voice of America produces programs to China. Radio Free Asia produces programs to China. They all come through our engineering resources so that we can use our satellite and other systems to distribute the programs via shortwave or AM radio or satellite itself direct to the users.

Before I talk about the Internet itself, I would like to say that the primary and traditional means of distributing information to China was via shortwave. All of our, and when I say our, Voice of America, Mandarin Service, as well as Radio Free Asia, Chinese Service, are all jammed. That means at the time we have our frequencies broadcast, they are simultaneously being broadcast by transmitters with inside China that are on the exact same frequency, but instead of broadcasting program materials, they're playing endless loops of Chinese opera which does a successful job of jamming all of our programs.

Our frequencies are all coordinated through the United Nations International Telecommunications Union along with all other nations on earth who are party to the ITU, so it is an actual planned jamming that is going on. It is not accidental. It is not internal use. These are worldwide frequency coordinations, so the Internet jamming that we're going to talk about today is really a subset of the overall information closure from sources outside of the direct control of the People's Republic of China government.

With that preface, let me say that you've heard statistics from other people about the amount of how China is wired, and when I last spoke here, it was in the 60 million range, and now the latest numbers I have are 94 million. I've seen numbers as high as 100 million mentioned around here today. The United States has approximately 200 million Internet users, which is two-thirds of our country.

The Chinese with their 94 million is about seven percent, but there is no question that the rate of increase is much higher in China than it is in the United States. The actual number of users,

it seems if you look at the statistics and the trends, there is no doubt that with only seven percent of their country currently being connected to the Internet, their growth rate with their country five times the size of ours will easily surpass the number of users in the United States.

As has been commented by experts more knowledgeable than myself, the Chinese are obviously trying to have it both ways. They're using the Internet and information technology as a means for economic advancement. All new high rise buildings are being installed with broadband fiber systems. There's high speed Internet. High speed backbone cable systems are being put on railroad rights of way. There's no doubt that the Chinese have intimately tied to their economic expansion and future growth to information technology.

But as we've heard before, that has a downside in the sense that whenever you introduce these powerful information technology systems, they're not easy to control because by the nature of the networks, there are various holes and exposure. So it requires an extra level of effort to control information. We came under the crosshairs of that effort when the Voice of America was putting out information newsletters that were simply asked for by citizens of China, and found out that they couldn't get their newsletters, primarily because they were coming from an address that was voa.gov. So we took a lesson there and stopped sending e-mails from voa.gov and have since worked on a more comprehensive strategy, which I discussed at the most recent visit about a year-and-a-half ago, but we've expanded that, and I'll tell you a little more about that today.

What we did before and what we're still doing fundamentally is a push/pull strategy. We have to push information into China and let people know how they can get access to wider, more open channels of communication. The push in this case at this stage, and I'll talk about some of the research we're doing on some more interesting things, but has essentially been e-mails.

We take e-mails which our VOA or Radio Free Asia language specialists and news journalists put together, stories that they think would be of interest, and they send these e-mails to us on the engineering side, and we through our own personnel and contract support change various characteristics of the e-mails to make sure that they will not be picked up by the content filtering mechanisms that both the OpenNet Initiative and Dr. Mulvenon referred to earlier.

We change various characteristics. For instance, in English, if the word "democracy" is troublesome, we might change the "o" to "zero" or do various other aspects that would allow these messages to get past the Chinese filters. We are currently sending millions of these e-mails each day, and I must say it has a reasonable amount of success.

We do have randomized mailboxes spread throughout China and we have access to those, and we see what percentage of the messages got through, and it's generally looking like about 80 percent based on the statistics we can gather, so we seem to be successful in getting past the filtering at that point. Of course, those are static messages.

As we push these messages through, we also have proxy addresses on them, and what I mean by proxy, is there are names that stand in for voanews.com, radiofreeasia.org, the uschinacommission.gov, or anything else. They might be, for instance, kenberman.com. It's a name that wouldn't be filtered immediately because it's not on anybody's radar.

It would be allowed to go through for a short period of time, and once that address is attached to our e-mails, individuals in China would be able to click on that address and for the moment in which it has not been blocked, they would be able to establish a connection outside of China and be able to get what we'd like to think is interesting news, and connect to either VOA or Radio Free Asia. The value of the proxy is that not only drop them on a Voice of America, Radio Free Asia page, but we add a jump bar which is a way to go anyplace else you want.

It's up to the gentlemen behind me who produce the content for Voice of America and Radio Free Asia to make sure that once we land the Chinese citizens on that page, that is where they want to stay, but in furtherance of what we think is the Office of Global Internet Freedom philosophy, and it's also our own program's philosophy of freedom of information, freedom of the Internet, freedom of exploration, we land them on these pages with these proxies and then invite them to go anyplace else they want.

They can do searches. They can go to religious sites, political sites, economic sites, human rights sites. The only thing we do, we have a porn filter in there because there's probably a limit as to what U.S. Government taxpayers should pay for, but that limit aside, we try to exert no limits or restrictions at all on what we think people should be able to see.

In my testimony, there is more detailed discussion about the IP addresses, that is the numerical addresses that are used within the Internet routing system to move traffic around from address to address. I've also said that in the testimony, most people don't like to use numbers. They like to use names. There is a system for resolving the names into numbers. In essence, it's like a phone book and what we have found out and, of course, it's been confirmed by other members of this panel, is that the Chinese to a certain extent have hijacked that.

It's like fooling around with the internals of the phone book, and so when you go to a specific address you'd like to go, you are routed elsewhere. If you're trying to go to certain search sites that are unfiltered, you will be routed to a Chinese site. So in a way, the manipulation of the Dynamic Name System (DNS) has caused problems, but one of the ways we get around that to a certain extent is by sending out these proxies that we feel, until we learn that they are blocked, and we learn that through technical means, is we see the traffic drop off, or as we have our various probes tell us that that we have in-country can no longer reach those sites, that means Chinese citizens can't either.

So we then change the name in one way or the other and we then send out the following day's e-mail with the new proxy name. So it's a continual cycle of pushing and pulling.

Of course, I'm completely off of my agenda here.

Cochair REINSCH. If you could summarize, that would be helpful.

Mr. BERMAN. Fine. Final thing I want to summarize is that we have found that the program has grown. We're able to reach more people. We have a rise in the number of page views, the number of visitors to our site. We feel the program has been a success. We have ideas for research which during the question and answer period, I'll be happy to tell you about.

Thank you.

**Prepared Statement of Kenneth Berman  
Director of Information Technology, International Broadcasting Bureau  
Broadcasting Board of Governors, Washington, DC**

Mr. Chairman and Members of the Commission:

I am very pleased to have the opportunity to address the Commission today on the issue of Internet information control and censorship by China. I have been involved with developing solutions to this vexing problem for the past several years and hope to share with you some of our findings and conclusions. I would like to discuss some of our technical efforts to allow users in China to get unfiltered, uncensored access to news and about other key issues of the day.

The Office of Engineering and Technical Services is responsible for delivering program content for the various worldwide services under the Broadcasting Board of Governors (BBG). These services include the Voice of America, Radio Free Asia, Radio Free Europe/Radio Liberty, Radio and TV Marti (to Cuba) and the Middle East Television Network. The traditional way for distributing these programs has been via radio: shortwave, AM, FM and satellite. Our Office works closely with fellow international broadcasters and the International Telecommunications Union to coordinate the appropriate broadcast frequencies to ensure that there is no intentional interference between broadcasters.

Before I tell you about my work with Internet "jamming," I did want to inform you that the Chinese regularly jam all of the Voice of America and Radio Free Asia programs, in clear violation of accepted international rules and regulations followed by almost all other nations. This jamming consists of playing endless loops of Chinese opera music at the same time and on the same frequency as the VOA and RFA broadcasts. Despite numerous official protests by BBG via the FCC and the State Department, the radio jamming continues unabated. The technical capability of the FCC in observing the Chinese jamming is absolutely unambiguous. There is no doubt that the origin of the jamming is in China. The nature of the transmissions emanating from the identified locations in China have no useful telecommunications purposes, and it can only be concluded their purpose is for jamming.

The Internet is becoming a critical component in distributing program materials to those countries that are—or are becoming—"wired." And China is the most "wired" of all the large countries to which VOA and RFA send their programs. I attended a conference on China and the Internet at the University of Southern California, and it was interesting to hear the various U.S. and China scholars debate how many Internet users there were: estimates ranged from 39 to 63 million several years ago. Now the number is approaching 90 million and rising at a faster rate than for any large country in the world. What the numbers do tell us—unequivocally—is that China has the most Internet users in the world after the United States, and considering their huge growth rate of new users and the small fraction of their population that currently has an Internet connection, it is clear that they will be the largest Internet audience in the world in the not too distant future.

As has been discussed by many experts more knowledgeable than me on the subject of China and the Internet, the Chinese are attempting to have it both ways: use the Internet as a driver for knowledge transfer and business development, while ruthlessly suppressing any attempt to question the policies of the Chinese Communist Party, to discuss the rulers in any but glowing terms, or use the Internet for issues as diverse as Tibetan Freedom, Taiwan independence, pro-democracy movements, or religious groups such as Falun Gong. VOA and RFA came under the crosshairs of this censorship effort when they tried to send email summaries of the news specifically requested by Internet users in China. These same users, when they could get a message through, informed us that the VOA and RFA web sites could not be accessed from inside China, whether it be from home, office, or an Internet café.

As a result of this censorship, and considering the critical importance of China to U.S. policy interests, the BBG established a special unit to devote technical resources to this problem. We have consulted with industry and government consult-



ant experts on what works and what doesn't work in terms of getting information inside China. What we have essentially instituted is a two prong "push-pull" program that consists of separate but related efforts. The "push" component consists of pushing email news to those users in China who would find the news interesting, useful, or a necessary complement to the official, approved news stories. The "pull" component consists of allowing users the ability to access the VOA and RFA web sites and pull Internet content into the browsers of their computers. I would like to give you a few comments on these two efforts, and then inform you of some of the other activities we are working on.

The email component of the program allows the VOA and RFA journalists to assemble summaries of critical Chinese, U.S., and international news stories each day into an easy-to-read Chinese language email. The email is distributed by our Office using techniques that will do the most to ensure the message will get through the filtering mechanisms of the Chinese government. Originally, the VOA emails were sent from one of VOA's openly labeled voa.gov email servers. It was discovered that very few of the messages were getting through. The Chinese were in the early stages of developing their censorship technology, using computer technologies primarily purchased from U.S. companies. Over the past few years, they have continued to buy this equipment, and have also started indigenous manufacturing of these computer network routers. At this time, before I continue with the discussion on the email program, let me say a few words about the actual techniques of their censorship.

While many companies, libraries, and organizations exert some form of restriction on their users' ability to access any and all sites, the Chinese use every possible technique and are continuing to refine their methods. Internet locations are defined by a numerical address, known as the IP (or Internet Protocol) address. Since people, unlike machines, find numbers difficult to remember, a naming system has been developed whereby people use names, and computer systems translate those names into numbers. This way the machines can connect to each other while human users simply use normal names. This is known as the Domain Name System (DNS) and, like the airwaves, is governed by rules and regulations, but also a certain amount of trust; more about that later.

The Chinese government can easily find the IP addresses of VOA and RFA and enter them in their computer router tables, with the instruction to block any traffic from the servers or any requests for information to those servers. These computer routers serve as electronic "gatekeepers" at the country's border, and are known as border routers. They are a brute force solution to the problem of censoring unacceptable sites. They do work in keeping the Chinese user separated from computer sites that have been "black listed," so to speak. But, since several, sometimes many, organizations share an address or group of addresses, this kind of blocking may keep out traffic for which there is no fear by the Chinese. This is the reason some sites that are completely harmless to the Chinese may not be accessible: they share an address or group of addresses with a censored site.

To improve their ability to focus their blocking efforts, they will also filter the actual word name of the site, as in *www.voanews.com* or *www.rfa.org*. This way, anyone coming or going to the name VOA or RFA will be denied access. This is generally accomplished by finding what Domain Name Server does the translation from name to IP address and blocking that. Thus, the user will be denied the ability to find out how to convert *www.uscc.gov* into an actual address computers can use, and will not be connected. In an even bolder move, if that is the right word, the Chinese have started using DNS redirection, or "hijacking." It is a severe violation of the "trust" various computer systems use to communicate with each other, and consists of going into the DNS system and inserting one's own lookup listing; this is similar to rewriting selective pages of a phone book, inserting them under cover of darkness, and letting unsuspecting users be directed to the wrong address or phone number.

Universal Resource Locator (URL) filtering and content filtering are essential tools in Chinese censorship. URLs are the addresses that we read. But, a full URL, especially when doing a search, consists not only of the URL, but text following the URL. For instance, if you were doing a search on *www.google.com* for "US Congress," you would generate a URL that might be *www.google.com/word:US+word:Congress*. This way, with URL filtering, the filter could allow traffic to Google to pass, except when some of the key words that the user was searching for were included. Initially the Chinese Internet censors blocked access to all of Google, using the more brute force methods described above. After an outpouring of protests from students, business leaders, and anyone else using the English or Chinese versions, the Chinese introduced their refined techniques. Essentially, this consists of looking not just at the site, but at the page or search one would like to do at that site. If

it passes the test, the request is allowed to go through. If not, the user is not only denied the request, but is put in what I call the “penalty box” for twenty minutes to days at a time. Reports differ, but our experience is about one hour for the first violation, two hours for the second, and a day for the third. Thus if one did a Google search on apples, the search goes through. If the search is on “pro-democracy,” the request is denied and the user is disconnected, i.e. prevented from making any more requests to or from any part of the Internet.

One of the more interesting studies done on filtering is by the OpenNet Initiative. This is a group of scholars from the Berkman Center for Internet and Society at Harvard Law School, the University of Toronto’s Munk Centre for International Studies, and the University of Cambridge in the United Kingdom. Their mission is “to investigate and challenge state filtration and surveillance practices,” and they can be found at <http://www.opennetinitiative.net/index.php>. They have published reports on the technical details of Chinese government censorship, and we regularly confer with their technical staff in attempting to ensure we are using the latest techniques.

For our email program, you can now see that all emails from VOA’s or RFA’s IP address, its URL name, and any controversial content were being blocked. This was not acceptable, and working with some state-of-the-art experts from think-tanks and industry, as noted above, we developed techniques to get the emails through to their intended audience. We have sponsored two symposiums with leaders in this area and have tried to do our part in sponsoring research related to technical means of defeating Internet censorship. We have looked at how to use the cellular phone system in passing information into China, as well as utilizing various instant messaging systems. Some of these areas offer promise, but require increased funding.

Other areas such as peer-to-peer computing seem less promising. One of the key drivers in the United States to peer-to-peer systems such as the old Napster and the current systems of Kazaa and Limewire are illegal file transfers for music and other files. Due to what appears to be less official concern in China over complying with international copyright laws, there is less need for these peer-to-peer systems as individuals can just go to local web sites and download music and other content.

We send millions of emails a day, and the response has been overwhelmingly positive to the VOA and RFA language services’ news summaries and information on local Chinese and international news. It should be noted that we take extraordinary care to make sure that these VOA and RFA emails only go to users inside China. After all, there is no need to devote the elaborate resources to Chinese readers in Singapore, Taiwan, or any other areas with Chinese readers and no technical censorship issues. Despite having sent billions of emails over the past several years, we have received only a handful (less than five) from individuals outside the target audience.

Related to this “push” component is the “pull” component. On each of the emails we include from 2 to 6 different “proxy” sites. Just as in “proxy” voting, a proxy computer or server is simply one that is standing in for another computer. Proxy computers have many purposes, such as making communications more efficient and helping organizations keep out bad/malicious users. In our case, we are using the proxy sites we have developed to stand in for forbidden sites. By that I mean that, even though RFA and VOA are blocked, chances are that [www.kenberman.com](http://www.kenberman.com) is not blocked (at least not yet!). So, if we distribute the name [www.kenberman.com](http://www.kenberman.com) to our Internet users via our emails, the users will be able to click on this presumably unblocked site. Once they hit the site, a Secure Socket Layer connection is established. This is the same type of secure connection that is made when you make a credit card sale—virtually unbreakable. So, upon connecting to the proxy site, the user is given a secure connection (the same kind used in e-business, and not by itself incriminating) and landed on either a VOA or RFA Chinese language home page. From there, the user can explore the VOA or RFA news and feature stories in detail and can stream audio programs. Moreover, in line with our desire to promulgate global information freedom, we have a “jump” bar in all of our proxies. These allow the user to explore any other site in the world he or she can connect to, including controversial political sites, religious sites, business or school/educational sites. We do filter pornography, however, and also have geographic tracking to make sure that only IP addresses that originate in China are able to use these services, and not individuals elsewhere who may want to use these tools to avoid paying for these services.

We have received thousands of unique visitors each day on each of the proxy sites, and most of the traffic has been to VOA and RFA, with other Chinese language news and social sites running second. As I described above, eventually the Chinese Internet police learn the name and address of the proxy and then we change it, distributing the new proxy name via the daily emails. The Chinese Internet police have

introduced “proxy hunting” software, which has shortened the life of the proxies and resulted in more frequent changes to the names. Thus, the email push and the proxy pull are intimately connected, that is the email and web proxy techniques work hand in hand to break through the Great Firewall of China.

The systems we use are very scalable and we would like to expand the emails lists to tens of millions of emails a day, with proxies rotating automatically every day. As noted above, we have been looking at Short Message Text (SMS) cellular telephone networks. One of the problems with SMS, unlike the Internet, is that the cellular phone companies are single points of control over their networks—unlike the Internet, which is literally an interworking of networks. This prevents the freedom to maneuver that the Internet offers. Nevertheless, with as many cell phone users in China as we have citizens (nearly 300 million), our future research must concentrate on utilizing the cell phone system—either for text messages or for mobile web content such as audio and video clips—to make further inroads past the gates of censorship. We also hope to improve our proxy web sites so that they, too, can pass audio and video clips. Please remember that unlike some research programs that are underway, our techniques must reach millions and perform to the standards that all of us expect of our Internet systems. After all, if our techniques succeed in bypassing Chinese Internet censorship but perform slowly or poorly, we will lose our audience, no matter how good our information is. We must ensure that we provide a tool that the Chinese citizens seeking uncensored information actually want to use.

We feel we are making progress in this attempt to break through the Great Firewall and allow Chinese citizens free/unfettered access to a wide range of previously censored information. However, it is truly a cat and mouse game, and only by continuing to explore, test, and implement new techniques will we be sure we can stay successful. Our program has generated a wide range of support from academia, business, NGOs and think-tanks, and we look forward to leading the effort to allow people in censored regimes to have free access to news and information.

Cochair REINSCH. Thank you. Mr. Smyth.

**STATEMENT OF FRANK SMYTH  
WASHINGTON REPRESENTATIVE AND  
JOURNALIST SECURITY PROGRAM COORDINATOR  
THE COMMITTEE TO PROTECT JOURNALISTS, WASHINGTON, DC**

Mr. SMYTH. Thank you for this opportunity to testify on this distinguished panel. I will complement some of the statements made by my colleagues concerning the Internet especially in addition to providing some new information about print and broadcast media in China.

Let me begin by underscoring that the Committee to Protect Journalists is a nonprofit, nonpartisan organization that accepts no government funds whatsoever as we monitor conditions facing journalists in countries around the world. In China, free market forces and government control are having different effects on press freedom and are producing mixed results.

Continuing a trend already underway, the government in the beginning of last year announced new guidelines to allow private investors to take ownership shares in newspapers, magazines, broadcast media and publishing houses leading Chinese media to commit for advertisers as well as audiences like never before.

This change has compelled many news outlets and their reports to more aggressively pursue many stories of interest to the Chinese public involving corruption, crime, celebrity scandals and natural and environmental disasters.

What has been the government’s response? In decades past, Chinese authorities relied on censorship and legal action as the main tools to silence the press, but in today’s dynamic climate, the Communist Party has increasingly resorted to jailing journalists in order to silence some of the nation’s most enterprising reporters.

China today is the world's leading jailer of journalists with 42 journalists in prison at the end of 2004. That is nearly double the number of journalists behind bars in China in 2000. A few of the jailed journalists are being held on charges filed as early as 1982 alleging incitement to overthrow the government. But about half of the Chinese journalists behind bars today are there on charges related to news or other information spread via the Internet.

Moreover, three-fourths of the jailed journalists reporting for various media have been deemed guilty of alleged subversion in one form or another by government influenced courts. Others have been found guilty of trumped up charges such as alleged embezzlement, bribery, and even prostitution.

Most of these journalists are being punished, in fact, for having exposed corruption by government officials, for advocating political reforms or for reporting on banned topics.

Nevertheless, growing numbers of journalists have challenged the government on crucial issues such as rural poverty, AIDS and human rights. Chinese lawyers have played an increasingly important role in defending free expression which enjoys at least the qualified protection under the Chinese constitution.

The government has limited free expression, however, through a complex system of media regulations, the courts which often follow instructions from high level party officials narrowly interpret freedom of expression while favoring an expansive interpretation of the constitution's prohibition on disrupting the socialist state and the leadership of the Communist Party.

Last year's transition in leadership led to even more government attempts at control. After President Hu Jintao consolidated power in September 2004, the Communist Party issued a statement saying it intends to, "persist in the principle of party control of the media" to, "further improve propaganda in newspapers, journals, broadcasting and TV" and to, "strengthen the building of the Internet propaganda contingent and form a strong momentum of positive public opinion on the net."

The government has also cracked down on the Internet. This March, authorities arrested Zhang Lin on anti-state charges after he called for political reforms and democracy in China on overseas online news sites. Another Internet journalist, Zheng Yichun, has been in prison since December on similar charges according to Chinese state media reports. Last month, Chinese authorities suspended the law license of Guo Guoting, a noted defense attorney for journalists and dissidents. The lawyer, Guo, told CPJ that he believes he is being punished for taking up cases involving free expression.

Some of the print media has also pushed the boundaries of free expression, none more so than the Southern Metropolis News, a newspaper known for its investigative reporting. Last year, Deputy Editor Yu Huafeng and General Manager Li Minying were sentenced to 12 and 11 years in prison respectively on charges of alleged embezzlement. CPJ research found that these editors did no more than transfer funds from advertising revenue to the editorial committee in order to provide the newspaper staff with a well-earned bonus.

Among the many Southern Metropolis News stories that have irked authorities was one in 2003 about a suspected case of the SARS respiratory ailment published before the government had officially released the same information. The Southern Metropolis News wrote another story about an autopsy report concerning a young graphic designer who had been beaten to death while being held in police custody. Underscoring the importance of a free press, this report led to the arrests of several local police officials.

Next month, the former Chief Editor of Southern Metropolis News, Cheng Yizhong, will be honored by the United Nations Educational, Scientific and Cultural Organization, UNESCO, with its Guillermo Cano World Press Freedom Prize, an award named after the Colombian publisher and journalist who was murdered in 1987 by drug lords.

Violent attacks against journalists in China fortunately have been rare. This is unlike many other Asian nations such as Bangladesh and especially the Philippines where no fewer than eight journalists were murdered in retaliation for their work last year. But in China, the economic boom has also come with another new trend. CPJ has documented at least 20 violent attacks on journalists in China since 2002, although the trade association representing journalists maintains it has received hundreds of complaints of violent attacks.

As in many other nations worldwide, many of the perpetrators of these attacks against journalists appear to be local criminals or corrupt officials who wish to keep their collusion in the dark, and therefore find investigative journalists particularly troubling.

The various tools to control the press have had only limited impact on foreign news organizations to date. But the recent imprisonment of Zhao Yan, a news assistant for the New York Times' Beijing bureau, shows that authorities are willing to target local employees to deter the foreign press. Zhao was arrested on charges of providing state secrets to foreigners after the Times reported President Jiang Zemin's imminent retirement before it was officially announced.

Despite this disturbing picture, I would like to conclude by underscoring that this is an ongoing struggle and I wish to point out that international attention paid to individual cases of jailed journalists and dissidents has an impact, lessening sentences and securing early releases.

Most important is to keep shining the light on abuses that Chinese authorities would prefer to keep in the dark.

Thank you.

**Prepared Statement of Frank Smyth  
Washington Representative and Journalist Security Program Coordinator  
The Committee to Protect Journalists, Washington, DC**

The Committee to Protect Journalists (CPJ) welcomes this opportunity to testify before the U.S.-China Economic and Security Review Commission, and to outline our specific concerns about press conditions in China. CPJ is a non-profit, non-partisan organization that accepts no government funds whatsoever. We monitor conditions facing journalists in countries around the world.

In China, free market forces and government control are having different effects on press freedom and are producing mixed results. Continuing a trend already under way, the government, in the beginning of last year, announced new guidelines to allow private investors to take ownership shares in newspapers, magazines,

broadcast media, and publishing houses, leading Chinese media to compete for advertisers as well as audiences like never before. This change has compelled many news outlets and their reporters to more aggressively pursue many stories of interest to the Chinese public involving corruption, crime, celebrity scandal, and natural and environmental disasters. In recent years, many Chinese journalists and others seeking to disseminate information have relied increasingly on the Internet.

What has been the government's response? In decades past, Chinese authorities relied on censorship and legal action as the main tools to silence the press. But, in today's dynamic climate, the Communist Party has increasingly resorted to jailing journalists in order to silence some of the nation's most enterprising reporters. China, today, is the world's leading jailer of journalists, with 42 journalists in prison at the end of 2004. That is nearly double the number of journalists behind bars in China in 2000.

A few of the jailed journalists are being held on charges filed as early as 1982 alleging "incitement" to overthrow the government. But about half of the Chinese journalists behind bars today are there on charges related to news or other information spread via the Internet. Moreover, three-fourths of the jailed journalists—reporting for various media—have been deemed guilty of alleged subversion in one form or another by government-influenced courts. Others have been found guilty of trumped-up charges such as alleged embezzlement, bribery, and even prostitution. Most of these journalists are being punished, in fact, for having exposed corruption by government officials, for advocating political reforms, or for reporting on banned topics. These taboo topics include reporting on the circumstances surrounding legal cases against dissidents including journalists. Last year, even the use of the term, "public intellectuals," was officially banned from public discourse.

Nevertheless, growing numbers of journalists have challenged the government on crucial issues such as rural poverty, AIDS, and human rights. Chinese lawyers have played an increasingly important role in defending free expression, which enjoys at least a qualified protection under the Chinese constitution. The government has limited free expression, however, through a complex system of media regulations. The courts, which often follow instructions from high-level party officials, narrowly interpret freedom of expression, while favoring an expansive interpretation of the constitution's prohibition on disrupting the socialist state and the leadership of the Communist Party.

Last year's transition in leadership led to even more government attempts at control. After President Hu Jintao consolidated power in September 2004, the Communist Party issued a statement saying it intends to "persist in the principle of party control of the media," to "further improve propaganda in newspapers, journals, broadcasting and TV," and to "strengthen the building of the Internet propaganda contingent, and form a strong momentum of positive public opinion on the net." Last year, besides trying to control the press, the government increased surveillance of cell phone text messaging and digital video broadcasts.

The government has also cracked down on the Internet. This March, authorities arrested Zhang Lin on "anti-state charges" after he called for political reform and democracy in China on overseas online news sites. Another Internet journalist, Zheng Yichun, has been in prison since December on similar charges, according to Chinese state media reports. Last month, Chinese authorities suspended the law license of Guo Guoting, a noted defense attorney for journalists and dissidents. The lawyer, Guo, told CPJ that he believes he is being punished for taking up cases involving free expression.

Some of the print media has also pushed the boundaries of free expansion, none more so than the *Southern Metropolis News*, a newspaper known for its investigative reporting. Last year, Deputy Editor Yu Huafeng and General Manager Li Minying, were sentenced to 12 and 11 years in prison, respectively, on charges of alleged embezzlement. CPJ research found that these editors did no more than transfer funds from advertising revenue to the editorial committee in order to provide the newspaper staff with a well-earned bonus. Among the many *Southern Metropolis News* stories that have irked authorities was one in 2003 about a suspected case of the SARS respiratory ailment—published before the government had officially released the same information. The *Southern Metropolis News* wrote another story about an autopsy report concerning a young graphic designer who had been beaten to death while being held in police custody. Underscoring the importance of a free press, this report led to the arrests of several local police officials.

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Violent attacks against journalists in China, fortunately, have been rare. This is unlike many other Asian nations such as Bangladesh and, especially, the Philippines, where no fewer than eight journalists were murdered in retaliation for their work last year. But, in China, the economic boom has also come with another new trend. CPJ has documented at least 20 violent attacks on journalists in China since 2002, although the trade association representing journalists maintains it has received hundreds of complaints of violent attacks. As in many other nations worldwide, many of the perpetrators of these attacks against journalists appear to be local criminals or corrupt officials who wish to keep their collusion in the dark, and therefore find investigative journalists particularly troubling.

The various tools to control the press have had only limited impact on foreign news organizations to date. But the recent imprisonment of Zhao Yan, a news assistant for *The New York Times*' Beijing bureau, shows that authorities are willing to target local employees to deter the foreign press. Zhao was arrested on charges of "providing state secrets to foreigners" after the *Times* reported President Jiang Zemin's imminent retirement before it was officially announced. Zhao's colleagues at the *Times* have repeatedly said that he played no role in this report. Zhao has been held incommunicado for more than six months.

Despite this disturbing picture, I would like to conclude by underscoring that this is an ongoing struggle. And I wish to point out that international attention paid to individual cases of jailed journalists and dissidents has an impact, lessening sentences and securing early releases. Most important is to keep shining the light on abuses that Chinese authorities would prefer to keep in the dark.

#### **Panel II: Discussion, Questions and Answers**

Cochair REINSCH. Thank you to all of you for some very useful information and thoughtful comments. Ms. Bartholomew.

Commissioner BARTHOLOMEW. Thank you, Mr. Chairman. And thank you to all of you on the panel. It's great to see you moving into the new frontier of where we think the fight is going to go. Mr. Smyth, whose work I've known of since the Central America days, thank you.

Mr. SMYTH. Oh, thank you.

Commissioner BARTHOLOMEW. Thank you particularly also for the Committee to Protect Journalists for the work that it's doing around the world to make sure that journalists can get access to information and report the stories as they need to. So thank you.

Mr. SMYTH. Thank you.

Commissioner BARTHOLOMEW. I think there might be someone from RFA and possibly VOA here too. Some of what we need to think about and talk about is the human cost. We've talked a little bit about what I always call the long arm of Chinese censorship. But people who do report—Mr. Smyth, you've acknowledged some of the risk that the people are taking. What I wonder is, is there any information on how long that arm is? Are reporters, for example, for RFA or VOA who are based here and might have family back in China finding that there are consequences for their family back at home for the work that they're doing?

Is there anybody who can comment on that?

Cochair REINSCH. State your name for the record, please, when you begin.

[Speaking from the floor.]

Mr. SOUTHERLAND. I'm Dan Southerland from Radio Free Asia. I'm in charge of programming at RFA. I won't go on too long on this because it's in my statement which I have submitted for the record. There is a cost, very unfortunately. In fact, recently we had a case where a Uighur broadcaster's relatives were approached by state security, which is not unusual for them to do. This has happened quite often. I shouldn't say often because I can't quantify it.

But let's put it this way, enough cases have been brought to my attention that I'm extremely concerned about this.

One of our Uighur broadcaster's relatives were approached, and there were hints that this person's relative—I won't go into further details—might lose her job if the Uighur broadcaster continued working for us.

In some cases, the visits from state security are more intimidating in the sense of unspecified consequences might occur if your relative continues. In one case, and I'm emphasizing Xinjiung and the Uighurs, because I think it's been worse there than anywhere else. In one case, there was a hint that maybe our broadcaster's mother had some kind of terrorist connections.

The lady obviously was frightened to death. Only in one case, have any of our courageous broadcasters had to resign, but we did have a case where a Mandarin Chinese broadcaster was threatened, or rather his wife was threatened with loss of her job if the rumors were true that he was working for this hostile radio. It's always a little vague. In fact, the more vague it is, sometimes the more intimidating it is because they don't know what the consequences will be.

In that case, the broadcaster resigned. This happened some time ago. So I'm encompassing a number of years here, you get the idea. I think I have probably said enough, but that is a cost. It's very painful psychologically to some of our people here who are at such a great distance who feel helpless, who can't defend their family, and I don't know how centralized this effort is. It may be that a lot of this is left up to the local police, state security.

I really don't know. I haven't seen some document that describes what they are trying to do. It's perhaps not surprising. I worked in China for five-and-a-half years. I've seen this kind of thing happen over and over again, so I'm not surprised, but I'm concerned.

[Speaking from the floor.]

Mr. WILLIAM BAUM. Can I add something to that? My name is William Baum, and I'm the Chinese Branch of VOA. All of our broadcasters, I would say not quite all, maybe 90 percent of them, are using nom de guerre or aliases because they do not want to have any trouble when they go back to visit their families in China, and while many of them are U.S. citizens, it takes a long time to become a U.S. citizen. During that waiting process to get permanent residency and citizenship, they want to go back and visit their families. They frequently have ailing parents and they're very careful about that. So they don't want to be recognized when they go back through Customs.

We have a number of broadcasters that appear daily on television programs. Some of them will not go near a television camera for fear of being recognized, but they do their work on the radio, and they do the best they can. We have been careful when we send reporters into China—which we do regularly when we can get visas—that they are always on the up-and-up and the authorities are aware that they are there with journalist visas. But they are still followed from morning till night, everywhere they go. Thank you.

Commissioner BARTHOLOMEW. Thanks. Would any of our other panelists want to comment?



Mr. XIAO. Maybe I just want to add since Radio Free Asia and Voice of America are two content providers providing Chinese content online, and that's certainly being targeted from the Internet censors in China. The point I want to add in is when we look at what's being censored, what's being filtered, contents being blocked in China, mostly are Chinese contents. Lots, lots of them are Taiwan and Hong Kong newspapers news site, or even Taiwan companies or not so news current affairs sites, simply because they are not so much about your point of view, especially in English. That's only very specific small group of people can read it. But it's the potential impact of that information and content, so the real blocking is done on the Chinese language level.

Cochair REINSCH. Thank you. Mr. D'Amato.

Chairman D'AMATO. Thank you, Commissioner Reinsch. This is a question for Mr. Berman. Last year or the year before, the BBG received about a million dollars, fiscal year 2004. It was an amendment that Senator Kohl from Wisconsin offered that we worked with him based on information that we had gotten from some firms in the Silicon Valley as to their ability to break through the Chinese firewall.

And so wanted to test that and to provide your organization with some resources. Can you characterize the results of that program and whether it can be expanded effectively with further funding? You mentioned something about ideas for future research. Maybe some of those ideas bear on this ability of more sophisticated technologies to break through their firewall.

Mr. BERMAN. Let me try to answer that in the time limit I've been given here. We've over the past year, I think have used the funds very productively. The majority go to the e-mail activity, e-mail and proxy, which you might say is now a standard daily, seven days a week, pushing out the e-mails. It's successful, but the way to increase it is only at this point by adding more e-mail addresses and having more sophisticated proxy jumping.

We've had some failures, but in a sense that was successful research. One of the quirkiest things we did was sign up as a user in a multi-user online game, the most popular in China which is called Lineage, and we'd have characters roaming through the virtual countryside with proxy information. For instance, if you're interested in getting uncensored information, try this link, and, of course, the characters would move around the countryside and other characters would kill them, and they'd have to be brought back to life, and it taught us something. It was \$50 worth of credit card charges and it taught us that most of the people who play multi-user user games are into the game and have no political interest or anything else. They're probably 15 years old.

So we also did a fairly interesting study on text messaging.

As you know, there are more cell phone users, 300 million, in China than there are citizens in the United States. We feel that's a great area of growth. However, at the current state of technology, as we understand it, by using in-country resources, as well as Australian consultants who are telecom experts in China, we looked at the carriers there. We realized that, unlike the Internet which is very spongy and allows multiple ways, text messaging goes through portals that are owned by the cell phone companies just like

Verizon. If messages are coming faster than a human can produce them, they know that it's an automated machine generation.

It goes through a single narrow little hole in which every word can be looked at. So we feel that at the moment, that's not useful. However, we do believe that with additional funding, looking at how cell phones are now taking multi-media content, not just simple text messages, wouldn't it be nice if we could stream video and audio content through cell phones. Of course, that gives us a little more freedom than just 160 character text message, and the final thing we're looking at is instant messaging. Buddy lists—these are very popular. People use them in real time. To enter that dialogue of instant messaging would be useful for engaging in message distribution. Those are some of the things we've done, and in some cases successful and others not, and some of the things we look forward to doing.

Chairman D'AMATO. Thank you. Let me just follow up with a quick followup question on the proxy servers. I'm not sure about the technology but our understanding was that the more servers you put on line, the more users you can reach via these techniques in China. Therefore, it's somewhat resource dependent and therefore the opportunity for additional resources and additional servers to get to additional users might be productive; is that correct?

Mr. BERMAN. That is correct. There was an idea that was floated three years ago called Triangle Boy, which was a clever idea, but it required individuals to be running a certain piece of software on their computers. The idea that we wanted to do was come up with a thousand to 10,000 virtual Triangle Boy, having it all being run on larger computers or these days computers that could just handle multiprocessing. That is something we didn't do—we have a handful of proxy sites that may change their addresses, but yet they're still individual boxes. That's the kind of area that could use growth and could be scalable, yes.

Chairman D'AMATO. Thank you.

Cochair REINSCH. Thank you. Mr. Donnelly.

Commissioner DONNELLY. Thank you, Mr. Chairman. Just a couple of quick questions all revolving around this cat and mouse game metaphor. First of all, I would like to have some sense of how fast this game is being played, how long does it take for kenberman.com to go down? Is it measured in hours, days?

Mr. BERMAN. 24 to 48 hours.

Commissioner DONNELLY. So your news cycle, if you put something up kenberman.com—by the time you're ready to refresh, put out the next day's news, you've got to find a new place to?

Mr. BERMAN. In essence, yes. Once we propagated that, as the content was examined, as the people were looking at the traffic patterns through there, it would probably be in two to three days blocked.

Commissioner DONNELLY. Secondly, to everybody, if you would comment on Dr. Xiao's characterization of offensive element of the government's Internet strategy in the sense of shaping domestic political thought. Also one of the questions I asked the OpenNet folks—do we see info war-like attacks on our sites outside China proper?

Dr. MULVENON. Commissioner, one of the things that I mentioned in my testimony but was explicated in much greater detail in *You've Got Dissent* was I think that that's the first time in public print that we actually followed a case of Chinese hacking or hacking from a China origin IP address that was done against Falung Gong web sites in the United States, Australia, Canada and the UK.

Through some open source/all source sleuthing which meant a lot of walking around in Beijing and using other sources, we're definitively able to link that attack to the Chinese Ministry of Public Security's Third Research Institute, which is the institute that they have that does computer network security.

Now, on the other side of my job, I've done probably more than a thousand intrusion forensics analyses of China origin attacks against Department of Defense computers and other things. And because of the nature of the Internet, we've never, barring some other very clever all source information, never been able to definitively link any of those attacks to the Chinese government.

There's always a question, what we call the Tarzana, California problem, is that the Chinese government that's hacking you or is it a kid in Tarzana, California who's spoofing off of a Chinese web site back into the Department of Defense who is attacking you?

But in this one case, we were actually able to link because of the clumsiness of the Ministry of Public Security, and I think it was directly linked to their embarrassment about the April '99 protest of Falung Gong supporters outside of Zhongnanhai, which apparently took the leadership by surprise.

We have seen now since '98, in particular, that overseas hacking by patriotic hacker groups with somewhat shadowy affiliations with the Chinese government or at least the Chinese government feels it has the ability to shape the behavior of those groups has now become a permanent feature of all foreign offense policy crises that we've had with China as well as the Taiwanese and the Japanese. That we now expect and the department expects that every single time there's one of these crises, there's going to be a patriotic hacker explosion that comes out of it.

Commissioner DONNELLY. Is this something that is ongoing? Obviously in the crises, but is there a steady state everyday periodic, even if it's probing attacks, if I can use the military metaphor?

Dr. MULVENON. Right. There certainly are, and what we also have been looking at fairly closely from data from the Taiwan side is that during one of these periods, largely of what they call "script kiddies" who are just defacing web pages, your mother, no, your mother, no, your mother kind of stuff. That underneath it there is evidence of more sophisticated attacks that exploit that noise, if you will, against servers that don't even have web sites, military servers, other servers, that suggests that, in fact, the security apparatus in China is taking advantage of the digital joyriding by the patriotic hackers to be able to do much more sophisticated computer network exploit for national security reasons.

Commissioner DONNELLY. If somebody could indulge me ten more seconds, what's the legal status of an American server or web site? In either international law or do we know—is that an attack on the sovereign cyber-territory of the United States?

Dr. MULVENON. It's usually treated in more of a commercial vein, but, when you look at the 1986 Computer Fraud and Abuse Act that provides a lot of the legal vehicle you would use to be able to then respond to the Chinese side, but mainly our responses to this point have been demarches.

Commissioner DONNELLY. Thanks.

Cochair REINSCH. Thank you. Mr. Mulloy.

Commissioner MULLOY. Earlier today we had testimony that when the business community wanted to get PNTR, they didn't say because we want to do business with China. They talked about other things that were good for America, and that we would by economic engagement change the Chinese political social culture to make it a more democratic, more open society, and that was part of selling PNTR and economic engagement.

Now, economic engagement if you just look at the trade deficit is costing us a lot of money a year, transfer of wealth, \$162 billion last year. I'm wondering, are we getting what we paid for or do you sense that we're getting economic engagement and not getting the other part of it?

Mr. Berman and then we can go right across.

Mr. BERMAN. I think that the economics are on one side, but when you're dealing with information, like we're trying to pass to the citizens in China, it's more of a rice bowl issue. It doesn't matter how much about economic information. If we're giving information or I should say if the language services, Voice of America, Radio Free Asia, are giving information on a mine accident, a labor strike, corruption trial, things that the people of their own country don't have access to, it seems to go beyond any exchange of funds, technology, textiles, electronics. It goes right into the heart of the *raison d'être* for the regime, and that seems to be beyond any kind of economic consideration; thus, the funds that seem unlimited, that the Chinese government are putting forward to block any kind of information that is detrimental to the regime.

Dr. MULVENON. Sir, really I think it depends on your goal. I think that economic engagement and trade with China despite the costs that you cite is clearly and demonstrably fundamentally altering Chinese society. It's altering the Chinese political system. All of the new forces that are being unleashed by this economic modernization are forcing the government and the party to change the way they do business, and I think that's the essence of this theory of three represents is that the party is recognizing that in order to stay in power, it simply can't sharpen the bayonets, that it needs to be more inclusive, and it needs to be in new voices.

Now, if your goal for economic engagement is regime change, in fact, that may not, in fact, happen, because in fact the regime has proven remarkably nimble in responding to many of these trends, but we may fundamentally change the regime over time, and I think that the revolutionary model is largely done and that people are looking at the experiences of countries like Korea and Taiwan, which is a perfect example of how a Chinese Leninist party through economic development can modernize and democratize into a multi-party democratic system, and I think perhaps that's one of the things that irritates them most about the Taiwan example be-

cause it sort of shows them a vision of a future that they're not terribly comfortable with.

Commissioner MULLOY. Mr. Smyth.

Mr. SMYTH. Thank you. I don't have an absolute answer to your question, but clearly the economic boom in China has given media new opportunities and the competition now among private media or increasingly privatized media in China is leading to a lot more aggressive reporting. And I think what you're starting to see is an extremely dynamic climate now in China between the Chinese government's attempts to control the flow of information and this burgeoning media that's rising as part of the economic boom, and I think it's starting to come to a head.

So I don't have an absolute, but certainly it's an extremely dynamic situation. The only other country that I can think of that has that kind of ongoing tension and has for a while is Iran.

Mr. XIAO. Your question, of course, also depends on the time scale, if we are looking at four years, ten years, 20 years, 50 years in the situation in China. In a short term, certainly, in the ten years, when I say five to ten years. The current Chinese regime seems like adopt a lot of changes and using the economic development and including the new technologies to strengthen its own position, and as I described it, it still effectively controls the situation.

But in a longer term, I do not believe those people in power in China have confidence. Just look at their children, where their money is being deposited, not within China. It shows where their confidence is. Let's not simply look at the Internet with China as information zero sum, a war metaphor, which is very important, which to some degree it's a very important perspective. But let's look at a few other perspectives to sort of give us a little fuller picture of this.

Chinese nationalism, I believe this panel is interested in looking into it. Internet has brought a much richer information in great areas in China for the ordinary Chinese netizens, including different perspective of looking at the world; people studying in the United States can write about what they learned to their fellow students in China, but overall, if I share my observation analysis, the image of Chinese young generation by the United States has not changed in the sense of changed fundamentally different than what the government wants them to be or wants them to know.

If it's anything else, the Chinese government is still more sophisticatedly but not so much less influential to formulate, to form, to shape that public image and opinion among the Chinese particularly young people, even with the Internet. And looking into this, even when there is other information available, people look for what they want to look for, people believe what they want to believe.

Even there is all kinds of alternative information there or there are certain ways you can get to it. Most Chinese people believe the bombing of the Chinese Embassy in Belgrade is intentional.

You have to look much deeper in the social political cultural forces that are working in Chinese society. What the Chinese are being brought up in their schools, in their general environment, you want to look at the Chinese government desperately looking for

the legitimacy into the general nationalism, the moral legitimacy. So they are really encouraging it.

You want to look into China in the context of globalization and with the cultural exchanges, everything. Chinese people are desperately seeking for identity and they're leaning to nationalism themselves. And all these factors are working that it's not just simply technology or providing alternative information sufficient to do that job.

Commissioner MULLOY. Thank you.

Cochair REINSCH. Thank you. Dr. Dreyer.

Cochair DREYER. I have two questions, both of them relating to Voice of America. The first one is that every so often I do one of the call-in programs for the Voice of America. The format involves one going to the studio in Washington. People call in from various parts of China and ask questions. Both times I've done these programs have been on provocative topics. The more recent one in Sino-Japanese relations and the earlier one on cross-Strait relations. In the Japanese one, I presented what I thought was the Japanese view of what was going on, so I expected irate patriots to call from various parts of China and berate me severely.

In fact, what I got were very judicious and reasoned and neutral kinds of questions. If VOA is being blocked and people are being visited by the Gong'anbu, the public security people, because of what they say, who are these callers and how do they manage to get through?

Mr. BERMAN. I'm going to ask Mr. Baum, head of our Mandarin Service at VOA to respond to that.

Mr. WILLIAM BAUM. Thank you for asking the question. I think we have a very broad audience based on our independent audience surveys that are conducted for both VOA and RFA and the other broadcasting entities by the Intermedia Company, and they show that all kinds of people listen and watch our programs, and while—

Cochair DREYER. So they're not blocked?

Mr. WILLIAM BAUM. Well, they are blocked but shortwave, in particular, is very difficult to block throughout the entire country. And while the PRC has invested a tremendous amount of funding into buying transmitters, particularly from Thales in France and other international broadcasting companies. They are setting those broadcasts, those jamming transmitters up, mostly in urban areas. For example, for the VOA Tibetan Service, if you go to Lhasa, it is just about impossible to listen to VOA and I suspect that RFA is the same way, but throughout the plain of Tibet, it's a massive territory and we get through to a lot of people and sometimes people in Beijing can hear us crystal clear, and other times it is severely jammed and so there do also tend to be certain times when the jamming is intensified and other times when it is perhaps less so.

For the television broadcasts that we're sending up on currently three different satellite transponders, that cover all of Asia, we really have difficulty measuring how it's being picked up as far as any scientific information. We do know that approximately two to three percent of Chinese have access to satellite television, and we know that we get a lot of feedback from them, and they tell us how

they're listening or watching the program, and sometimes we even have thinktanks, for example, People's Liberation Army thinktanks and other government organizations see our programs and they come back and they ask us for tapes of them, which we are very happy to mail to them of course.

But we do get in, but I think our audience would be exponentially larger if we were not jammed, and I think the same applies for the RFA and the BBC.

Cochair DREYER. As far as you know, then, these people who ask these very reasonable and not terribly Chinese chauvinist comments, do not get visited by public security?

Mr. WILLIAM BAUM. There is a public security broadcasting regulation that prohibits correspondence with enemy broadcasters. I think that's the exact term they use, enemy broadcasters. And, yes, we have had people who have written us letters, who have been arrested and prosecuted, but it seems to be rare. They only do it I think they pick out particular cases. When they want to get you, they can get you, but they're not normally out to get people like that.

However, it is intimidating. And we have people who hundreds and hundreds of people who call in to us, and you will frequently hear the sound of street noises behind them because they're calling from public telephones.

Cochair DREYER. Thank you. I assume that I don't have time for the second question?

Cochair REINSCH. Go ahead.

Cochair DREYER. Thank you. Mr. Berman, would you expand a little on this wonderful game, you called it Lineage, I believe?

Mr. BERMAN. Lineage, yes, that's correct.

Cochair DREYER. How does it work? You mentioned a credit card charge of \$50. For the average Chinese that's a lot of money, and particularly a lot if you're a 15-year-old.

Mr. BERMAN. Well, those were just the charges from our office in order to gain access to the game. But gaming is actually one of the most popular forms of use of the Internet in China, especially if you go into the Internet cafes, and we've always looked at, when we first started this program, ah, Internet cafes, if we can introduce proxies and interesting clever little solutions. Well, our staff goes to the Internet cafes, and they are 15-year-olds playing multi-user games online in which it's Dungeons and Dragons or they're Vikings or medieval Chinese fighting dragons and things like that.

So we said to ourselves, well, that's not necessarily in the Internet cafe's control, and especially since, as has been discussed earlier, most content is highly filtered, so we said is there some way that we can we enter the multi-user games as characters? And anybody can if you pay the fee and it's nominal. When I said \$50, that might have given us three months' worth of access. It was just a small amount of U.S. credit card charges. There it's much less. I think it is the most popular game in Korea.

At any one time when you look at the statistics for worldwide, I believe there's over a million people simultaneously playing this game. They have servers, several, ten servers or so in China, there's 20 servers in Korea, South Korea, and I believe there's others in Japan and Taiwan, so it's a very popular game. So we en-

tered the Chinese space, the game space, and wandered around with our harmless little character. We didn't have a lot of charms and protectiveness and we'd engage people as they're standing around the campfire and said, there's ways, if you're looking for uncensored free information and we didn't say where we were from.

Cochair DREYER. Ah.

Mr. BERMAN. So we would continue moving through the country. Whereupon, some of the characters were struck down, but through the magic of games, they could resurrect themselves and that went on for a while. We wrote some scripts because if characters just do the same thing, they become suspect in the game manager's mind, so these characters would be scripted to walk around and do various things and take various actions, not necessarily offensive, but occasionally taking out their sword to show that they weren't total pansies. This went on for a while and it was fun for a while, but we looked at the proxy traffic that resulted from that, and we didn't really see anything meaningful, and said you win some, you lose some. It was certainly worth looking at as another way to approach the Chinese population.

Cochair DREYER. And of course, those 15-year-olds could possibly grow up to be cantankerous dissident 21-year-olds; right?

Mr. BERMAN. Yes, they do.

Cochair DREYER. Thank you.

Cochair REINSCH. Ms. Bartholomew, you had one more question?

Commissioner BARTHOLOMEW. Yes, first a comment and then a question. Dr. Mulvenon, given some of the things that we heard this morning it's always interesting to hear that people see change happening or that change can happen. I guess there is a tension between what Xiao was saying about timeframe and what you are saying about change happening because it seems that with more sophisticated filters coming online, Dr. Link mentioned more subtle, invisible controls, the change that seems to be happening is that the Chinese government is getting a whole lot better at its PR campaign focused outwards, not a willingness to open inside.

So putting regime change or anything aside, do you think that things are getting more open on the part of the Chinese government?

Dr. MULVENON. Let's divide it up into categories. Are they improving governance? Can they improve governance in an authoritarian framework that doesn't have anything to do with allowing any further democratization of their system? There are areas where I would argue the Chinese government has improved its governance of China in terms of the quality and the responsiveness, and this has been as much a function of the pressure placed by thousands of new and interesting NGOs in the system particularly things on environmental issues, although obviously there was a piece in the paper in the other day about 50,000 people gathering because they were upset because the chemical factories upstream were dumping, were killing all their crops and the public security apparatus went in there and started cracking skulls.

But I have the same view of the timeframe, by the way, that Xiao has, which is that I was merely trying to contrast what might be seen by some Internet evangelists as the revolutionary model of the Internet where the Internet leads to "tulip" and "orange" and



every other possible color and flower of revolutions around the world. I think what we're seeing in China is actually much more of the gradual 30 to 40 year processes that we saw in Korea and Taiwan, where the development of a middle class, particularly in urban areas, who began to ask themselves the question of why don't I enjoy the same autonomy in my personal political sphere that I do in my personal economic sphere?

By definition, the government has a choice of either becoming more responsive to those new voices or hardening their hearing to those voices to their peril. I would think that given the level of apathy that I have found largely in my personal interactions over the last couple of years with young Chinese about that revolutionary model, the belief that economic growth over time will improve, will rise the sea for all boats, that we have to think about how the Internet plays in that kind of a scenario rather than the evangelist revolution scenario. In that kind of a scenario, the Internet could be used by the government in an e-government framework, as Taylor Boas and other people have written about, to actually improve the ability of the system to govern the country, and so we're faced with that potential future.

Now, China's problems are so huge, any one of which could bring most governments to their knees, all of them together seem colossal and of an unbelievable scale. Those problems by themselves are probably a greater threat to the Chinese government than the Internet is.

Commissioner BARTHOLOMEW. If we talk about the 30 to 40 year timeframe, it's interesting to me because, of course, in about 1990 we started hearing the argument that economic reform would lead to political reform in China. We're now 15 years out. We're halfway through that 30 to 40 year span. Unless things start moving quickly, it's very difficult to believe that that change is going to happen. Of course, it's something that only time will tell.

Xiao, you have a comment?

Mr. XIAO. A quick comment I want to add on one specific observation on how the Internet actually does help opening up the Chinese society despite all the other control measures. And it goes resonant with the earlier panelists saying how to empower or nurture the sprouts route. Internet, unlike any other media, particularly fostering a specific community of the people, what I call knowledge transferring people in China, we're talking hundreds or thousands of them, they are technologists, they are journalists, they are lawyers, most of them are reading English. Despite all the Internet censorship, they can directly read in English not so much politically sensitive materials, but latest technology, latest cultural, latest social, legal and international issues, and in a much more gray and softer area. They transfer those concepts directly into Chinese cyberspace, bypass official media and the government agenda. We are talking about bloggers. We are talking about those BBS. I see them working day-by-day. Most of them don't get paid, but they are incredibly effective in the knowledge diffusion from English cyberspace to Chinese cyberspace.

We're now talking about inventing a centralized, new technology breaking the censorship by U.S. Government funding, even though that's important, we're talking about there is blogging, the web-

casting. There is voice over IP and all kinds of new technology interventions on Internet immediately being adopted and translated into the Chinese use and applied to their own use. That is a new phenomenon. Only Internet makes it possible, and I think we should encourage that in any way we can.

Cochair REINSCH. Just a comment first, and then I'm going to yield to Mr. D'Amato for one question, and then I have one question, but I can't resist observing that we may be in the middle of a 30-year process, but I for one assume that the progress of the first 15 years has been zero. I think things today are somewhat different. They certainly aren't acceptable or adequate, but I would hardly say that things today are the same as they were in 1980 or 1990. I guess that's 15 years.

In any event, enough editorial. Mr. D'Amato.

Chairman D'AMATO. Yes, thank you, Commissioner Reinsch. What we're worried about is the creation of a new model that takes the Singaporean system one level up. That's what we're worried about, that they're successfully creating a bifurcated economic and political system. Under those circumstances, my question has to do with American technologies.

I've been handed a piece of paper that describes something called the Golden Shield project which looks like Big Brother personified at another level up for surveillance which would require, I would assume, American technologies. I'm not sure that that's the case.

My question is are American technologies going to be needed for continuing and upgrading the monitoring capacity of the Chinese government or have they gotten to the point where they have begun to innovate in a way that they can start taking over this job themselves and American technologies and companies are no longer going to be needed? Anybody?

Dr. MULVENON. I just would make a couple of observations on that point. I think there are a number of urban legends on this point that have been floating around, and while I find the Golden Shield paper and anything in Ethan Gutmann's book have interesting facts in them, and certainly things that I didn't know about, there was an argument that's been made, for instance, that Cisco designed a custom box for China that has certain features that they installed on there that you wouldn't find on a normal Cisco box that allows them to censor the Internet.

Perhaps I have the unique case of having spent the last three weeks configuring the Cisco PIX firewall for my new office on Connecticut Avenue, but every piece of functionality, and this is a compliment to Cisco, every piece of functionality that we ascribe to the Chinese Great Firewall, it comes in the box of this Cisco firewall that you buy at Staples.

That is a testament to the way they've designed the PIX, but there is nothing that we've seen in the very deep technical studies that we've done of the Chinese firewall that suggests that, in fact, Cisco did anything other than to configure those boxes for local conditions, and we've done very serious technical analyses of the actual Cisco boxes that sit in the Chinese firewall in DMZ.

They've configured them in an interesting way, but there wasn't the kind of conspiracy that was certainly suggested by some of the reporting. I would say that on your second question that, in fact,

some of the Chinese companies that we've spent a great deal of time looking at, principally companies like Huawei are definitely at a level of sophistication right now, and the Chinese apparatus has a sufficient level of confidence in their quality of their systems that we're seeing more and more of those systems being deployed and less and less dependence on American technology because of an almost ubiquitous belief that Xiao and other people, I'm sure, have seen on the Chinese net and among Chinese military commentators, that every single piece of hardware and software that's exported from the United States to China, by virtue of being exported has to be backdoored and trojaned by the National Security Agency before it's allowed to be there, which has led over the last ten years to a ferocious push for basically import substitution industrialization of a computer hardware industry like Huawei and other companies and increasingly I would argue there's much less premium on having to buy the American technology because of the quality of the equipment you can buy indigenously.

Chairman D'AMATO. Yes.

Mr. XIAO. Quickly, to sort of complement information on that. I have looked in my research into where is the technology coming from? At the national level, when the public security or state security requires surveillance and monitoring equipment, they actually exclusively give contract to the Chinese companies. Because of national security reasons, because of market reasons, because Chinese government takes information security as such a priority, it has an infinite budget to it.

And for a lot of Chinese companies, that's a great way to do business with the government and the government only trusts those Chinese companies. However, those Chinese companies, where is their technology really coming from? It's coming from the United States. They're trained in the United States; they worked in the United States. They have a lot of business ties in the United States. If they want to upgrade their technology, but they are buffering between. Also, they get all the money from the government.

Mr. BERMAN. I'll add one more interesting aspect to that. The company Cisco had made an agreement with Huawei that Dr. Mulvenon referred to, Huawei being a Chinese company that was manufacturing servers and router equipment.

Huawei took that technology and then started using it and deploying it under their own name and they consequently had a lawsuit filed against them by Cisco. So Cisco it turns out was a victim themselves of the lack of intellectual property rights there. I think that has since been settled.

But they have spent a tremendous amount of funds developing their own internal researchers and these days it seems, considering our cell phones and just about every other electronic item from the fabrication plant that produces a semiconductor to the assembly is produced in China, there is no doubt that for the kind of technology we're talking about, which is not that complicated to filter Internet addresses and names, it becomes a matter of size and speed to handle the amount of traffic and that kind of research is needed to handle normal traffic as well.

So the indigenous ability to come up with their own filtering equipment is definitely there.

Cochair REINSCH. Yes, thank you. For somebody who has been saying some of the same things for several years, I'm glad to have them on the record. I have just one question, and then we're going to have to close this panel off because we're a couple minutes over.

Dr. Mulvenon, you said something very interesting in your original testimony, which was that you thought the Chinese were more focused on their ability to control the Internet when it's being used as an organizational tool as opposed, I guess, to an informational tool, if that's the proper distinction.

Is that harder or easier to do? Or is there no difference from a control perspective?

Dr. MULVENON. Well, I think it recognizes the reality that controlling content is impossible. That the imagination of people who are looking to push new and innovative content and the ability of people even in Chinese chat rooms that I sit in to find clever ways to spell or to do clever rhymes on Jiang Zemin's name so that they can talk about it outpaces the ability of the security apparatus to keep up with that.

However, on the organization side, possession is nine-tenths of the law, and the fact that they have the ground helps a great deal, and to a certain extent in the virtual community, there comes a point where no matter how much interaction you have online, there's a certain level, particularly when you're outside the group of people that you know personally, there's a certain level of trust that has to go there, and as Xiao would tell you, a lot of Chinese democracy chat rooms in the United States, about a third of the content is you're a ministry of state security agent; no, you're a ministry of state security agent; no, you're——

So there's definitely a lack of trust there that comes from the kinds of provocateurs in there, so at a certain point, in any digital community, there's a sense that you have to show the body, that you actually have to make physical contact in order to be able to advance your agenda, because otherwise a digital user at the end of the day is sitting in their apartment alone.

In that case, the security apparatus in my view has the advantage because they can kick in the door at four o'clock in the morning and seize the hard drive, and if they have as many messages backed up in their in box as I have in mine, the paper trail for subversion is there, and it's clear, and, at the end of the day, you can let the information content slip by. You obviously don't want to let it aggregate into a critical mass where people feel the need to then take what they were discussing or agitating about online and take it out on the street.

A perfect example of the kinds of things we've seen in the last week or so with the anti-Japanese sentiments, how things were mobilized online, but when the government really got concerned was when the people showed up on the streets and started shelling the Japanese Ambassador's residence and the diplomatic quarter. That's frankly where the strength of the security apparatus is and they showed it quite clearly when they want to. Of course, in that case, they just let it go because they're trying to steam valve.

Cochair REINSCH. Thank you very much for a very enlightening panel. Let's move on to Dr. Friedman and Dr. Yu.  
[Recess.]

**PANEL III: CHINESE NATIONALISM AND ITS  
IMPLICATIONS FOR U.S.-CHINA RELATIONS**

Cochair REINSCH. Let's reconvene. Welcome, Dr. Friedman and Dr. Yu. We'll have you testify in that order. As I said initially, your full statement will be in the record, so if you can provide us with your seven minute oral statement, that would be great. Dr. Friedman.

**STATEMENT OF EDWARD FRIEDMAN  
HAWKINS CHAIR PROFESSOR OF POLITICAL SCIENCE  
UNIVERSITY OF WISCONSIN, MADISON**

Dr. FRIEDMAN. Thank you, Commissioner Reinsch. In my testimony, I try to explain why I am totally in favor of a policy of all out engagement with China. But it's not because I think that an engagement policy can bring about democratization in China.

What it can do are two things. First of all, it can help Chinese life improve. For example, because of their nationalism, Chinese actually are embarrassed about torture, physical abuse and capital punishment against innocent people. So working with lawyers in China can save lives. It doesn't produce democracy. It saves lives. It's worth cooperating with Chinese in those kinds of things.

Village self-government is not going to bring democracy. It's not meant to bring democracy. It reduces brutal corruption. That's a good thing. It doesn't hurt America to be cooperating with the Chinese on the side of good things even if they don't bring democracy. The difficulty with trying to do things in China which will further democracy is not merely that the regime is going to stop you. The Chinese regime has the means to stop America because of China's rising economy. Unless America can join with other nations all over the world, unless America acts in a non-unilateral way, unless America is not a bull in a china shop, the attempt to push China toward democracy cannot win.

If China's rulers playoff Airbus and Boeing, and Nokia and Motorola on information technology or whatever else, they'll be able to play you off on democracy promotion. It is very important to approach things of this sort in a multilateral way and to work much harder at them behind the scenes. The real coalition building which would have an impact on democratizing China would be if the Asian democracies could join together to promote human rights in Burma, North Korea, etcetera. Chinese nationalism sees China as the natural leader of Asia. An experience of China, if there were Asian human rights and democracy groups, in which China was clearly the odd nation out because it wasn't democratic, and it is in fact the odd nation out because it isn't democratic, would make Chinese leaders see they can't be a legitimate world leader in Asia without democratizing.

The majority of Asians who do not live in democracies live in China. Most Asians live in democracies. Three of the four most populous democracies in the world are Asian. So Chinese nation-

alism could in some significant ways play on the side of democracy if the Asian democracies were able to have these kinds of multilateral approaches to it.

It's obvious from the testimony you've heard today that the Chinese government's attempt to stop democratization has an international impact. It reduces prospects for democracy in its region and the world. I don't think we fight enough back against China's war on democracy tit for tat. It is wonderful when journalist groups spotlight human rights abuses in China. I think the loss of dignity for the Chinese government when its inhumanities are publicized makes it less likely that some other person will get abused in the future. But it's a disgrace that nothing was done by the U.S. Government when Perry Link was banned from China. Something should be done.

I can't see why we don't have a way in which some highly placed Chinese academic who has to come to the United States to study American foreign policy and needs that access for his career isn't similarly excluded from the United States. I hope this Commission will speak up. When America takes China's human rights abuses seriously, and we don't take them seriously enough, putting a chilling effect on other American academics to speak openly on behalf of democracy as you suggested earlier, then our ability to have an honest and honorable discussion about China in America loses out.

The Chinese Communist Party regime's number one enemy, please remember, is democratization. It fears what that does to the regime. It works to stop democratization all around its region. I do not believe a middle class growth in China creates democracy. Karl Marx thought that, but not me. Political democracy will come out of political struggles in political arenas. It requires struggle and effort.

Much of Chinese political behavior is channeled by how nationalism is framed in China. Let me try to make a quick introduction to nationalism in two frames: popular nationalism, what goes on in the stomachs of politically conscious Chinese, and nationalism as a tool of the ruling party.

What goes on in the stomach of Chinese in terms of their patriotic passion is very sincere and very deeply felt and is also very volatile. It's what Chinese would call a fever. One must remember that in the late Mao period, Chinese all learned that the new czars in Russia had stolen more of their territory, in the north than any other nation. Chinese learned to hate the Russians. They volunteered to go to the Northern frontier to stop the new czars and defend the country, but then, in the post-Mao era, the ruling party changed policy. It courted Russia. Nobody in China now is full of hate for Russia. The regime shapes the context of Chinese nationalism.

The regime has tremendous maneuverability, despite people who will tell you that if Beijing did not do X, Y or Z, say, incorporate Taiwan, the regime falls. You will notice that when ruling groups made good relations with the Russians a priority, despite all the anti-Russian hate the Chinese people had been taught, the regime did not fall.

Most of the conversation today has been about information that the Chinese government blocked. Please remember what the rulers don't block. They do not block chauvinist messages of hate against those regimes and peoples whom the regime says it's all right to hate. Today, that means America, Japan and Taiwan. That often leads on to a lot of racism too. As I'm sure you know, Secretary State Rice was greeted in very impolite ways in the Chinese e-mail world.

In addition, there is within the Chinese populace a great deal of fear. The regime plays to these fears. It tells families that if your kids go into unregulated Internet cafes they'll get pornography, they'll get gambling, they won't be good students. Their lives will be ruined. Let us manage and control information access and we will save your children for you.

This tactic works. It is very successful. I've been in ordinary middle class homes and the families very grateful for the regime protecting the family. So when I see this combination of Chinese chauvinism and conservatism at work, indeed, growing stronger, I don't see marketization producing any natural evolution to democracy. But I can imagine, as I'll get to at the end, a regime rupture which some day might lead on to democracy.

Nationalism is an instrument of the CCP's dictatorship. Even before this regime was in power, it very self-consciously used nationalism to trump democracy. Let me tell you one story. In 1948, if I remember right, there was a campaign by the Chinese Communist Party, which was not yet in power, against an American GI, who may have carried out a rape against a student in Beijing. The case never went to court. So I have no idea if the charge was true or false. The CCP campaign was huge. The attempt was to discredit American democracy.

Mao was very conscious at that time that democracy was actually very popular among China's intellectual elite. To discredit democracy, the CCP would discredit America. The words often come together, "American democracy," and you discredit one to delegitimize the other.

At the same time that that one potential rape case with an American GI was massively condemned, the Russian Red Army was in northeast China raping massively at will as it came. It did the same in Eastern Europe, Central Europe, and North Korea. This confronted the CCP with a problem. How should they handle massive rapes or Chinese by the CCP's Russian comrades CCP journalists debated. Well, it was suggested they could say that the rapists thought their victims were Japanese women. Russian just couldn't distinguish Japanese from Chinese. It was somehow okay if the victims of violence were Japanese women. Another view was to say the Russian Communists ran out of good Reds because they were all fighting and dying against Hitler. So these were people from the gulag who were really counter-revolutionaries and who therefore were trying to discredit the Communist Party by raping Chinese women.

The CCP basically maintained silence on the massive raping of Chinese by the Russian comrades. The CCP campaign focused instead on the one possible case of an American. The CCP was not thinking about protecting the Chinese people. It was protecting its

dictatorship and trying to discredit democracy by attacking America. Protecting the CCP dictatorship remains the major purpose that nationalism serves to this day. The content or target of the nationalism, however, changes. As I just said, previously Chinese learned to hate the Russians. Now they target Taiwan, Japan, the United States. Why? In the late Mao period, the goal was for China to become the leader of the world revolutionary camp. That was Mao's idea of national glory, leader of the world revolutionary camp. The only challenger was Moscow. So the CCP had to discredit Moscow.

Now, the goal of a return to Chinese glory is to be the dominant force in Asia. Who is the potential challenger? First and foremost, a Japan tied to America and Taiwan. The Chinese kids in the streets bashing Japanese in racist ways in April 2005 may be passionately sincere, but the regime has instrumental purposes. The regime has a lot of room for maneuvering, turning things on and turning things off, as with hatred for Russia, Japan or America at different times, depending on CCP purposes and priorities.

One final point about Chinese nationalism. Where does it all come from? The way the Chinese regime tells its story, Chinese are supposed to see eternal truth about their nationalist story. It's actually a very recently made-up story and it has very little to do with real Chinese history. The made-up story is that Qin Shi Huangdi, in 221 BCE unified China. Ever since then, this has been the national goal of all patriots to keep China so China can be glorious, a major force in the world.

The actual truth is that when the Ming dynasty fell in the 17th century, the Sinified areas were pretty small. Most of what is called China today is actually the result of recent imperialist expansion by the gunpowder Empire of the Qing dynasty. It's very, very recent. The territory was expanded in the same brutal and cruel way that all other imperialist powers expanded.

In nationalism of the CCP regime, the modern world, that is the capitalist world, came to China with the Opium War in 1839–40. Capitalist imperialism began China's decline. Since in the modern world, Chinese have always been a victim, the Chinese people do not see how today's largely expanded and Sinified territory is the result of expansionism and brutality. They know nothing about the actual history of China. The Qing empire actually may have been the most successful expansionist empire of the imperialist era. But in Chinese consciousness, the Manchu who ran the Qing were a race in decline, a defeat by imperialism which hurt we Han people. Fortunately we Han people are now in power and restoring China to greatness.

And the Chinese people believe this narrative. They believe that Taiwan, as understood in this mythic history, has always been part of China, just like everything else since we Chinese were unified since the ancient Qino. Everything, including Taiwan, has always been part of China. By the way, dinosaur bones found in Taiwan are identified in Chinese writings as Chinese dinosaurs because even the dinosaurs must have come from China.

Taiwan actually was never a serious part of Chinese nationalism until 1942–43. The turning point is the United States entering the war against Japan created the prospect that an invading Japan



could be defeated and Chinese could then get Taiwan. So, ever since 1942–43, Taiwan has been taken to part of China.

But Mao grew up in a period when patriots didn't care about Taiwan. There is by the 21st century a changed view. Taiwan became much more important in Chinese nationalist consciousness after 1989–91 when the CCP leadership suffered the traumas of the democracy movement in China and the democratization of much of the former Soviet empire. Taiwan democratized in 1988, to the traumatized CCP, after 1988–91, Taiwan was seen as part of this global American plot to subvert the Chinese Communist Party. So even though the truth was that Taiwan from 1988–1992 was reaching out to China and was not trying to cause any trouble to CCP the regime—in fact, Taiwan's government wouldn't even do much for the democrats in China because Taipei didn't want to cause any trouble for the Chinese Communist Party regime—in Chinese Communist Party consciousness because of its single-most important imperative, staying in power, Taiwan has become part into the CCP's hate-filled narrative as a marker of restoring Chinese unity, fulfilling the nationalist project.

Cochair REINSCH. Could you summarize?

Dr. FRIEDMAN. Yes. I'll make a last point. Some Chinese argue that what I just said has understated the problem. They would say what I've left out, and I'm not sure they are right or wrong, is that in the post-Mao area, Chinese nationalism has been re-historicized, re-mythologized.

Mao's nationalism aimed at a glorious Communist future. Post-Mao nationalism, in contrast, is based on the notion of restoring a glorious Chinese past. And in creating a glorious past, the CCP introduces a Vision of Chineseness going back to the Emperor Yu and the Xiao dynasty and Confucius. The consequence of this narrative is to strengthen a consciousness of Chineseness, Chinese analysts say, which makes a basic distinction between Hua and Yi, between those who have been Sinified, been made civilized Chinese people the Hua, and all others, Yi, who are barbarians.

They say as did ancient emperors, that there cannot be two suns in the heavens. Therefore, everybody else in Asia has to be, if you're going to have a moral world, just as it was back in ancient times, subordinated to this. Chineseness sun of unique ethical leadership. So there are very dangerous tendencies in this new nationalism which presumes that Japan, Asian, et al, must be subordinated to a uniquely moral Chinese leadership.

One last thought. I am optimistic. I see those kids out there in the streets in April 2005 trying to contribute to a better China, however misled. I think they are the children of Chinese households which keep producing idealistic young people who want to do good things for their country and the world. I just can't believe that there won't come a moment when that idealism won't mean latching on to freedom. I just have to have faith in the people of China solving China's problems.

[The statement follows:]

**Prepared Statement of Edward Friedman\***  
**Hawkins Chair Professor of Political Science**  
**University of Wisconsin, Madison**

*Chinese Nationalism and American Policy*

Thank you for this opportunity to introduce the topic of Chinese nationalisms. Please note the plural, nationalisms. There is more than one way to be a patriot. These different approaches produce political conflict. They also call our attention to alternative futures.

My conclusion, drawn from exploring debates within Chinese nationalisms, are (1) post-Mao nationalism is different from Mao era nationalism, (2) the nationalism that the ruling CCP promoted after the extraordinary events of 1989–1991 is not only anti-American but anti-democratic and also sharpens a military sword aimed at the Taiwanese people, and (3) this recent militarization of Chinese nationalism is already being challenged by other notions of patriotism. But that challenge, while facilitating peace for the moment in cross-Strait relations, does not emanate from a nationalistic mind-set that would recognize the legitimacy of Taiwan's separate identity and thereby, as with Russia and Finland or Britain and Ireland, allow for a truly peaceful resolution of and end to China's annexationist posture toward Taiwan, a switch which would help to assure peace, prosperity and pluralism in the Asia-Pacific region.

Many Chinese do not like to be told that they are nationalists. They have been socialized by Marxist-Leninist education to believe that capitalist imperialists are aggressively nationalistic while a victimized proletarian China has patriots who defend the threatened country. Therefore since good Chinese are patriots and bad Americans are nationalists, Chinese tend to hear the claim that Chinese today are ultra-nationalistic as an unjustifiable and malicious accusation by ill-willed people that the CCP-ruled PRC is a threat to its neighbors. They sometimes respond by saying that America is yet more nationalistic, more a threat to China and the world.

In the Mao era, Mao sought to restore Chinese glory and negate the previous "century of humiliations," a political category invented to hide the fact that the Manchu empire (Qing dynasty), which fell only in 1911, actually was one of the most territorially aggrandizing gunpowder empires in human history. Its armies more than doubled the territory that had been previously controlled by the Sincized Ming empire that the non-Han Manchus had replaced in the 17th century. Modern Chinese Han nationalism silently lays claim to the conquered territories of that recent expansionist Manchu empire. It is an imperial nationalism presented in a discourse of anti-imperialism.

In the late Mao era, Chinese students were taught precisely how much territory Czarist Russia had stolen from the Qing dynasty which the Soviet Union had incorporated. It was the sacred duty of the Chinese people to recover land stolen from the Manchu empire. There were even regrets that Soviet Russia had been allowed to turn an independent Mongolia, once part of the Manchu empire, into its dependency. Today, in an era in which Beijing courts Moscow, the CCP is, at least for the moment, silent on these northern territorial revanchist demands. Politics changes and politics decides the contents of the nationalism and the territorial claims thereby legitimated. Nationalism should be understood instrumentally. It serves particular and contestable ruling group interests.

Given the mutability of Chinese nationalism's territorial claims, it should not come as a surprise that the Republic of China (ROC) (and then also the CCP) accepted, from 1911 through 1942, that Taiwan was not part of China, that Taiwanese should fight a national liberation movement against Showa era imperial Japan. Chinese today are not taught about the actual history of Taiwan and its relations with imperial dynasties, the ROC and the CCP. They have no idea how recently invented is the CCP fiction that Taiwan has always been part of China.

Actually it was only after the earth-shaking events of 1989 to 1991, an era going from the rise of a nationwide democracy movement in China that was bloodily suppressed on June 4, 1989 to the August 1991 failed reactionary coup in Moscow (that Beijing supported) which ended the "prison house of nationalities" that had constituted the Czarist Leninist empire, that Chinese rulers became panicked and decided to turn their guns on Taiwan. They were traumatized when ruling Communist parties in east and central Europe and Mongolia were endangered by, what the CCP

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fantasized was, an international democratic onslaught led by the USA, which included subverting and splintering China, beginning with the 1988 democratization of Taiwan. The actual peaceful overtures to China from a Taiwan whose history and identity are quite separate from the CCP's PRC were ignored.

China's rulers responded to the nationalistic fantasies engendered by their political traumas by ordering the construction of missiles to be moved across from Taiwan as part of a military build up to suffocate Taiwan's democratic autonomy. The Chinese people were then socialized to imagine democratization as inducing chaos and decline, supposedly the story of Russia, Yugoslavia, India and even Taiwan, which is portrayed in China in terms of chaos—of crime, corruption, kidnaping, etc. This passionately popular and territorially aggrandizing Chinese nationalism imagines democracy as splitism, as the enemy of China's return to glory, as the enemy of a negating of the "century of humiliations."

Mao era nationalism had also sought Chinese glory. To make China the leader of the international camp of anti-imperialist revolution, Mao intentionally alienated the Soviet Union, India, Vietnam and Mongolia. Post-Mao leaders have abandoned Mao's self-wounding policies and re-interpreted China's nationalism so that this quest for glory allows a normalization of relations with Russia, India and Vietnam. The new nationalism concentrates instead on Taiwan (and Japan and America). The anti-Japan element is poisoned by racialistic hatred, a rising racialism which also negatively impacts Uighur Muslims and Tibetan Buddhists.

Mao's quest for glory, Chinese analysts inform us, actually undermined Chinese security. But today's nationalism, still defines China, which in fact has risen again to be a great power, as somehow still a victim of "a century of humiliations," again placing patriotically shaded eyeglasses on Chinese eyes such that Chinese have a hard time seeing how much they have brought trouble, or can bring trouble, on themselves by policies such as seeking absolute energy security by autarky and amoral realism and by opposing the spread of democracy and human rights.

A similar logic of victimization holds today in China as in the Mao era. Chinese can not see into their political system so as to understand the actual origins of China's militarization of its Taiwan policy. They cannot see how China's 1995–96 military exercises meant to terrorize Taiwan's democratic people actually boosted a separate Taiwan identity and led Asian neighbors to seek America as a balancer to China and led America to move toward military cooperation with Taiwan so as to be better able to respond to China's next armed provocation. Within Chinese nationalism, these defensive responses of others to Chinese offensive actions are understood as American interference meant to obstruct China's return to glory and keep America hegemonic. Given this nationalistic orientation, Chinese leaders feel a self-induced pressure to respond to imagined American-initiated threats, understood as a U.S.-led effort to strangle a just emerging and still fragile Chinese return to glory. This is a potentially dangerous kind of nationalism. It hides from the Chinese people the actual content and benefits of China's policy of deep engagement with America.

Given the militantly anti-democratic nature of the new nationalism, China's CCP rulers feel themselves compelled to challenge America in international institutions so as to block the spread of democracy and human rights, imagined as a threat to the very survival of the CCP, whose position of state leadership is treated as the key to China's return to glory. At one point, China even got the U.S. voted off the U.N. Human Rights Commission which meets in Geneva. China has moved into U.N. Peacekeeping Operations (PKO) to block efforts at democratization, especially in what Chinese leaders see as their Asian backyard. Consequently, China has joined the U.N. PKO both in East Timor and in Cambodia. China has launched a major effort to train Chinese PKO forces and has brought trainees to China from all over Asia. From North Korea to Burma to the Central Asian Muslim republics, the new Chinese nationalism prods Chinese leaders to oppose the spread of democracy and human rights throughout the region. As a great power, China means to sustain and spread authoritarianism. The consequences of the policies of great powers merit serious attention.

In sum, given the new nationalism and a great power status which resists constraints, it does not seem that international engagement with China promotes China's democratization. Instead, China's rulers use international organizations to advance their perceived vital interests, to oppose democratization and to strengthen the grip of the CCP on state power. Villager self-government, aided by so many well-meaning international groups, is intended by the CCP to strengthen local state capacity in order to make the authoritarian rule of the CCP more efficient. It has little to do with democratization, a path on which the ruling CCP has no intention of embarking. The leading position of the CCP is beyond questioning.

But this nationalism and these CCP policies are challenged inside of China, just as Mao's self-wounding nationalistic notion of glory was challenged by Chinese who understood that his kind of nationalism would bring catastrophes on the heads of the Chinese people, as it indeed did. Some Chinese see the CCP's aggressive policy toward Taiwan as self-defeating for China. They see it as disastrous to hastily move down a path that could produce a military confrontation with American and alienate Asian neighbors and undercut the sources of Chinese growth, its rise to great power. These Chinese, usually understood as southern and coastal and tied into the world economy, embrace a nationalism which prefers a long term policy of open integration with the world to facilitate China's peaceful rise. They see Taiwan eventually falling of its own weight into the Chinese basket. After all, China really is the world's number one beneficiary of globalization and the Taiwan economy is increasingly integrated with and dependent on China's. No one should underestimate the will and persistence of CCP ruling groups to shape the international world to serve their narrow power interests and their expansive nationalistic notion of security.

Nonetheless, American policy to China should not try to weaken or undermine these non-militaristic Chinese patriots. The American government should understand that there is close to nothing that outsiders can do to shape the dynamics of Chinese politics. China is not a banana republic. It is a great and independent nation whose fate will be decided by the actions of the Chinese people themselves, not by foreigners. For America, constructive cooperation with China is the better way ahead.

This does not mean that outsiders should not support local self-governance efforts which check cruel local corruption. It is a good thing for humans to help each other grapple with their problems. But it will backfire to try to impose on China. In arenas where China seeks help—for example, environment, disease control, philanthropy—one should not hesitate to help. After all, it is the case that a robust, active civil society, painfully constricted today by the CCP dictatorship, is part of the solution to today's global ills in China as elsewhere. China's authoritarian leaders, however, fearful of autonomous societal organization, keep the Chinese people from fully benefitting from the talents and energies of decent, humane, and caring Chinese people.

Chinese, as all people, do want to solve their society's problems. There are many in the judicial system in China who are ashamed of the pervasiveness of police brutality and arbitrary executions. They work to move China in the direction of legal due process because Chinese dignity demands it. They even have had some important successes. It is good to help such humane efforts. Likewise, some Chinese work to make the non-democratic village self-governance elections actually representative of the will of the people. One could even invite Chinese to America to learn how the contributions of religious groups keep down the costs of care for the ill and elderly. The Chinese government too worries about the high cost of such medical assistance.

The Chinese system and people cry out for political reform to free the Chinese people to contribute more to China and the world. But the rulers will not permit democratization, although there are ever more people in China who see democratization as the only way for China to solve some of its problems and achieve a glorious international status.

As China has opened to the world and achieved so much to be proud of in so many diverse fields in such an amazingly short period of time, many Chinese want, in addition, the soft power they feel they now merit and which they find is denied to China because their rising nation is seen in much of the international community in terms of anti-democratic negatives, of Tibet, Taiwan and human rights abuses, which obscure a far happier story of China's return to international glory. Some politically conscious Chinese are beginning to recognize that the problem arises not from unfriendly foreign propaganda but from unappetizing Chinese realities.

As you all know, right after the U.S. Department of State releases its annual human rights reports on numerous countries, including one on China, the CCP government responds by publishing a report on the human rights abuses of the United States. It is the CCP's notion of tit-for-tat. Clearly, the Chinese government does not like these excellent State Department reports. But these cautious and reliable descriptions of pervasive human rights abuses in China cannot be ignored by the CCP, which denounces the reports for dirtying the national escutcheon. The CCP works to get the Chinese people to see human rights activists abroad as scum.

More should be done in this human rights field, although, again, America should not act unilaterally as a bull in a China shop. More international cooperation is needed so the CCP cannot succeed in the political equivalent of playing Boeing off against Airbus. It is a good thing when the international community (governments, NGOs and international institutions) celebrates the human rights efforts of the

Dalai Lama or the democratic achievements of Taiwan or expresses its distress at the jailings by the CCP of journalists, web users and peaceful political reformers. The anti-sweatshop movement on American college campuses helps the cause of human rights in China, advancing labor rights. It would be a wonderful achievement if the democratic peoples of the region, from Mongolia, South Korea and Taiwan through Indonesia to India, could join together to promote human rights in the region. This would highlight how authoritarian China is the odd nation out in Asia (the majority of Asians who live in dictatorships live in China), and therefore a country that can not be fully welcomed into a trusted leadership role in the increasingly democratic region unless China too democratizes.

Why not even offer to the CCP cooperation in which they send people here to improve the human rights record in the USA and in which we send human rights specialists to work in China? It is mutual aid for mutual benefit. The point is that there are plenty of Chinese who would prefer to see political reform in China so that China can achieve the soft power to match its hard power and therefore be welcome by the international community to play a much larger role, one worthy of the greatness and glory of an ancient Chinese civilization and its contemporary and future achievements.

In short, the present virulently anti-democratic nationalism in a risen great power China is a very recent construction. It can change the world in a direction antithetical to the values of the democracies. But this nationalism need not be the one, only and eternal way that Chinese come to comprehend what it means to be a Chinese patriot. Outsiders will do best in not obstructing that better cause of a different and more open and tolerant nationalism if they do not overestimate their ability to influence Chinese politics and then inadvertently alienate the Chinese people, throwing them ever more into the arms of overly sensitive, revanchist, military chauvinists. If it is the case that China's return to glory requires continuing growth that has to be premised on basic political reforms out of today's pervasively corrupt Leninist authoritarianism, as so many analysts insist, then it should become clear, over time, to the wise and ever more informed Chinese people that it is in their most fundamental interests to reject a militaristic nationalism which augurs ill for all the peoples of the region and, as with Mao's nationalism, may even bring catastrophes on the heads of the extraordinary Chinese people, even reversing the monumental gains of the most recent quarter of a century of hard work and wise policies.

Cochair REINSCH. Thank you. Dr. Yu.

**STATEMENT OF YU MAOCHUN  
ASSOCIATE PROFESSOR, UNITED STATES NAVAL ACADEMY  
ANNAPOLIS, MARYLAND**

Dr. YU. Thank you very much. Madam Chairman and Mr. Chairman, distinguished Commissioners here, I really appreciate that you have given me the opportunity to talk about this very important issue. Before I continue, I must say that my views are my personal views and do not represent my work unit, shall we say.

That's basically a statement I'm required to say. The Chinese nationalism is a very potent force in China's political and cultural landscape. Professor Friedman eloquently spoke of many of its salient features. What I'm going to say is to complement what he has said in a sense that I would like to address this from a different perspective, on the other salient aspects of Chinese nationalism.

First of all, I'd like to say there is a cultural and political environment in which this current Chinese nationalism has developed. First of all, there's always some normative features to nationalism. In other words, nationalism itself can be very healthy and you have nationalism in Europe. You have "nationalism" even in the state of New York. They call themselves the Empire State.

However, in the Chinese context, I think there are some peculiar conceptual frameworks. One is Marxist-Leninist ideology which basically says power must concentrate in the hands of the state, so government is very important. Therefore, state is hardly going to

whither away. So there is the idea of emphasizing the central government controlling everything.

This is innate nature of Communist and Leninist state, to control everything. Another aspect that comes from Chinese history is the national consciousness that somehow China has been bullied in the last 150 years, since the Opium War, and the root of the problem is that the state is weak, the government is weak.

Therefore, to solve all these problems China has faced in the last 150 years, China must build a strong state; government is the ultimate solution, and this is not just what government is preaching and a lot of people believe in this. So with these two kinds of thinking converging together, you have this very peculiar non-normative kind of Chinese nationalism that we're seeing right now.

In other words, there is a very strong anti-democratic nature in this Chinese nationalism. That is, everything must serve the purpose of the government, of the state. If any individual exercises the right to free expressions, for example, for dignity of individuals, that might work against the will and interest of the state. That's why there are so many cases in China of rights abuse are done in the name of endangering national security, and the nation must come first. So I think that's the big picture.

Secondly,—I will skip some of the less important details here in the interest of time—I think that Chinese nationalism has this latent sense of imperialism. That is, the belief that China has incredible glory, as Professor Friedman said, in the past, and this is not just what government openly says, but also it's sinking into the popular consciousness. In my written statement, I talk about Chinese TV shows, TV series. They would produce some of the most popular historical TV dramas. There are four that are very powerful. Three of them are biographical portrayals of Kang Xi, Yongzheng and Qianlong. Those were three Qing dynasty emperors during whose reigns the Chinese territorial expansion reaches its zenith.

The contemporary Chinese territorial map basically is the map of this conquest, of 17th and 18th century, minus Mongolia, of course. So, they associate virtues of imperial diligence with the expansion of territory. Another example came in January 2005, just several months ago whereby China developed its national obsession with this TV series called the "Han Wu Dadi." It's about the Han dynasty emperor Wudi who, of course, was the great diligent Confucian mandated ruler, who expanded Chinese territory, did a lot of things, good things to economy, and rescued the Chinese state from chaos and disunity.

So by showing these things, only those great emperors whose reign happened to concur with territorial expansion, they are showing some kind of a subtext. The clear message is that somehow it's our time to go back to the glory of the past.

Of course, we all know the blockbuster movie "Hero" directed by Zhang Yimou. "Hero," in my opinion, is basically a fascist movie. The movie idea is beautifully done. The basic theme of it, as I said in my written statement, reminds me of Leni Riefenstahl's "Triumph of the Will." It basically uses beautiful artistic rendition to convey a very hideous message. That is, no matter how murderous

a ruler might be, as long as he has the capacity to unify a nation, in this case, of course, it means China taking Taiwan, he's a hero.

Another aspect of this is the utility of history. History in Chinese context can serve a very important role. Anybody who grew up in China must have gone through this experience of patriotism education *aiguo zhuyi jiaoyu*. Basically, it's a Party-sponsored program starting from kindergarten through the Ph.D. level. You have to go through this education about how China in the past 150 years, has been bullied by foreigners. It tells people that all those leaders in the past failed because they are feudal or bourgeois. The emperors are feudalists and Dr. Sun Yat-sun and Chiang Kai-shek represented the interests of the bourgeoisie, and they were no good. Only the proletarian, glorious ever-great Communist Party could save China from those foreign invasions and all the indignities that China suffered.

Of course, with such theology in mind, if you read the Chinese textbooks on which I have spent some weeks recently, and if you look at their treatment of say, the Boxer Rebellion, the Boxers were portrayed uniformly as Chinese national heroes. They are patriots. But then there is little said about the xenophobic tendency of the Boxers even though they might have some legitimate grievances, but, you cannot really justify the Boxer's indiscriminating killing of all foreigners in sight, old and young and men and women and girls and boys.

So there is nothing like that mentioned, and, of course, when it comes to the history as related to the Chinese Communist Party itself, it's much more blatant than we have ever seen, but that story probably has already been documented somewhere else.

Also, Chinese nationalism contains a very strong dose of chauvinism. Now this manifests itself in China's daily life. Dr. Friedman mentioned the Condoleezza Rice incident. It's pretty hideous, and of course, there is a selective censorship on the Internet, and the racist messages against African-Americans stayed there for a long time, which I also documented in my written statement—but far more than that, it sort of slips into the popular consciousness as well, and I list in my written statement some of the most popular songs in China.

If you listen to those songs popular from the 1980s until now, one of them is the popular song called *Zhongguoren* by Luo Dayou, and several other people also have songs I list over here, and they define what qualifies someone as a Chinese, which is purely from a racial point of view. In other words, you are Chinese because you have yellow skin, you have black eyes, you have black hair, and then of course one song which is very popular in China right now, which is performed at every major event in China's public life, is Ye Fan's *qinai de zhongguo wo ai ni*, "My Dear China, I love you," and one of the sentences from the lyrics is "My yellow skin is China's national flag."

Now, try to imagine that Mr. D'Amato here singing, my Italian white skin is America's national flag. Now how does that sound to you? But this is not an outrage in China at all because this is adopted by the people.

Cochair REINSCH. Can you summarize, please?

Dr. YU. I'm done.

[The statement follows:]

**Prepared Statement of Yu Maochun\***  
**Associate Professor, United States Naval Academy**  
**Annapolis, Maryland**

Mr./Madam Chairman, and Members of the Commission:

Thank you for inviting me to share my thoughts with you on this important issue. As China moves to modernize its economic and military infrastructure and hardware, it has become increasingly imperative for the United States to grasp the enormity and seriousness of the major concomitant of this rapid modernization drive, i.e., the rising tide of Chinese nationalism. Throughout history, there have been many rises and declines of nations and states, some of these rises have posed grave challenges to international order, such as those of revolutionary France, fascist Italy and Germany, imperialist Japan and totalitarian communist systems of governments. Others have barely caused a ripple, such as the rises of post-WWII democratic Japan and Germany as world industrial giants, and post-communist Eastern Europe as rejuvenated nation-states and vibrant democracies. Unfortunately, the rise of Chinese nationalism of late is destined to become a major stimulant for trouble, and if not handled promptly and properly, a recipe for catastrophe of great scale.

This is so because of the two basic frameworks within which today's Chinese nationalism is being bred: a dominant, albeit waning, state ideology of Marxism-Leninism and a deep sense of vengeance and grievances against the outside world generated from a deliberately distorted understanding of historical records, especially the records of the past 150 years of the Chinese history. As a result, notes the political scientist Lucian Pye, Chinese nationalism in modern times has always tended to be "Shanghaied." It is certainly so in the latest surge of Chinese nationalism.

In this testimony, I will attempt to address some of the key features in today's Chinese nationalism.

**Chinese Nationalism and the Zeitgeist of Democracy**

Nowhere is more clearly manifested the convergence of Marxist-Leninist state theory and China's quest for a nationalistic state to redress historical grievance than in today's version of Chinese nationalism. According to Marxist-Leninist teachings, a communist state must concentrate all powers in the hands of the Communist Party; similarly, a sweeping consensus among the Chinese has emerged that all of China's problems in the past several hundreds of years have come as a result of a weak state. To solve all of China's problems, it is absolutely essential to create and sustain a strong state at any cost. Therefore, all quests for individual freedom and for the voice of the common man must be regarded as working against such a lofty goal of creating a strong government. Consequently, today's practitioners of Chinese nationalism are overwhelmingly anti-democratic and hostile to liberal values such as respect for human rights and individual dignity. The Chinese government, partly motivated by its communist innate urge to suppress any challenge to the power of the state, and partly emboldened by the rising tide of popular Chinese nationalism, has dramatically stepped up its systematic purge of dissidents and pro-democracy advocates. In the past ten years, while China has advanced remarkably in the economic arena, the number of dissidents, or any others deemed unfavorable to the state, jailed has also advanced even more remarkably, often in the name of preserving "national security." Today, according to the latest Amnesty International report, China executes about 90% of the world's prisoners condemned to death; year after year, China holds the dubious honor of being the country that jails most journalists; and by the account of the Paris-based Reporters Without Borders, over 80% of the arrested in the world for voicing opinions on the Internet are Chinese.

**Chinese Nationalism and its Economic Objectives**

For the past twenty five years, China has been known for its robust economic revival. However, the profound economic changes in China should not be confused with democratic capitalism that is governed by clearly defined legal frameworks and property rights. Instead, while millions in China have benefited materially from China's booming economy, the dominant political policy that guides China's economic reform is a "Socialist Market Economy." In essence, this seemingly oxymoronic policy has an unmistakable objective, that is, to use economic liberalism to

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\*[Views expressed here are my own, not those of the Department of Defense or any other organization of the U.S. Government.]



sustain a dictatorial socialism. The Chinese government scholar-official He Xin has termed such policy as “Economic Nationalism,” which is to say, as He Xin elaborates, this type of economy has a “statutorily clear political objective, i.e. to make our nation rich and strong. It does not serve any individuals per se, but it serves the nation only.” Throngs of other government-sanctioned economists and scholars have vociferously echoed such a definition. Following such policy, the government of China, not the ordinary Chinese people, has taken the lion’s share of the economic progress in recent years, as demonstrated in China’s ever increasing government spending on communist-style landmark projects such as huge hydraulic dams, an expensive showcase magnetic rail system, as well as cutting edge military hardware such as modern submarines, surface warships, missiles and surveillance technologies, and so on.

### **Chinese Nationalism and Chinese Imperialism**

With every rising nation, there is a natural tendency for its citizens to take pride in its historical roots and cultural heritage. In the current surge of Chinese nationalism, however, the Chinese government has not guided the Chinese masses to relish the greatness of Tang poetry, Song arts, or ancient sages’ wisdom on war and peace. Instead, the Chinese government, with a monopoly on mass media, has deliberately indulged the nation as a whole in taking nostalgic trips to China’s past imperialism, fanning popular sentiment for conquests and glory. In the past ten years, the Chinese communist government has spent enormous budgets to produce multi-episodic series of China’s great emperors during its imperial period—all are China’s greatest conquerors of vast territories and populations. These series often have 40–50 episodes, invariably running during the evening prime time slots on national TV (CCTV). Of these, four of them have created a national obsession. Some, produced and broadcasted in the late 1990s, are hagiographical biographies of the 17th and 18th century Qing emperors Kang Xi, Yongzheng and Qianlong, during whose reigns China’s territorial conquests reached its zenith. The 44-episode series on the Yongzheng emperor, broadcast in 1998, is particularly popular. Many have believed that the then President Jiang Zemin tried to portray himself as another Yongzheng emperor. When the agonizingly long power transition is over and Hu Jintao takes over China, an even more explicitly “imperial” TV series comes out in January 2005 to exalt a past conqueror and to draw relevance of greatness from the past emperor to today’s new communist leader Hu Jintao. This series, entitled “HanWu Dadi” (the Great Han Emperor Wudi), has over 60 episodes, recounting the glory and virtues of the 1st century Han Dynasty emperor Wudi (Liu Che). It is widely viewed by analysts as Hu Jintao’s efforts to exalt his own image as reflected in history long past.

But the message in those operatic schemes could not be more explicit: China has a rich past glory of conquest and virtues, and greatness of a nation is often accompanied by great territorial expansion, just as in the case of Wudi, Kangxi, Yongzheng and Qianlong.

In addition to television, another mass media used by the Chinese government to trumpet imperialistic nationalism is motion pictures. No better example can be found than in the 2002 movie “Hero,” directed by China’s best known director Zhang Yimou. This biopic is about China’s Qin dynasty emperor Shi Huangdi who first unified China through the use of blunt force in 221 B.C. Through stunning cinematography, the movie reminds the audience of Leni Riefenstahl’s legendary “Triumph of the Will” in which Hitler’s fanaticism and twisted German nationalism are effectively conveyed by sophisticated artistic rendition. “Hero’s” message is unmistakable—no matter how brutal a dictator might be, no matter how many people he might have to murder, as long as he could unify China by any means, he is China’s hero. Obviously, this is an unapologetic justification for China’s current advocacy for using military means to take Taiwan. No wonder the Chinese government has taken serious steps to mobilize the nation to view the movie for its explicit political message.

### **Chinese Nationalism and the Utility of History**

It has been said repeatedly that whoever controls memory controls the present, and whoever controls the present controls the memory. With rising Chinese nationalism, the efforts to rewrite history, to reinterpret history according to the demands of Chinese nationalism have become a major national pastime.

It must be said at once that distorting history is not China’s monopoly. The most glaring case of course is the attempt by Japanese ultranationalists to whitewash its World War II history. But it must also be said that of the eight history textbooks approved by the Japanese government in 2001 for local schools to choose, less than one fraction of one percent of the Japanese schools have chosen the distorted history textbook. The overwhelming majority of the Japanese schools are using the text-

books that faithfully address Japanese criminal past with regards to its wars against other nations in Asia. In the Chinese case, however, there are only two versions of high school textbooks available and no other version is allowed by the government. These two versions of Chinese history books are almost entirely identical in contents. The only difference is that they are published by two presses. And both of them are severely distorted.

The Chinese government has been vigorously engaging in a persistent "Patriotism Education" movement by using China's modern history since the Opium War (1840) as a tool. The initial purpose of such movement was to demonstrate the abject ineptitude of all those "feudal" and "bourgeois" leaders in the past, from the Qing emperors to Sun Yat-sun and Chiang Kai-shek, to deal with foreign imperialism and foreign invaders, thus leaving the Chinese Communists as the only savior of the Chinese nation and its people. With such a teleological purpose, the "Patriotism Education" often demonstrates blatant distortion of basic facts in China's modern history. In the current Chinese history textbooks for high schoolers, a dichotomy between China the virtuous and the rest of the World the evil is explicit. Little self-awareness is displayed in treatments of such momentous events as the xenophobic Boxer Rebellion of 1900 whereby the Boxers are exalted, without any criticism for its indiscriminating killings of foreigners, as the ultimate heroes of Chinese patriotism. In such a textbook, xenophobia becomes virtuous, foreign forces become invariably negative and often evil.

The Chinese leaders are frequent murderers of historical facts when they argue for their current policies. Since the mid-1990s, the Chinese leaders have often cited the 16th President of the U.S. Abraham Lincoln as a good example for waging war to preserve "the territorial integrity of the Motherland." They have said that Lincoln was right in using the instrument of arms to keep the Union from falling apart; therefore, China is justified to wage war on Taiwan to prevent Taiwan's independence. But they would never say that the fundamental reason for the American Civil War was slavery, not just to preserve the Union, just as the fundamental reason for the China/Taiwan conflict is the conflict between a dictatorial communist system and a vibrant democracy. When persuasion failed to materialize, the Chinese Prime Minister Wen Jiabao in March 2005, in a desperate attempt to justify China's Anti-Secession Law, openly fabricated history by claiming that the U.S. Government had a couple of anti-secession laws passed in the Congress before the Civil War started, while in fact no such laws had ever been in existence before the Civil War. But for ordinary Chinese, Wen's words are taken as a truism.

### **Chinese Nationalism and Chinese Chauvinism**

China prides itself for being one of the longest continuous civilizations in the world. Indeed there are many marvelous achievements in the Chinese civilization. But the current surge of Chinese nationalism has hijacked this great sense of pride and turned it into a peculiar brand of Chinese chauvinism that often publicly manifests itself as blatant racism. In March 2005, the U.S. Secretary of State Condoleezza Rice visited China. While there, she made a few statements mildly critical of China's belligerent "Anti-Secession Law" aimed at Taiwan, and urged the Chinese government to embrace more democratic virtues. Many Chinese burst into racist tirades against African Americans in general and Secretary Rice in particular on many of China's government-sponsored Internet BBS forums. "Black b\*\*\*ch!", "woman n\*\*er," "Americans' IQ is so low that they have chosen a black b\*\*\*ch to be their Secretary of State," "Rice is nothing but a lackey of the American hegemonism," are among the ugliest racist commentaries that remained uncensored by the otherwise ubiquitous Internet police in the world's most monitored cyberspace.

If these racist outbursts reflect some extreme tendencies among the extreme elements in China's society, internalized chauvinism in China's popular culture remains pervasive among ordinary Chinese citizens. The Chinese government in its vigorous campaign of "Patriotism Education" strongly endorses "patriotic songs" that blatantly advocates chauvinism. Earlier this year (2005), the CCP authorities in Shanghai endorsed three such "patriotic songs" for all high schools in the region. One of them is called "The Chinese" (Zhongguoren) by the pop star Liu Dehua. The lyric defines what qualifies one as a "Chinese," i.e. one must have "yellow face and black eyes." Another popular song by Luo Dayou, called "The Pearl of the East" (dongfang zhizhu), also urges that "please don't forget my forever yellow face." Perhaps the most popular "patriotic song" in the last 25 years in China is Zhang Mingmin's "Dragon's Descendants" (long de chuanren), which defines a Chinese as someone with "black eyes, black hair, and yellow skin." The latest "patriotic song" performed at every major national TV event is Ye Fan's "Dear China, I Love You!"

(qinai de zhongguo wo ai ni), which goes even further by claiming that “My yellow skin is China’s national flag.”

This is of course blatant display of “Han Chinese” chauvinism. It says that if you do not have “yellow skin, black eyes, or black hair,” you are not Chinese and patriotic. Consequently, others living inside China—the Tibetans, the Koreans, the Mongolians, the Muslims, etc.—are not “Chinese” per se, therefore fall outside of the “patriotic love” by the Motherland.

In conclusion, the current surge of Chinese nationalism has in many ways been hijacked by Chinese politics to serve the interest of the Chinese Communist Party who desperately needs new sources of legitimacy. The CCP government fears a violent uprising against its glaring lack of democratic virtues. Consequently, it has engineered with great skill a twisted “Chinese nationalism” that embodies a mishmash of latter day Marxism/Leninism, Chinese chauvinism, xenophobia, and blatant historical revisionism.

Cochair REINSCH. Well, very efficient. Thank you very much. Mr. D’Amato has a question.

### Panel III: Discussion, Questions and Answers

Chairman D’AMATO. Yes, thank you, Commissioner Reinsch. My question has to do with if there is a growing nationalism now in China, to what extent does the regime use or promote or create a sentiment hostile to the United States? We did a survey through the University of Maryland two years ago of a basket of Chinese newspapers and found that on foreign policy matters uniformly negative approach toward the United States, the United States being a hegemon, that sort of line.

How serious is this, is this messaging to the growing Chinese generation, younger generation, about the United States? What kind of image does the United States have as a result of this program or am I off base? Both of you?

Dr. YU. I think the anti-American sentiment has been there to a large degree because of the state control of the media, it has become internalized in many ways. On the surface, if you’re an American tourist and you go to China and the people are very friendly, can be very friendly, but the line is always drawn when it comes to the issue of Taiwan, the issue of American virtue, democracy, those sort of things. There is always the line there and ultimately when the opportunity comes, the outburst against Americans can be very ugly.

I’ll give you one example. On February 1, 2003, we probably all remember that as a tragic day for America because the space shuttle Columbia blew up on its entrance into the earth.

Chairman D’AMATO. Yes.

Dr. YU. That day also happened to be Chinese New Year’s Day. The moment the news broke out that Columbia was fatally damaged, the Chinese Internet was full of ugly anti-American sentiment. People say this is the best New Year’s gift to the Chinese, and the explosion of Columbia sounds like the biggest fireworks to celebrate our New Year, and America deserved this, and there is a lot of documents about this. It’s been documented.

So that kind of outburst is very common. Now, you may say, well this is a bunch of thugs on the Internet, but then Chinese Internet in some respects is most severely policed, so I think there is also a case of selective censorship.

Try to write something even mildly political on the Internet, and you probably would be taken off very quickly. Dr. Friedman men-

tioned that there is this nature of Chinese nationalism that is anti-democracy. That's very true because America represented what we all know is. In America, there is some conspicuous virtue, as well as some civilizational norms the Chinese Communist regime doesn't like.

Chairman D'AMATO. Do you think this will result in a long-term? Is it deep-seated enough and developed enough that it will result in a long-term antagonism by the current generation of Chinese toward the United States?

Dr. YU. I think the grievances against Americans is absolutely deep. I have a colleague who's 18-year-old son goes to college in Wisconsin, in the glorious state of Professor Friedman's. He's dating a Chinese girl who's just come from China like a year ago, but, recently because where I live and you don't see many national flags of China there that often, so I was introduced to her, and it's just astonishing to me to talk with the new generation of Chinese who just came from the system. And there's a lot of talk about, familiar talk, about American being hegemon and American being meddlesome on Taiwan issue and American being decadent, all those things.

But then I gradually realized she was not faking. That was the only language she knew how to express her feelings about America, and so that's what I mean by internalization of this anti-American feeling. Now, maybe deprogramming by reality, by experience in America, will help her understand America was not what she really thought, and the idea somehow America is the land of chaos, and as we had the conversation, there was a police car coming by in the street of Annapolis, and, she would say, "See! Police state!" I said that's the ambulance routine going to rescue some old lady somewhere.

But, see, you select the information you want to hear, and that's very important, and I think there is a lot of people that come here who behave that way. Perry Link wrote an article several years ago, which I remember very well. He talked about his father who went to China during the Cultural Revolution. His father, of course, was somewhat more left leaning, but went over there, and Perry said, Dad, you go to China, and see China is not as great as you think in the Cultural Revolution which was going on. There was killing going on. So, he said, okay, so he went to China and half a year later—this is at the height of Chinese Cultural Revolution—he said, "Perry, China is wonderful! It's great! They have the communes, they have these great selfless comrades over there!" and the whole thing. This episode tells me this, once your mindset is internalized, you have developed this twisted conceptualization of the world, you select what you want to see to support your own understanding.

I think that's the effect of Chinese propaganda and total control of media, and Chinese government knows it very well.

Dr. FRIEDMAN. I accept all the factual statements, Dr. Yu. I however do reach a somewhat different conclusion. I agree the momentary framing of the issue has a powerful effect on your patriots. I'll give you three quick personal experiences. We had a student come from Shanghai with his wife, father was "Sanba ganbu," somebody who had been in the Party from before 1938, real loyal. She was

taught to think all the things about America that, Professor Yu described. It took her three months before she would shake an American hand because she “knew” that all Americans spread AIDS by shaking hands.

Second, I was in the Chinese countryside, not many months after the April 1 plane collision, at a vegetable retail market. I was suddenly surrounded by 15 young male toughs who wanted me to know that America wasn’t going to push China around anymore. They demanded to know why America invaded Hainan Island.

That’s the word “zinlue,” yes. So there is a patriotic passion from which the regime can mobilize for its political purposes. But we should not forget the hate for Russia and how quickly it went away. I do believe China’s super patriotic passions are extremely volatile. I think if you had a split at the top of the ruling Communist Party, and a regime change occurred, this hatred of America would become such an unimportant force so fast in the blink of an eye, it would be gone.

Cochair REINSCH. Okay. Commissioner Mulloy.

Commissioner MULLOY. Thank you both for being here. Dr. Friedman, I had the pleasure earlier in my life to work for Senator Proxmire from Wisconsin on the Senate Banking Committee staff and I enjoyed that very much. I don’t know whether you were here earlier when I asked the other panel whether economic engagement, which is now pretty costly in terms of transfer of wealth, was going to bring about the change in China.

You say on page four of your testimony, Dr. Friedman, it does not seem that international engagement with China promotes China’s democratization. Instead, Chinese rulers use international organizations to advance their perceived vital interests to oppose democratization and to strengthen the grip of the CCP on state power. That’s quite a different taking that we got from the other panel.

Dr. FRIEDMAN. I actually think exactly the same way of Professor Baum. The reason you support engagement is not because it’s 100 percent good; it’s because it’s better than all the other alternatives.

I deeply believe that. All the other alternatives will be worse. You’re just not allowed to be naïve in politics. The dominant view of the middle class urbanites in China whose growth is supposed to create democracy is actually total terror of the poor unwashed masses in the countryside. The urban middle class tends to see the authoritarian party state right now as saving the prospering from the envious poor. That’s why you’re getting the middle classes co-opted by the party. Its members want to be in the party and protected by the party.

So engagement is inherently not a democratizing force. But if some rupture at the top were to occur, and these middle classes suddenly had the possibility of protecting their property, which can be threatened by the corrupt, arbitrary and greedy ruling party, I could imagine middle classes preferring security so they could leave their property to their kids. Then they wouldn’t have to be worried about this corrupt system. I think the change could be fast. But it’s not going to come from a gradual evolution as a result of engagement. I don’t think that at all.

Commissioner MULLOY. What about you, Dr. Yu?

Dr. YU. Please ask the question again, sir?

Commissioner MULLOY. The question was do you believe that economic engagement will produce further democratization in China in a direction that will be favorable to U.S. interests?

Dr. YU. I think the question is not whether it will work toward that eventuality or not. The question is how do you engage China economically? I think this issue perhaps has been going on since 1989 during the debate of the most favored trade status.

I do think there are some differences between the kind of capitalism, economic system that China wants to develop, and the kind of capitalist system that the United States has. That is, in the U.S. system, you do have an economic operation that is more or less contained or regulated by a legal frame, and the rule of law, and accountability, also other things.

The Chinese kind of economic operation doesn't have those sorts of things. So I think if we want to engage with China on economic grounds, there are a lot more economic frameworks—legal, political, financial, etc.—that we have been practicing here—that can be, not imposed upon, but can influence the Chinese to do the same thing. And believe me, there is a lot of leverage with which the U.S. can reach that goal because China depends on the U.S. in more ways than I can think of right now.

So we can use our leverage to influence Chinese to adopt a sound and more accountable economic system, and I think that will be to the benefit to China and the United States. From that economic practice, I think, will introduce the democratic or corporate system, which probably would in an indirect way help the Chinese political process of democratization.

But I think the Chinese government has always tried strenuously to separate economic development from political development, and in an American sense, I don't think that separation is feasible because they can be the same process.

Commissioner MULLOY. Thank you.

Cochair REINSCH. Thank you. Mr. Donnelly.

Commissioner DONNELLY. Thanks. A rather complex question for both of you, and that's about how the phenomenon of Chinese nationalism interacts or might interact in the future with other emerging geopolitical forces, in particular, the phenomenon of political Islam? It's hard to read from my vantage point whether Beijing's attitude toward the Uighurs or towards the governments of Iran and Sudan is more indicative or how Chinese nationalism might shape those policies in that regard.

Secondly, the same question as applied to the rise of India, whether that remains a Western-style liberal democracy or takes another turn toward Hindu nationalism may have an effect toward it. But obviously, in a future geopolitical environment, there may be things that aren't accounted for in nationalistic attitudes towards the United States, Taiwan and Japan. I'd just be interested in any speculation you might have on those topics.

Dr. FRIEDMAN. Well, let me do India first since I have a book coming out called "Asia's Giants: Comparing China and India."

Commissioner DONNELLY. I guess I walked right into that one, didn't I?

Commissioner WORTZEL. Who's the publisher?

Commissioner DONNELLY. Available when?

Dr. FRIEDMAN. Palgrave which used to be St. Martin's. September. The rise of Indian software has caught Chinese attention. You can see on Internet sites in China a change in Chinese attitudes towards India. The regime has always taught the Chinese people that democracy always brings chaos. In the Chinese Communist Party view, Taiwan is a chaotic society; it's full of kidnaping and crime. That's how it's presented. All democracies are chaotic. The Rodney King riots in LA were live on television in China. The rulers do their best to give the people the image of democracy and chaos as one and the same. I think, Professor Yu actually said precisely that.

So you can see a change in the Chinese attitude towards democratic India with Chinese people for the first time beginning to wonder if democracy is such a bad thing and taking a look at it, and given the nature of China as a Communist regime, the first place Chinese looked at in India was the two provinces of India which have Communist Party governments. Actually, only one of them does right now, Kerala. But I don't think the regime is afraid of India, just a bit more respectful.

I still think the regime has a very contemptuous attitude to India going way back. If anything India is a pawn to be used to show the world that China is not anti-Asian when the regime tries to isolate Japan. The policy of the communists always is to isolate the number one enemy and temporarily unite with anyone else. So I think what you're seeing with the present Chinese policies towards courting India is a genuine reflection of changes both in popular attitude and in regime thinking about India.

The Islamic states of Central Asia? The rules in Beijing at first thought of them just, as you were saying. They didn't want independent Islamic states spreading secessionist sentiments into China. Then the CCP rulers used 9/11 to rationalize their repression of religious minorities to claim that they were not crushing minorities resisting oppression. They were crushing terrorist forces. And now you can see a third concern growing. In the Chinese rulers view, they find an American plot which democratized Yugoslavia, which democratized Ukraine. For Beijing, such democratization is impossible without American plottings.

And they wonder, is this democratic plot now perhaps spreading into Kyrgyzstan. Democracy actually threatens the top leadership of the authoritarian party which worries about its legitimacy. Democracy worries it more than anything else as with a democratized Taiwan. So I would think China is going to evince a greater concern toward the Muslim and Central Asian world.

I need not tell you how many regimes, Israel et al., at one time or another thought aligning with Islamic Fundamentalists was a way to hold off yet worse case forces. I always think about Chinese as ordinary people who think like other ordinary people. So I can imagine Chinese leaders wondering if aligning with Islamists might stave off democrats.

Dr. YU. Same question. I don't have a book about China and India. But I think there are two very important concepts here, and I think China lacks that, which can be very problematic. One is what Professor Tom Metzger of the Hoover Institution says, the

self-awareness. In other words, China often is not aware itself when encountering others. It's a much more complex concept as he explains. Another concept I think is basically historical amnesia. In other words, China sometimes complains, why the rise of China should cause worries amongst its neighbors? Those neighbors, of course, have reason to worry about it.

China always portrays itself as the victim for 150 years, but China was also a conqueror in the eyes of the neighboring countries. China fought a war with Japan in 1894 as a colonial power over Korea, for example, and also China fought a war with the French in the 1880s over China's protectorate, to say the least, Vietnam.

So, in the eyes of its neighboring countries, many of them look at China as a menacing imperial country, but China never realized that's the case. It always was the victim for 150 years. And so when Hu Jintao says, "Don't worry, China's rise is a peaceful rise," it lacks persuasion. Now, if China does not recognize its past hostility with India, for example, in the 1960s, it's very unconvincing when you say China's rise is peaceful.

So, imagine Russia and Japan are doing exactly the same thing China is doing right now—increasing the military budget by 12 percent each year for ten years in a row. When you hear the Japanese politicians and the Russian politicians say the 21st century is our century, it will have a chilling effect all over. But the Chinese always say that matter of factly, and in a very sort of casual way, they never realize what psychological impact that might have among its neighbors. So people watch this kind of thing with alarm because they draw the historical connection, but China doesn't draw that connection. So this created something very, I think, bad. That is China feels victimized, feels bad about its neighbors who are regarded as always having the Cold War mentality against China. So there's a sort of vicious cycle going on here.

In that regard, another question you asked about the Middle East, I think that China is shifting right now. Before, I think two or three years ago, you might think China had this idea of creating a multi-polarity world order. In other words, they want to basically help a lot of the people that the Americans don't like in the Middle East to create another center or two against the United States, countervailing the American influence, but now China, of course, has another very real issue, that is energy shortage. So they are having that in mind, I'm sure the Commission has heard a lot about this.

Cochair REINSCH. We're about out of time. Are you done?

Dr. YU. I'm done.

Cochair REINSCH. Oh, good. Let me encourage our panelists to keep your answers brief. We still have several Commissioners to go. Commissioner Dreyer.

Cochair DREYER. Yes, Professor Friedman and Professor Yu mentioned the concept of empire with regard to China, and I'm reminded of a couple of things that happened in very close proximity to each other a couple of months ago. The Koreans protested on finding out that the ancient state of Koguryo, which they regard as one of their founding epicenters, was shown on Chinese maps as part of China. Singapore, when almost Prime Minister Lee Hsien



Loong made a private trip, or allegedly private trip, to Taiwan, and received not just a stern warning but some really rather nasty comments on how he should not have done this. Then at APEC, Japanese Prime Minister Koizumi received what was described as a forty-minute monologue from Chinese President Hu Jintao in which he was told that he must not visit the Yasukuni shrine, and must not build an anti-missile shield. These incidents aroused a lot of adverse commentary in all three of those countries to the effect that the Beijing leadership is trying to recreate the ancient Chinese Empire and appears to consider us as its vassal states. This seems to fit in with what you gentlemen were saying.

Are there any consequences to this? We know that, privately, countries are concerned. They are signing energy agreements. They are kowtowing to China exactly in the imperial manner but, behind the scenes, there is a good deal of resentment and efforts to link up with each other for mutual protection. How do you see this playing out, both of you? 30 seconds or less; otherwise Commissioner Reinsch will get upset with me.

Dr. FRIEDMAN. Everything in the question is correct. China's rulers are tough guys; they act as bullies. Therefore, neighbors do not say out loud what their actual fears or feelings are because China would slap them down for it, accusing them of being unfriendly for treating China as a threat. So the key question in considering whether neighbors can cooperate so as not to be dominated by China is, are there fora where these leaders can talk to each other honestly? I'm not sure the answer to that is yes. But anything that would facilitate such a cooperative conversation that would be a good thing.

Professor Yu has already discussed China's rise and I agree with him. I want to add just one other point. China's rulers discuss China's peaceful rise, "jueqi." Heping Jueqi, "Jueqi" of course, does not mean rise. It means emergence, although it is translated always into English as rise to tell non-Chinese how great China is. Their own people, however, read "emergence." And the image the people have from the propaganda inside the country is not that China is a great power, let alone a bully, or that China has restored its historical glory. But China is just emerging like a little chicken, a chickadee. It's just emerging from its shell, therefore it's fragile. Anything could smash it down such that it wouldn't be able to truly fly as it should. With that image of an endangered China, people feel all things as threats to China's return to glory.

The regime is very good at internal propaganda. If that political line has negative consequences externally, than the regime takes on offers one on one, hoping that China's superior power allows it to pick them off one on one.

Cochair DREYER. Which may be the reason they avoid negotiating bilaterally.

Dr. YU. I think Professor Friedman said basically what I want to say. But I want to add one thing, and that is the discourse on this political issue in the terms of history is basically futile. You cannot win. When does history start? When does China start? China is a historical concept. I think the Koreans made a mistake by engaging this, because there is a sort of Sinic world, if you will, Chinese cultural influence in the past if we change the name of

Seoul, the Chinese name for it, then what about the Korean national flag? You know, you can imagine. Those were very distinct symbols that have very strong connection with the Chinese, and in China, of course, if China says historically Korea was part of China, even if you imply that, but then you might say, well, historically my home province of Sichuan was not even part of China because China, the concept earlier on, only was confined to the Yellow River delta area. So it's a historically evolving concept.

Therefore, it's a very tricky thing, but I don't think we should really get too serious about which part of the world China used to own—the deeper we get in, the messier it becomes.

Cochair REINSCH. Thank you. Ms. Bartholomew.

Commissioner BARTHOLOMEW. Thank you to both of our panelists for very interesting presentations. My question actually is to Dr. Friedman. I was very interested in this message of hope and optimism about where the young people who are now nationalists, seemingly verging on xenophobia at times, but I want to make sure. It might be a bit reductionist what I'm going to say, but my sense is that you are saying that you don't believe that political reform is going to happen evolutionarily, that you're positing some sort of big bang event, if I call it that, and that somehow upon this big bang event, these young people who have all of this energy and will channel it to a different place that they're channeling it now, to a right place? I'm not sure what the right place is depending on the event.

Dr. FRIEDMAN. Well, a normal place. All nation states are full of problems and China as a normal place, even as a democracy, would still be full of problems for itself and the world. But it wouldn't be the kind of fevers and hates which are worrisome today when the regime manipulates passions to enhance its legitimate authority.

Angers do not abide only among young people. All the people who live in the countryside are anxious that their property could be stolen from them by locally corrupt people. With a rupture at the center, I would not be shocked to find rural people overwhelmingly in support of democracy. I think regime change could occur despite all the signs of loyalty you see today.

So, again, as Professor Yu said, I don't worry only about what these things mean at this present moment. The big thing for policy-makers is what do you do to make it as likely as possible that the worst case forces don't win? One of the reasons for being for a total policy of engagement is to make it as difficult as possible for the regime to discredit those forces within China within who want to say that we don't have to attack Taiwan, that time is on our side, that Chinese people should in China's future so that hate and war are not best case options for China.

The more you do to make it easier for those more open-minded people, at least not more difficult, it's a good thing for peace and cooperation and mutual prosperity. China's rulers welcome engagement because it benefits the regime, it is important to stress that that isn't the only thing that engagement does.

Commissioner BARTHOLOMEW. From the perspective of policy-makers here, I'm always interested in hearing people talk about engagement. We heard a previous panelist talk about constructive engagement being not great but the best thing there is. I think de-

bating-wise, the difficulty I always have with that is not a problem with constructive engagement as it is somehow then set up as you are either for constructive engagement as it exists today or you're not for engagement at all.

With the exception of perhaps three Members of Congress, it really isn't that people are advocating not to have engagement. The question always is the terms of engagement, the conditions of engagement, whether the people who are carrying out the engagement on the part of U.S. Government are being duped frankly, by Chinese negotiators over and over again, but it really isn't a case of engagement versus non-engagement for the most part. So, thanks.

Cochair REINSCH. Thank you for that. I just have a question and then we're going to have to move on. What do the Chinese people think of their government?

Dr. YU. What do the Chinese people think of the government?

Cochair REINSCH. Of their government.

Dr. YU. I think it depends on what time of day you ask them that question. My sense is that the Chinese government right now is not very popular among a lot of people who are affected by the economic development negatively. That would include a lot of people, the peasants and the unemployed.

With the lack of reliable national polling data, it's hard for me to say, but there is also this appealing feature of the Chinese government among the young intellectuals. That is they think of the Chinese government pretty much like the Milosovic government of 1987, suddenly it does not overtly emphasize the ideological intoxication; rather they emphasize a nationalistic appeal. Of course, now that Hu Jintao reverses that a little bit and emphasize more about the ideological thing.

So that is very appealing to a lot of the Chinese young intellectuals or college kids that are very nationalistic. I think also it depends on what issues. When you talk about corruption, the Chinese government is overwhelmingly unpopular. When you talk about the issue of Taiwan, I'm afraid you will find a lot of people would agree with the Chinese government stand on the street.

Once again, lack of an open democratic debate, those opinions can be very one-sided and not very fair. So I don't have a perfect answer to that question because it's a huge question, and I'm not an expert on that polling aspect.

Cochair REINSCH. Dr. Friedman, do you have a view?

Dr. FRIEDMAN. I have an answer from a political science point of view. There are three kinds of legitimacy the regime could have. One is called performance legitimacy. People give the regime credit for the good economy. My standard of living is going up, one believes, because this regime is managing the currency right, building infrastructure, et cetera. I'd personally give them credit for all those things. I think they've done magnificently.

Almost no Chinese, however, will do that. As Professor Yu said, what ordinary Chinese see is a bunch of corrupt, greedy, selfish SOB's running the show. Therefore, if I get ahead, it's because I get around them. So they don't get performance legitimacy. They're not popular because the economy is growing. Nobody gives them credit for good economic performance.

The second kind of legitimacy, nationalism, is what we've been talking about. I don't think they get credit for that either. And the reason for this is manifest in what just happened with the Japan bashing demonstrations of spring 2005. The regime overpromises on what it must do to hatred adversaries. Very correctly, the people then say give us what you promised. Force Japan to its knees. Take Taiwan, et cetera. Well, they can't do that. So they don't earn nationalistic legitimacy either.

The dominant view becomes the regime is soft on immoral enemies. The regime really doesn't deliver on its nationalist promises. The legitimacy the regime gets is Hobbesian.

Cochair REINSCH. Of what?

Dr. FRIEDMAN. Hobbesian. Thomas Hobbes.

Order. Order. People are scared to death of everything falling apart. They see crime. They see criminal gangs. They see arbitrary government. They're not sure of what will happen to their wealth, their land, their kids' future. You have to pay under the table for everything. A stable future seems so frail. Therefore, Chinese are afraid to challenge the political status quo because the present ruling groups at least are holding it together. I think that delivering Hobbesian order is the dominant legitimacy which the regime has.

Cochair REINSCH. Do you think that some of the historical references and bringing up past episodes in history or former dynasties is an effort to give themselves a kind of historical legitimacy?

Dr. FRIEDMAN. Absolutely. But I think that using history to support nationalism leads to a failed legitimacy for the reason I just said. Emperor Kang Xi took Taiwan. That's just the way the movie made in China shows it. So he's great. But these guys in power haven't taken Taiwan. They're not as good as Kang Xi. I think that's what happens in popular consciousness. The regime does not win nationalist legitimacy.

Cochair REINSCH. Excellent. All right. Thank you very much. We will take a very short five minute break and then we will return to the final panel, Dr. Tanner, Ms. He and Mr. Li.

[Recess.]

#### **PANEL IV: SOCIO-ECONOMIC UNREST AND STATE CONTROL MECHANISMS**

Cochair REINSCH. Let's get started. Dr. Tanner, Ms. He, Mr. Li. Thank you. We'll proceed in the order in which I just read your names. Dr. Tanner, Ms. He, Mr. Li, and as I said in the beginning, your full statement will be entered in the record, so please go ahead with your shorter oral statements. I'm sure my colleagues will be back in just a moment. Dr. Tanner.

#### **STATEMENT OF MURRAY SCOT TANNER SENIOR POLITICAL SCIENTIST RAND CORPORATION, WASHINGTON, DC**

Dr. TANNER. Let me begin by expressing my appreciation to the Chair and to the other distinguished Members of the U.S.-China Economic Security Review Commission. I am honored to have the opportunity to speak to you today about unrest in China. My testimony today will briefly examine three points. First, the recent rise in unrest in China, its sources and its changing forms.

Two, the sharp dilemmas the party leaders and security officials face as they search for an effective strategy to cope with this challenge, and;

Three, I'll close with a few comments about what I consider to be a somewhat disturbing trend which is China's recent tacit support for anti-Japanese demonstrations.

There is, of course, the standard disclaimer that my testimony today represents my own views and not those of the RAND Corporation or its research sponsors.

Chinese police officials have recently confirmed what foreign observers have sensed for some time: social protest has risen dramatically over the past decade and is not a daily phenomenon.

Police internal data document a sustained ten-year rise in what they call "mass group incidents," (quntixing shijian), a catch-all phrase for a full range of group protests. Mass incidents rose from about 8,700 in 1993 to 32,000 in 1999, to over 58,000 in 2003, a rise of more than 560 percent. Protests have increased every year since 1993 and never by less than 9 percent a year. No region, not even the prosperous coastal areas, has been spared.

But the greatest trouble is in the three northeastern rust belt provinces that border North Korea, which have suffered greatly from layoffs, illegally withheld wages and pensions, and shady factory buyouts. In 1999, Liaoning Province alone accounted for nearly one-fifth of all of China's protests, almost 6,000 of 32,000 nationwide.

The forms of protest are also changing in ways that Beijing will find harder to control. They're growing larger in size. Repetitive protests are increasing. Their levels of organization and tactical cleverness are increasing. Demonstrators are using the Internet, e-mail and cellular phones to organize across boundaries of workplace and village, and while most protests are peaceful, police report that "confrontativeness" and violence are on the rise.

Protesters have taken to the streets for a variety of specific policy grievances that Beijing is unlikely to be able to solve any time soon. These include layoffs, unemployment, demobilization of troops, illegally withheld wages, pensions and other benefits and rising income inequality. These causes were especially evident during the economic crisis of 1997–1999, when protests spiked dramatically.

But police data made clear that bad economic times alone cannot account for the rise in protests. Demonstrations did accelerate during the late 1990s recession, but they began rising as early as 1993 to 1996 when the economy grew at over 10 percent a year, and more importantly they continued to increase by almost 20 percent a year during the 2000–2003 recovery. Thus, China's own data strongly suggests that Beijing's leaders would be unwise to think that if they just hold on long enough, they can "grow their way out" of the current unrest.

It seems increasingly clear that lagging development of China's political and legal institutions bears at least as much of the blame for rising unrest as does the economy, in particular, China's lack of effective channels for redressing citizen grievances and its pervasive corruption. At the root of many of the most common causes of unrest are failures of governance: illegal taxes on peasants, judicial

corruption, coercive family planning, fraudulent financial schemes, polluted farmland and streams, and citizens forcibly evicted from their homes as a result of corrupt deals between local officials and developers.

But citizens are also responding to these political failures by protesting because China is undergoing a major transformation in its political culture. Twenty-five years of rapid growth, expanding education and information, and increased exposure to notions of rights and contracts have produced a far more assertive society where citizens are more willing to take their demands into the streets.

Beijing's security officials seem to recognize that their long-time strategy of trying to deter and quickly squash all protests is now simply less effective (although evidence indicates that this is still their goal in dealing with Muslim and Tibetan areas).

They have recently begun promoting policy strategies that are much more permissive and sophisticated. That is, they employ both carrots and sticks. But they're also much riskier to the regime. Official police directives now stress containing, managing and defusing demonstrations and trying to avoid enraging crowds with unprofessional violence.

Instead of plunging into crowds, police are directed to seal off protest areas, prevent onlookers from joining in, and so on. Local officials and police try to drive a wedge between protest leaders and rank and file, often by trying to buy off the rank and file with back wages or pensions while sowing fear and internal dissension among the protest leaders.

When this permissive containment strategy is implemented effectively, it reduces the risk that small-scale protest will spin out of control. But it also risks sending citizens the very dangerous message that non-violent protests, even illegal ones, are increasingly tolerated and sometimes pay off very handsomely for protesters. China must greatly increase the professional skills and self-discipline of its police if they are to defuse protests with diminished violence.

But recent press reports cite numerous cases in which ham-handed police violence has caused violent citizen backlash. If this happens on a truly large scale, Beijing could again confront the ultimate risk it faced in the spring of 1989: use far greater violence to restore order, or renegotiate power with protesters and society.

Turning finally to Beijing's disturbing decision to permit large-scale anti-Japanese protests in Beijing and other cities this last weekend. Although many key facts about these demonstrations remain unclear, Beijing clearly knew about the demonstrations in advance and authorized them, at least in the sense that it made no effort to prevent them, as it often does with other protests.

By doing so, China has taken a much riskier step beyond containment and tried to tacitly stage-manage these angry young nationalist protesters, much as in 1999, when the U.S. bombed the Chinese Embassy in Belgrade. Chinese police reportedly held their lines and made no effort to intervene even as demonstrators broke Chinese law by hurling rocks, bricks and bottles into the embassy compound. China's leaders clearly hope to ride this nationalist wave rather than resist it, but Beijing now risks having its policies boxed in or manipulated by protester demands.

Given the long history of Sino-Japanese tensions, Beijing will have to decide again and again whether or not to authorize similar demonstrations, perhaps as soon as this weekend. Beijing has now legitimized protests led by a network of anti-Japanese groups that exist in a very gray area of China's emerging civil society. We really don't know how tightly controlled they are by the state, and there is good reason to believe that their support for the Communist Party government is highly contingent. If Beijing finds it must use force to rein them in, it risks being seen as "protectors" of "unrepentant Japanese." And that's a very dangerous situation for a government that has staked its claims to legitimacy on economic growth and nationalism.

To be sure, if China is to democratize some day, it must come to tolerate peaceful public protest on all issues including foreign policy. But I'm concerned that China has chosen to selectively tolerate these particular protests, and I hope that as Beijing surveys the resulting damage from last week, it will decide that foreign policy by public protest is a very risky strategy that it should not embrace in the future. I thank the Members of the Commission for their kind attention.

[The statement follows:]

**Prepared Statement of Murray Scot Tanner  
Senior Political Scientist, RAND Corporation, Washington, DC**

***Chinese Government Responses to Rising Social Unrest***

I would like to begin by expressing my appreciation to the Chair and the other distinguished Members of the U.S.-China Economic and Security Review Commission. I am honored to have the opportunity to speak to you today about unrest in China.

My testimony today will briefly examine the rise of social unrest in China today, its sources and changing forms, as well as the sharp dilemmas China's Party leaders and security officials are facing as they search for an effective strategy for coping with this challenge. My testimony draws in part upon a unique set of sources—the surprisingly blunt internal debates over unrest that have been going on among China's police officials and analysts several years now. I will close with a few comments on what I consider to be a somewhat disturbing trend—China's recent tacit support for anti-Japanese demonstrations this past week.

**Mass Unrest in China: Recent Trends**

In the past five years officials of China's public security system have confirmed what foreign observers have sensed for some time: social protest has risen dramatically over the past decade, and is now a daily phenomenon in China's political system.

Recently uncovered police data document that China has witnessed a sustained ten-year rise in what officials call "mass group incidents" (quntixing shijian)—an overly broad, catch-all term that encompasses the full spectrum of group protests—including sit-ins, strikes, group petitions, rallies, demonstrations, marches, traffic-blocking and building seizures, and even some public melees, riots, and inter-ethnic strife.<sup>1</sup> The Ministry of Public Security (MPS) reports that the number of "mass incidents" (e.g. various forms of protest) has skyrocketed from about 8,700 in 1993, to 32,000 in 1999, to about 50,000 in 2002, and surpassing 58,000 in 2003 (see table in Appendix).<sup>2</sup> Especially noteworthy has been the steady rate of increase: protest

<sup>1</sup>No one English word can begin to capture the breadth of these activities. Thus, in this testimony I will use the terms "protests," "incidents," and "demonstrations" pretty much interchangeably throughout.

<sup>2</sup>A comparison of the MPS's nationwide data and the data of China's various provincial Public Security Bureaus indicates that the nationwide data are an estimate based on the provincial totals, but not a straightforward summing of the various provincial statistics.

incidents have apparently increased every year since 1993 (although 2001 data are unavailable), and in no year did they increase by less than 9 percent.<sup>3</sup>

Nationwide data for 2004 are not yet available, but statistics reported by some provincial police departments indicate the problem remains serious. Some localities report a continued increase in total protests. Others have witnessed some decline in the total number of incidents, but an increase in the average number of protestors per incident.

China's region of greatest unrest is almost certainly its three northeastern provinces that border North Korea (Liaoning, Jilin, and Heilongjiang provinces). Workers in this aging "rustbelt" of state-owned factories suffer greatly from layoffs, illegally withheld wages and pensions, and shady factory buyouts. Liaoning police report that in 1999—the height of the Asian financial crisis—their province alone accounted for nearly one-fifth of China's total reported protests—almost 6,000 of 32,000 nationwide. The province witnessed 9,559 incidents between January 2000 and September 2002—an average of about 290 per month, or nearly 10 per day for three years.<sup>4</sup>

But China's more prosperous coastal regions have not been spared either. Guangzhou City—one of the fastest growing regions in the world for more than two decades—reported 863 protests involving an estimated total of over 50,000 people between January and October of last year.<sup>5</sup>

Certainly, these raw numbers of protests tell us that many Chinese are dissatisfied with their jobs, the economy, or their local officials. But they are not, by themselves, the best indicator of whether or not a regime is threatened by social unrest. Relatively large numbers of protests constitute far less of a threat to the government so long as most protests remain small, unorganized, peaceful, isolated from each other, and their demands remain limited and concrete. From the standpoint of the Chinese Communist Party's (CCP) survival, it is crucial to note that there is, to date, very little sign that protestor demands are turning against the Chinese government per se (although anger at local officials seems to be virtually universal). Even more important is that 25 years after the rise of the Solidarity trade union in Poland, China has still prevented the emergence of any similar nationwide or even regional independent political party, trade union, or student, peasant, or business association that could organize or sustain major anti-regime protests.

That said, there is increasing consensus that the form of protests is changing in ways that Beijing will find harder to control. Police officials note that protests are growing larger in size and that "repetitive" or long-lasting protests are on the rise. Demonstrators are increasingly reaching across the old boundaries of workplace and office unit, and their levels of organization, use of communications technology, and tactical cleverness is increasing. While police insist most protests are peaceful, they also report that "confrontativeness" and violence are on the rise.

MPS figures indicate that protests are growing in average size—from 10 or fewer persons 8 years ago to about 52 people per incident in 2003, with protests involving hundreds and thousands becoming increasingly common. Guangzhou reports that this past year, 1 protest in 7 involved more than 100 persons. In Liaoning, an estimated 863,000 citizens took part in the 9,000-plus protests between 2000 and 2002—an average of more than 90 per incident.

Many demonstrators cleverly frame their demands and stage manage their protests so as to embarrass the objects of their protests (enterprise managers, local officials, etc.) and paralyze security officials from using extreme force. Favorite tactics include waving copies of the laws that local officials are violating, "skipping levels" and taking demands to higher administrative officials, and placing senior citizens, retired soldiers, women and children in the front ranks of protests.

Protestors make extensive use of the Internet and e-mail, cellular phones and text-messaging, as well as deliberately hard-to-monitor "low-tech" methods to organize their protests. Few protests have been more openly organized than the April

<sup>3</sup>Li Zhongxin, *Quntixing Shijian Yanjiu Lunwenji* (Collected Research Essays on Mass Incidents), (Chinese People's Public Security University Press, June 2001); Xiao Tangpiao, "Ershi yu lai Dalu Nongcun de Zhengzhi Wending Zhuangkuang," *Ershiyi Shiji* (Hong Kong), October 21, 2003, internet edition; Josephine Ma, "Three Million Took Part in Surging Protest Last Year," *South China Morning Post*, internet edition, June 8, 2004; Louisa Lim, "Chinese Protests on the Rise," *British Broadcasting Corporation*, June 8, 2004, <http://bbc.co.uk/1/hi/world/asia-pacific/3786541.stm>.

<sup>4</sup>Published report by Liaoning Public Security Bureau Chief Li Wenxi, dated November 2002, obtained by RAND analysts.

<sup>5</sup>Wu Sha (Guangzhou City PSB Deputy Director), Dali Jiaqiang Quntixing Tufa Shijian Chuzhi Gongzuo Quanli Weihu Shehui Zhengzhi Wending (Forcefully Strengthen the Handling of Sudden Mass Incidents, and Protect Social and Political Stability with All Our Might), *Gongan Yanjiu*, 2004, Number 12, pp. 48–53.



9, 2005 anti-Japanese protests, the plans for which were widely known even in the West almost a full day before the demonstrations. Technology has helped protest leaders reach across the old boundaries of workplace and village to organize similarly disgruntled citizens—as when Muslims from neighboring provinces were called in to support their brethren caught up in ethnic violence in Henan in October 2004.<sup>6</sup> For more than a decade, China's government and its “netizens” have been engaged in a game of cat and mouse, as the state develops new and increasingly sophisticated strategies for monitoring and controlling information flows, while citizens craft increasingly evasive strategies to circumvent this control. A recent RAND study by James Mulvenon and Michael Chase on dissident use of the internet in China concluded that:

“[w]hile Beijing has done a remarkable job thus far of finding effective counterstrategies to what it perceives as the potential negative effects of the information revolution, the scale of China's information-technology modernization would suggest that time is eventually on the side of the regime's opponents.”<sup>7</sup>

### **Causes of Unrest: Not Just the Economy**

There are many specific grievances that drive protestors into the streets, and these have been widely noted by other witnesses today. Most protests stem from social, economic, and political policy problems that Beijing is unlikely to be able to solve any time in the near future. Overwhelmingly, Chinese police analysts emphasize the popular grievances resulting from economic reforms, including layoffs and unemployment (and demobilization, in the case of soldiers), withheld wages, pensions, housing allowances, health care and other benefits. These causes were especially clear during the economic crisis of 1997–2000, when rising unemployment was accompanied by a sharp increase in protests of more than 25% in 1998, and 67% in 1999. Police officials also bluntly concede that a major factor behind unrest has been the dramatic rise in income inequality during two decades of market-oriented reforms, which has undermined popular faith in economic reform and stoked widespread suspicions that those who have “gotten rich first” did so through corruption and connections rather than hard work and innovativeness.<sup>8</sup>

But bad economic times alone cannot fully account for the sustained rise in unrest. This fact is amply demonstrated by comparing the rising levels of protest with recent rates of economic growth. Although protests did accelerate during the late 1990s recession, they began rising as early as 1993–1996 when China's GDP was growing at more than 10 percent a year. More importantly, protests have continued to increase at more than 20% a year during the 2000–2003 recovery when the economy grew at 9% annually. Thus, while unrest has clearly accelerated during economic downturns, its persistent increase—regardless of the state of the economy—clearly suggests that protests are being motivated by more than just transitory economic conditions. Consequently, the Chinese police's own data strongly suggests that Beijing's leaders would be unwise to think that if they just hold on long enough, they can simply “grow their way out” of the current unrest.

### **Inadequate Political Institutions**

It seems increasingly clear that the lagging development of China's political and legal institutions bears at least as much of the blame for rising unrest as does the economy. Of special note is the lack of effective channels for redressing citizen grievances, weak government oversight and enforcement of laws, and perhaps most of all, pervasive corruption. Many of the most common causes of unrest—predatory and illegal tax burdens on peasants, judicial corruption, coercive family planning enforcement, fraudulent financial schemes, property rights disputes, polluted farmland and streams, failure to make good on promised jobs and benefits for veterans—have at their root failures of governance. To be sure, Chinese citizens in record numbers feel it is worth their while to take their complaints to the courts, people's congresses, mediation committees, letters and mass visits offices, and press organs. But the growth of these official channels is not keeping up with citizen demands, and these institutions are often sclerotic, bureaucratic, corrupt, or even vengeful. Conse-

<sup>6</sup>Joseph Kahn, “Martial Law Is Declared After 150 Die in Clashes in Central China,” *New York Times* (Online version), October 31, 2004; See also Joseph Kahn, “Ethnic Clashes are Confirmed by Beijing: Toll Is Unclear,” *New York Times* (Online version), November 2, 2004; “Police Cars Torched as 10,000 Riot,” *Reuters*, October 21, 2004.

<sup>7</sup>Michael Chase and James Mulvenon, *You've Got Dissent! Chinese Dissident Use of the Internet and Beijing's Counterstrategies*, Santa Monica, RAND, 2002, pg. xiii.

<sup>8</sup>Zhang Shengqian, Zhi'an Shijian Chuzhi (*Handling Social Order Incidents*), (Beijing, People's Public Security University Press, 2001), pg. 36–39.

quently, until China effectively reforms these organs of governance, many citizens will continue risking repression by taking their demands into the streets.

These political shortcomings are especially evident in what is perhaps the fastest growing source of protests—the battles over urban renewal and the forcible eviction of many city dwellers and peasants from their homes and farms to make way for profitable new construction projects. Even police officials note that one of the most common scenarios for protest occurs when the evicted tenants or farmers discover (or believe) that corrupt officials have taken bribes from developers to evict them, or have pocketed the difference between the meagre reimbursements paid to the former residents and the high subsequent sale price of the land. Guangzhou police report that in 2003–2004, forcible evictions were the number one source of unrest in their city, accounting for more than 23% of all protests.<sup>9</sup> Sichuan provincial public security officials report that in their province as a whole, the percentage of all protests caused by such property evictions grew from 12% to 16.3% between 2001 and 2003. In the city of Chengdu alone, the figure was a stunning 61%.<sup>10</sup>

### China's Changing Political and Legal Culture

But citizens would be far less likely to respond to these institutional failures with public protests if China were not also undergoing a significant change in its political culture, in particular popular attitudes toward political and legal rights. China's rapid economic growth, rising access to education and information, and increasing exposure to notions of "contracts" and "rights" are apparently producing an increasingly assertive society. After 25 years of economic and political reforms, many average Chinese citizens are simply more willing to take their demands into the streets than was the case in the past. Many appear to have forgotten the bloody "lesson" that Deng Xiaoping administered in the 1989 Tiananmen massacre—that the risks and dangers of protest far outweigh any potential payoffs to the protestors. Instead, police officials report increasingly hearing citizens claim that "If you want a great solution to your problems, you must make a big disturbance. A little disturbance only gets you a little solution. And if you make no disturbance, you get no solution."

### Beijing's Risky New Protest Strategies

Hu Jintao and China's security officials seem to recognize that the post-Tiananmen strategy of trying to deter or quickly quash all demonstrations is now less effective (although evidence indicates these are still the rules of engagement in Muslim and Tibetan areas). Before coming to power, Hu often invoked Deng Xiaoping's dictum that "Stability overrides everything." But he also argued that the leadership needed to "keep a cool head . . . and enhance its political flair and acuity in handling contradictions among the people."<sup>11</sup> In recent years they have begun promoting police strategies that are much more permissive and sophisticated—employing both carrots and sticks—but are also much riskier for the regime.

Official police directives and training now emphasize containing, managing and defusing demonstrations and trying to avoid enraging crowds with unprofessional violence. Instead of plunging into crowds, police are directed to focus on sealing off protest areas to contain demonstrators and isolate them from onlookers who might be tempted to join in. Management of information and press reports about protests are also a key concern, and among their key tasks, police are instructed to prevent any unauthorized recording, photography, and interviewing of protestors, especially by foreign journalists. For their part, however, police are encouraged to gather videotape evidence about protest leaders for later prosecution, and are urged to be visible in doing so, in order to heighten their deterrent effect. But except in cases of violence, police are usually instructed and wait until after crowds have dispersed before detaining the leaders. Western journalists have meticulously documented police efforts to drive a wedge between protest leaders and rank-and-file, often by attempting to "buy-off" the rank-and-file with back-wages or pensions, while sowing fear and internal dissension among protest leaders.<sup>12</sup>

The upside of this "permissive containment" strategy is that, when implemented effectively, it reduces the risk that small-scale demonstrations could spin out of control. But this strategy also risks encouraging protests by sending citizens the message that non-violent protests—even illegal ones—may be tolerated, and may even pay off handsomely for the protestors.

<sup>9</sup> Wu Sha, *Gongan Yanjiu*, 2004, Number 12, pp. 48–49.

<sup>10</sup> *Gongan Yanjiu*, 2004, Issue Number 1, pp. 73–77.

<sup>11</sup> Xinhua, March 6, 1997.

<sup>12</sup> Phillip Pan, "Three Chinese Workers: Jail, Betrayal and Fear," December 28, 2002, pg. A-1; these tactics are also recommended in Zhang Shengqian, *Zhi'an Shijian Chuzhi*, pg. 63.

These new strategies also risk loss of control if they are not accompanied by adequate and appropriate police training. If police forces lack the skills, professionalism and self-discipline necessary to defuse protests with minimal violence, they risk exacerbating popular anger and violence. Recent press reports cite numerous cases of security forces employing unprofessional, violent tactics to suppress disgruntled citizen groups—sometimes causing protestors to respond in kind. In some cases, reports indicate that local Communist Party leaders—eager to quickly suppress demonstrations that might prove embarrassing to them—have given security officials orders that would contravene official national strategy and risk further enraging protestors.

Chinese security officials have also stressed their need to revive and strengthen their social intelligence networks so that they can respond quickly and contain protests early. It is clear, however, that these once-vaunted networks of “security activists,” neighborhood committees, and other informers have been eroded greatly by reform, and police report that they frequently do not find out about impending protests until they are well under way.

The ultimate risk of China’s new more permissive containment and management strategy is that security officials—for any number of reasons—may find themselves losing control of a major demonstration, which then grows and spreads. Were that to happen, the Chinese government would find itself once again in the situation it faced at the height of the Cultural Revolution or in the spring of 1989—forced to choose between employing far greater violence to restore order, or engage in a renegotiation of power with society and the protestors. In the past, this difficult choice has always resulted in a serious split among the Party leadership over how best to restore control.

#### **Riding the Tiger?: The April 2004 Anti-Japanese Demonstrations**

I would like to close with a few comments about what I believe is rather disturbing recent development—the Chinese leadership’s decision to permit the large scale anti-Japanese protests in Beijing this past weekend, and perhaps also the protests in Guangzhou and Shenzhen.

Many important facts about these demonstrations remain to be clarified, in particular the leadership’s authorization of the demonstration. Clearly, it is important to find out whether the protest organizers formally applied for and received legal permission for the protest from the police (as required under China’s 1989 Public Demonstrations Law), or if protest leaders simply advertised the demonstrations after receiving a tacit “wink and a nudge” from authorities. In either case, however, Beijing clearly had foreknowledge of the demonstrations, and “authorized” them at least in the sense that it chose to permit them rather than try to prevent them. In many ways, Beijing’s authorization of these protests is at least as clear as it was in the 1999 protests after the U.S. bombed China’s Belgrade embassy. Much as then, Beijing provided buses to take demonstrators home, determined how long they would be permitted to protest in Beijing’s embassy district, and its police reportedly held their lines without responding even as demonstrators broke Chinese law by hurling rocks, bricks, and bottles into the Embassy and Consulate compounds.

In so doing, China has taken a much riskier step beyond its emerging protest strategy of “permissive containment and management” by attempting to tacitly “stage manage” angry young nationalist protestors. The leadership clearly hopes to ride this wave, buttress its popular nationalist credentials, and mobilize this popular anger as a diplomatic tool in its dealings with Japan over issues such as textbooks, Security Council membership, and security cooperation with the U.S. to protect Taiwan. China can now claim—probably correctly—that its people would not stand for significant concessions on these issues.

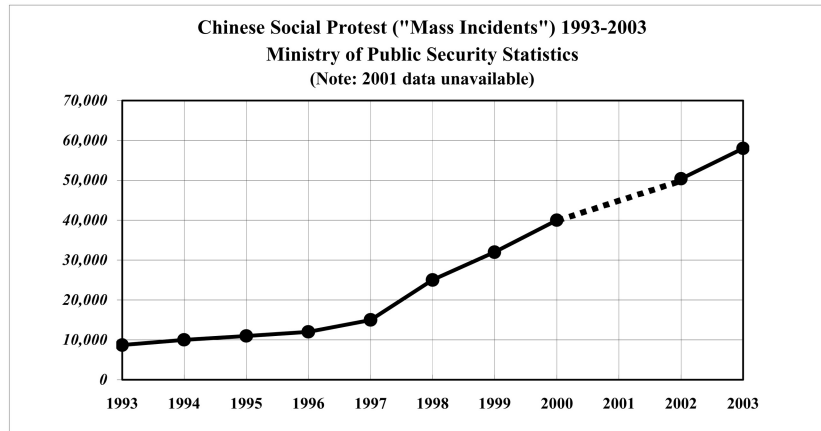
But Beijing has chosen to run major risks that could end up creating serious challenges for its domestic stability and its foreign policy. By aligning itself tacitly with the protestors (notwithstanding its public calls for restraint), it risks having its policies boxed-in or manipulated by protestor demands. Many in Japan and other countries now clearly feel that, by treating these demonstrations more permissively than it does most demonstrations, Beijing has to some extent assumed responsibility for damage caused by the protestors. Moreover, whereas the Belgrade bombing was in many ways a one-time event in which popular anger was likely to cool later, China’s disagreements with Japan have both a longer history and an indefinite future. Beijing has also legitimized protests led by a network of anti-Japanese groups that exist in the gray area of China’s emerging “civil society,” and which are not as tightly controlled by the state. As a result, China will have to decide whether or not to authorize similar demonstrations again and again in the future—and press sources yesterday reported that these same groups plan to march again tomorrow. Perhaps worse, if Beijing finds it must use coercion to limit the protestors, it risks

putting its security forces in the dangerous position of being seen as the “protectors” of the “unrepentant Japanese”—a very dangerous situation for a government that has staked its claims to legitimacy on nationalism and economic growth. There is good reason to believe that these young nationalist’s support for their own government is highly contingent, and they could easily grow angry with Beijing if it misplays its hand in this dangerous game.

Let me be clear about one point: if China is to democratize some day, it must eventually adopt a much more tolerant, protective policy toward peaceful public protest on all issues—including foreign policy. But I am concerned that China has chosen to selectively and tacitly tolerate these particular protests, and I hope that Beijing looks at the resulting violence and decides that foreign policy by public protest is a very risky strategy that it should not embrace in the future.

I thank the Members of the Commission for their kind attention.

#### Appendix: Chinese Statistics on Protest Incidents



Cochair REINSCH. Thank you. Ms. He, welcome back. You’ve been to the Commission before and it’s a pleasure to have you with us.

**STATEMENT OF HE QINGLIAN  
SCHOLAR IN RESIDENCE  
HUMAN RIGHTS IN CHINA, NEW YORK, NEW YORK**

Ms. HE. [Interpreted from Chinese.] Very glad to have the opportunity to be here for the testimony. My topic today is the crisis of China and the control measures China’s government takes.

From last year, there is a view circulating among China’s elite circle that for the next five years there might be a possibility to maintain China stability, but for the next five to seven years, if China could be kept stable, they are not sure. The reason they have this view is because China’s political stability is highly based upon the economic stability. However, the economic development and its stability now face serious problems.

The four problems of China’s economic system are: its financial system faces a possibility of crisis of collapse; the bubble of its real estate industry is going to collapse soon; its so-called world factory sustained by two important factors now faces the threats; its economic development is going to be restricted by energy.

Bad loans of China’s financial system according to the estimate of international organizations is 44 to 45 percent and some esti-

mate that it's going to be 60 percent. The reason China's financial system still survives is because it survives upon three firewalls.

First, the 40 percent of high saving rate in Chinese consumers. International lessons should suggest that such a high saving rate could last no more than 30 years, just like in Japan. In China, 2010 is going to be the thirtieth year for the highest saving rate.

Second, the protected banking system closed to outside. According to agreements of WTO, this firewall is going to be withdrawn before 2006.

Third, the fixed currency rate of renminbi. This policy is challenged by the international community and it may have to be changed soon.

China's government realizes that this financial crisis has to be—the problem has to be solved within two to three years, so it tried to send its state banks on Wall Street stock market to sell its shares. Now, they are trying to revise thousands of hundreds of their accounting bookkeeping records to match the standard of Wall Street stock market.

At the same time, four of the state banks of China are going to the Hong Kong stock market. Number one is the state construction bank. However, the Hong Kong stock market is too small to absorb those bad loans.

The second problem Chinese government is going to face is once the bubble of the real estate industry collapses, the government fiscal budget is going to face serious problems. The real estate industry is one of the key industries to sustain China's economic growth in the past 20 years.

Currently, at least 30 percent of revenues of Chinese governments come directly from the real estate industry, which does not include revenues from upper industries and lower industries of the real estate.

Some researchers indicate that Chinese governments collected within five years revenues from real estate within five years, collected revenues of real estate industry from 30 years, but within five years.

Many people realize that the bubble of real estate market is going to collapse so the Chinese government began to take strict measures to prevent this collapse from this April. Seventy percent of loans for the real estate industry comes from bank loans so when the bubble of real estate collapses, the risk will transfer to the banking system.

The third problem is the foundation for China's world factory is shaken. Many countries fear that the products made in China threaten their own industries, but the real advantage of China's products sold in the world is its cheap labor. The cheap labor in China is maintained with several conditions including poor working conditions, very low salary and non-welfare.

On the other hand, China produces many such kinds of goods, but at the cost of loss of the environment. The shoes, for example, are very expensive if they're made like in Spain. It costs about \$25 a pair, but in China it costs only \$10. Why is it less expensive in China? Because the shoe industry produces a lot of pollution and pollutes the water. All the pollution is left in China and contained by that land.

The serious pollution of the environment is counted like 8 percent of GDP since the 1990s. Because the rent is going up now and the cheap wage advantage is no longer available, the labor intensive industries in China are gradually transferring to other developing countries in Southeast Asia.

The fourth problem is China's economy became dependent on foreign energy. The petroleum and raw materials China's industry needs in recent years, about one-third of them need to be imported from other countries.

Cochair REINSCH. Can we summarize the remaining remarks, please?

Ms. HE. [Interpreted from Chinese.] And all those problems suggest that China's economy cannot be sustained in the high growth in the future and it may face a serious crisis. And in such a situation, Chinese government depends upon several instruments to control society.

First, it tries to collaborate economical and political elite together. Second, to use more and more state violence against protest from bottom level society. Third, to reinforce ideological control, which includes media control. I already wrote a book about that.

Also, in schools the party reinforces thought control through education. Such kind of thought control is also conducted outside China. They try to eliminate voices in overseas countries, eliminate the voice of criticism. For example, Chinese media in the United States, many of them are controlled or invested by Chinese government.

Another example is recently Chinese government forces European satellite company to stop service for New Tang Dynasty TV station based in the United States. I personally believe that the so-called peaceful rise of China is just a dream. Compared with 11 so-called failed countries in the world, China has at least three or four characters of those failed countries.

First is privatization of public power.

Cochair REINSCH. We really are getting out of time here. You can have one more minute, Ms. He.

Ms. HE. [Interpreted from Chinese.] Second is legalization of violence, including government violence and violence in society. Third is maffiarization of governments. Many mafia organization heads now enter into government organizations, become government officials and many government officials more and more rely upon mafia organizations.

The only difference with other failed countries is China's army is not privatized by individuals. Thank you very much.

Cochair REINSCH. Thank you. Mr. Li.

**STATEMENT OF LI QIANG  
EXECUTIVE DIRECTOR  
CHINA LABOR WATCH, NEW YORK, NEW YORK**

Mr. LI. [Interpreted from Chinese.] First of all, I would like to thank the Commission for the opportunity to share some of my experiences on this important subject. I will limit my remarks in the brief time I have on the impact of China's governmental policies on workers which is the area of my experiences.

Let me begin with my personal experience. Ten years ago I got a job at a first construction company, a state-owned enterprise in

my hometown of Zigong City, Sichuan Province in China. In China, if you work for a state-owned enterprise, you automatically become a member of official trade union. And so I became member of a local branch of the All China Federation of Trade Unions.

I remember in the first days, my manager called new workers to a meeting and explained that they need a new union leader for 20 workers. I happened to sit next to the manager and he asked me if I would accept the position of a union group leader. I didn't object, and in this way I became a local leader of this official union. I know this is the way trade union leaders are appointed.

I soon found out that the so-called official trade union just works to distribute welfare and organize some entertainment activities. The trade union does not solve problems between management and workers. It does not provide any channel. The trade union does not protect the well-being of workers and its members. Instead when it distributes welfare, it has some unfair policies, but we cannot oppose that.

Later I quit my job and was no longer a trade union member as many workers don't want to be a member. Because I had some knowledge I became a legal consultant to help workers to solve those labor disputes with management. In Spring Festival of 1997, I witnessed a suicide of a worker in front of city government. He burned himself with a lighter in his hand, he poured gasoline over his body and ran up the steps of the municipal building. I can never forget his desperate face. Although his action was stopped by police, this incident greatly affected me and I gave up my business and devoted myself to defending workers' rights.

That worker and his wife had worked at a salt company for 20 years. After being laid off, they couldn't find a job. Their debts piled up. They worried about being unable to take care of their children. They went to the union several times for help but the union didn't help them.

The suffering of this worker is not exceptional. Millions of laid off workers in China are facing the same problem. Some of them may find another job, but most of them, especially women over 40, couldn't find any job. After losing a job in a state-owned enterprise, a worker also loses medical insurance and a pension.

Workers do not accept this situation passively. Over the past ten years, many Chinese state-owned enterprises fell into bankruptcy and many workers were laid off, and they went to protest. Many workers' leaders who organized those protests were arrested. In Liaoning Provincial Ferro-Alloy Company, thousands of workers were laid off and they took to the streets after two years of fruitless appeals to the provincial government.

As a result of the protest, two brave leaders, Yao Fuxin and Xiao Yunliang, were sentenced to jail for seven and four years respectively. According to his family, Yao has been physically abused in jail, and his heart condition has not been treated properly. And Xiao's family reports that he is going blind because the prison authorities do not treat his eye disease.

There are numerous such kind of cases. If the Commission permits, I would like to provide a list of such workers' names.

Cochair REINSCH. Yes, indeed, that will be fine. We'll put them in the record.

Mr. LI. [Interpreted from Chinese.] Finally, I would like to say a word about the situation in private foreign invested enterprises in China. As you know, these factories are usually invested by international capital in many cases from the United States or have business with U.S. companies. The problems facing workers in these enterprises are somewhat different from the state-owned enterprises but no less severe.

These workers have a job, but the working conditions they face are very poor. Many workers are migrant workers from rural areas. Their legal rights are limited. They are working 14 hours a day, often seven days a week, exposed to dangerous chemicals, but earn only \$60 to \$70 a month. They live in small dormitory rooms shared with a dozen people and have no medical insurance or retirement benefits, even though employees wages are often illegally withheld and, of course, they have no union to help them.

I have personal experiences in the factory in Guangdong Province for two years. But I don't want to leave you with the impression that the situation is hopeless. On the contrary, China is today a country in great ferment. Everywhere you go, you can see factories and buildings rising. You'll see the stores crammed with goods and the streets with vehicles. Of course, workers are aware that all those conditions are created by their work, and they have rights to share the wealth.

The economically developing China is at a cost of workers' sacrifice. More and more, Chinese workers learn to defend their rights with the legal system and ask their employers and government to protect their rights. And also they believe that in policymaking, there should be a voice from workers. I believe that this can and will be accomplished as the voice of the workers grows stronger and China's own leaders slowly realize that their vision of a harmonious society must be one that empowers the people and truly respects the rights of workers, a society in which social justice grows with the economy.

Thank you very much. I would be happy to answer any questions.

[The statement follows:]

**Prepared Statement of Li Qiang  
Executive Director, China Labor Watch, New York**

I would like to thank the Commission for the opportunity to share some of our experiences on this important subject. I will limit my remarks in the brief time I have to the impact of China's governmental policies on workers, which is the area of my expertise.

Let me begin with a personal experience. Ten years ago I got a job at the First Construction Company, a state-owned enterprise (SOE) in my hometown of Zigong City, Sichuan Province. In China, you normally become a member of the official trade union if you work in an SOE, and so I became enrolled in the local branch of the All China Federation of Trade Unions (ACFTU), the only union legally permitted in China. I remember it was a couple of days after my first day on the job when the manager called new workers to a meeting and explained that our team of 20 workers needed to have a union leader. Since I happened to be sitting next to the manager, he asked me if I would accept the position of union leader. I didn't object, and in this way I became a local leader of the ACFTU. As far as I know, this method of selection was used throughout the enterprise.

It did not take long for me to understand that the union functioned primarily as an administrative arm of the company. It organized athletic activities, gave out gifts on holidays, visited hospitalized workers and so on. It did not deal with any of the fundamental issues between workers and management. It did not provide a channel



for resolving conflicts. It did not protect the legal rights of workers. And it practiced the most blatant kind of favoritism in allotting some of the real benefits that were available. It was also understood that if you protested these policies, you would probably get fired. After a while nobody went to union meetings. Workers just tried to get along as best they could. I eventually quit the job and started a small business with some friends. Since I had studied law, I also offered free legal advice to workers who were trying to redress grievances in their work places.

Then something happened that changed my life, an event that occurred two days after the Spring Festival in 1997 that I witnessed. On that day a laid-off worker from the Salt Company in Zigong City attempted to burn himself in front of the municipal building. With a lighter in his hand, he poured gasoline around his body and up the steps of the municipal building. I can never forget his desperate face. Although his immolation was stopped by the police, this incident greatly affected me. I gave up my business and devoted myself to defending workers' rights.

This worker and his wife had worked at the Salt Company for 20 years. After being laid off, they couldn't find a job. Their debts piled up. They worried about being able to take care of their child. They went to the union several times for help but the union did nothing.

The suffering of this worker is not exceptional. Millions of laid-off workers in China are facing the same problem. Some of them can find another job, but most cannot, especially women over 40. After losing a job in an SOE, a worker also loses medical insurance and pension.

Workers are not accepting this situation passively. Over the past ten years there have been numerous cases of workers appealing to the courts or demonstrating in the streets after being laid off without legally entitled benefits by an SOE that had gone bankrupt due to the pressures of China's economic transformation policies. These protests often result in arrests of workers and their leaders who dare to challenge these injustices.

In March 2002 thousands of workers laid off by the Liaoning Provincial Ferro-Alloy Company took to the streets after two years of fruitless appeals to the provincial government, to management and the official trade union. As a result of the protest, two brave leaders, Yao Fuxin and Xiao Yunliang, were sentenced to jail for seven and four years respectively. According to his family, Yao has been physically abused in jail and his heart condition has not been treated properly. Xiao's family reports that he is going blind because prison authorities have not treated his eye disease.

There are numerous other cases like this, and with the Commission's permission I would like to submit for the record this list of workers who have been imprisoned for nothing more than insisting on the rights they are entitled to under China's own legal code.

Finally, let me say a word about the private, foreign invested enterprises (FIEs) that are driving so much of China's economic development today. As you know, these are the factories and companies formed by international capital, in many cases from the United States, or have business with U.S. companies. The problems facing workers in these enterprises are somewhat different from the SOEs but no less severe.

In this case workers have a job, but the conditions they face constitute a kind of slavery. Many of them are migrant workers, with limited legal rights. They make as little as \$60 or \$70 a month, working 14 hours a day, often times seven days a week, often exposed to dangerous chemicals. They live in small dormitory rooms shared with a dozen other workers. They have no medical insurance or retirement benefits, and employers often illegally withhold even the meager wages that are due. And of course they have no union that will take up their cause.

I know this is true because I experienced these conditions myself working for two years in several FIE factories in Guangdong Province.

But I would not want to leave you with the impression that the situation is hopeless. To the contrary, China is today a country in great ferment. Everywhere you go, you see factories and buildings rising, you see the stores crammed with goods and the streets with vehicles, and it is not lost upon the workers of China that it is they who have created this tremendous new wealth and deserve a fair share of it.

Increasingly, we see them making use of the legal system, insisting that employers and government authorities comply with the labor code instead of ignoring it, and insisting also that the voices of ordinary workers be heard at the decision-making councils of the nation.

I believe this can and will be accomplished, as the voice of workers grows stronger and China's own leaders slowly realize that their vision of a harmonious society

must be one that empowers the people and that truly respects the rights of workers, a society in which social justice grows with the economy.

Thank you, and I would of course be happy to try to answer any questions you may have.

#### An Updated List of Imprisoned Labor Activists

Name	Province/ City	Detention Date	Current Situation
Li Xintao	Yantai	November 2004	Detained, and will be convicted on April 19, 2005
Kong Jun	Yantai	November 2004	Released on bail, will be convicted on April 19, 2005
Hu Mingjun	Sichuan	May 2003	Unknown
Zhao Changqing	Shaanxi	December 2002	Shaanxi Weinan prison
Xiao Yunliang	Liaoning	March 2002	Lingyuan prison
Yao Fuxin	Liaoning	March 2002	Lingyuan prison
Li Wangyang	Hunan	June 2001	Shaoyang No. 2 Detention Center
Ni Xiafei	Zhejiang	October 2000	Unknown
Miao Jinhong	Zhejiang	October 2000	Unknown
Chen Zhonghe	Hubei	September 1999	Unknown
Zha Jianguo	Beijing	June 1999	Unknown
He Chaohui	Hunan	October 1998	Chenzhou prison
Zhang Shanguang	Hunan	July 1998	Hunan No. 1 prison, Yuanjiang City. Suffers from tuberculosis, heart and intestinal illness, and ill-treated in prison.
Wang Miaogen	Shanghai	April 1993	Forcibly committed to psychiatric treatment. Currently in Shanghai An Kang PSB hospital. Reported in filthy conditions with inadequate food and water.
Kang Yuchun	Beijing	September 1992	Beijing No. 2 prison. Reported heart problems, ill-treated in prison.
Hu Shigen	Beijing	May 1992	Beijing No. 2 prison. Reported liver, heart and stomach ailments, hearing problems.

Sources: China Labor Watch, Human Rights in China, and the Solidarity Center.

#### Panel IV: Discussion, Questions and Answers

Cochair REINSCH. Thank you and thank you to all three for some very important information and some thoughtful comments. Commissioner Wortzel.

Commissioner WORTZEL. Thank you very much. I have, if I could, a question about part of Ms. He's testimony. If I got the translation right, you talked about the problems of the real estate bubble in China, and suggested that a potential bursting of this real estate bubble could become a serious cause of unrest.

Ms. HE. [Interpreted from Chinese.] Yes, I believe that the real estate market bubble may burst in this or next year. After that, it may seriously affect government finance because 30 percent of budgets, of revenue of Chinese governments comes from real estate market income. And now, only central and the provincial govern-

ments' budgets are in healthy situation. All the lower level governments' budgets are already in crisis.

Commissioner WORTZEL. Well, I agree with many of the problems you described in China. However, I disagree with you on this real estate bubble issue, and I'll explain why, and then ask for your thoughts. It strikes me that if the Chinese currency doesn't trade on the international market, if it's a currency that is essentially closed inside China, and it really has no value to the outside world, that real estate bubble can't really collapse, or at least a collapse would have no substantial impact.

If you look at the period in Shanghai, between 1997 and 2000, during the Asian economic crisis, the Shanghai real estate bubble then collapsed by a good 50 percent. There was almost half value in all houses. All the Chinese government did was take foreign direct investment and put it into building more houses. It made no difference whatsoever to the banking system or the economy on face value, and there was no unrest because of this supposed collapsed real estate in Shanghai.

So why wouldn't that happen again?

Ms. HE. [Interpreted from Chinese.] Shanghai is just one window to observe China's real estate industry. From last November, 90 percent of buyers of real estate in Shanghai are foreigners, foreign speculators. Currently the price of a house in Shanghai is about 26 times the average family income, annual income. It is four to six times of the ratio in other countries.

The other indicator to observe if the real estate bubble is going to burst is the ratio of rent and price of house. Currently, in Shanghai, the mortgage for a house, its interest is about six times the cost of rent. Chinese government well knows that the situation is very dangerous so it already took a series of measures to try to stabilize this real estate market.

Cochair REINSCH. Thank you. Mr. D'Amato.

Chairman D'AMATO. Thank you, Commissioner Reinsch. Mrs. He, thank you for coming back and seeing us again. We appreciate your continued involvement in analyzing what's happening in China. From what you say and what you've written here, *The Volcano, The World's Largest Volcano*, you're predicting a collapse. My question is we don't see any alternative to the current regime and its power base, the army. What would be your feeling as to how China would change as a result of this collapse?

Would there be a decentralization of power? Or would it simply devolve into some kind of chaos or what's going to happen when this bubble bursts, and the regime loses its power base?

Ms. HE. [Interpreted from Chinese.] My feeling is that if such kind of collapse takes place, China is going to be disintegrated.

Chairman D'AMATO. What?

Ms. HE. Disintegrated.

Chairman D'AMATO. Decentralized to provincial power?

Ms. HE. Decentralized by armed forces.

Chairman D'AMATO. Fragmentation?

Ms. HE. Local warlords. Such kind—

Chairman D'AMATO. No replacement central power?

Ms. HE. If the Communist Party is over, there is no such kind of centralized power to replace it. That is also the excuse China's authoritarian regime uses to strengthen its rule.

Chairman D'AMATO. Thank you.

Cochair REINSCH. Thank you. Mr. Mulloy.

Commissioner MULLOY. First, I want to thank Dr. Tanner. This is very, very good testimony. I appreciate it and we value it. Since I have a very limited time, though, I wanted to ask one of our other witnesses a question, but I want to salute you for your testimony.

Dr. TANNER. Thank you.

Commissioner MULLOY. Mr. Li, thank you for being here. You talk about the foreign invested companies and the way they treat Chinese labor, who work 14 hours a day, seven days a week, with exposure to dangerous working conditions. Did you find any difference or do you know if American foreign invested companies treat workers any differently from other foreign invested companies in the way they operate in China?

Mr. LI. [Interpreted from Chinese.] The treatment of American companies to workers is better than that of Hong Kong and Taiwanese companies.

Commissioner MULLOY. Is better than the Hong Kong Taiwanese and Korean perhaps?

Mr. LI. [Interpreted from Chinese.] Yes, better than Korean.

Commissioner MULLOY. Thank you. Do you have any suggestions on how the workers could get better conditions for themselves when they are not permitted to form independent labor unions? They're all state labor unions; are they not?

Mr. LI. [Interpreted from Chinese.] I think one step is to train workers in terms of legal education. Secondly is to rescue those arrested workers' leaders and provide some legal advice from overseas. And also through diplomatic efforts try to get those workers released.

Commissioner MULLOY. Okay. Thank you.

Cochair REINSCH. Thank you. Ms. Bartholomew.

Commissioner BARTHOLOMEW. Thank you to our witnesses. I'm trying to understand the nature of the people who are involved in the protests that are taking place. On the one hand, we have protests in Beijing, the anti-Japanese action. Do we know anything about the composition of who is participating in those protests? Is it students? Is it educated people? Is it a mix of people? Are there workers participating?

Dr. TANNER. While that question is being translated for the others, I'll take a jump at it. Yes, actually we do know a good deal about who the protestors are. We've got a number of sources on that. We have Western and, of course, Chinese on-the-scene observers. But the security forces publish a good deal of internal statistics about what types of people take part and they use the classic old categories of Chinese society—"workers," "peasants," "urban residents," "students" and so on.

First of all, there is enormous diversity from province to province. The major categories of protestors are still workers and peasants, but of course, those are the major categories of the society as a whole.

Pensioners are a major source of protest. In particular, in the northeast, this is a large source. A significant change in recent years is the shift over to urban residents, in particular protests over these issues of urban renewal and people being pushed out of their homes, forcibly removed from their homes. The police frankly admit internally that this is becoming an increasing percentage of a growing overall number of protests. And I think I have a few stats on that in my [written] presentation. I can get more for the Commission if you like. But that's a growing source. I think it's fair to say that from the mid-'90s on we're seeing an increasing urbanization of protest.

Commissioner BARTHOLOMEW. And the urbanization that you're seeing is that urban residents or is that people who have come into the urban areas from rural areas, seeking work? What I'm trying to understand in piecing this all together is the labor unrest protests? Is there any basis for concern on the part of the Chinese government or for hope on the part of people who want change, that the protests that are taking place by the pensioners and the protests that are taking place by the laborers and/or the people who are protesting on the nationalist grounds, the bigger issues, anti-Japan, whatever it is, that they either have overlapping people or that there is some chance or concern that it will become a broader organized movement?

Dr. TANNER. Commissioner Bartholomew, I had the misfortune of being a graduate student at Beijing University, during the spring of 1989, and the demonstrations and the massacre. One of the things that I remember about that was the fantastic apathy shortly before the death of [former Communist Party Chief] Hu Yaobang, and the terrific speed with which a large number of people came together under vague unifying demands—opposition to the corruption and “democracy.” I polled many people, “what does democracy mean to you?” I got all kinds of answers, but the one I never got was multi-party elections. The most common answer was low inflation.

My point there is that that sort of a phrase, “democracy,” to them meant generally that they treat them better and listen to them more. And I think we have to be aware of the possibility that under that sort of a general unifying theme, that sort of a broad, vague unifying theme similar to the phrase “family values” in American politics, which is like a Rorschach test—right? We could easily see these things groups or demands come together. And if I were a gambling man, my money would be on the Chinese people coming together under some slogan involving anger over corruption.

Ms. HE. [Interpreted from Chinese.] According to my understanding, the same kind of anti-Japanese demonstration is impossible if it is not authorized by the government. I remember in the Belgrade Embassy bombing case and the April plane crash incident, the two demonstrations were organized by Chinese government.

The majority of the demonstrators are students because students don't have to stop working. At that time, I was a reporter in Shenzhen City in Guangdong Province. I got ordered to interview demonstrators. Before we got there, we already had a list of ques-

tions, what we should ask, and what kind of answer we should collect.

Commissioner BARTHOLOMEW. Anything from labor's perspective?

Mr. LI. [Interpreted from Chinese.] According to my observation, many people involved in the Japanese protests including students, workers, and some government officials. It is a result of the tactic Chinese government takes to mobilize nationalism against foreign countries to reduce people's concern about domestic issues.

In a certain way, the government obviously tolerates the demonstration anti-Japanese in Beijing.

Commissioner BARTHOLOMEW. And yet at the same time, there's the safety value theory that it's a way to release social steam. But it isn't addressing any of the workers' grievances; it isn't addressing any of the pensioners' grievances. It is accomplishing what the government thinks it's accomplishing within the society?

Dr. TANNER. I think it's very definitely accomplishing something. It's an important negotiating tactic for a lot of the protesters. It's an implicit threat that they can make against local governments by making enough of a ruckus that upper levels pay attention and come down to the local level leaders and say "what are you doing wrong that all of these people are out in the street?"

From a very concrete perspective of negotiating for benefits, yes, it's reasonably effective.

Commissioner BARTHOLOMEW. That's labor driven/pensioner driven, but the anti-Japanese, which we use as an example, is it the same sort of phenomenon or do we have two opposite things taking place?

Dr. TANNER. My personal view is that that is very different, and I think you've hit a very good point here. Because it's very difficult to describe exactly what concrete action [by the Chinese government] is going to satisfy a lot of these people with regard to treating Japan tougher. And this is why I think what they've done this past week is in some ways very, very risky and very, very dangerous. The [Chinese government] has put itself in the circumstance that if the government now apologizes to Japan for the damage caused at the embassy this past weekend—I mean if you're a Chinese nationalist, the response to that apology that almost writes itself: "You're apologizing to Japan for the damage to the embassy when they have yet to apologize to us for World War II? What kind of government are you?" That's dangerous.

Ms. HE. [Interpreted from Chinese.] I don't think this kind of mechanism, letting people go to demonstration reduce their dissatisfaction. As I note in the recent anti-Japanese demonstration, in Shenzhen City, among demonstrators a lot of people are simply plain-clothes soldiers.

Dr. TANNER. People's armed police.

Ms. HE. [Interpreted from Chinese.] People's armed police. Workers want their jobs. College students want their job and the peasants want their rights, the land. All those problems cannot be solved by the demonstrations.

Cochair REINSCH. Thank you. Yes.

Mr. LI. [Interpreted from Chinese.] I think the tolerance of anti-Japanese demonstration in a certain way may transfer the anger of workers against the social issues. Especially when those dem-

onstrations pop up in China's media, it will transfer people's eyes to those issues, events. In short run, some kind of method may postpone some incidence or protests in terms of social issues, but in the long run, such methods cannot solve the problems.

Commissioner BARTHOLOMEW. Thank you.

Cochair REINSCH. Thank you. And the last word and the last question comes from Mr. Donnelly.

Commissioner DONNELLY. Mr. Chairman, I yield back the balance of my time.

Cochair REINSCH. Thank you very much to all of you and for your contribution. It will all be in the record and the hearing is concluded.

[Whereupon, at 4:50 p.m., the proceedings were adjourned.]

**Statement of Dan Southerland  
Vice President of Programming and Executive Editor  
Radio Free Asia, Washington, DC**

***Overview of RFA's Mission and Broadcasts***

Mr. Chairman and Members of the Commission:

Radio Free Asia (RFA) is a private, non-profit corporation broadcasting news and information in 12 languages and dialects to listeners in Asia who lack access to free news media. RFA launched its first broadcast, in Chinese, in September 1996. RFA attempts to serve as a model substitute for local media, providing local news in countries that do not permit a free press. Funded through an annual congressional grant distributed by the non-partisan Broadcasting Board of Governors (BBG), RFA's mandate is to deliver accurate and timely news, information, and commentary and to provide a forum for a variety of opinions and voices.

RFA's mission both reflects and promotes the highest ideals of the United States as well as East Asia's long and admirable tradition of truth-telling—and of speaking truth to power. In the *Analects*, for example, Confucius is asked by a student how to serve a prince. Confucius doesn't advise the young man to blindly follow the prince's orders. Instead, he replies, "Tell him the truth. Even if it offends him."

RFA adheres to the highest standards of journalism and aims to exemplify accuracy, balance, and fairness in its editorial content. In addition to its news programming, RFA strives to be a "university of the air," broadcasting works of literature and nonfiction that have been banned in RFA's target countries. RFA also aims to give its listeners a vehicle to voice their thoughts, including when they disagree with RFA reporting, through eight call-in programs—one in Khmer, four in Mandarin, one in Cantonese, one in Tibetan, and one in Uyghur.

RFA's Mandarin service broadcasts 12 hours a day to China, with the Tibetan service broadcasting eight hours and the Cantonese and Uyghur services two hours each. These services incorporate reports from correspondents and stringers based in Hong Kong, Taipei, Seoul, Ankara, and Dharamsala in northern India.

Unlike VOA, RFA does little reporting on regional and international news unless it has an impact in our target countries. RFA does not produce any programs in English. Each language service is staffed entirely by native speakers, and the programming of each service is distinctive, reflecting various cultural styles.

It was therefore entirely predictable that China would seek to interfere with RFA programming by electronic jamming of shortwave radio broadcasts and blocking of the Internet.

***Chinese Interference with RFA Radio Broadcasts and Web Site***

RFA broadcasts to China in Mandarin, Tibetan, and Uyghur are consistently jammed. Jamming is done through a two-tiered approach using high-powered transmitters to jam broad areas of China and low-powered transmitters to target major cities.

China's efforts are already extensive. But according to industry sources, a recent Chinese government purchase of 16 more high-powered transmitters from a French corporation indicates that China may be planning to intensify its efforts. These new transmitters cost more than \$1.5 million each, but this is just a small part of the overall cost needed to operate, maintain, and manage such a large jamming network. A single transmitter used by RFA may attract a dozen small local jammers and one or two larger jammers working against it. The jamming often consists of Chinese funeral music, which incorporates the harsh sounds of Chinese horns, drums, and gongs—and sends Chinese listeners scrambling to change the frequency.

Despite this effort we still get through to a significant number of listeners in every province of China. Our call-in hosts receive calls from people of all ages—from eight to 99. They complain about the jamming, but many are able to hear us well enough to give feedback on our shows. Some repeat callers have received warnings from the police in various places. A few have been detained or fined for listening to RFA, with reports of this happening coming most frequently from Tibet.

Many listeners call in to RFA from pay phones to avoid having their calls traced. In one case, a caller to the Cantonese Hotline from Guangxi Province said two policemen dragged him out of a phone booth and detained him for a month without charges, beat him, imposed a heavy fine, and warned him not to make any more calls to RFA. He told our Cantonese call-in host that he would continue to call. But such cases appear to be localized rather than part of a systematic, nationwide attempt to intimidate listeners.

Besides the jamming and blocking of the Internet, China has also applied pressure to its neighbors to dissuade them from allowing RFA to broadcast from their countries. In Thailand and the Philippines, large U.S. Government transmitter sites



cannot broadcast RFA programming because those countries refuse to allow it. Other countries bordering China refuse to lease facilities to RFA because of Chinese pressure.

Some of our broadcasters have come under indirect pressure from the Chinese government. State Security police have visited relatives of some, particularly in the Xinjiang Uyghur Autonomous Region, to intimidate them or warn that they could have unspecified problems if the broadcasters continued to work for RFA. In only one case, however, has a broadcaster resigned from RFA as a result of such pressure. His wife had been told that she might lose her job in China if the broadcaster continued to work for a “hostile” radio.

We believe that the Chinese government has also sought to disrupt our call-in shows. Starting around July 20, 2004, Beijing began blocking caller access codes in northeast China and appeared to be bombarding our Mandarin Hotline show with automatic dial-ups. Callers complained about busy signals eight out of 10 times when seeking 800-number access. Another problem was Chinese operators who asked callers why they were trying to reach these numbers, and then claimed that RFA’s toll-free lines were “non-working” numbers. But dedicated listeners found ways to continue to reach host William Zhang.

We have not yet identified a technical solution that will solve RFA’s jamming problem. Political pressure on China to halt the jamming would be the most effective means to stop it. A halt in jamming would save RFA millions of dollars a year. Effectively countering jamming would require more than double the number of transmitters now in use. The cheapest means to do this would be to gain access to U.S. Government sites in Thailand and the Philippines and gain access to some of the border country transmitters.

RFA Web sites directed at China—in Mandarin, Cantonese, Tibetan, and Uyghur—are 90 percent blocked. But we know that our news does get through via proxy servers and “human proxies,” who e-mail our reports or who post our reports on different Web sites.

The Uyghur Web site has now become the only non-Chinese Uyghur site that is updated continuously, in an Arabic-based font, and that provides accurate and balanced news coverage about events inside China. The site also functions as a collective memory for this besieged culture. The Uyghurs are a Muslim minority of some 10 million people living in China’s Xinjiang Autonomous Region, which encompasses roughly one-sixth of Chinese territory.

A recent Uyghur service story dramatized how the news sent via Internet can travel in creative ways and reach alternative distribution systems. On March 17, RFA secured the first interview with Uyghur businesswoman Rebiya Kadeer after her release from prison in Xinjiang. Our reporter joined her on a flight from Chicago to Washington following her release. Kadeer had spent more than five years in prison for protesting China’s mistreatment of the Uyghurs. When Kadeer reached Reagan National Airport, dozens of Uyghurs greeted her. Among them was her husband, Sidik Rouzi, who held her in a tight embrace. An RFA story and a photo of this embrace went out via the Internet to Xinjiang, where the Internet police went to work blocking them. But before the police could do their work, it appears that someone managed to cut and paste, remove the banned RFA address, and move the story and photo along. When Kadeer called her children in China they were able to tell her that they had seen the photo of their father and mother—“Dada and Apa”—embracing each other after more than five years apart.

RFA is now entering a new era in which the Web is no longer just an offshoot of regular broadcasts. We have hired a Web team that is making changes on a daily basis. During the tsunami crisis, one of our Tibetan reporters in south India launched what may have been the world’s first Tibetan blog. We have introduced our first slide shows, and we have plans to attract a younger audience through interactive features.

In March, RFA’s total Web traffic was up 56 percent from a year earlier, reaching 3.4 million page-views.

### ***Topics the Chinese Government Attempts To Control***

As RFA’s Mandarin service director Jennifer Chou has written, when a new generation of Chinese leaders took power some two years ago, “the world had high expectations.” The self-proclaimed “human-centered policies” of President Hu Jintao and Premier Wen Jiabao led many in China to believe that the new leaders would introduce political reforms—or at least loosen controls over society and the media—to match China’s blazing economic growth.

In the West, many have long held the belief that, eventually, economic modernization would bring democratization. But early hopes for the Hu-Wen “new leadership” have so far proved to be “overly optimistic,” wrote Ms. Chou in a *Weekly Standard*

article on how the Chinese authorities are targeting cyber-dissidents and journalists.

According to the U.S. State Department's 2004 human rights report, "the government continued to threaten, arrest, and imprison many individuals for exercising free speech. A wave of detentions late in the year appeared to signal a new campaign against writers. Internet essayists in particular were targeted. . . . Formal and informal guidelines continued to require journalists to avoid coverage of many sensitive topics."

Most sensitive were any "criticisms of senior leaders or opinions that directly challenged Communist Party rule."

According to Reporters Without Borders, a Paris-based monitoring group, China has imprisoned more than 30 journalists, making the country the world's leading jailor of journalists. In addition, more than 60 cyber-dissidents are under detention for posting messages or articles on the Internet that were considered.

In fairness, I must report some improvements: Under Hu and Wen, the government has allowed more coverage of problems affecting ordinary citizens' daily lives—problems outside the "most sensitive topics" zone. These topics that once were largely off-limits include: natural disasters, robberies, traffic accidents, health problems, coal mine explosions, housing-rights issues, the status of migrant workers, excessive agricultural taxes, social issues such as prostitution and gambling, and official corruption at medium to lower levels of the bureaucracy and educational system.

After playing down the threat of AIDS to China for many years, the Chinese government has encouraged more open coverage and discussion of the subject. But the government and media still appear to be underestimating the total number of HIV/AIDS sufferers. Officials in Henan Province continue to block reporters attempting to investigate cases of hundreds of thousands of poor farmers who are believed to have been infected with the HIV virus after selling their blood under a scheme approved by the government.

While the coverage of such topics has expanded, the central government still imposes limits. In many cases, such as the coverage of coal mine explosions, the media are advised to carry the official Xinhua News Agency version of events. Xinhua tends to play down the seriousness of negative events and attribute the causes to unworthy or corrupt individuals but not to the system itself. As an RFA broadcaster said recently, the Xinhua stories are confusing at times. "You do see partial truths and facts, but not . . . the whole picture," he said.

Part of that complete picture is the suffering of individuals involved. Take, for example, the thousands of Chinese coal miners who have died in a series of coal mine disasters over the last few years. Their stories and those of their families are rarely brought into full view.

#### ***Topics that remain under strict control***

**High-level corruption:** Such corruption is rarely covered unless it involves an official who has fallen from favor with the top leaders. The media rarely investigate such cases unless the authorities are already pursuing them.

**Unrest among farmers and workers:** Premier Wen has focused on the growing income gap between China's city dwellers and many of the 800 million people still living in the countryside, the majority of whom are still quite poor. Increasing rural income has been made a top priority. This has led to more coverage of excessive agricultural taxes and the low prices of agricultural products. The problems of migrant workers who seek work in the cities have also drawn more coverage. But coverage of protests, demonstrations, and riots by workers and farmers that are occurring by the tens of thousands each year, all over the country, go largely unreported. The Hu-Wen team clearly fears that coverage of this unrest could affect "stability."

**Petitioners:** The police regularly round up and detain petitioners, including workers and farmers, who come from around the country to protest against abuses of power—an obvious story, but one that the state media cover up.

**Religion:** Coverage of religious groups not recognized by the government is banned. The state has been pursuing a propaganda campaign against the Falun Gong spiritual movement, but no coverage of the movement's own views or complaints is allowed. When Pope John Paul II died, China's state television buried the story. Members of the underground Catholic Church who remain loyal to the Vatican could not be quoted.

**History:** It has been said that only the future is predictable in Communist-led countries. The past is unpredictable, because history can be rewritten under the guidance of the party. Off-limit subjects include Mao Zedong's and other top party leaders' responsibility for millions of deaths caused by the Great Leap Forward and subsequent famine and the Great Cultural Revolution. The real story of the crack-

down and shootings of demonstrators near Tiananmen Square in 1989 is, of course, still on the government's taboo list.

***The most sensitive topics***

**The top leadership:** Any discussion of ups and downs and power struggles within the top leadership is taboo. Zhao Yan, a *New York Times* researcher in Beijing, was arrested last year for allegedly leaking the news that Jiang Zemin would be resigning as head of China's powerful military commission. The *Times* denied the allegation.

**Dissidents:** Under Hu Jintao, the government has so far been more strictly monitoring and controlling dissidents and independent-minded intellectuals than it did under Hu's predecessor, Jiang Zemin.

**Ethnic minorities:** No coverage is allowed of tension and conflicts between ethnic minorities and Han Chinese.

**Foreign Affairs:** No coverage is allowed of foreign countries' criticism of China's human rights problems or of its sales of military technology overseas. There is no coverage of what is really happening in Taiwan. When as many as 500,000 people marched in Taipei on March 26 in opposition to an "anti-secession law" passed by Beijing, China's state television coverage began with an official statement from Beijing condemning the march. A few Taiwanese who appeared sympathetic to Beijing on the issue were quoted. But the huge number of anti-Beijing demonstrators went unreported.

A perfect example of restrictions on political coverage occurred following the death of former Communist Party chief and Premier Zhao Ziyang on January 17 of this year. The Chinese authorities limited coverage of Zhao's death to one-line statements buried deep inside state-controlled newspapers. Chinese Internet sites, monitored by the government for "subversive" postings, carried the basic news but no details.

In the end, the coverage expanded to brief items on television and radio that included an official condemnation of Zhao for making "mistakes" during the 1989 Tiananmen crackdown. Zhao had sided with the student demonstrators on the square and opposed the use of force against them. For this, he was condemned to house arrest for the next 15 years. Many Chinese first heard about the late party chief's death from international broadcasts.

The official line in China is that ordinary Chinese care about practical issues—food, housing, and their day-to-day struggle to make a living, and not about political issues. But the outpouring of feeling for Zhao Ziyang after his death, as evidenced by calls to RFA from inside China, suggests the contrary. RFA callers, while not necessarily representative of the country as a whole, do care deeply about politically sensitive issues.

***Methods the Chinese Government Uses To Control the Flow of Information***

The Chinese government has fired a number of top editors who were testing the limits and pursuing investigative journalism that offended the authorities. The best examples of this could be seen over the last three years in the city of Guangzhou, where the news media have long been considered the most open in China. According to journalists in Guangzhou, a tightening of control coincided with the arrival of a new provincial party secretary. Altogether at least seven leading editors were ousted and some jailed. Party or government propaganda specialists took over key positions. Liang Guobiao, the new head of *The Yangcheng Evening News*, one of the leading newspapers in Guangzhou, has no journalism experience, according to journalists who work at the paper.

Guangzhou's popular tabloid, *Nanfang Dushi Bao*, or *Southern Metropolis Daily*, had been the first to break the SARS story in early 2003. Another of its stories, also in 2003, about a graphics student who was beaten to death in police custody after he failed to produce an identification card, shook the country. But it also embarrassed Guangzhou officials and police. A year ago, two of the paper's executives were arrested on charges of "embezzlement" and sentenced to terms of 11 and 13 years in prison. The newspaper's editor-in-chief was arrested and held in jail for five months.

Partly as a result of periodic crackdowns, self-censorship has become widespread among editors and reporters practicing all forms of journalism, including online journalism.

Meanwhile, Chinese government control of the media has become increasingly sophisticated. Color and variety—form over content—is allowed. Once-taboo subjects such as sex can be discussed. Television has adopted more attractive packaging. Coverage of the war in Iraq, while slanted against the United States, appeared at

the outset to be much more lively and timely than the coverage had been of the first Gulf War.

But what we are seeing is not better journalism. It is what *The Wall Street Journal* once described as “new and improved propaganda.” What is missing is hard-hitting investigative journalism that would give the Chinese people the information they need to make up their own minds about how they are governed and led.

**Statement of William C. Baum  
Chinese Branch Chief, Voice of America  
Broadcasting Board of Governors, Washington, DC**

***China's State Control Mechanisms and Methods:  
International Broadcasting to China and the Voice of America's Role***

*The Broadcasting Board of Governors and the Voice of America's Chinese Branch commends the U.S.-China Economic and Security Review Commission for focusing attention on the People's Republic of China's efforts to control the flow of news and information both inside and outside of China. This statement aims to provide an overview of the control mechanisms and methods used by the Chinese Communist Party and the P.R.C. government, recent developments in Chinese media control and the VOA's role in China.*

**"The Voice of America is subversive."**—China's State Council Information Office, January 2005.

**"China has accused me of inciting turmoil and counterrevolutionary rebellion. That's not what I do. What I do is report the news."**—VOA Beijing Correspondent Al Pessin after being expelled in 1989.

**"To keep abreast of current affairs, my father listened to the Voice of America regularly. He continued to believe in democracy, the rule of law, and reform, no matter what."**—Wang Yannan, the daughter of the late Chinese leader Zhao Ziyang, February 7, 2005.

The Voice of America's role, as defined by Congress, is "to communicate directly with the peoples of the world" as a reliable, objective and authoritative source of news, to represent America, and to present the policies of the United States with responsible discussion and opinion on those policies. In response to VOA's programming, the Information Office of China's highest governmental organ, the State Council, as recently as March 2005, described VOA as "subversive." So why should objective news, Americana and explanations of U.S. policy threaten to undermine Beijing's government?

A commentary, "Color Revolution," published April 3, 2005, in the Chinese Communist Party's (CCP) official *People's Daily*, describes how authorities in Beijing view all American media as a monolithic and manipulated tool used to undermine non-democratic nations:

*"... let us take a look at the American media's coverage of the "color revolution" before and after the uprisings occurred. Georgia and other countries were all former Soviet Republics, and during the Cold War they were "focal strike" points for Voice of America and other media organizations. More recently, with the rapid development of broadcast media, especially the Internet, American ideals have had an even deeper impact on these countries. The impact is especially effective among those young individuals who are more open to new ideas and have received less of their education from the former Soviet Republic. The United States' massive media machine moves quickly within these countries, and whenever they violate America's will, the United States will then begin to use the media to carry out large-scale attacks on the democracy of these countries, their economic development and human rights conditions. When the United States prepares to change the government, it will begin to talk about its ideals of "democracy and freedom" more frequently to fan the flames of opposition to the government among the people of that country. Once the "semblance of a revolution" has begun to take shape, the United States will immediately begin to loudly praise those opposition leaders who support the United States, giving opposition leaders the broad support of the media. Moreover, once the revolution has been successful, the American media will then move even faster to take the news and spread it across the globe in the hope that it will trigger a domino effect."*

Indeed, Beijing's view of a media machine orchestrated from the White House is precisely how the CCP views the proper role of Chinese media as it should be directed from the Party's headquarters in Zhongnanhai.

Since President Hu Jintao took full control of the government in March, China's official media have launched a daily campaign to remember Communist Party martyrs from the 1920s and 1930s and posted slogans on public buildings reminiscent of the Cultural Revolution nearly four decades ago. Most Chinese seem to ignore such slogans, but the long-term impact of this and other campaigns to shore up the Party's credentials is unclear.

Beijing's finessing of nationalism against Japan and most recently against Tokyo's bid for a permanent seat in the United Nations' Security Council is an example of how the CCP tries to direct public opinion toward perceived external threats to distract attention from internal issues. When some ten thousand rioters damaged a Japanese joint-venture supermarket in Chengdu earlier this month, the furor threatened to get out of control and inhibited Beijing's ability to deal with Tokyo with a more rational policy by publicly politicizing relations.

The CCP's Propaganda Department issued directives to stem the rising tide of anti-Japanese sentiment and to control coverage of Pope John Paul II's funeral and reaction to Zhao Ziyang's death by issuing an eight-point circular that according to the *South China Morning Post* on April 6, 2005, stated: "No media coverage of anti-Japanese protests [should be allowed.] Journalists should not participate in or conduct interviews to do with anti-Japanese activities. . . . If any stories [related to the Pope's death] are to be used, the Xinhua version on the subject must be used. . . . Such stories should not be placed on front pages and the media should not choose pictures by themselves in their coverage."

The two-edged sword nature of such media manipulation carries long-term dangers for the Party as well as U.S. relations with China, especially with regard to Washington's policy toward Taiwan and Japan. A recent survey by Zogby and other facts indicate the need for greater understanding between the American and Chinese peoples.

- Half of Chinese identify the United States as hostile or unfriendly to China
- 59% of Americans have a positive view of China
- China jams international broadcasts from VOA, RFA and BBC
- China blocks Chinese-language and English-language news web sites
- China bans U.S. Government broadcasters from Chinese airwaves
- The U.S. welcomes Chinese government broadcasters with full access to media

Chinese, like Americans, are experiencing an overabundance of information that daily bombards them from television, radio and the Internet as well as from cellular phones with text and video applications and more traditional newspapers, publications and billboards. Most Americans have become accustomed to filtering through an infinite spectrum of viewpoints, truths and untruths. For Chinese, media choice is a relatively new phenomenon, for just a quarter century ago Chinese media was monolithic and usually consumed in assemblage. Today, the rising powerful Chinese are overwhelmed with colorful choices and variety that may lead the average media consumer to feel confidently informed about the world. This illusion is the Chinese Communist Party's lifeline to insure its own survival in a world where communism is associated with dinosaurs and democracy is associated with evolutionary change.

#### **P.R.C. Media Controls**

While the P.R.C. government has directed state-run domestic media operations to commercialize in order to fund expansion and modernization of facilities and programming, Beijing has moved further to centralize control of all media through technological, legal and political means. Television and radio stations are prohibited from directly down linking foreign programming from satellites or through the regular mail. All programming must be imported and distributed through the central authorities. CNN and other foreign broadcasters who have been granted limited landing rights to elite hotels and government offices are censored through centrally controlled satellite links that can be blacked out at any time. International and political news is filtered through the central editorial organs, the Xinhua News Agency, Chinese Central Television and a few other Communist Party controlled entities. The State Administration of Radio Film and Television (SARFT) regulations say all radio and TV stations must be set up by and overseen by state radio, film and television authorities at all levels. Radio and TV stations in China are fully politicized as part of the Party's propaganda machine. "CCTV journalistic media organizations are the mouthpiece of the party and the people and are an effective tool with which the party disseminates information among the masses, organizes the masses, unites the masses and mobilizes the masses," said the President of the state-run Chinese Central Television, Zhao Huayong, this past February.

Professor Jiao Guobiao of the Beijing University School of Journalism and Communications launched a one-man attack on the Party's Central Propaganda Department in March 2004. Jiao's article "Crusade Against the Central Propaganda Department" was released on the Internet in March of last year, attracting much attention in China and abroad. He attacked China's system for censoring the news, called for the abolishment of the Central Propaganda Department, and demanded that freedom of speech be established. Jiao described how China's governmental department responsible for controlling the press is managed poorly and lacks specific

regulations used by other departments. He called its decisions “very subjective” and dared to say that a vital component for the development of democracy is supplying a vehicle for ordinary people to voice their opinions and to criticize government. Soon after the article was released, Beijing University suspended his right to teach.

During a live television broadcast at VOA in November 2004, Jiao described to VOA’s audience the relationship between the Chinese government and the media by saying China’s media have never escaped the role of being the mouthpiece of the government. He added this is the reason the media does not report any negative news about the government or its policies.

Jiao has described in an article, the “27 Stinking Stones which Circle the Pig’s Sty of China’s Information Blockade,” the Party’s methods of controlling China’s media. Referring to the Chinese people as sheep that can be slaughtered by the Party at any time, he divides the blockade into two circles with 16 and 11 stones each. The first circle of 16 stones blocks foreign influence from China. This includes restricting journalists from freely covering China, the use of various methods to block foreign media from entering China, including jamming foreign broadcasters, and blocking the Internet. The second circle of eleven stones attempts to isolate the Chinese people from learning more about their own country by nationalizing the media and imposing Party control. This includes using security authorities to block release of breaking news stories and forcing domestic media to use only the official Xinhua News Agency. Publishing companies are forced to strictly review all writers’ works to insure political correctness and have quotas on how many works can be published each year. Classification of all government documents further restricts the release of information to the public, according to Jiao.

Jiao came back to the U.S. on March 16, 2005, at the invitation of the U.S. National Endowment for Democracy to serve as a visiting scholar and to conduct academic research on China’s media. On March 18, family members in China called to tell him that the head of Beijing University’s personnel division had sent him official notice of his dismissal. While Jiao said he wants to return to China, it remains unclear whether China will allow him back or if he will be exiled like some other journalists who have dared to challenge the Party.

The P.R.C. has begun to liberalize foreign investment in media starting with publishing, but tight restrictions on ownership and content remain in place. Foreign broadcasters are already making substantial inroads into China’s flourishing television market, but they are only allowed to supply tightly regulated programming such as National Geographic’s or the Discovery Channel’s feature shows. Most recently the British Broadcasting Corporation (BBC) in March seemed to have triumphed with a live broadcast of the hard hitting political show *Question Time* from Shanghai, but the program was broadcast to England only and, of course, in English. P.R.C. authorities enforced a blackout of the event by Chinese media. The only Chinese who seemed to know about it were in the studio.

Foreign reporters, including VOA’s two correspondents in Beijing, have restricted access and are closely monitored by the Foreign Ministry and security officials. Chinese claim foreign journalists have freedom to travel, but in reality travel outside the capital requires permission and accompaniment by officials who tend to scare off potential interviewees. Foreign news organizations are required to pay for the officials’ expenses during the trips.

Regulations on Chinese domestic reporters are far more elaborate than those for foreigners operating in China. Legal requirements and guidelines have been introduced to require certain standards for Chinese journalists “to embrace and support the leadership of the Chinese Communist Party and the socialist system.” These rules require that journalists follow Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping’s and Jiang Zemin’s theories. The Party has repeatedly fined, demoted or fired journalists who have stepped out of line to make sure the message is clear: violators beware. In the fourth quarter of 2004, authorities shut down scores of commercial magazines and more than 12,000 Internet cafes that were considered to be violating increasingly strict regulations for monitoring users.

A few journalists have tried to find a niche in the marketplace to report on low-level, local corruption. Discussions with these journalists, however, reveal that they learn fast when to close their notebooks and walk away from sensitive stories that don’t fit into the Party leadership’s plans for policy goals or for public humiliation of errant officials. Most recently the government has intensified monitoring and restrictions on popular Internet BLOGS where participants have shared their views on everything from bashing Japan and America in nationalistic tirades or sharing news of judicial rulings deemed so unfair that they have triggered demonstrations and riots.

Indeed, China’s leaders face sobering environmental, economic, social and political issues at home that give rise every day to 160 demonstrations, half a dozen of which

are considered serious outbreaks, according to China's State Council, the highest central government organ. Such nationwide unrest has unfortunately intensified the Party's concern with controlling the flow of news and information, while fanning more unrest as protesters feel increasingly frustrated with the lack of channels through which to resolve their disputes with local government and party officials or businesses.

The Internet offers both challenges and opportunities for the Chinese government. Internet applications have raised expectations of users by providing access to more information, albeit, mostly in English and filtered by completely government controlled connectivity and censored search engines. Chinese Internet content is rapidly increasing, but even Chinese-language web sites outside of China submit themselves to P.R.C.'s censorship guidelines to avoid being blocked and losing out on valuable "hits" for advertisers. Like most people, Chinese are most interested in local information, and local Chinese governments are trying to respond to their citizens' needs by establishing web sites to provide information. Yet the Internet is also a method of controlling information. The P.R.C. government has established Internet Police in more than 700 cities that have equal status to the traffic or riot police under the Ministry of Security. Besides monitoring web use, screening software, licensing, and whistle blowing on other users, the government can direct users to approved content and divert users from banned sites. A search for VOA in China brings up a web page with VOA listed among many other news sites, but from it you cannot access the VOA site.

This spring, Chinese authorities intensified their crackdown on the Internet by controlling access to web bulletin boards. In a recent interview with VOA, Jiao Guobiao said:

*"One main reason that the Chinese government is currently cleaning up BBSs (Bulletin Board Services) at Chinese universities is that they are novices in this area. They simply do not understand the journalistic code. Another reason is that because they hold authority, their instinct is to exercise this authority. They already control 80%, if they think they can control 85%, they want to control 85%. If they can control 90%, they want to control 90%, or even 100%. If there is no counterbalance to this power, they will continue to take a yard for every inch that they are given."*

Following a confidential "Circular 17" issued by the Education Ministry, almost all prominent college web bulletin boards have been censored or closed to non-students since early March of this year, wrote Robert Marquand of The Christian Science Monitor on April 6, 2005. Referring to this latest effort to control media, Marquand states:

*The new campaign is designed to create greater faith in the party among ordinary Chinese. It is also an effort to bring results that communist Eastern Europe was unable to achieve as it became freer during the 1980s, informed sources say. The party in China intends for the country to achieve a high-growth economy, but without the dissent and uncontrolled openness found in the Warsaw bloc prior to the fall of the Berlin wall in 1989. ... "At the root of this campaign is a phrase, 'Learn the lessons of 1989,'" says a Beijing source. "But they aren't talking about Tiananmen. It is all about the east bloc. What seems clear is that the Hu Jintao government are serious about control. They are all about being the un-Gorbachev."*

The most effective counter to the Chinese government's desire to enhance controls may well be China's netizens. Writing in January about Chinese voices expressed through blogs on the death of disgraced former CCP leader Zhao Ziyang, Emily Parker of the Asian Wall Street Journal wrote January 26, 2005:

*"These voices aren't necessarily those of dissidents in exile, or intellectuals, or even citizens who are particularly politically minded. Rather, they are the voices of ordinary Chinese who, after having reaped the fruits of greater access to information, are only more aware of the freedoms of which they are still deprived."*

The use of cellular phones for short messaging services (SMS) and multi-media messaging services (MMS) is rapidly expanding. In other countries, such technology has been employed by political opposition groups to disseminate information and organize demonstrations. In China, where the government controls the telecommunication companies, the security officials easily monitor text messages and on-line chat functions. Internet and cellular phone applications and computer software are increasingly being used to control human use of such technology from conserving energy to monitoring and identifying the users. Yet while the Chinese authorities are



keen to make public examples of individuals they want to prosecute for counter-revolutionary or other alleged crimes, the same authorities are hard pressed to monitor and stop spontaneous outbursts of messaging without shutting down entire systems.

In stark contrast to the P.R.C.'s tight domestic market, China's access to international media and the U.S. is wide open. China's propaganda efforts outside of the P.R.C. have been rapidly expanded in recent years with 24/7 television programming by Chinese authorities provided in English, French and, of course Mandarin on multiple channels as well as radio and Internet programming targeted in 43 languages. No special restrictions exist on China's broadcasts to the United States. A plethora of Chinese government television and radio programs are available in the United States from local stations, cable and satellite operators.

Despite the bleak outlook of President Hu Jintao's government and the P.R.C.'s fifty-six-year-long history in China, Chinese have a tradition of looking abroad for democratic principles. The May 4th Movement of 1919, was a popular uprising based on the practical sinification of science and democracy to meet China's needs and conditions. International broadcasters and the Internet offer Chinese an alternative view of the world that allows them to decide for themselves how to move China forward.

#### **VOA's Role and Reaction to it from China**

The Voice of America broadcasts in 44 languages to a worldwide audience of nearly 100 million people. "It is important to remember that the VOA did not begin as a weapon of the Cold War or in response to Soviet Communism," said the President of the Heritage Foundation Edwin J. Feulner, Jr., Ph.D. in 1995. "It was launched in 1942 at the beginning of World War II to counter Nazi propaganda, to reassure America's allies, and to give hope to people struggling against tyranny. . . . VOA's example of free, uncensored news and objective, balanced features encourages the development of a free press among listening nations, even when the Voice presents a less than flattering portrait of America. The example is strengthened by VOA's policy of maintaining a clear distinction between editorials, which speak in the name of the U.S. Government, and news programming."

VOA's Charter, as passed by Congress and enacted as Public Law 94-350 in 1976, defines VOA's mission in three core principles:

- *VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective and comprehensive.*
- *VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.*
- *VOA will present the policies of the United States clearly and effectively, and will also present responsible discussion and opinion on those policies.*

Besides broadcasting English-language news to Asia five and a half hours each day, VOA fulfills its role in China by providing a combined eighteen hours of daily radio programming in Cantonese, Mandarin and Tibetan, including two hours of daily Mandarin television programs that include news, discussions of U.S. policy, English-language teaching, and programs that introduce and explain news events in America. Chinese and Tibetan Internet sites provide updated news that is widely copied and distributed on other Chinese-language web sites. By explaining America, whether through reporting a legal case as it moves from a local to the Supreme Court, or through daily news coverage of events and legislation on Capitol Hill, VOA's audience learns the ups and downs of the democratic process and how competition in society drives innovation and progress.

Nevertheless, the P.R.C. has strictly banned VOA programming and mention of VOA program content in domestic broadcasts. International and domestic Chinese broadcasters have pleaded to the SARFT and State Council to broadcast VOA television programs, only to face official warnings that their broadcasting rights will be revoked if they dare air even unbranded educational programs from VOA. Beijing's ban on branded VOA programming makes it more difficult for independent researchers to measure the extent of VOA's impact, which we know is great from the reaction we get from the demand for VOA programming from P.R.C. stations, broad recognition of VOA program announcers and titles, comments by Chinese traveling outside the P.R.C. and audience mail.

International broadcasters and leaks in China's Internet firewall daily threaten to break the Chinese government's control of news and information. Despite China's persistent effort to block VOA programming, some 90 radio and television stations rebroadcast VOA Mandarin and Cantonese Service programs both inside and outside the P.R.C. VOA's English-language News Now broadcasts and Special English

programming on shortwave radio are also highly popular amongst Chinese learning English as a second language.

VOA's Mandarin Service broadcasts have consistently enjoyed the largest audience share in China amongst international broadcasters, according to the most recent nationwide audience survey conducted by Intermedia through February 2004. VOA's 1.3 percent annual audience share represents more than 10 million people who listen to mostly shortwave radio broadcasts despite severe jamming. VOA also enjoys the highest awareness rating of all international broadcasters, with more than sixty million people recognizing VOA's programming. Amongst China's rising power class, VOA attracts an annual audience share of 14.3%, according to Intermedia's last survey of travelers outside of China. These figures represent the tip of the iceberg for the major international broadcasters including VOA, RFA and the BBC, because Chinese inside China generally decline to admit that they listen to foreign broadcasts for news.

On the Internet and in print media, under increasing pressure to provide competitive content, China's state-run media regularly plagiarize VOA's news articles by stripping them of the station's and reporters' names and publishing them word-for-word under Chinese pen names as their own. VOA's Mandarin Service articles can easily be found on official Chinese sites by searching for the original headlines of VOA reports or the unique pen names used by China's official media specifically for VOA. Hundreds of such plagiarized VOA articles can be found at any time through web engine searches.

Chinese officials have expressed fear not just of news about China or a different perspective on world events far from China's borders. They fear VOA's uncensored news of the United States. China's official media carefully cultivates and manipulates perceptions of the United States. Most recently, Chinese media have portrayed the United States as meddling in the affairs of former Soviet Republics and Central Asian elections. Needless to say, reports of abuse in Iraq's Abu Ghraib prison led China to call U.S. human rights initiatives hypocritical. Yet VOA's Chinese audience responded by asking fellow citizens why they couldn't emulate the American media and Congress and investigate abuses in Chinese prisons.

Despite China's regulations outlawing "counterrevolutionary" correspondence with "enemy" broadcasters, the Voice of America receives thousands of letters and emails every month indicating that many Chinese are eager for uncensored information.

- From Guangdong: *"I was born in the countryside. Life here is poor under the suppression of corrupt officials, who are taking advantage of their government functions. Here the media's role of the 'fourth estate' in China is almost indiscernible. The media cannot report their views fairly and with free will, and are always dominated by government authorities."*
- From Hebei: *"Although in recent years the government has been promoting the media's role in monitoring government, the domestic media still have much room for improvement compared to their international counterparts such as VOA. Listening to VOA makes it possible for a Chinese person to understand his country more objectively and comprehensively, just as the poem verse "One cannot see the true nature of Lushan Mountain, only because he is right in the middle of it" describes. Although I love my country deeply, it is my patriotic duty and right to know about the dark side of our society as well."*

VOA's audience in China is intensely interested in learning about life in the United States, China and things Chinese overseas. Surveys indicate that many Chinese are highly suspicious of any view that differs from the P.R.C. government's official policy, yet millions of people tune into VOA to hear comprehensive news that often is difficult for them to accept at first.

- From Yunnan: *"I do not like listening to domestic official media. They only report the good stuff, but nothing negative. I am tired of their boring "truth" which is designed to fool the common citizens."*

Thousands of letters to VOA each month are filled with descriptions of the Chinese government's recently enhanced efforts to jam or block international broadcasters. The International Broadcasting Bureau has documented Chinese interference in VOA and Radio Free Asia broadcasts and complaints have been filed through the Federal Communications Commission to the International Telecommunications Union in Geneva, but with no success, as Beijing claims the international frequencies. The jamming usually consists of repeated loops of percussion or Chinese opera music. Despite objections from the Broadcasting Board of Governors and the State Department, China continues to actively jam radio transmissions and to block

our web sites while aggressively promoting Chinese government television and radio programming in the United States and throughout the world.

What should also be of concern are the P.R.C.'s efforts to manipulate Chinese-language media in North America. VOA is prohibited from broadcasting programs within the United States, but not in Canada. More ethnic Chinese live in Toronto than any other overseas Chinese community, but Canadian broadcasters have been warned that if they air VOA's Chinese-language programs, their P.R.C. sponsors will drop their advertising contracts. Within the U.S., Chinese media are under similar pressure to conform to P.R.C. guidelines on policy toward sensitive issues such as Taiwan, Tibet, Xinjiang and the Falun Gong. Many China scholars in the U.S.—both ethnic Han and non-Chinese ones—decline to appear on VOA programs for fear their opportunities for research and travel to China may be threatened. Most recently, Chinese authorities have even threatened scholars and dissidents—including the just-released Uighur businesswoman Rebiya Kadeer—with reprisals on their families if they discuss sensitive topics such as prison abuse or organization of opposition movements.

In fulfilling VOA's Charter and communicating directly with the peoples of the world, we believe that greater understanding of different peoples can lead to peaceful and rational resolution of our differences and recognition of our similarities. China's attempt to block the free flow of news and informed discussion of issues hinders rather than enhances that understanding.

Internet Filtering in China in 2004-2005

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April 14, 2005

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**Internet Filtering in China in 2004-2005:  
A Country Study**

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## 1. EXECUTIVE SUMMARY<sup>1</sup>

China's Internet filtering regime is the most sophisticated effort of its kind in the world. Compared to similar efforts in other states, China's filtering regime is pervasive, sophisticated, and effective. It comprises multiple levels of legal regulation and technical control. It involves numerous state agencies and thousands of public and private personnel. It censors content transmitted through multiple methods, including Web pages, Web logs, on-line discussion forums, university bulletin board systems, and e-mail messages. Our testing found efforts to prevent access to a wide range of sensitive materials, from pornography to religious material to political dissent. ONI sought to determine the degree to which China filters sites on topics that the Chinese government finds sensitive, and found that the state does so extensively. Chinese citizens seeking access to Web sites containing content related to Taiwanese and Tibetan independence, Falun Gong, the Dalai Lama, the Tiananmen Square incident, opposition political parties, or a variety of anti-Communist movements will frequently find themselves blocked. Despite conventional wisdom, though, ONI found that most major American media sites, such as CNN, MSNBC, and ABC, are generally available in China (though the BBC remains blocked). Moreover, most sites we tested in our global list's human rights and anonymizer categories are accessible as well. While it is difficult to describe this widespread filtering with precision, our research documents a system that imposes strong controls on its citizens' ability to view and to publish Internet content.

Unlike the filtering systems in many other countries, China's filtering regime appears to be carried out at various control points and also to be dynamic, changing along a variety of axes over time. This combination of factors leads to a great deal of supposition as to how and why China filters the Internet. These complexities also make it very difficult to render a clear and accurate picture of Internet filtering in China at any given moment. Filtering takes place primarily at the backbone level of China's network, though individual Internet service providers also implement their own blocking. Our research confirmed claims that major Chinese search engines filter content by keyword and remove certain search results from their lists. Similarly, major Chinese Web log ("blog") service providers either prevent posts with certain keywords or edit the posts to remove them. We found also that some keyword searches were blocked by China's gateway filtering and not the search engines themselves. Cybercafés, which provide an important source of access to the Internet for many Chinese, are required by law to track Internet usage by customers and to keep correlated information on file for 60 days. As a further indication of the complexity of China's filtering regime, we found several instances where particular URLs were blocked

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<sup>1</sup> The OpenNet Initiative is a collaborative partnership between three leading academic institutions: the [Citizen Lab](#) at the Munk Centre for International Studies, University of Toronto, [Berkman Center for Internet & Society](#) at Harvard Law School, and the [Advanced Network Research Group](#) at the Cambridge Security Programme (Centre for International Studies) at the University of Cambridge. As with all OpenNet Initiative work, these reports represent a large team effort. The work of principal investigators Jonathan L. Zittrain and John G. Palfrey, Jr. on this research report was made possible by a grant from the John D. and Catherine T. MacArthur Foundation's Research and Writing Grants Program of the Program on Global Security and Sustainability. ONI thanks Che Dong, Alana Maurushat, Rebecca Vaughn, and a number of anonymous volunteers for contributing key research to this study.

but the top-level domain of these URLs was accessible, despite the fact that the source of content appeared consistent across the domain – suggesting that filtering may be conducted at a finer level in China than in the other countries that we have studied closely. Moreover, China’s Internet filtering appears to have grown more refined, sophisticated, and targeted during the years of ONI’s testing.

China’s intricate technical filtering regime is buttressed by an equally complex series of laws and regulations that control the access to and publication of material online. While no single statute specifically describes the manner in which the state will carry out its filtering regime, a broad range of laws – including media regulation, protections of “state secrets,” controls on Internet service providers and Internet content providers, laws specific to cybercafés, and so forth – provide a patchwork series of rationales and, in sum, massive legal support for filtering by the state. The rights afforded to citizens as protection against filtering and surveillance, such as a limited privacy right in the Chinese Constitution, that otherwise might provide a counter-balance against state action on filtering and surveillance, are not clearly stated and are likely considered by the state to be inapplicable in this context.

China operates the most extensive, technologically sophisticated, and broad-reaching system of Internet filtering in the world. The implications of this distorted on-line information environment for China’s users are profound, and disturbing.

## 2. POLITICAL, TECHNICAL, AND LEGAL CONTEXT IN CHINA

### A. Sensitive / Controversial Topics for Media Coverage

In China, a wide range of topics are considered sensitive or controversial by the government. Media are heavily controlled and journalists are frequently punished for publishing information or stating positions that deviate from official Communist Party doctrine.<sup>2</sup> Organized dissent and criticism of the Communist Party are not tolerated.<sup>3</sup> Coverage of any group that can organize large numbers of people is considered threatening. The Falun Gong spiritual movement, in particular, has been targeted for repression in recent years.<sup>4</sup>

In general, China attempts to suppress publication of information related to “subversive” political movements and controversial state actions, including the Tiananmen Square uprising,<sup>5</sup> support for a free Tibet,<sup>6</sup> the Falun Gong spiritual movement,<sup>7</sup> criticism of China’s human rights and social justice records,<sup>8</sup>

<sup>2</sup> He Qinglian, *Media Control in China*, Nov. 4, 2004, at <http://www.hrichina.org/public/contents/8991>.

<sup>3</sup> Qinglian, *Media Control in China*.

<sup>4</sup> Economist Intelligence Unit, *Country Profile 2005: China* at 18.

<sup>5</sup> Human Rights Watch, *World Report 2005: China*, January 2005, at <http://hrw.org/english/docs/2005/01/13/china9809.htm>.

<sup>6</sup> Jonathan Zittrain & Benjamin Edelman, *Internet Filtering in China*, IEEE Internet Computing, March/April 2003, available at <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN011043.pdf>.

<sup>7</sup> Zittrain & Edelman, *Internet Filtering in China*.

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independent news media,<sup>9</sup> and pro-democracy / pro-Western commentary.<sup>10</sup> Calls for decreased censorship are often themselves censored.<sup>11</sup> Journalists who report on unfavorable events or question the party line are often jailed on fabricated charges meant to discredit them.<sup>12</sup> Additionally, the state actively suppresses “inappropriate” material including pornography, sex-related information, and obscenity.<sup>13</sup> Methods of circumventing Internet filters and content restrictions are also censored.<sup>14</sup>

While China stopped subsidizing newspapers and magazines in 2003, the state still tightly controls the media sector.<sup>15</sup> Foreign companies cannot invest in newspapers and must enter into partnerships or licensing agreements with Chinese firms to publish magazines.<sup>16</sup> While the government generally controls what is published, it is stricter in some areas than others.<sup>17</sup> Journalists and commentators often cannot know the boundaries for prohibited expression, and the risk of losing their jobs and facing civil or criminal liability leads to self-censorship.<sup>18</sup>

#### B. Internet Infrastructure and Access

According to the most recent study by the China Internet Network Information Center (CNNIC), China has 94 million Internet users, nearly half of whom have broadband access.<sup>19</sup> Other studies estimate 130 million users by counting those who do not have a computer in their home but access the Internet from cybercafés.<sup>20</sup> China has international bandwidth capacity measuring 74,429 megabits per second. Almost 60 million unique Internet protocol (IP) addresses have been assigned to computers in China.<sup>21</sup>

China’s Internet regulatory policy authorizes four state organizations — now subsumed into the Ministry of Information Industry (MII) — to operate networks connected to the global Internet.<sup>22</sup> The

<sup>8</sup> See, e.g., Reporters Sans Frontières, *Reformist Journalists and Intellectuals Punished and Censored*, Dec. 3, 2004, at [http://www.rsf.org/article.php3?id\\_article=12008](http://www.rsf.org/article.php3?id_article=12008).

<sup>9</sup> Zittrain & Edelman, *Internet Filtering in China*.

<sup>10</sup> China’s influence extends even to broadcasters outside the state. See, e.g., Reporters Sans Frontières, *Chinese-language NTDTV harassed by Beijing*, May 25, 2004, at [http://www.rsf.org/article.php3?id\\_article=10439](http://www.rsf.org/article.php3?id_article=10439).

<sup>11</sup> See, e.g., Reporters Sans Frontières, *Five Resign From Editorial Board in Solidarity With Dismissed Magazine Editor*, Dec. 6, 2004, at [http://www.rsf.org/article.php3?id\\_article=11726](http://www.rsf.org/article.php3?id_article=11726).

<sup>12</sup> Qinglian, *Media Control in China*, at 19.

<sup>13</sup> See, e.g. *Nation’s Fierce Smut Wars Wages Onward*, China Daily, at [http://news.xinhuanet.com/english/2005-01/22/content\\_2494594.htm](http://news.xinhuanet.com/english/2005-01/22/content_2494594.htm).

<sup>14</sup> Censorware Project, *SafeWeb Privacy Proxy Censored in China*, Mar. 14, 2001, at <http://censorware.net/article.pl?sid=01/03/14/0755209>.

<sup>15</sup> Xinhua News Agency, *Print Media Reform Involves 2000 Newspapers, 9000 Magazines*, China Daily, Nov. 27, 2003, at [http://www.chinadaily.com.cn/en/doc/2003-11/27/content\\_285360.htm](http://www.chinadaily.com.cn/en/doc/2003-11/27/content_285360.htm).

<sup>16</sup> BusinessWeek Magazine, *Foreign Magazines Facing China’s Newsstand Fever*, China Daily, Nov. 5, 2003, at [http://www.chinadaily.com.cn/en/doc/2003-11/05/content\\_278774.htm](http://www.chinadaily.com.cn/en/doc/2003-11/05/content_278774.htm).

<sup>17</sup> Economist Intelligence Unit, *Country Profile 2005: China at 29*

<sup>18</sup> Qinglian, *Media Control in China*.

<sup>19</sup> China Internet Network Information Center (CNNIC), *15<sup>th</sup> Statistical Survey Report on the Internet Development in China*, January 2005, at <http://www.cnnic.net.cn/download/2005/2005012701.pdf>.

<sup>20</sup> *Net User Tally in China Nears 134m*, South China Morning Post, Feb. 4, 2005, at <http://www.asiamedia.ucla.edu/article.asp?parentid=20477>.

<sup>21</sup> CNNIC, *15<sup>th</sup> Statistical Survey Report on the Internet Development in China*.

<sup>22</sup> Asian Technology Information Program, *Report ATIP98.090: The Internet In China*, Nov. 3, 1998, at <http://www.atip.org/public/atip.reports.98/atip98.090r.html>.



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MII oversees China's Internet infrastructure; physical access is provided by nine state-licensed Internet access providers (IAPs), each of which has at least one connection to a foreign Internet backbone.<sup>23</sup> IAPs peer at three Internet exchange points (IXPs) run by the state.<sup>24</sup> IAPs grant regional Internet service providers (ISPs) access to backbone connections. Over 620 ISPs were registered in July 2001, and far more exist today.<sup>25</sup>

**Figure 1 - Internet Access Providers**<sup>26</sup>

Company Name	Audience	Network Name	Bandwidth (Mb/s)
China Telecom	General public	CHINANET	46268
China Netcom/CNCNet	Broadband users	CHINA169	19087
China Science and Technology Network	Researchers	CSTNET	5275
China Unicom	Businesses	UNINET	1645
China Mobile		CMNET	1130
China Education and Research Network	Schools	CERNET	1022
China Intl. Economic and Trade Net		CIETNET	2
China Great Wall Communications		CGWNET	Under construction
China Satcom		CSNET	Under construction

The MII regulates ownership and operation of telecommunications services; the Ministry refused to allow foreign companies to offer Internet access in competition with China's ISPs until China was accepted for entry into the World Trade Organization in 2001.<sup>27</sup>

There has been considerable debate about the complicity of Western corporations in the development and maintenance of China's filtering system. China's Internet infrastructure includes equipment and software from U.S. companies, including Cisco Systems, Nortel Networks, Sun Microsystems, and 3COM.<sup>28</sup> Cisco Systems in particular has been integral to China's Internet

<sup>23</sup> CNNIC, *15<sup>th</sup> Statistical Survey Report on the Internet Development in China*.

<sup>24</sup> CNNIC, *15<sup>th</sup> Statistical Survey Report on the Internet Development in China*.

<sup>25</sup> Human Rights Watch, *Freedom of Expression and the Internet in China*, at <http://www.hrw.org/background/asia/china-bck-0701.htm>.

<sup>26</sup> CNNIC, *15<sup>th</sup> Statistical Survey Report on the Internet Development in China*.

<sup>27</sup> Carolyn Duffy Marsan, *China: ISPs Report Major Growth in 2004*, Network World Fusion, Dec. 20, 2004, at <http://www.nwfusion.com/newsletters/isp/2004/1220isp1.html>.

<sup>28</sup> Asian Technology Information Program, *Report ATIP98.090: The Internet in China*. See Greg Watson, *China's Golden Shield: Corporations and the Development of Surveillance Technology in the People's Republic of China*, at <http://go.openflows.org/> (2001) (describing how American and European technology was used to build China's digital surveillance network); see also Ethan Gutmann, *Losing the New China* at 127-172 (2004).

development. The core of China's Internet relies on Cisco technology; Cisco specifically implemented the backbone networks for ChinaNet<sup>29</sup> and CERNet<sup>30</sup>, China's nation-wide educational network. Cisco's involvement continues to this day with the company's role in the development of China's "Next-Generation Network," known as CN2.<sup>31</sup>

Activists and human rights organizations have for years charged Cisco and other Western corporations with actively assisting China in developing censorship and surveillance systems.<sup>32</sup> For example, Amnesty International, Human Rights Watch, and Reporters Sans Frontières have consistently highlighted the issues of corporate responsibility and Internet freedom raised by China's use of Western technologies. These groups allege that Western corporations have facilitated the construction of China's censorship and surveillance infrastructure, and that they may even be involved in the system's ongoing maintenance and operations.<sup>33</sup>

Companies such as Microsoft and Cisco respond to these charges by suggesting that they simply sell the technology to China; thus, they cannot and should not control how their customers use what they have bought.<sup>34</sup> However, at least one whistleblower has stated that Cisco specifically designed and developed a special router/firewall box for China.<sup>35</sup>

In addition, the technologies that Cisco sold to China for backbone routing purposes -- Cisco 12000 series routers -- have packet filtering capability, allowing the routers to filter bi-directionally at the packet level and to implement up to 750,000 different filtering rules.<sup>36</sup> These systems are designed to combat various Internet attacks, including Denial of Service (DoS) attacks and the spread of worms and viruses. For example, to combat the Code Red worm, Cisco released instructions on how to configure their routers' Access Control Lists to block the spread of the worm.<sup>37</sup> These same techniques can be applied to block political content. The particular technique described in Cisco's Code Red document

<sup>29</sup> Cisco Systems, *Cisco Systems to be Key Supplier for Building China's Nation-Wide IP Backbone*, Oct. 14, 1998, available at <http://newsroom.cisco.com/dlls/fsfnisapid67e.html>.

<sup>30</sup> Cisco Systems, *CERNET Strengthens Cooperation with Cisco Systems with Major Upgrade of National Backbone Network*, Sept. 2, 1998, at <http://newsroom.cisco.com/dlls/fsfnisapia57d.html>.

<sup>31</sup> Cisco Systems, *Cisco Selected to Build Backbone and Premium Business Network for China Telecom's IP Next Generation Network*, Nov. 11, 2004, at [http://newsroom.cisco.com/dlls/2004/prod\\_111104.html](http://newsroom.cisco.com/dlls/2004/prod_111104.html).

<sup>32</sup> Greg Walton, *China's Golden Shield: Corporations and the Development of Surveillance Technology in the People's Republic of China*, available at <http://www.ichrdd.ca/english/commdoc/publications/globalization/goldenShieldEng.html>.

<sup>33</sup> See, e.g., Amnesty International, *People's Republic of China: Controls tighten as Internet activism grows*, Jan. 28, 2004, at <http://web.amnesty.org/library/Index/ENGASA170012004>; Human Rights Watch, *China Tightens Internet Controls*, Aug. 1, 2001, at <http://www.hrw.org/press/2001/08/china-0801.htm>; Reporters Sans Frontières, *Internet Under Surveillance: China*, June 22, 2004, at [http://www.rsf.org/print.php3?id\\_article=10749](http://www.rsf.org/print.php3?id_article=10749); Rights & Democracy (International Centre for Human Rights and Democratic Development), *Human Rights at Risk on the Cyber-battlefield: The Sale of Security & Surveillance Technology to China*, at <http://www.dd-rd.ca/english/commdoc/publications/globalization/surveillancetechChina/briefingpaper.htm>.

<sup>34</sup> Laura Rohde, *Companies defend against Chinese censorship charge*, IDG News Service, Dec. 2, 2002, at <http://www.nwfusion.com/news/2002/1202china.html>.

<sup>35</sup> Ethan Gutmann, *Who Lost China's Internet?*, The Weekly Standard, Feb. 15, 2002, available at [http://www.weeklystandard.com/Utilities/printer\\_preview.asp?idArticle=922](http://www.weeklystandard.com/Utilities/printer_preview.asp?idArticle=922).

<sup>36</sup> Cisco Systems, *Using Cisco 12000 Series IP Services Engine (ISE) Architecture to Enable the High-Speed Provider Edge*, Oct. 1, 2001, at [http://www.cisco.com/warp/public/cc/pd/rt/12000/prodit/werr\\_wp.htm](http://www.cisco.com/warp/public/cc/pd/rt/12000/prodit/werr_wp.htm).

<sup>37</sup> Cisco Systems, *Using Network-Based Application Recognition and ACLs for Blocking the "Code Red" Worm*, at [http://www.cisco.com/warp/public/63/nbar\\_acl\\_codered.shtml](http://www.cisco.com/warp/public/63/nbar_acl_codered.shtml) (last updated Apr. 6, 2005).

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focuses on blocking incoming and outgoing access to URLs that contain certain keywords in the path. However, one of the rules employed to block the Code Red worm, `Match protocol http url "*root.exe*"`, could just as easily be `Match protocol http url "*falun*"`.<sup>38</sup>

It is unlikely that Cisco would choose not to provide customer support or training for specific functionality of their products. Yet without official denial or confirmation, observers are left to speculate about their direct involvement in China's filtering regime.

### C. Legal Background

China's legal regulation of the Internet is extraordinarily complex. The legal regime comprises requirements and prohibitions issued by multiple bodies and administrative agencies; our research indicates that at least a dozen entities have authority over Internet access and content in some form.<sup>39</sup> These rules frequently overlap and restate prior provisions. Conforming to these requirements is made more difficult by the broad, sweeping definitions that many regulations employ. Overall, China's legal controls over the Internet have expanded greatly since 2000, indicating increased attention to this medium of communication. Moreover, the number of regulatory bodies with a role in Internet control has increased. This may indicate intra-governmental competition for a voice in shaping a medium viewed as vital to China's economic growth and political stability.

#### 1. General Media Regulation

A number of regulatory agencies combine to control tightly China's print and broadcast media. The General Administration of Press and Publication (GAPP) licenses and closely monitors publications, including newspapers, periodicals, books, and Web sites.<sup>40</sup> GAPP is assisted by the General Administration for Customs, which confiscates publications deemed "harmful to the government."<sup>41</sup> China's State Administration of Radio, Film, and Television regulates radio, television, satellite, and Internet broadcasts<sup>42</sup>, in conjunction with the Ministry of Information Industry, which retains responsibility for control of the telecommunications and software industries and Internet content provider licensing. The Ministry of Public Security is responsible for general regulation of Internet

<sup>38</sup> Cisco Systems, *Using Network-Based Application Recognition and Access Control Lists for Blocking the "Code Red" Worm*, available at <http://www.ccert.edu.cn/upload/1/35.pdf>.

<sup>39</sup> See Appendix 2 for a list of these bodies.

<sup>40</sup> Congressional – Executive Commission on China, *Freedom of Expression – Laws and Regulations*, at <http://www.cecc.gov/pages/virtualAcad/exp/explaws.php#clampdown> (translating "Notice Regarding Resolutely Clamping Down on Illegal Publishing Activities" of Jan. 25, 1996).

<sup>41</sup> *Regulations on Customs' Administration of Printed Materials and Audio/Visual Materials Imported or Exported by Individuals Via Carriage or Post*, July 10, 1991, translation available at <http://www.cecc.gov/pages/virtualAcad/exp/explaws.php>.

<sup>42</sup> See, e.g., *Measures on the Administration of Foreign Satellite Television Channel Reception*, Aug. 1, 2004; *Measures on the Administration of Broadcasting Audio/Visual Programs over the Internet or Other Information Networks*, Jan. 7, 2003, translations available at <http://www.cecc.gov/pages/virtualAcad/exp/explaws.php>; see generally Richard Cullen & Pinky D. W. Choy, *The Internet in China*, 13 Colum. J. Asian L. 99, 116 (1999).

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access.<sup>43</sup> The State Secrecy Bureau classifies state secrets, which all citizens are required to “safeguard.”<sup>44</sup> Finally, the Central Propaganda Department ensures that Chinese publishers print only material consistent with the Communist Party’s ideology; the Department uses directives, screenings, and training sessions for publishers and their employees to accomplish this goal.<sup>45</sup>

## 2. Internet Access Regulation

China implements access controls for ISPs, ICPs, Internet subscribers, and cybercafé users.

Access control has always been part of China’s Internet filtering system: in February 1994, one year before the Internet became commercially available to Chinese users, the State Council gave the Minister of Public Security overall responsibility for supervision of the Internet.<sup>46</sup>

Regulation of Internet access has grown more comprehensive, specific, and extensive recently. On March 2, 2000 the State Council promulgated “Interim Procedures on Registration and Filing of Online Business Operations”<sup>47</sup> which, for the first time, explicitly recognized on-line businesses and required them to register and submit information on their personnel for “information checks.”<sup>48</sup> In September 2000, the “Interim Measures on the Administration of Record and Registration of Profit-making Websites” formalized registration procedures, instituted annual inspections of on-line businesses, and required all such businesses to list their registration number prominently on their Web sites. In addition, the State Council issued Order No. 292, “Measures on Internet Information Services,” on September 25, 2000.<sup>49</sup> This order reiterated and strengthened provisions contained in previous legislation, while establishing increased levels of control and enforcement. Specifically, Order 292 attempted to differentiate Web sites that provide information “involving the journalism, publication, education, medical care, medicines, and medical equipment and so on” -- both for-profit and non-profit -- from other Internet businesses.<sup>50</sup>

### a. ISPs

ISPs that want to provide service in China must obtain an operating license from MII.<sup>51</sup> Access providers must record a customer’s account number, phone number, and IP address, and Internet content

<sup>43</sup> See Human Rights Watch, *Freedom of Expression and the Internet in China*, at <http://www.hrw.org/background/asia/china-bck-0701.htm>; see also Congressional – Executive Commission on China, *China’s Censors*, at <http://www.cecc.gov/pages/virtualAcad/exp/expcensors.php>.

<sup>44</sup> *State Security Law*, Feb. 22, 1993, translation available at <http://www.cecc.gov/pages/virtualAcad/exp/explaws.php>; see Congressional – Executive Commission on China, *China’s Censors*.

<sup>45</sup> Congressional – Executive Commission on China, *China’s Censors*.

<sup>46</sup> *Regulations for the Safety Protection of Computer Information Systems*, State Council Order No. 147.

<sup>47</sup> *Interim Procedures on Registration and Filing of Online Business Operations*, State Council, Mar. 2, 2000.

<sup>48</sup> *Interim Procedures on Registration and Filing of Online Business Operations*, Article 6; see Clara Liang, *Red Light, Green Light: Has China Achieved Its Goals Through the 2002 Internet Regulations?*, 35 Vand. J. Transnatl L. 1417, 1433 (2001).

<sup>49</sup> *Measures on Internet Information Services*, State Council Order No. 292, Sept. 25, 2000, translation from iSinoLaw.com.

<sup>50</sup> *Measures on Internet Information Services*, Article 5.

<sup>51</sup> China Online, *Ministry Profile: Ministry of Information Industry (MII)*, archived at [http://web.archive.org/web/20031211153108/http://www.chinaonline.com/refer/ministry\\_profiles/MIIL3.asp](http://web.archive.org/web/20031211153108/http://www.chinaonline.com/refer/ministry_profiles/MIIL3.asp).

providers that publish, operate bulletin boards, or engage in journalism must keep copies of all content made available.<sup>52</sup> ISPs are legally responsible for content they display.<sup>53</sup> ISPs that fail to follow the law face revocation of their business license and arrest of company staff.<sup>54</sup>

#### b. ICPs

Internet content providers must control both access to and use of on-line bulletin board services. State Council Order No. 292 required for-profit Internet content providers (ICPs) to apply for a special business license<sup>55</sup> and non-profit ICPs to file official records<sup>56</sup>. In addition, any ICP seeking to operate a bulletin board system (BBS) would also need to apply for a special license.<sup>57</sup> The “Provisions on the Administration of Internet Electronic Messaging Services,” promulgated on October 27, 2000, by the State Council, built upon the licensing requirements established by Order No. 292.<sup>58</sup> ICPs seeking to operate bulletin boards or other electronic communication services were required to obtain approval from the Ministry of Information Industry (MII).<sup>59</sup> To offer these services, ICPs had to create a comprehensive set of rules governing subscriber use of the service, consistent with applicable laws.<sup>60</sup> The ICP must publish these rules prominently on its Web site.<sup>61</sup> Additionally, the Provisions mandated that ICPs set up a secure registration and login system to allow the service to identify and track subscribers.<sup>62</sup> ICPs were required to track subscribers’ usage for 60 days, and to turn over such information to government agencies on request.<sup>63</sup> Finally, ICPs were charged with monitoring all content on their services and immediately removing and reporting any inappropriate or illegal postings.<sup>64</sup>

#### c. Subscribers

A 1996 decree requires all subscribers to register with their local police bureau within the first 30 days of signing up with an ISP.<sup>65</sup> The same decree set up police computer investigation organizations to

<sup>52</sup> *Measures for the Administration of Internet Information Services*, Sept. 25, 2000, translation available at <http://www.cecc.gov/pages/virtualAcad/exp/explaws.php>.

<sup>53</sup> Human Rights Watch, *Freedom of Expression and the Internet in China* (citing *Measures For Managing the Internet Information Services*).

<sup>54</sup> International Centre for Human Rights and Democratic Development, *Review of China’s Internet Regulations and Domestic Legislation*, available at <http://www.ichrdd.ca/english/commddoc/publications/globalization/legislationInternetChinaEng.pdf>.

<sup>55</sup> *Measures on Internet Information Services*, Article 7.

<sup>56</sup> *Measures on Internet Information Services*, Article 8.

<sup>57</sup> *Measures on Internet Information Services*, Article 9.

<sup>58</sup> *Provisions on the Administration of Internet Electronic Messaging Services*, State Council, Oct. 27, 2000, translation from China Law & Practice.

<sup>59</sup> *Provisions on the Administration of Internet Electronic Messaging Services*, Article 5.

<sup>60</sup> *Provisions on the Administration of Internet Electronic Messaging Services*, Article 6.

<sup>61</sup> *Provisions on the Administration of Internet Electronic Messaging Services*, Article 10.

<sup>62</sup> *Provisions on the Administration of Internet Electronic Messaging Services*, Article 6.

<sup>63</sup> *Provisions on the Administration of Internet Electronic Messaging Services*, Article 14.

<sup>64</sup> *Provisions on the Administration of Internet Electronic Messaging Services*, Article 13.

<sup>65</sup> *Regulations on the Administration of Internet Access Service Business Establishments [Internet Cafés]*, Sept. 29, 2002, translation available at <http://www.cecc.gov/pages/virtualAcad/exp/explaws.php>; see Human Rights Watch, *Freedom of Expression and the Internet in China*; Hermida, *Behind China’s Internet Red Firewall*.

investigate alleged violations.<sup>66</sup> Beginning in 2000, China required ISPs to track their users' account numbers, when users are online, and the sites customers visit.<sup>67</sup> ISPs must maintain detailed logs on subscribers' Internet usage for 60 days, and can be held responsible if their customers use the ISP's systems to violate laws.<sup>68</sup> Because of these laws, ISPs often implement their own monitoring and censoring functions, further limiting subscribers' access to information.<sup>69</sup>

#### d. Cybercafés

While many Chinese citizens, especially in major cities, have home broadband or dial-up Internet connections, a substantial number of users continue to visit cybercafés – only some of which are licensed – that have become plentiful in recent years.<sup>70</sup> China periodically increases its supervision of Internet cafés, which are known as “Net bars” or “wangba.”<sup>71</sup> In 2001, the State Council conducted a three-month investigation into public Internet providers, closing over 8,000 Internet cafés.<sup>72</sup> Police installed filtering software to block pornography and other “harmful” information at roughly 5,000 cafés in Liaoning province alone.<sup>73</sup> Government regulation and surveillance of cybercafés increased dramatically following a fire in a Beijing cybercafé in 2002; subsequently, the state shut down 150,000 unlicensed cybercafés.<sup>74</sup> China continues to scrutinize and shut down cybercafés. Between October and December 2004, China closed over 12,000 Internet cafés in a wave of increased enforcement, targeting in particular those located near primary and middle schools.<sup>75</sup> Children under age 16 are banned from cybercafés,<sup>76</sup> where customers often play violent video games.<sup>77</sup>

All cafés are required to install software that blocks Web sites purportedly containing pornographic or “subversive” content.<sup>78</sup> Cafés must keep detailed logs linking users to the pages they visited and recording access to any blocked pages; these records are reported to the Public Security

<sup>66</sup> Human Rights Watch, *Freedom of Expression and the Internet in China*.

<sup>67</sup> State Council, *Administration of Internet Information Service Procedures*, September 2000; Human Rights Watch, *Freedom of Expression and the Internet in China*.

<sup>68</sup> Human Rights Watch, *Freedom of Expression and the Internet in China*.

<sup>69</sup> Human Rights Watch, *Freedom of Expression and the Internet in China*.

<sup>70</sup> In November 2004, China reported inspecting 1.8 million cybercafés. Xinhua News Agency, *China Closes 1,600 Internet Cafés in Six Months*, Xinhua Economic News Service, Nov. 1, 2004.

<sup>71</sup> See “Wangba” Crusade, Red Herring.

<sup>72</sup> Human Rights Watch, *Freedom of Expression and the Internet in China*.

<sup>73</sup> Human Rights Watch, *Freedom of Expression and the Internet in China*.

<sup>74</sup> Alfred Hermida, *Behind China's Internet Red Firewall*, BBC News Online, Sept. 3, 2002, at <http://news.bbc.co.uk/1/hi/technology/2234154.stm>.

<sup>75</sup> Associated Press, *China Shuts Internet Cafés*, The Guardian, Feb. 15, 2005, at <http://www.guardian.co.uk/china/story/0,7369,1414734,00.html>.

<sup>76</sup> *China Gets Tough on Cyber Cafés*, BBC News World Edition, Dec. 27, 2002, at <http://news.bbc.co.uk/2/hi/asia-pacific/2608305.stm>.

<sup>77</sup> “Wangba” Crusade, Red Herring, Feb. 17, 2005, at <http://www.redherring.com/Article.aspx?a=11300>.

<sup>78</sup> Hermida, *Behind China's Internet Red Firewall*.

Bureau.<sup>79</sup> Cafés must obtain and record users' identities by asking for their identification cards, and must keep these records for at least 60 days.<sup>80</sup>

We translated a copy of China's Internet café regulations to analyze the state's control over this form of access.<sup>81</sup> The goals of the regulations are to provide good service to users and to promote socialism.<sup>82</sup> Cafés must follow all applicable laws and must "self police."<sup>83</sup> Regulatory responsibility for cafés is divided among several entities. The cultural departments at the county level and above must "examine and endorse" new cafés, and must control existing ones.<sup>84</sup> The Public Security Bureau has responsibility for the "safety of information."<sup>85</sup> The Department of Commerce registers cafés, issues permits, and inspects locations to ensure proper licensing.<sup>86</sup> The Department of Telecommunications also has a role in café oversight.<sup>87</sup> Employees of these regulating agencies may not be involved in operating a café.<sup>88</sup>

Cafés must obtain permission before commencing service.<sup>89</sup> Companies that offer this type of service must have adequate capital, fire prevention systems, methods for controlling access to information, and appropriate technical and security personnel.<sup>90</sup> Cafés cannot be located within 200 meters of an elementary school, middle school, or residential building.<sup>91</sup> The process of obtaining approval is complex: cafés must submit information to the Culture Department of the government at the county level or above, followed by applying for an "information safety permit" and "fire safety permit" from the Public Security Bureau, then application for an "Internet culture business permit document" is made to the Culture Department, and finally the applicant applies to the Commerce Department for a business registration.<sup>92</sup> Changing the café's location, size, interior, or number of computers requires additional permissions.<sup>93</sup>

Cafés can only operate during designated hours, and cannot admit minors.<sup>94</sup> Users must register with their identification cards, and cafés must record this information, along with the computer used and

<sup>79</sup> Human Rights Watch, *Freedom of Expression and the Internet in China: "Wangba" Crusade*, Red Herring.

<sup>80</sup> *Regulations on the Administration of Internet Access Service Business Establishments [Internet Cafés]*.

<sup>81</sup> The regulations are available at [http://www.zetronic.com.cn/news\\_details.asp?newsid=10015](http://www.zetronic.com.cn/news_details.asp?newsid=10015). We thank Stian Haklev for translation assistance.

<sup>82</sup> Chapter 1, *互联网上网服务营业场所管理条例》(全文) (Internet Service Providers [Internet cafés] Operating Regulations)*.

<sup>83</sup> Chapter 1, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>84</sup> Chapter 1, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>85</sup> Chapter 1, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>86</sup> Chapter 1, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>87</sup> Chapter 1, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>88</sup> Chapter 1, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>89</sup> Chapter 2, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>90</sup> Chapter 2, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>91</sup> Chapter 2, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>92</sup> Chapter 2, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>93</sup> Chapter 2, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>94</sup> Chapter 3, *Internet Service Providers [Internet cafés] Operating Regulations*.

the time of use, maintaining it for 60 days and making it available to the Public Security Bureau and the Culture Department.<sup>95</sup> Penalties for violations include fines and potential criminal liability.<sup>96</sup>

### 3. Internet Content Regulation

China maintains extremely strong controls over the material that users are allowed to post and to access on the Internet. These include long, complex, and expensive licensing requirements; mandatory registration and inspections; prescribed minimums for available capital and the number of employees; and broad restrictions on permissible types of content.

#### a. Regulation of Internet Users

China took initial steps to control how its citizens used the Internet in December 1997 when the Ministry of Public Security, pursuant to its authority under State Council Order No. 147, issued comprehensive regulations governing Internet use. The Ministry stated its goal was “to strengthen the security and the protection of computer information networks and of the Internet, and to preserve the social order and social stability.”<sup>97</sup> The regulations have three key sections, Articles 4 through 6.

Article 4 of the regulations proscribes individuals from using the Internet to harm national security; disclose state secrets; harm the interests of the State, of society, or of a group; or to take part in criminal activities.<sup>98</sup>

Article 5 bars using the Internet to create, replicate, retrieve, or transmit information that incites resistance to the Constitution, laws, or administrative regulations; incites overthrow of the government or socialist system; incites division of the country or harms national unification; incites hatred or discrimination among nationalities or harms their unity; distorts the truth, spreads rumors, or destroys social order; promotes feudal superstitions, sexually suggestive material, gambling, violence, or murder; furthers terrorism, incites others to criminal activity, or openly insults or slanders other people; injures the reputation of state entities; or promotes other activities that violate the Constitution, laws, or administrative regulations.<sup>99</sup>

Article 6 bars users from engaging in activities that could harm the security of computer information networks. It specifically forbids using networks or network resources without prior approval; changing network functions or adding / deleting information; adding to, deleting from, or altering materials stored, processed, or transmitted through the network; deliberately creating or transmitting viruses; or otherwise harming the network.<sup>100</sup>

Article 20 provides penalties for violations. It dictates that violators of Articles 5 or 6 will receive a warning, have any illegally earned income confiscated, be assessed a fine equal to or less than 5,000

<sup>95</sup> Chapter 3, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>96</sup> Chapter 4, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>97</sup> *Computer Information Network and Internet Security, Protection and Management Regulations*, Article 1.

<sup>98</sup> *Computer Information Network and Internet Security, Protection and Management Regulations*, Article 4.

<sup>99</sup> *Computer Information Network and Internet Security, Protection and Management Regulations*, Article 5.

<sup>100</sup> *Computer Information Network and Internet Security, Protection and Management Regulations*, Article 6.



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renminbi (RMB) (approximately \$600 U.S.), and, for serious offenses, have their network access terminated for up to six months.<sup>101</sup>

The State Council supplemented these Regulations with telecommunications regulations issued in 2000.<sup>102</sup>

b. Regulation of Content Providers

State Council Order No. 292, promulgated in September 2000, established the first formal content restrictions for ICPs. Article 12 dictated that content providers were responsible for ensuring the legality of any information disseminated through their services and required ICPs to track and maintain records of user activity for 60 days.<sup>103</sup> Article 15 specified nine restricted, relatively vague categories of information that cannot be produced, copied, published, or disseminated, comprising data

1. Which are against the principles prescribed in the Constitution;
2. Which endanger the security of the State, divulge the secrets of the State, overthrow the government, or damage the unification of the State;
3. Which harm the dignity and interests of the State;
4. Which instigate hatred, discrimination among the ethnic groups, or destroy the unity of nationalities;
5. Which break the religious policy of the State, spread evil cults or feudal superstition;
6. Which spread rumors, disturb the social order, and damage the social stability;
7. Which spread pornography, sex, gambling, violence, murder, terrorism or abetment;
8. Which insult or slander others and thus infringe upon others' lawful rights and interests; or
9. Which involve other contents prohibited by the laws and administrative rules.<sup>104</sup>

ICPs finding content on their services that violated one of the nine provisions were required to make a complete report to the relevant authorities<sup>105</sup>.

Two years later, on June 27, 2002, the General Administration of Press and Publishing (GAPP) teamed with the Ministry of Information Industry to release the "Interim Provisions on the Administration of Internet Publication." These provisions responded to mandates issued to these organizations in the State Council's "Administration of Publishing Regulations" and the "Measures on Internet Information Services." The new provisions sought to reconcile controls over on-line publishing with those for print publications, and to unify Internet regulation and supervision efforts across agencies.

<sup>101</sup> *Computer Information Network and Internet Security, Protection and Management Regulations*, Article 20.

<sup>102</sup> The Telecommunications Regulations ban individuals from using telecommunications networks to make, duplicate, issue, or disseminate the following information: (1) opposing constitutional principles; (2) jeopardizing national security, revealing state secrets, subverting state power, or undermining national security; (3) harming the property and interests of the states; (4) arousing ethnic animosities, ethnic discrimination, or undermining ethnic solidarity; (5) undermining state religious policies or promoting cults and feudal superstitions; (6) spreading rumors, disturbing social order, or undermining social stability; (7) spreading obscenity, pornography, gambling, violence, murder, terror, or instigating crime; (8) insulting or slandering others, or violating their legal rights and interests; (9) having other content prohibited by laws or administrative regulations. *Telecommunications Regulations*, State Council Order No. 291, issued Oct. 11, 2000.

<sup>103</sup> *Measures on Internet Information Services*, Article 12 (translation obtained from iSinoLaw.com).

<sup>104</sup> *Measures on Internet Information Services*, Article 15.

<sup>105</sup> *Measures on Internet Information Services*, Article 16.

The provisions define “Internet publishing” as “an act of online dissemination whereby information service providers select, edit, and process works created by themselves or others and subsequently post the same on the internet or transmit the same to the end users via the internet for browsing, reading, use or downloading by the public.”<sup>106</sup> These “works” include formally published content that has appeared in books, newspapers, and periodicals as well as “edited and processed works of literature, art, natural science, social science and engineering technology.”<sup>107</sup> This definition could apply to the material offered by every ICP, including non-business-oriented sites and personal Web sites, although the GAPP has not applied the provisions to personal sites.<sup>108</sup>

Along with restating previous regulations and adding more licensing and inspection requirements for ICPs, these provisions create an additional category of restricted information: content that “compromises public morality or refined indigenous culture and traditions.”<sup>109</sup> In addition to these completely proscribed categories, content involving state secrecy, social stability, or other “serious topics” must be reported to GAPP, and copies of such material submitted for official records.<sup>110</sup> Finally, information “targeted at minors” was prohibited if it served to “induce[] minors to imitate acts that are contrary to public morality, illegal or criminal<sup>111</sup>,” or if the material was “of horrific, cruel, or other such nature that is harmful to the physical and psychological health of minors.”<sup>112</sup>

In addition to regulating content itself, the provisions required ICPs to implement procedural controls. Thus, ICPs had to create an “editor responsibility system” to review all content and editors were mandated to undertake “training, though the provisions do not define either of these requirements specifically.”<sup>113</sup>

China has established rules for Internet broadcasting of audiovisual material as well, in an effort to harmonize on-line and off-line regulation of this content. In January 2003, the State Council passed “Measures on the Administration of Broadcasting Audio/Visual Programs over the Internet or Other Information Networks.” The State Administration of Radio, Film, and Television was given jurisdiction over digital media content. The Measures require ICPs that broadcast news to obtain a license from the State Council Information Office, which required additional operating provisions.

The Ministry of Culture promulgated its “Interim Provisions on the Administration of Internet Culture,” consisting mostly of restatements of existing rules and regulations, on May 10, 2003. The Ministry required all ICPs to register with its central or provincial office, in addition to the existing multiple registrations mandated by other regulations.<sup>114</sup> The Provisions extended previously enacted

<sup>106</sup> *Internet Publishing: China Pushes for Increased Supervision and Self-Discipline in the Industry*, China Law and Practice, March 2005 (hereinafter “Internet Publishing”).

<sup>107</sup> *Internet Publishing*.

<sup>108</sup> *Internet Publishing*.

<sup>109</sup> *Interim Provisions on the Administration of Internet Publication*, Article 17 (translation obtained from iSinoLaw.com).

<sup>110</sup> *Interim Provisions on the Administration of Internet Publication*, Article 16.

<sup>111</sup> *Interim Provisions on the Administration of Internet Publication*, Article 18.

<sup>112</sup> *Interim Provisions on the Administration of Internet Publication*, Article 17.

<sup>113</sup> *Interim Provisions on the Administration of Internet Publication*, Article 21.

<sup>114</sup> *Administration of Culture on the Internet Tentative Provisions (Summary)*, China Law & Practice, Sept. 2, 2003.

speech and content restrictions to cover information sent to cellular phones and other wireless devices, as well as to forms of content not specifically enumerated in previous legislation, such as video games.<sup>115</sup>

### c. State Secrets Controls

The State Secrets Law is a critical and broadly defined part of China's Internet content control. The State Secrets Law defines the term "state secrets" to include confidential information in areas ranging from social development, to technology, to international relations, to the national defense and economy.<sup>116</sup> The law lists categories of restricted information, including "national defense," "secrets concerning important policy decisions on state affairs," "economic and social development," science and technology development, and criminal investigations.<sup>117</sup> It also encompasses "secrets of political parties," restricting criticism and debate of public policy positions, and gives state agencies the authority to define additional categories.<sup>118</sup> The State Secrets Bureau has wide discretion in determining what qualifies as a "state secret."<sup>119</sup> China has retroactively declared information a state secret.<sup>120</sup> If convicted of providing state secrets to overseas individuals or organizations via the Internet, citizens face the death penalty.<sup>121</sup>

China's Constitution requires all citizens to "safeguard" state secrets.<sup>122</sup> ICPs have additional responsibilities to "conscientiously perform secrecy protection duties and establish sound administration systems to strengthen supervision and monitoring."<sup>123</sup> Violations of the State Secrets Law must be reported to authorities.<sup>124</sup> Penalties for failure to comply with state secrets regulations are serious. The Supreme People's Court ruled that serious cases of state secrets violations can be punished with up to 10 years in prison, and violators may face the death penalty for cases of severe harm.<sup>125</sup>

### d. News

News may be published online only by licensed print publishers.<sup>126</sup> Non-licensed Web sites that wish to carry news may only publish information already publicly released by other news media.<sup>127</sup> These

<sup>115</sup> *Administration of Culture on the Internet Tentative Provisions (Summary)*, China Law & Practice, Sept. 2, 2003.

<sup>116</sup> *Law of the People's Republic of China on Guarding State Secrets*, translation available at <http://www.cecc.gov/pages/newLaws/protectSecretsENG.php>.

<sup>117</sup> Amnesty International, *State Secrets – A Pretext for Repression*, May 1996, at <http://web.amnesty.org/library/index/engasa170421996#SSL>.

<sup>118</sup> Amnesty International, *State Secrets – A Pretext for Repression*.

<sup>119</sup> See Human Rights in China, *Who's Who in Labor & State Secrets*, at <http://www.hrichina.org/public/contents/article?revision%5fid=18104&item%5fid=18103> (Oct. 25, 2004).

<sup>120</sup> International Centre for Human Rights and Democratic Development, *Review of China's Internet Regulations and Domestic Legislation*.

<sup>121</sup> Amnesty International, *State Secrets – A Pretext for Repression*.

<sup>122</sup> Congressional-Executive Committee on China, *Silencing Critics by Exploiting National Security and State Secrets Laws*, at <http://www.cecc.gov/pages/virtualAcad/exp/expsecurity.php>.

<sup>123</sup> Articles 8 & 10, *Provisions on the Administration of the Protection of Secrets on Internationally Networked Computer Information Systems*, translated at <http://www.cecc.gov/pages/virtualAcad/exp/expsecurity.php>.

<sup>124</sup> Congressional-Executive Committee on China, *Silencing Critics by Exploiting National Security and State Secrets Laws*.

<sup>125</sup> *Supreme People's Court on Stealing State Secrets*, Xinhua News Agency, Jan. 21, 2001.

<sup>126</sup> *Interim Provisions on the Administration of Internet Websites Engaged in News Posting Operations*, Nov. 1, 2000, translation available at <http://www.cecc.gov/pages/virtualAcad/exp/explaws.php>.

sites must obtain approval from state information offices and from the State Council Information Agency.<sup>128</sup> To be recognized as an online publisher, organizations must undertake the same licensing, and follow the same regulations, required for print publishing, an arduous task.<sup>129</sup>

Thus, China seeks to ensure that citizens can access only news from sources under state control. For example, during the Severe Acute Respiratory System (SARS) outbreak, official online sources and print newspapers disclosed only a few cases of “atypical pneumonia”; they stated that there was no epidemic, rumors to the contrary were false, and any illnesses could be attributed to “changes in the weather.”<sup>130</sup> Many citizens learned about SARS through informal channels of communication, such as simple messaging service (SMS) messages over cellular phones, rather than through official news sources.<sup>131</sup>

#### e. Content Controls for Cybercafés

Cybercafés operate under additional content regulations. The operators and patrons of these establishments may not access, create, download, or transmit information that is contrary to constitutional principles; that harms China’s unity, sovereignty, or territorial integrity; that reveals national secrets, damages national security, or harms the state’s reputation; that incites ethnic hatred or discrimination; that harms ethnic unity, customs, or traditions; that is contrary to national religious policy or that spreads superstition; that spreads rumors or disturbs public order; that spreads obscenity or violence; that teaches criminal behavior; that defames others or infringes their legal rights; that harms public morality; or that is otherwise unlawful.<sup>132</sup>

Furthermore, cybercafé users are prohibited from creating or spreading computer viruses, illegally accessing computer systems, or engaging in other unlawful activities.<sup>133</sup> The cafés cannot offer access to gambling games or sites.<sup>134</sup> Owners must install network monitoring equipment; if they detect that customers are accessing unlawful material, or engaging in forbidden activities, the café must disconnect the user and report them to the local Culture Department.<sup>135</sup> Penalties for violations include fines and potential criminal liability.<sup>136</sup>

<sup>127</sup> See *China’s Internet: An Uncertain Future*, China Law & Practice.

<sup>128</sup> Congressional-Executive Committee on China, *International Agreements and Domestic Legislation Affecting Freedom of Expression*, at <http://www.cecc.gov/pages/virtualAcad/exp/explains.php>.

<sup>129</sup> To see how the process works, visit <http://www.cecc.gov/pages/virtualAcad/exp/bookflow.php>.

<sup>130</sup> Congressional-Executive Committee on China, *Information Control and Self-Censorship in the PRC and the Spread of SARS*, at [http://www.cecc.gov/pages/news/prcControl\\_SARS.php](http://www.cecc.gov/pages/news/prcControl_SARS.php).

<sup>131</sup> See, e.g., Irene Wang, *Text Messages Boost SARS Fight*, South China Morning Post, Nov. 4, 2003, at 3.

<sup>132</sup> Chapter 3, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>133</sup> Chapter 3, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>134</sup> Chapter 3, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>135</sup> Chapter 3, *Internet Service Providers [Internet cafés] Operating Regulations*.

<sup>136</sup> Chapter 4, *Internet Service Providers [Internet cafés] Operating Regulations*.

#### f. Extra-legal Content Controls

Content control in China occurs through informal as well as formal measures. Thus, the Internet Society of China pressures content and access providers to agree to a “Public Pledge of Self-Regulation and Professional Ethics.”<sup>137</sup> Companies often accede; Yahoo! agreed to the pledge in 2002, and filters content available to users at its Chinese language portal.<sup>138</sup> Internet regulation in China is based on the philosophy that “one is responsible for what one publishes.”<sup>139</sup> Thus, Internet companies in China practice a high degree of self-censorship. These companies frequently prefer to focus on sports and entertainment rather than risk being shut down.<sup>140</sup> ISPs perform self-censorship, including using employees who lead teams of volunteers to monitor and moderate chat rooms and bulletin boards.<sup>141</sup> China can thus filter content through voluntary, informal measures, as well as via formal legal or technological means.

Users act as an additional regulatory mechanism. Some citizens view Internet regulation as necessary, and monitor Web sites, chat rooms, and bulletin boards for inappropriate content, reporting violations to the authorities.<sup>142</sup>

#### D. User Rights and Protections

China’s laws and regulations do not generally provide comprehensive rights and protections to Internet users. There is often tension between formal legal rights and those recognized in actual cases. For example, consider a right to privacy. Article 38 of China’s Constitution refers to a fundamental right of personal dignity, believed by most Chinese legal scholars to incorporate a right of privacy.<sup>143</sup> Article 40 provides for the freedom and privacy of citizens’ communications, and bars other organizations and individuals from infringing on those rights. The same Article, though, contains restrictions on or permits deprivation of a citizen’s privacy or correspondence rights by public authorities to “meet the needs of state security” or “investigate criminal offenses” – broad, ambiguous exceptions. Some of China’s legislation alludes to a similar right of privacy. However, Chinese constitutional jurisprudence does not recognize a fundamental right of privacy in action.

Legislation governing Internet users contains the same dichotomy. Certain regulations partially recognize a right to privacy. For example, Internet users’ personal information is protected against

<sup>137</sup> See Internet Society of China, *Public Pledge of Self-Regulation and Professional Ethics for China Internet Industry*, available at <http://www.isc.org.cn/20020417/ca102762.htm> (July 19, 2002).

<sup>138</sup> Sumner Lemon, *Yahoo Criticized for Curtailing Freedom Online*, PC World, Aug. 12, 2002, at <http://www.pcworld.com/news/article/0,aid,103865,00.asp>.

<sup>139</sup> Lokman Tsui, *Internet in China: Big Mama is Watching You*, July 2001, at <http://www.lokman.nu/thesis/010717-thesis.pdf>.

<sup>140</sup> Tsui, *Internet in China: Big Mama is Watching You*.

<sup>141</sup> International Centre for Human Rights and Democratic Development, *Review of China’s Internet Regulations and Domestic Legislation*.

<sup>142</sup> Bobson Wong, *A Matter of Trust: The Internet and Social Change in China*, China Rights Forum, Nov. 3, 2003, at [http://www.hrichina.org/fs/downloadables/pdf/downloadable-resources/Bobson\\_Wong.pdf?revision\\_id=10352](http://www.hrichina.org/fs/downloadables/pdf/downloadable-resources/Bobson_Wong.pdf?revision_id=10352).

<sup>143</sup> China’s Civil Law General Principles protect both personal dignity and the “right of reputation,” and have been construed by the Supreme People’s Court to include the right to privacy. Most likely, Chinese legal scholars extrapolate this conclusion from the relevant SPC decisions. See *Privacy Protection in China’s Cyberspace*, China Law & Practice, February 2003.

unauthorized public disclosure by electronic messaging service providers.<sup>144</sup> Users whose personal information is disclosed, in violation of this provision, can sue for damages and injunctive relief.<sup>145</sup> Similarly, it is illegal to use computer information systems to steal or disrupt others' information or jeopardize the lawful interests of citizens; violators risk civil penalties.<sup>146</sup>

User communications also enjoy protection, at least in theory. Regulations affirm the freedom and privacy of users' e-mails and ban others from infringing upon their privacy. Violators who illegally intercept, modify, or delete others' e-mails face criminal liability.<sup>147</sup> Even compulsory seizure of e-mails and other private telecommunications by the state is limited, according to the laws, to instances where the public security authority, public procurator authority, or the national security authority must do so to investigate a national security threat or criminal conduct.<sup>148</sup> Such seizures are formally governed by specific criminal procedure requirements.<sup>149</sup>

However, the state possesses the power to regulate Internet content and to demand that ISPs and Internet Content Providers (ICPs) turn over personal information of Internet users who violate the laws or post prohibited content (a term defined broadly). Upon official request, an ISP or ICP must provide the user's name, IP address, e-mail address, user name, information on any changes in IP address and use, and all data saved by the service provider's computer when the prohibited content or illegal conduct took place, including time, content, originating source, and system logs.<sup>150</sup>

Thus, while China ostensibly provides some protection to users in the form of legally guaranteed rights, these safeguards rarely function in practice.

### 3. TESTING METHODOLOGY

#### A. Methods

ONI performs technical testing across multiple levels of access at multiple time intervals in a number of regions around the world. The team analyzes results within the contextual framework of the target state's filtering technology, law, and regulations. To obtain meaningful, accurate results we seek to:

- generate lists of domain names and URLs that have been or are likely to be blocked, based upon background research into relevant social and political issues in China;
- enumerate ISPs and national routing topography;

<sup>144</sup> Article 12, *Administration of Internet Electronic Messaging Service Provisions*.

<sup>145</sup> Article 19, *Administration of Internet Electronic Messaging Service Provisions*.

<sup>146</sup> Article 25, *Protection of the Safety of Computer Data Systems Regulations*; Article 58(2), *Telecommunications Regulations*.

<sup>147</sup> Article 4.2, *Internet Security Decision*.

<sup>148</sup> Article 66, *Telecommunications Regulations*.

<sup>149</sup> Article 116, *Criminal Procedure Law*.

<sup>150</sup> Ministry of Public Security, *Questions Relevant to the Implementation of the Circular*.

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- determine the type, location, and behavior of the filtering technology;
- deploy network interrogation and enumeration software at multiple access points; and
- conduct a thorough statistical analysis of results.

Determining which URLs to test is a vital component of our research, as it reveals the filtering system's technical capacity and content areas subject to blocking. ONI employs three types of lists:

- a list of "high impact" sites reported to be blocked or likely to be blocked in the state due to their content (for example, political opposition);
- a "global list" containing a control list of manually categorized Web sites reflecting a range of Internet content (for example, news and hacking sites), intended in part to enable comparisons across multiple states; and
- a multilingual list of significant key words used to generate significantly larger lists through search engine queries.

To explore Internet filtering, we deploy network interrogation devices and applications, which perform the censorship enumeration, at various Internet access levels. These tools download the ONI testing lists and check whether specific URLs and domains are accessible from that point on the network. Interrogation devices are designed to run inside a state (i.e., behind its firewall) to perform specific, sensitive functions with varying degrees of stealth. Similarly, ONI distributes interrogation applications to trusted volunteers who run the software inside the state. For testing, depending upon a series of local factors, ONI obtains network access at multiple levels through a combination of:

- Proxy servers,
- Long distance dial-up,
- Distributed applications, and
- Dedicated servers.

During initial testing, we use remote computers located in states that filter. These remote computers are located behind the state's firewalls yet allow access to clients connecting from the wider Internet. We attempt to access the URL and domain name lists through these computers to reveal what content is filtered, and how consistently it is blocked. The ONI team also tests these lists from control locations in non-filtered countries. The testing system flags all URLs and domains that are accessible from the control location, but inaccessible from ones inside the target state, as potentially blocked.

#### B. Results Analysis

We carefully analyze the data obtained from testing to document the nature of filtered content, to explore the technical capabilities of the target state, and to determine areas that require in-depth study during testing from inside the state's firewall. In particular, ONI examines the response received over HTTP when attempting to access filtered content. In many countries, when content is filtered, users generally receive a "block page" – a Web page with text indicating that the requested content cannot be accessed. In China, however, filtering can be less obvious or transparent, appearing to be network errors, redirections, or lengthy timeouts rather than deliberate blocking. We analyze HTTP headers – text sent from the Web server to the browser – to derive information about both the server and the requested page.

This information is generally hidden from the end user. However, these headers can indicate whether content was successfully accessed or was inaccessible. If an error occurs, the HTTP protocol returns codes that indicate the type of error in the header. Thus, by analyzing the headers captured during testing, we seek to distinguish between errors caused by Internet filtering and more mundane, unintentional network connection errors.

We classify results in one of four categories:

- URL was accessible both through the local connection and the remote computer (not filtered);
- URL was accessible through the local connection but inaccessible through the remote computer, which returned a different HTTP response code (possibly filtered);
- URL was accessible through the local connection but inaccessible through the remote computer due to a network connection error (possibly filtered, but not definitive); or
- URL was accessible through the local connection but inaccessible through the remote computer; the remote computer returned a block page (filtered).

If a URL is inaccessible through both the local connection and the remote computer, we consider it “dead” and remove it from the results. This result indicates that the URL’s content was not available to Internet users generally at the time of our testing, making the URL irrelevant for our testing.

The ONI team analyzes blocked, unblocked, and uncertain URLs both at an aggregate level (to estimate the overall level of filtering) and at a category level (to indicate what types of content the state seeks to control). We publish state-specific studies, such as this one on China, that provide background on a state’s political and legal system, lists of tested sites, and analysis of results to reveal and analyze, to the greatest extent we can given the data we are able to collect, what information a state blocks and how it does so. We note, however, that our results and analysis capture a “snapshot” of a state’s filtering system for a specific point or period of time; governments can and do alter the content they block dynamically.

### C. Methods Specific to China

We tested China’s Internet filtering through four methods. First, we were able to deploy an internally developed application within China to test what content was, and was not, blocked by the state’s system. Volunteers used this application, along with manual checking of Web sites, to probe China’s filtering from a number of access points inside the country. Second, we accessed proxy servers in China to duplicate and augment this in-state testing. Third, we created content on Web logs (“blogs”) on three of China’s most popular blog providers to evaluate the services’ keyword filtering mechanisms. Finally, we sent a series of test e-mail messages to, and from, accounts hosted by several Chinese ISPs.

China’s sophisticated filtering system makes testing its blocking difficult. For most states in which we test, an attempt to access a filtered site returns a block page indicating the requested site is prohibited and, occasionally, offering general reasons for this ban and an opportunity to request reconsideration of the decision to block access to the given site. In China, however, a request for a filtered Web page returns a network timeout; testing from a remote location via a proxy server in China generally returns any one of a series of HTTP error codes.<sup>151</sup> In some cases, this included an error indicating the

<sup>151</sup> See generally R. Fielding et al., *HTTP/1.1: Status Code Definitions*, available at <http://www.w3.org/Protocols/rfc2616/rfc2616-sec10.html> (June 1999).



requested page did not exist (known as a “404 error”),<sup>152</sup> even though we could successfully, and simultaneously, access the page from outside China. Furthermore, our testing of “control” sites known to be accessible in China (for instance, Web sites of state agencies) through proxy servers returned errors for approximately 20% of our requests. In our proxy testing analysis, we evaluate any site that we could access from outside China, but not from inside China in the majority of our tests, as blocked. We also attempted to identify overblocking, where China’s filtering prevented access to pages with unrelated content at domain names and URLs similar to those of sites identified by news reports and previous testing as containing sensitive content.

Moreover, China’s filtering system presents a risk of “false positive” results during testing. When a user attempts to access a blocked site, the filtering system resets the user’s connection to that site using a TCP RST packet; subsequently, the system advertises a TCP window size of zero for that Web server. The user is unable to connect to that server’s IP address until the system advertises a window size greater than zero. Our in-state testing included an instance of this condition: a domain that had been accessible prior to the testing of a URL ([www.poets4peace.com/peacehall.htm](http://www.poets4peace.com/peacehall.htm)) containing a potentially targeted string was blocked after a request for a URL on that site with a prohibited keyword. Even though subsequent URL requests were for unrelated content, the disruption caused by the zero window size condition persisted and prevented the tester from reaching those pages.

We conducted testing in several stages, and analyze results by topic (below). The first component was similar to our “high impact” list tests in other states we examined, checking a collection of URLs with content on or domain names including sensitive topics (for example, a page with Falun Gong material, or a URL such as [www.falungong.com](http://www.falungong.com)). The second testing phase built on our past data on filtering in China by checking a set of domains known to be of concern. Additionally, we tested URLs containing words or strings of letters similar to those found in pages on blocked topics (for example, testing URLs containing the strings “falu” or “flg” to probe filtering of Falun Gong content), but that hosted pages with content unrelated to the sensitive subject. Finally, we tested a “long list” comprised of the top Google search results, in English and in Chinese, for keywords known to be sensitive and filtered.<sup>153</sup>

#### D. Comparison of Testing Methods

Due to the complications of testing filtering in China, we sought to combine both proxy testing and in-state testing for this report. We found a 78% correlation between the two methods, with almost all the sites we were able to access through the proxy also accessible in-state. However, only 60% of the sites identified as blocked during proxy testing were confirmed as such during the in-state portion. The discrepancies were concentrated in the sites tested to determine overblocking (filtering of URLs similar to those containing targeted content, but with unrelated subject matter): 82% of the blocks during proxy testing of sites sensitive content were confirmed during in-state testing and only 22% of the corresponding blocks of unrelated content were thus verified. Potential explanations include the difficulty

<sup>152</sup> See *404 error*, Wikipedia, at [http://en.wikipedia.org/wiki/404\\_error](http://en.wikipedia.org/wiki/404_error).

<sup>153</sup> ONI compiled these keywords from a list of terms blocked by the instant messaging software QQ. See *The Words You Never See in Chinese Cyberspace*, China Digital News, at <http://journalism.berkeley.edu/projects/chinadn/en/archives/002885.html#more> (Aug. 30, 2004).

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of separating technical difficulties from intentional action, the limited scope of both tests (five proxies, one in-state run), and the dynamic nature of filtering in China (filtering methods may have changed during our testing).

**Figure 2 - Testing Method Consistency**

<b>Overall</b>	<b>In-State Match</b>	<b>In-State Opposite</b>	<b>Consistency</b>
Blocked in Proxy Testing	38	25	60%
Accessible in Proxy Testing	59	2	97%
<b>TOTALS</b>	<b>97</b>	<b>27</b>	<b>78%</b>

#### E. Topics Tested

Because of the technical challenges of testing in China, including the TCP connection termination and “ZeroWindow” condition described below, we performed limited testing in the state. Our testing focused on subjects known to be sensitive to China. These include political subjects, such as Tibetan independence, Taiwanese independence, and the Tiananmen Square incident of June 4, 1989; religious subjects, such as the banned Falun Gong / Falun Dafa movement and the Dalai Lama; and broad subjects of concern, such as human rights in China, general political opposition, anti-Communist material, and general news.

## 4. RESULTS AND ANALYSIS

### A. Summary

Our results demonstrate that China’s blocking of sensitive content – such as that related to the banned Falun Gong spiritual movement, Tibetan independence, or Taiwan – is extensive. We documented instances of overblocking, where sites with superficial similarities to those with sensitive material, but different content, were filtered. This likely indicates China’s willingness to tolerate blocking unrelated content to prevent access to sensitive materials. The state’s filtering is not perfect – we were able to circumvent keyword detection for blog posts, and to obtain some filtered material at alternative locations – but it is nonetheless quite thorough. China’s filtering regime is one of the most sophisticated in its ability to detect and prevent access to content that the state considers prohibited.

**B. Proxy Testing Results****1. Falun Gong**

Every site we tested related to the Falun Gong movement was blocked in both of our tests.

**Figure 3 - Falun Gong Sites**

<b>Sites Tested</b>	<b>In-State Result</b>	<b>Proxy Result</b>
http://www.faluncanada.net/	Blocked	Blocked
http://www.falunafa.org/	Blocked	Blocked
http://www.faluninfo.net/	Blocked	Blocked
http://www.fofg.org/	Blocked	Blocked
http://www.faluninfo.net/	Blocked	Blocked
http://www.stanford.edu/group/falun/	Blocked	Blocked
http://www.let.leidenuniv.nl/bth/falun.htm	Blocked	Blocked
<b>Total (7 sites)</b>	<b>100%</b>	<b>100%</b>

**2. News**

Our news testing focused on sites that China has blocked previously, including Epoch Times, Boxun (also known as Peacehall), the Voice of America service, and the BBC. Our results confirm that China filters these news sources, at a number of different URLs. The in-state and proxy tests returned different results with regards to the two sites hosted within China itself. Further research is necessary to determine the extent to which these sites make available content China otherwise attempts to filter.

**Figure 4 - News Sites**

<b>Sites Tested</b>	<b>In-State Result</b>	<b>Proxy Result</b>
http://www.boxun.com.cn/	Accessible	Blocked
http://www.voanews.95.cn/	Accessible	Blocked
http://www.epochtimes.com/	Blocked	Blocked
http://www.peacehall.com/	Blocked	Blocked
http://news.bbc.co.uk/	Blocked	Blocked
http://www.voa.gov/	Blocked	Blocked
http://www.voanews.com/	Blocked	Blocked
<b>Total (7 sites)</b>	<b>71%</b>	<b>100%</b>

**3. Political Topics**

In this category, we checked sites containing anti-Communist content, pages with material related to the Tiananmen Square incident, the site for the non-governmental organization Human Rights in

China, and various pro-democracy Web sites. We found extensive blocking in all categories, including anti-Communist sites focused on China. However, we were able to access a CNN site on the Tiananmen Square incident and a site calling for the American boycott of Chinese-made goods. The majority of sites within this category were tested via proxy only; see above for a comparison of proxy and in-state results.

**Figure 5 - Political Sites**

Sites Tested	In-State Result	Proxy Result	Category
<a href="http://edition.cnn.com/SPECIALS/2001/tiananmen/">http://edition.cnn.com/SPECIALS/2001/tiananmen/</a>	Accessible	Accessible	Tiananmen
<a href="http://www.hrichina.org/">http://www.hrichina.org/</a>	Blocked	Blocked	Human Rights
<a href="http://www.tsquare.tv/">http://www.tsquare.tv/</a>	Blocked	Blocked	Tiananmen
<a href="http://www.fillthesquare.org/">http://www.fillthesquare.org/</a>	Blocked	Blocked	Tiananmen
<a href="http://www.64memo.com/">http://www.64memo.com/</a>	Blocked	N/A	Tiananmen
<a href="http://www.spacepub.com/users/china/">http://www.spacepub.com/users/china/</a>	N/A	Accessible	Boycott
<a href="http://www.writing.upenn.edu/~afilreis/50s/theoharis.html">http://www.writing.upenn.edu/~afilreis/50s/theoharis.html</a>	N/A	Blocked	Anti-Communist
<a href="http://www.schwarzreport.org/">http://www.schwarzreport.org/</a>	N/A	Blocked	Anti-Communist
<a href="http://www.niagara.com/~freedom/anticom/first.htm">http://www.niagara.com/~freedom/anticom/first.htm</a>	N/A	Blocked	Anti-Communist
<a href="http://www.informationblast.com/Anti-communism.html">http://www.informationblast.com/Anti-communism.html</a>	N/A	Blocked	Anti-Communist
<a href="http://www.fact-index.com/a/an/anti_communism.html">http://www.fact-index.com/a/an/anti_communism.html</a>	N/A	Blocked	Anti-Communist
<a href="http://www.colorado.edu/AmStudies/lewis/2010/mccarthy.htm">http://www.colorado.edu/AmStudies/lewis/2010/mccarthy.htm</a>	N/A	Blocked	Anti-Communist
<a href="http://groups.yahoo.com/group/americananticommunists/">http://groups.yahoo.com/group/americananticommunists/</a>	N/A	Blocked	Anti-Communist
<a href="http://en.wikipedia.org/wiki/Anti-communism">http://en.wikipedia.org/wiki/Anti-communism</a>	N/A	Blocked	Anti-Communist
<a href="http://newstrolls.com/news/dev/guest/010899-2.htm">http://newstrolls.com/news/dev/guest/010899-2.htm</a>	N/A	Blocked	Opposition
<a href="http://www.svdc.org/Main.html">http://www.svdc.org/Main.html</a>	N/A	Blocked	Pro-democracy
<a href="http://www.innermongolia.org/">http://www.innermongolia.org/</a>	N/A	Blocked	Pro-democracy
<a href="http://www.geocities.com/CapitolHill/7288/">http://www.geocities.com/CapitolHill/7288/</a>	N/A	Blocked	Pro-democracy
<a href="http://www.geocities.com/CapitolHill/6901/index.html">http://www.geocities.com/CapitolHill/6901/index.html</a>	N/A	Blocked	Pro-democracy
<a href="http://www.freechina.net/pfdc/">http://www.freechina.net/pfdc/</a>	N/A	Blocked	Pro-democracy
<b>Total (20 sites)</b>	<b>80%</b>	<b>89%</b>	

#### 4. Taiwan

We tested sites containing general information on Taiwan as well as those advocating independence from China. While our proxy testing found an extremely high level of blocking, in-state testing revealed a more moderate picture, with half of the tested sites blocked. The home page of the Taiwanese government was found blocked in both tests, as was the page of an organization committed to

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independence from China. The Taipei Times was not blocked in either test, although the proxy we tested was unable to reach its content through a different site.

**Figure 6 - Taiwan Sites**

<b>Sites Tested</b>	<b>In-State Result</b>	<b>Proxy Result</b>
<a href="http://www.taipeitimes.com/">http://www.taipeitimes.com/</a>	Accessible	Accessible
<a href="http://www.theworldpress.com/press/worldpress/taiwanpress/taipeitimes.htm">http://www.theworldpress.com/press/worldpress/taiwanpress/taipeitimes.htm</a>	Accessible	Blocked
<a href="http://www.roc-taiwan.org/">http://www.roc-taiwan.org/</a>	Accessible	N/A
<a href="http://www.gov.tw/">http://www.gov.tw/</a>	Blocked	Blocked
<a href="http://www.taiwan.com/">http://www.taiwan.com/</a>	Blocked	Blocked
<a href="http://www.taiwanindependence.com/">http://www.taiwanindependence.com/</a>	Blocked	Blocked
<a href="http://anti-china.net/">http://anti-china.net/</a>	N/A	Blocked
<a href="http://cti.formosa.org/">http://cti.formosa.org/</a>	N/A	Blocked
<a href="http://en.wikipedia.org/wiki/Taiwan_independence">http://en.wikipedia.org/wiki/Taiwan_independence</a>	N/A	Blocked
<a href="http://members.aol.com/JoJoLewis/Taiwan/Taiwan_index.html">http://members.aol.com/JoJoLewis/Taiwan/Taiwan_index.html</a>	N/A	Blocked
<a href="http://taiwansecurity.org/">http://taiwansecurity.org/</a>	N/A	Blocked
<a href="http://www.taiwandc.org/nws-9845.htm">http://www.taiwandc.org/nws-9845.htm</a>	N/A	Blocked
<a href="http://www.taiwanese.com/protest/">http://www.taiwanese.com/protest/</a>	N/A	Blocked
<a href="http://www.wufi.org.tw/eng/chnamyth.htm">http://www.wufi.org.tw/eng/chnamyth.htm</a>	N/A	Blocked
<b>Total (14 sites)</b>	<b>50%</b>	<b>92%</b>

#### **5. Tibet**

China blocked significant amounts of content in this category, including both material concerning the dispute over Tibet and sites about the Dalai Lama himself. Again, our proxy testing found more comprehensive blocking; in-state testing found [www.tibet.com](http://www.tibet.com), the official home page of Tibet's government in exile, available. Although the other accessible sites, one about the Dalai Lama's 2005 trip to Belgium and one based on an extensive 1996 interview, may have proved difficult for China to locate and subsequently block, the same can hardly be true for [www.tibet.com](http://www.tibet.com). Its accessibility suggests an inconsistency in the operation of China's filtering; further in-state data will hopefully clarify this picture.

Figure 7 - Tibet Sites

Sites Tested	In-State Result	Proxy Result
<a href="http://www.dalailama-belgium2005.org/">http://www.dalailama-belgium2005.org/</a>	Accessible	Accessible
<a href="http://www.gluckman.com/DalaiLama.html">http://www.gluckman.com/DalaiLama.html</a>	Accessible	Accessible
<a href="http://www.tibet.com/">http://www.tibet.com/</a>	Accessible	Blocked
<a href="http://worldbridges.com/Tibet/">http://worldbridges.com/Tibet/</a>	Blocked	Blocked
<a href="http://www.dalailama.com/">http://www.dalailama.com/</a>	Blocked	Blocked
<a href="http://www.freetibet.org/">http://www.freetibet.org/</a>	Blocked	Blocked
<a href="http://www.boycottmadeinchina.org/">http://www.boycottmadeinchina.org/</a>	N/A	Blocked
<a href="http://www.buyhard.fsnet.co.uk/boycottchinafortibet.htm">http://www.buyhard.fsnet.co.uk/boycottchinafortibet.htm</a>	N/A	Blocked
<a href="http://www.studentsforafreetibet.org/">http://www.studentsforafreetibet.org/</a>	N/A	Blocked
<a href="http://www.tibet.ca/en/">http://www.tibet.ca/en/</a>	N/A	Blocked
<a href="http://www.tibetanliberation.org/">http://www.tibetanliberation.org/</a>	N/A	Blocked
<a href="http://www.tibetjustice.org/index.html">http://www.tibetjustice.org/index.html</a>	N/A	Blocked
<b>Total (12 sites)</b>	<b>50%</b>	<b>83%</b>

### C. In-State Testing Results

To analyze the experience that a typical Chinese user has when attempting to access Internet content, ONI had several volunteers run its distributed testing application from different access points within the country.

#### 1. Summary

ONI's enumeration of China's filtering included two independent tests of 7929 URLs performed by volunteers at different access points within the country. Unlike other countries in which ONI has tested filtering, China does not present users who attempt to access disapproved content with a "block page"; rather, users simply cannot access the material and often receive a general error message. To identify instances where testers' inability to access a page was likely caused by China's filtering system, we defined sites as inaccessible due to blocking when two conditions were met:

1. Both of our testers were unable to reach the site, and
2. Both testers were, simultaneously, able to reach the site via a remote proxy server set up outside China for testing purposes.

The chart below summarizes our testing results.

**Figure 8 - Summary of In-State Testing Results**

Status	URLs	Percent
Accessible Twice	5271	66%
Accessible Once	699	9%
Inaccessible Twice	1959	25%
<b>Total</b>	<b>7929</b>	

We treated URLs that were accessible once as accessible (not filtered) in our analysis.

To provide comparison, our testing included 813 Web sites found within the .cn top-level domain. We assumed that these sites, which are in a top-level domain controlled by China, would not be filtered and would generally be accessible within China. The statistics for tested sites in .cn are below.

**Figure 9 – In-State Testing Results for .cn Web Sites**

Status	URLs	Percent
Accessible Twice	730	90%
Accessible Once	83	10%
Inaccessible Twice	-	-
<b>Total</b>	<b>813</b>	

These results support our definition of inaccessibility due to filtering; countries generally do not use technical means to filter content that is within their top-level domain, since they can exercise more direct forms of control over this material.

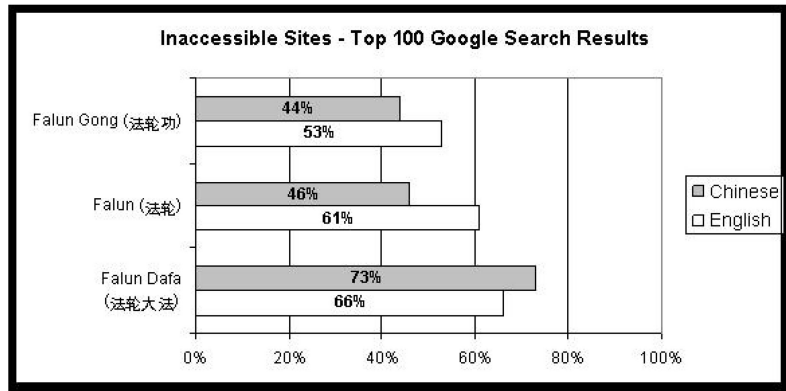
### 2. Long List Results

To explore further the accessibility of Web sites containing content potentially sensitive to China, we created a testing list (the “long list”) containing the top 100 sites returned by the Google search engine for queries on Chinese and English keywords related to sensitive topics, such as “Falun Gong.” The charts below report the results of in-state testing of this long list, divided by topic area. This data represents the percentage of the sites on the long list that testers could not access (we defined a site as inaccessible if it could not be reached in two or more test runs).

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a. Falun Gong Sites

Figure 10 - Falun Gong Google Results



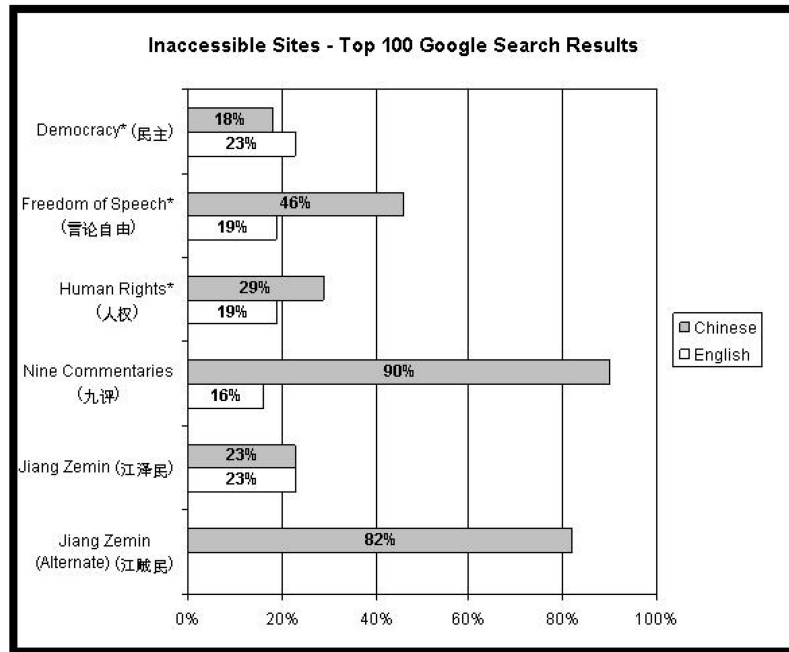
Our testing found a significant number of sites relating to the Falun Gong spiritual movement inaccessible. Unlike in many other categories of content, a significant percentage of the English language sites were blocked, in both absolute terms and relative to Chinese language sites.



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b. General Political Content

Figure 11 - Political Content Google Results



\* We added "China" to the English term when conducting the Google search to focus the results.

These results demonstrate moderate inaccessibility of English and Chinese language sites for the general terms "democracy," "human rights," and "Jiang Zemin." We performed a search for a common variation of Jiang Zemin's name used in criticism and satire by "replacing one of the characters of his name by the character for 'thief'."<sup>154</sup> Tested Chinese language sites with this variation were almost completely inaccessible (we could not run this search in English since it depends on the similarity of the terms in Chinese). Sites listed in response to a search for the "Nine Commentaries," a highly critical evaluation of the Chinese Communist Party published by the Epoch Times, were also nearly totally

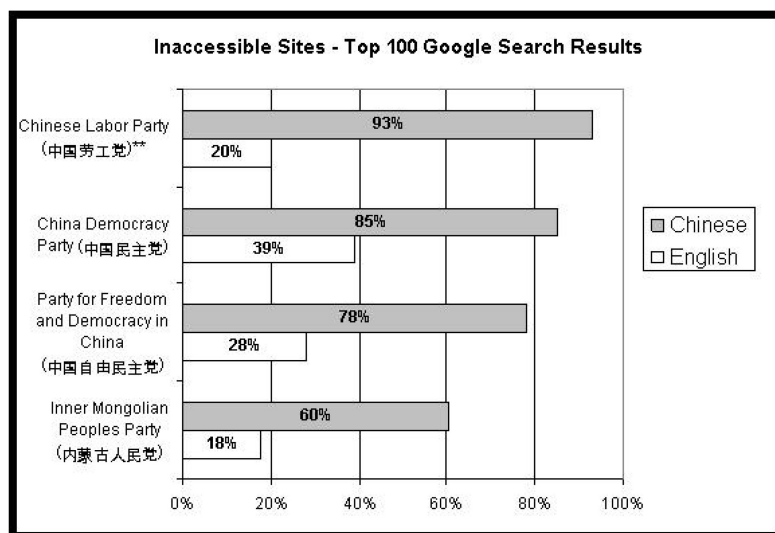
<sup>154</sup> OpenNet Initiative, *Filtering by Domestic Blog Providers in China*, Jan. 14, 2005, available at <http://www.opennetinitiative.net/bulletins/008/>.

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inaccessible.<sup>155</sup> Interestingly, testers were able to access English language sites for this term significantly more often, due in part to a number of sites offering “nine commentaries” on other topics (such as the architect Frank Lloyd Wright). This may also demonstrate lesser concern by China for English language material on the Nine Commentaries.

### c. Opposition Political Parties

Figure 12 - Opposition Political Party Google Results



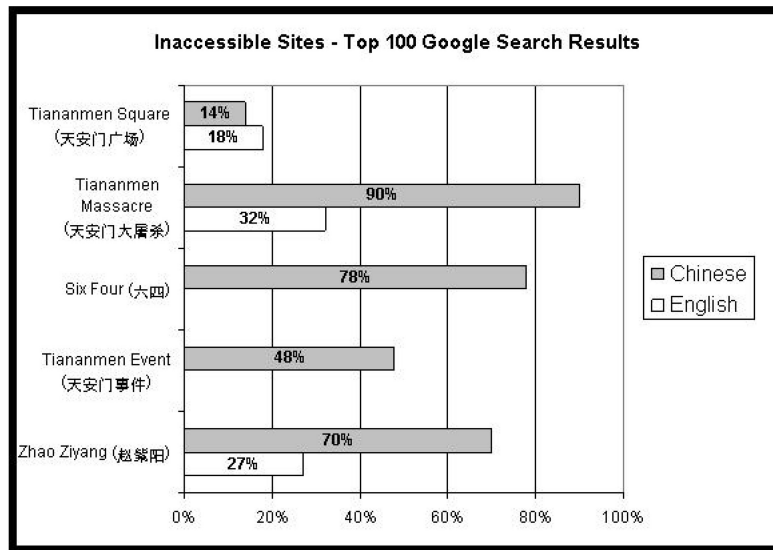
\*\* We tested multiple translations of this phrase, and used this particular search term because Google returned the greatest number of results in response to the query for it as compared to other variations.

Chinese language Web sites pertaining to opposition political parties were inaccessible during in-state testing with extremely high frequency. In some cases, such as URLs related to the Chinese Labor Party, sites were almost completely filtering during our testing. We again found moderate to significant levels of inaccessibility for English language sites related to opposition parties.

<sup>155</sup> See The Epoch Times, *Nine Commentaries on the Communist Party*, Dec. 1, 2004, available at <http://english.epochtimes.com/news/4-12-1/24696.html>.

## d. Tiananmen Square

Figure 13 - Tiananmen Square Google Results

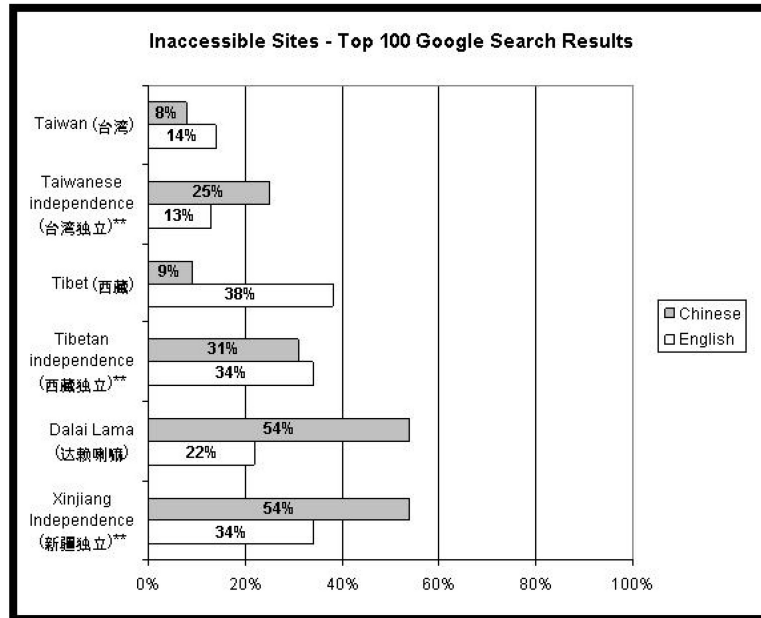


ONT's testing found wide variation in whether sites on the Tiananmen Square incident could be accessed, depending on the search term used. Chinese language sites related to searches for politically sensitive descriptions, such as "massacre" and "six four," were virtually inaccessible during our testing; we found moderate levels of inaccessibility for English language sites pertaining to the search term "Tiananmen massacre" (we did not test the terms "six four" or "Tiananmen event" in English since they generated too many unrelated sites). We found filtering of 70% of Chinese language sites related to a search for Zhao Ziyang, the former leader of China's Communist Party who was removed from his post for opposing the repression of the Tiananmen demonstrations. Surprisingly, URLs listed in response to a search for "Tiananmen Square" itself were only moderately inaccessible for both Chinese and English language sites.

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e. Independence Movements

Figure 14 - Independence Movement Google Results



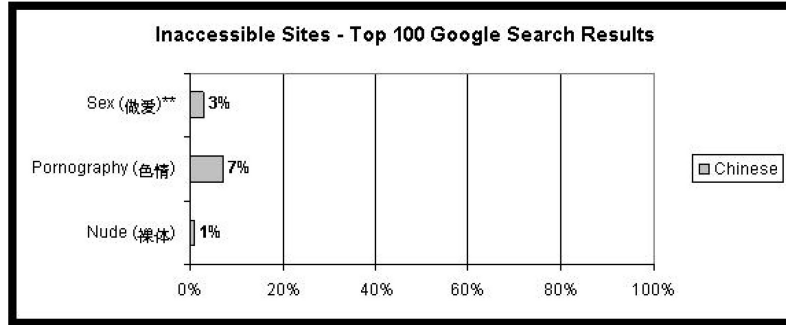
\*\* We tested multiple translations of this term, with substantially similar results.

Sites on these topics were accessible more often than sites in other categories, though testers were not able to reach the majority of Chinese language sites concerning the Dalai Lama and Xinjiang independence.<sup>156</sup> A relatively small percentage of Chinese language sites listed for searches for “Tibet” and “Taiwan” were inaccessible; the number rose significantly when the search query included the term “independence.” Chinese language sites related to Tibet were slightly less accessible than sites discussing Taiwan; this gap was more pronounced for English language search results.

<sup>156</sup> See generally Howard W. French, *China Moves Toward Another West: Central Asia*, N.Y. Times, Mar. 28, 2004, at 1 (describing China’s concerns about the “threat of separatism by the region’s Uighur minority, whose Turkic language and Islamic faith draw them toward kinsmen in Kazakhstan and other former Soviet republics of the region”); see also You Ji, *China’s post 9/11 terrorism strategy*, Ass’n for Asian Research, May 11, 2004, at <http://www.asianresearch.org/articles/2047.html>.

f. Sex

Figure 15 - Sex Google Results

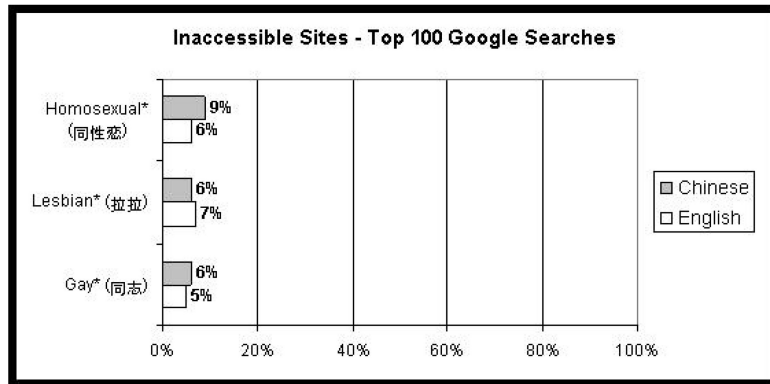


\*\* We tested multiple translations of this term, with substantially similar results.

We tested only Chinese language terms related to sex, and found minimal inaccessibility. (Note that these results differ from those in our global list testing, described below, which found significant blocking of pornographic sites.)

g. Homosexuality

Figure 16- Homosexuality Google Results



\* We added “China” to the English search term when conducting the query to focus the search results.

Sites corresponding to both English and Chinese language search terms for this topic were only minimally inaccessible, although slightly more so than for general sex sites. This low level of inaccessibility is generally consistent with the inadvertent “overblocking” of sites that is a common side effect of large-scale filtering efforts.

#### h. Longitudinal Comparison with 2002 Testing

To analyze changes in China’s filtering system over time, we compared our in-country results for sites related to a number of search terms in 2005 with results from ONI’s testing in fall 2002. Several interesting trends appear in the data.

**Figure 17 - Longitudinal Comparison - 2002 and 2005**

Term	March - April 2005		August - September 2002	
	Top 10 Sites	Top 100 Sites	Top 10 Sites	Top 100 Sites
china blog	0%	5%	30%	11%
democracy China	30%	23%	80%	42%
dissident	10%	14%	60%	31%
dissident china	50%	28%	80%	37%
equality	0%	3%	100%	24%
freedom china	20%	23%	60%	32%
revolution	0%	5%	70%	21%
Taiwan	10%	14%	70%	47%
Tibet	60%	38%	100%	64%
天安门事件 (Tiananmen Event)	30%	48%	0%	8%
性病 (STDs)	0%	1%	60%	13%
性病 中国 (STDs China)	0%	1%	0%	4%
民主 (democracy)	30%	18%	40%	15%
法轮功 (Falun Gong)	40%	44%	30%	15%

The clearest trend is that sites are, generally, more accessible in 2005 than in 2002. Only sites related to the Chinese terms for “Falun Gong” and “Tiananmen Event” were consistently less accessible in 2005. We found what appears to be greater specificity and better targeting by China’s filtering system: the largest declines in inaccessibility were for sites related to relatively vague English language search terms, such as “revolution” and “equality.” Similarly, sites returned in response to search engine queries for the keywords “Taiwan” and “Tibet” were substantially less inaccessible in 2005 than 2002. One plausible explanation is that China has refined its filtering system in the intervening 3 years. For

example, sites related to searches for the terms “Tibet independence” and “Taiwan independence” were three times as inaccessible as sites for “Tibet” and “Taiwan” alone. This suggests that China has tuned its filters to allow access to more neutral content on these general topics while preventing access to more politically sensitive material.

### 3. Global List Results

**Figure 18 - Global List Testing Results**

Category	Sites Tested	Percent Inaccessible	Inaccessible Sites
Alcohol	21	0%	
Anonymizers	20	5%	www.anonymizer.com
Blogging Domains	19	5%	www.tblog.com
Drugs	27	0%	
Email	20	10%	mail.yahoo.ca; www.volcanomail.com
Encryption	10	0%	
Entertainment	27	0%	
Famous Bloggers	23	13%	dear_raed.blogspot.com; oxblog.blogspot.com; atrios.blogspot.com
Filtering Sites	9	11%	www.rsf.org
Free Web Space	11	27%	www.150m.com; www.envy.nu; www.fortunecity.com
Gambling	25	8%	www.allcraps.com; www.poker.com
Gay/Lesbian/Bisexual/Transgender/Queer	38	11%	www.al-fatiha.net; www.amnestyusa.org/outfront; www.gayegypt.com; www.lgbt.com
Government	56	5%	www.misrnet.idsc.gov.eg; www.president.gov.tw; www.tibet.com
Groups (including usenet)	17	6%	groups.google.com
Hacking	22	5%	www.cultdeadcow.com
Hate Speech	24	13%	www.aryannations.org; www.nsm88.com; www.resistance-radio.com
Human Rights	27	7%	www.amnesty.org; www.rsf.org
Humor	19	0%	
Major Events	29	14%	www.falundafa.org; www.passionofthepresent.org; www.tibet.org; www.tsquare.tv

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Misc	11	0%	
News Outlets	35	6%	news.bbc.co.uk; www.chinatimes.com.tw
Porn	38	39%	[various]
Provocative Attire	17	6%	www.abcunderwear.com
Religion (fanatical)	9	0%	
Religion (normal)	51	2%	www.nobeliefs.com
Search Engines	27	7%	www.afghana.com; www.yahooligans.com
Sex Ed	26	8%	www.kidstalkaids.org; www.premaritalsex.info
Translation Sites	13	0%	
Universities	33	0%	
Weapons/Violence	28	4%	www.guncite.com
Women's Rights	29	7%	www.ifeminists.com; www.womenofarabia.com

The results from ONI's in-country testing of our global list contain several interesting findings. First, the anonymizer sites that allow users to circumvent filtering were almost fully accessible in China. This is in sharp contrast to the practice of most countries with sophisticated filtering regimes, who aggressively block these sites.

Second, three popular free Web hosting domains are inaccessible, along with [groups.google.com](http://groups.google.com). This suggests that China is willing to block all content in these domains – even unrelated, inoffensive material -- and not simply content targeted by the state as prohibited. The inaccessibility of the three blogs hosted on [blogspot.com](http://blogspot.com) suggests a similar approach to blogs: tolerating broad overblocking to control sensitive content.

Third, pornography is inaccessible at a relatively high rate.<sup>157</sup> This result contrasts with the low inaccessibility rate for sites returned from a Chinese language search for the term "pornography," as described above.

Fourth, our testing revealed a significant number of sites that are inaccessible despite the availability of similar content at other Web pages (for example, see the sites that are blocked and available in the global list's "weapons/violence" and "religion(normal)" categories). Some of the inaccessible sites are those known to be targeted specifically by China's filtering, such as [news.bbc.co.uk](http://news.bbc.co.uk), [www.amnesty.org](http://www.amnesty.org), and sites relating to Taiwan and Tibet. Many others, though, appear unrelated to China's filtering goals as we understand them. It is not currently clear whether this mix of available and inaccessible sites with

<sup>157</sup> China has sought to crack down on Internet pornography recently. See, e.g., *China moves against Internet porn*, BBC News.com, Aug. 1, 2004, at <http://news.bbc.co.uk/2/hi/asia-pacific/3943445.stm>.



similar content indicates a limited degree of concern for material in these subject areas, or whether the inaccessible sites are simply an unintended by-product of China's filtering techniques.

Finally, and somewhat surprisingly, the majority of sites in the global list's "anonymizers," "human rights," and "news" sites were accessible during our testing. This finding contradicts the conventional wisdom about China's blocking practices, and lends support for our conclusion that China's filtering has become more finely targeted over time.

#### 4. Domain-specific Blocking

Our in-state testing of the long list included multiple URLs in the same domain – for example, <http://www.gluckman.com/DalaiLama.html> and <http://www.gluckman.com/Tianan.html>. Filtering is often done at the domain level; thus, our previous studies generally find binary results: a domain is either completely accessible or completely inaccessible (with the frequent exception of domains that host a wide variety of content by different authors, such as free web hosts or blogging domains). Domains with a mixture of accessible and inaccessible URLs can help us understand the technical means employed to filter and can offer more detail on what content is targeted for filtering.

From a technical perspective, different results for sites in a single domain can result from either an inconsistent filtering system that does not subject all Web site requests to the same standards or the targeting of very specific content. Our results do not yet allow us to answer definitively which of these answers applies in the case of China.

##### a. Partially and Completely Inaccessible Domains

We tested 2 or more URLs for 1091 domains; our in-country testers could not access at least one URL in 297 of these domains (27%). Of these 297, all URLs tested were inaccessible in 278 domains (94%), and 19 (6%) had both accessible and inaccessible URLs. Since the URLs we tested resulted from searches on keywords identified as potentially sensitive to the Chinese state, it is possible that other, untested URLs within these domains with non-sensitive content would have been available.

##### i. Heavily Tested Domains

The following domains had over 20 URLs tested, all of which were inaccessible in our testing.

**Figure 19 - Heavily Tested Domains With No Accessible URLs**

<b>Domain</b>	<b>Inaccessible URLs</b>
<a href="http://news.bbc.co.uk">http://news.bbc.co.uk</a>	81
<a href="http://www.geocities.com">http://www.geocities.com</a>	55
<a href="http://www.epochtimes.com">http://www.epochtimes.com</a>	46
<a href="http://www.boxun.com">http://www.boxun.com</a>	44
<a href="http://www.peacehall.com">http://www.peacehall.com</a>	37
<a href="http://www.voanews.com">http://www.voanews.com</a>	29
<a href="http://www.rfa.org">http://www.rfa.org</a>	28
<a href="http://www.democracy.org.hk">http://www.democracy.org.hk</a>	23

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http://www.freechina.net	21
http://xinsheng.net	20

ii. Selected Other Domains

These domains also had entirely inaccessible URLs in our testing.

**Figure 20 - Selected Domains With No Accessible URLs**

Domain	Inaccessible URLs
http://web.amnesty.org	5
http://www.amnesty.org	4
http://www.amnesty.org.uk	3
http://members.tripod.com	13
http://members.lycos.co.uk	10
http://www.angelfire.com	8
http://hk.geocities.com	5
http://www.salon.com	4
http://[blogname].blogspot.com	13

iii. Selected Partially Accessible Domains

**Figure 21 - Selected Domains With Some Accessible and Some Inaccessible URLs<sup>158</sup>**

Domain	Inaccessible URLs	Accessible URLs
http://members.aol.com	4	8
http://www.fofg.org	3	7
http://edition.cnn.com	4	6
http://taiwansecurity.org	2	6
http://www.asiaweek.com	1	6
http://www.cnn.com	16	2
http://www.time.com	10	1
http://www.yale.edu	3	1
http://www.gluckman.com	2	1

The cause for the mixed results in these domains is not always evident. Some results are easily explained: the accessible URL in the www.yale.edu domain was Yale University's home page, while the inaccessible URLs were related to the Falun Dafa (Falun Gong) movement, or to relations between China and Taiwan. However, there appears to be little semantic difference between accessible and inaccessible content in the www.fofg.org or edition.cnn.com domains. In addition, while most inaccessible URLs in the members.aol.com previously hosted content on the Inner Mongolian People's Party, an opposition political movement, there were inconsistent results for two different URLs leading to the same content:

<sup>158</sup> See Appendix 3 for a list of all URLs tested in these domains and their status (accessible or inaccessible).

the URL <http://members.aol.com/imppsite/> was accessible, while another URL resolving to the same page, <http://members.aol.com/imppsite/index.htm>, was not.

#### b. Free Web Hosting and Blogging Domains

Our results suggest that China frequently responds to the possibility that certain domains may contain a mix of targeted and unrelated content by rendering the entire domain inaccessible. Our in-country testing data provides numerous examples of this approach, including the domains [www.geocities.com](http://www.geocities.com), [www.angelfire.com](http://www.angelfire.com), [members.tripod.com](http://members.tripod.com), and the [blogspot.com](http://blogspot.com) domains. Since these domains resulted from searches for keywords on subjects likely to be of concern to the Chinese state, these results may overstate the extent of domain-wide filtering. However, our testing of clearly non-sensitive content in the [www.geocities.com](http://www.geocities.com) domain (including puppetry and juggling sites) supports our conclusion about domain-level blocking. Additionally, 3 of the inaccessible [blogspot.com](http://blogspot.com) URLs were derived from our global list, and thus were unlikely to contain material to which the Chinese state is particularly sensitive. ONI found independent reports that [www.geocities.com](http://www.geocities.com) and [blogspot.com](http://blogspot.com) were previously reported as entirely inaccessible by Chinese users, strengthening our analysis here.<sup>159</sup>

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<sup>159</sup> See Paul Baranowski, *Blogspot Now Blocked From China*, Jan. 10, 2005, at <http://www.peek-a-booty.org/pbhtml/modules.php?name=News&file=article&sid=56>; Benjamin Edelman, *Blocked sites will return, but with limited access*, South China Morning Press, Jan. 26, 2003, available at <http://cyber.law.harvard.edu/people/edelman/pubs/scmp-012603/>.

#### D. Overblocking

As a component of our in-state and proxy testing, we sought to locate sites whose Uniform Resource Locator (URL)<sup>160</sup> contained strings indicative of content generally targeted by China, yet whose actual content was unrelated to these topics. Our proxy testing located a high degree of such overblocking; the in-state testing located far less, but still contained several examples of sites blocked despite the lack of any material potentially offensive to China.

##### 1. Falun Gong

URLs tested here included either of the strings “falu” or “flg.” Proxy testing found 60% of these sites blocked, although in-state testing found none.

**Figure 22 – Falun Gong Overblocking**

Sites Tested	In-State Result	Proxy Result	Description
<a href="http://www.redsalta.com/folclore/falu.htm">http://www.redsalta.com/folclore/falu.htm</a>	Accessible	Blocked	Eduardo Falu
<a href="http://www.pitcher.no/FLG.html">http://www.pitcher.no/FLG.html</a>	Accessible	Blocked	Computer utility (File List Generator)
<a href="http://www.falu.com/">http://www.falu.com/</a>	Accessible	Blocked	Manufacturer of machines to make cotton swabs
<a href="http://www.flg.com/">http://www.flg.com/</a>	Accessible	Accessible	Cargo transporting company
<a href="http://www.multimedialpalace.com/flg-wf.htm">http://www.multimedialpalace.com/flg-wf.htm</a>	Accessible	Accessible	World animated flags
<b>Total (5 sites)</b>	<b>0%</b>	<b>60%</b>	

<sup>160</sup> See World Wide Web Consortium, *Web Naming and Addressing Overview (URIs, URLs, ...)*, available at <http://www.w3.org/Addressing/> (last updated Feb. 17, 2005).

## 2. News

We tested URLs containing the strings “bbc”, “voa”, “voanews”, “epoch”, and “peacehall.” Proxy testing found a majority of such sites blocked; in-state testing found a more limited set. Neither method included any blocks on URLs containing “epoch,” but both found two of two URLs containing “voanews.com” blocked, although URLs containing only “voa” or “voanews” received mixed results.

**Figure 23 – News Overblocking**

Sites Tested	In-State Result	Proxy Result	Description
<a href="http://www.bbc.co.uk/">http://www.bbc.co.uk/</a>	Accessible	Accessible	Home Page for BBC Network, UK
<a href="http://www.deckyard.com/epoch.htm">http://www.deckyard.com/epoch.htm</a>	Accessible	Accessible	Deck repair
<a href="http://www.epoch-net.org/">http://www.epoch-net.org/</a>	Accessible	Accessible	Excellence in Processing Open Cultural Heritage
<a href="http://www.fortnet.org/VOA/">http://www.fortnet.org/VOA/</a>	Accessible	Accessible	Volunteers of America, Colorado
<a href="http://www.scifi.com/onair/scifipictures/epoch/">http://www.scifi.com/onair/scifipictures/epoch/</a>	Accessible	Accessible	Science Fiction film
<a href="http://www.bloggerheads.com/bbc/">http://www.bloggerheads.com/bbc/</a>	Accessible	Blocked	Supporting BBC after the Hutton Report
<a href="http://www.peacehall.org/">http://www.peacehall.org/</a>	Accessible	Blocked	The Peasall Sisters Bluegrass Band
<a href="http://www.penkridge.org.uk/peacehall.htm">http://www.penkridge.org.uk/peacehall.htm</a>	Accessible	Blocked	Village hall in Penkridge, UK
<a href="http://www.robbooth.net/2003/07/voanews.shtml">http://www.robbooth.net/2003/07/voanews.shtml</a>	Accessible	Blocked	Blog with link to VOA Story
<a href="http://www.voa-gny.org/">http://www.voa-gny.org/</a>	Accessible	Blocked	Volunteers of America, Greater New York
<a href="http://massbird.org/bbc/">http://massbird.org/bbc/</a>	Accessible	N/A	Brookline, MA bird club
<a href="http://public.planetmirror.com/pub/abit/download/drivers_update/voanews.com/">http://public.planetmirror.com/pub/abit/download/drivers_update/voanews.com/</a>	Blocked	Blocked	Driver download; no substantive content
<a href="http://www.poets4peace.com/peacehall.htm">http://www.poets4peace.com/peacehall.htm</a>	Blocked	Blocked	"Hall of Peace" at Poets4Peace.com
<a href="http://www.stumbleupon.com/url/www.voanews.com/">http://www.stumbleupon.com/url/www.voanews.com/</a>	Blocked	Blocked	Reviews of the VOA News page
<a href="http://www.lnx-bbc.org/">http://www.lnx-bbc.org/</a>	Blocked	N/A	Linux distribution
<b>Total (15 sites)</b>	<b>27%</b>	<b>62%</b>	

### 3. Political Topics

Our results show minimal overblocking in this category; one of three sites tested containing the string “64” (corresponding to the June 4th date of Tiananmen Square) was blocked in proxy testing but not in-state, and neither of the URLs we tested containing “hric” (the acronym for Human Rights in China) was blocked in either method.

**Figure 24 - Political Topic Overblocking**

Sites Tested	In-State Result	Proxy Result	Description
<a href="http://www.ai-cit.sk/people/PhD/hric/">http://www.ai-cit.sk/people/PhD/hric/</a>	Accessible	N/A	Marcel Hric, PhD student
<a href="http://www.neural.it/nnews/sixfour.htm">http://www.neural.it/nnews/sixfour.htm</a>	Accessible	N/A	Italian hactivism
<a href="http://www.x86-64.org/">http://www.x86-64.org/</a>	Accessible	Blocked	Open Source software
<a href="http://www.hric.org/">http://www.hric.org/</a>	Accessible	Accessible	Human Resources Independent Consultants
<a href="http://www.centre-square.com/">http://www.centre-square.com/</a>	Accessible	Accessible	Theater in Ontario, Canada
<a href="http://www.hr.duke.edu/hric/">http://www.hr.duke.edu/hric/</a>	Accessible	Accessible	Duke Human Resources
<a href="http://www.hoobly.com/members/tsquare/">http://www.hoobly.com/members/tsquare/</a>	Accessible	Accessible	Classified Ads
<a href="http://www.bartleby.com/64/">http://www.bartleby.com/64/</a>	Accessible	Accessible	English-language reference
<a href="http://www.macminute.com/2004/12/23/64-bit/">http://www.macminute.com/2004/12/23/64-bit/</a>	Accessible	Accessible	Computer development
<b>Total (9 sites)</b>	<b>0%</b>	<b>14%</b>	

### 4. Taiwan

Similar to the above categories, we found evidence of overblocking only in our proxy testing.

**Figure 25 - Taiwan Overblocking**

Sites Tested	In-State Result	Proxy Result	Description
<a href="http://english.people.com.cn/data/province/taiwan.html">http://english.people.com.cn/data/province/taiwan.html</a>	Accessible	Blocked	Chinese government site on "Taiwan Province"
<a href="http://www.askaroo.com/info/Taiwanindependence.html">http://www.askaroo.com/info/Taiwanindependence.html</a>	Accessible	Blocked	Page lacks any substantive content
<a href="http://www.lonelyplanet.com/destinations/north_east_asia/taipei/">http://www.lonelyplanet.com/destinations/north_east_asia/taipei/</a>	Accessible	Accessible	Travel guide to Taipei
<b>Total (3 sites)</b>	<b>0%</b>	<b>67%</b>	

### 5. Tibet

We tested several URLs containing the strings “tibet” or “dalai”. All were blocked in proxy testing; only a Swiss travel guide was blocked during in-state testing.

**Figure 26 - Tibet Overblocking**

Sites Tested	In-State Result	Proxy Result	Description
http://www.tibet.cn/	Accessible	Blocked	China Tibet information center
http://www.dalai.com/	Accessible	Blocked	Dalai software, Mexico
http://www.pngeiser.ch/tibet/	Blocked	Blocked	Tibet travel guide
<b>Total (3 sites)</b>	<b>33%</b>	<b>100%</b>	

### E. Mechanics of China’s Filtering

Our results elucidate several interesting characteristics of how the underlying filtering infrastructure in China operates.

#### 1. Underinclusive IP Address Blocking

For a subset of the sites we tested, we also attempted to reach the site at its IP address. To prevent access to a site completely, a filtering regime cannot block only its URL, but must also filter its IP address. We tested both the URL and the IP address during in-state testing for 29 sites; in 24 cases, the result was consistent (both were either blocked or accessible). Four sites (www.fofg.org, www.freetibet.org, www.tibet.com, and www.lnx-bbc.org) could not be reached at their URLs, but were accessible at their IP addresses. We believe that the blocking of www.lnx-bbc.org is inadvertent, and thus it is not surprising that its IP address is accessible. However, the other three sites clearly contain sensitive content, but are not filtered at their IP addresses. Thus, while China blocks both IP addresses and URLs to ensure that sensitive sites are filtered, it does not do so consistently.

#### 2. URL vs. Domain-Level Filtering

Our research indicates that filtering states generally block on a domain-by-domain basis; they prevent access to an entire domain rather than filtering individual Web pages and URLs. The exceptions to this behavior tend to be domains containing large amounts of diverse, unrelated content, such as the free Web hosting domain geocities.com or Yahoo!’s groups.<sup>161</sup> Our in-state testing in China, however, found several instances where particular URLs were blocked but the domain was accessible, though the source (authorship) of content appeared consistent across the domain. For example, the URL www.stanford.edu/group/falun was blocked, but www.stanford.edu was not. The following sites were blocked while their top-level URLs were accessible:

<sup>161</sup> In addition, commercial filtering software such as Secure Computing’s SmartFilter often assigns different pages within a domain to different categories; thus, some pages, but not the entire domain, are filtered when a filtering state selects categories to block.

**Figure 27 - Blocked Sites With Accessible Top-Level URLs**

www.stanford.edu/group/falun/
public.planetmirror.com/pub/abit/download/drivers_update/voanews.com/
www.stumbleupon.com/url/www.voanews.com/
www.let.leidenuniv.nl/bth/falun.htm

This pattern may indicate filtering by URL string, blocking with no effort to investigate the nature of the content at a page, or an extremely aggressive attempt to locate and filter offensive content while preserving access to the bulk of the content of domains containing one or more site related to generally filtered content.

#### F. E-mail Filtering

E-mail is a vital Internet communications tool; ONI conducted a brief series of tests to evaluate whether, and how, China filters messages with sensitive content. Our results suggest that China does not filter e-mail messages at the backbone level of its network; instead, filtering is more likely to be performed by individual e-mail service providers, with little consistency among providers.<sup>162</sup>

Filtering technology for e-mail messages is well-developed due to the need to combat unsolicited bulk e-mail messages, commonly known as “spam.” Spam filters are typically installed on e-mail servers; these filters search for specific patterns, keywords, or other characteristics of spam messages, such as altered message headers. If the filter detects a message that matches its definition of spam, it will typically reject the e-mail message, quarantine it, or tag it as spam. Many ISPs also block access to the IP addresses of mail servers associated with spammers.

To test China’s e-mail filtering, ONI acquired five e-mail accounts (addresses) from free e-mail service providers in China. We created ten e-mail messages with sensitive content in the subject line and body text.<sup>163</sup> We based the content of these messages on the monthly news summaries of significant events in China compiled by Human Rights In China (HRIC); these include information on arrests of political dissidents and religious persecution. We sent each of these ten messages in English to all five e-mail accounts in China from two different e-mail accounts hosted outside China. We also sent each of the messages in Chinese twice (once encoded in the GB 2312 character set and once in Unicode) to the five e-mail accounts in China.

In our tests, none of the politically sensitive e-mail messages we sent in English were blocked consistently. One of our e-mail accounts, with service provider 21cn.com, did not receive our first message containing information about the relatives of protesters injured at the Tiananmen Square protest, but 21cn.com did receive this message when we sent it from our second e-mail account. We observed the same pattern for the message about surveillance in China we sent to two accounts with providers 163.com and 21cn.com. Finally, messages sent in English about media censorship and religious

<sup>162</sup> See Appendix 4 for complete results of our e-mail testing.

<sup>163</sup> See Appendix 3 for brief descriptions of the contents of each of the ten e-mail messages.



persecution were received at our sina.com.cn account from our first sending account, but not from our second account. Overall, when we analyzed results for the two sets of messages combined, every message with material on sensitive topics in English was received at all our e-mail accounts in China.

We tested the same messages in Chinese by sending two sets of these ten messages, encoded in different character sets. (There are multiple character encoding settings used to display Chinese characters. We sent messages encoded both in GB 2312, the official character set of the People's Republic of China, and in UTF-8 Unicode.) Our results varied depending on the encoding of the message.

In our Unicode testing, we found that all the messages were received, except for six of ten messages sent to our account at sina.com.cn. The six messages that we did not receive at our sina.com.cn account were those containing content on protests by Tiananmen mothers, media censorship, religious persecution, political dissidents, arrests and sentences, and petitions and protests. (However, we did receive each of these messages at sina.com.cn when they were encoded in GB 2312.)

In our GB 2312 testing, we saw much lower success rates at receiving messages. We did not receive three of the messages – those concerning the Tiananmen mothers, media censorship, and surveillance – at three or more of our five accounts. In addition, the message concerning religious persecution was not received at our citiz.net e-mail account.

Overall, our results do not suggest consistent e-mail filtering in China. None of our test messages containing sensitive content was blocked by all five e-mail service providers in China, indicating that filtering of e-mail traffic at the backbone level of the network either does not exist or is inconsistent. Instead, our results suggest that individual e-mail service providers may filter messages at the mail server level in a non-uniform fashion.

#### G. Blog Filtering Testing

Today, Chinese servers host an estimated 600,000 bloggers, who post content ranging from daily diaries to political commentary.<sup>164</sup> Over the last year, China intensified efforts to control blogs' content. In March 2004, the state closed three popular, domestic blog providers,<sup>165</sup> reportedly because a blogger posted a controversial letter regarding the Tiananmen Square incident and the SARS outbreak.<sup>166</sup> Subsequently, all three providers were allowed to re-open, but implemented filtering mechanisms to control content posted to their blogs. These systems search for sensitive keywords when users attempt to post material.

In August 2004, Chinese hackers discovered a list of 987 sensitive keywords (in both Chinese and English) in a component of the popular QQ instant messaging.<sup>167</sup> The software filters messages with these

<sup>164</sup> Estimates of the total number of blogs in China vary; we used the number provided by CNBlog.org, at <http://www.cnblog.org/index.html>.

<sup>165</sup> These providers are blogcn.com, blogbus.com, and blogdriver.com.

<sup>166</sup> See Juliana Liu, *China Shuts Down Two Internet "blog" Sites*, Reuters, available at <http://asia.news.yahoo.com/040318/3/1eig1.html> (March 18, 2004); see also *China Doctor Calls 1989 "Mistake," BBC News*, at <http://news.bbc.co.uk/2/hi/asia-pacific/3542049.stm> (March 8, 2004) (discussing the content of the letter criticizing China's response to the Tiananmen demonstrations).

<sup>167</sup> See *The Words You Never See in Chinese Cyberspace*, China Digital News.

keywords; the hackers posted the cracked list to a Chinese Bulletin Board System.<sup>168</sup> The list includes terms in categories that includes national minorities' independence movements, the Tiananmen Square incident, Falun Gong, proper names of Chinese Communist Party leaders, and sensitive non-proper nouns (such as generic words relating to uprisings or oppression). ONI used this list of keywords to test the blog filtering mechanism for each of the three providers. We found that Blogbus and BlogCN filtered only 18 and 19 keywords, respectively, while Blogdriver filtered 350 of the terms. We discovered that, when triggered, the filtering software for BlogCN and Blogdriver prevented the user from completing the post and issued a pop-up alert. Blogbus replaced sensitive keywords with "\*" characters. We also found that the controls were not fool-proof, and were able to bypass them by inserting characters, such as dashes, to split up sensitive keywords.

The censorship of Web logs demonstrates that China pursues a multi-pronged campaign to regulate the Internet, not only by limiting access to established Web sites, but also by controlling what content Chinese authors can post online domestically.

#### H. Google Cache Testing

Google is one of the most popular search engines for users worldwide. Google's cache function, though, allows users to access (at least intermittently) filtered content, because the request for that material goes to Google's servers, not to the blocked source's servers.<sup>169</sup> Concerned by this circumvention method, China temporarily blocked access to Google in September 2002<sup>170</sup>; requests for Google's site were redirected to Chinese search engines.<sup>171</sup> According to the company, Google negotiated with Chinese officials, and eventually access was restored.<sup>172</sup>

However, we found that while Google's site is accessible to Chinese users,<sup>173</sup> the Google cache<sup>174</sup> and certain keyword searches are blocked. To test access to Google in China, we connected to 37 Google servers from 11 remote computers located on four different backbone networks in China, and also from a remote testing facility. We found that the filtering mechanism blocking Google's cache is triggered by the text string "search?q=cache" in the HTTP GET request; this occurs whether the request is sent to a Google server or to a different site's server. A user making such a keyword request – seeking to access a site's cache – experiences disrupted access to the site.<sup>175</sup>

<sup>168</sup> This list is archived at <http://www.opennetinitiative.net/bulletins/008/bbs.pdf>.

<sup>169</sup> See, e.g., Gutmann, *Losing the New China* at 164-65.

<sup>170</sup> *China Blocking Google*, BBC News, at <http://news.bbc.co.uk/2/hi/technology/2231101.stm> (Sept. 2, 2002).

<sup>171</sup> Berkman Center for Internet & Society, *Replacement of Google with Alternative Search Systems in China: Documentation and Screen Shots*, at <http://cyber.law.harvard.edu/filtering/china/google-replacements/> (Sept. 24, 2002).

<sup>172</sup> See Jay Lyman, *Google Responds to China Ban*, NewsFactor Technology News, at <http://www.newsfactor.com/perl/story/19279.html> (Sept. 3, 2002); see also Tim Richardson, *Google China Crisis Over*, The Register, at [http://www.theregister.co.uk/2002/09/12/google\\_china\\_crisis\\_over/](http://www.theregister.co.uk/2002/09/12/google_china_crisis_over/) (Sept. 12, 2002).

<sup>173</sup> See the enumeration report documenting our test results at <http://www.opennetinitiative.net/bulletins/006/google-servers.html>.

<sup>174</sup> See the enumeration report documenting our test results at <http://www.opennetinitiative.net/bulletins/006/google-cacheservers.html>.

<sup>175</sup> See OpenNet Initiative, *Probing Chinese Search Engine Filtering*, at <http://www.opennetinitiative.net/bulletins/005/index.html#filtering> (Aug. 19, 2004).

However, the filtering system can be bypassed – inserting an ampersand (&) into the HPPT GET request, such as “search?&q=cache”, allowed access to Google’s cache.<sup>176</sup> We could not access Web sites with sensitive keywords, such as “falun,” in their URLs. The filtering mechanism appears specifically designed to target Google’s cache, since caches of other popular search engines, such as Yahoo!, worked properly.<sup>177</sup>

Although China no longer blocks Google entirely, a Chinese user will have a very different experience when using the search engine for some queries due to the state’s filtering practices. Accessing Google’s cache is a well-known method of ad-hoc circumvention of Internet censorship, and China’s filtering mechanism seems designed specifically to close this loophole.

#### I. Filtering by Chinese Search Engines Baidu and Yisou

In July 2004, Reporters Sans Frontières admonished Google and Yahoo! as complicit in China’s filtering practices based on the companies’ holdings in two domestic Chinese search engines, Baidu.com and Yisou.com.<sup>178</sup> We researched RSF’s claims and confirmed that Baidu and Yisou filter by keyword and remove certain search results from their lists, but found that some keyword searches were blocked by China’s gateway filtering and not the search engines themselves.

We searched Baidu and Yisou for various sensitive keywords, such as “free Tibet” and “falun.” By refining our searches to look specifically within URLs as well as for page content, we concluded that the search engines index sensitive sites, but do not list them among search results. We posit that the search engine “crawlers” that compile results may be able to index content despite China’s filtering — perhaps by operating from a remote location outside China — since the crawlers did index some sensitive sites. We also found that some cached versions of sensitive sites were sporadically available, leading us to conclude that filtering occurs “upstream,” at the Internet infrastructure level.

Interestingly, our Baidu and Yisou testing provided important insight into the mechanics of China’s Web filtering. When a user requests a banned keyword, the filtering system terminates that user’s connection to the destination server by sending a TCP RST (reset) packet to the user, followed by advertising a TCP ZeroWindow size.<sup>179</sup> This technique uses TCP’s flow control feature to prevent the user’s computer from transmitting additional data to the destination server (such as the Baidu.com search engine). This disconnection persisted for prolonged periods despite multiple attempts to reconnect.

We confirmed partially Reporters Sans Frontières’ claims that the search engines Baidu and Yisou, with which Google and Yahoo! have investment relationships, filter the Web content they return when users search for certain sensitive keywords. However, this is only part of a set of complex,

<sup>176</sup> See the enumeration report documenting our test results at <http://www.opennetinitiative.net/bulletins/006/googlecacheservers-mod.html>.

<sup>177</sup> See the enumeration report documenting our test results at <http://www.opennetinitiative.net/bulletins/006/othersearchengines.html>.

<sup>178</sup> Reporters Sans Frontières, *Google – Yahoo Market Battle Threatens Freedom of Expression*, at [http://www.rsf.org/article.php3?id\\_article=11031](http://www.rsf.org/article.php3?id_article=11031) (July 26, 2004).

<sup>179</sup> See OpenNet Initiative, *Probing Chinese Search Engine Filtering*, at <http://www.opennetinitiative.net/bulletins/005/#res> (Aug. 19, 2004); see generally Von Welch, *A User’s Guide to TCP Windows*, at [http://www.ncsa.uiuc.edu/People/vwelch/net\\_perf/tcp\\_windows.html](http://www.ncsa.uiuc.edu/People/vwelch/net_perf/tcp_windows.html) (last updated June 19, 1996).

overlapping filtering practices that include filtering in China's broader Internet infrastructure. Thus, we caution that any claims about filtering must incorporate analysis of the serious technical complexities of China's filtering regime.

#### J. Restrictions on University On-Line Bulletin Board Systems

China recently moved to impose stricter controls on the discussions taking place on university bulletin board systems (BBS). These message boards, some of which claimed hundreds of thousands of users,<sup>180</sup> were immensely popular with students and with non-students users. As one of the few outlets for open, anonymous speech in China, the boards functioned as "virtual communities," serving as alternatives to state-run media<sup>181</sup> or as dissemination points for critiques of the Communist Party.<sup>182</sup> The boards also hosted tools to circumvent China's Internet censorship as well as discussions on sensitive topics like Tibet and Taiwan.<sup>183</sup>

As part of a Chinese Communist Party campaign to exercise tighter control over culture, education, and media, China's Education Ministry ordered the universities to censor the BBS.<sup>184</sup> Its order stated that "[h]armful information should be detected and deleted... [message boards] on which harmful information has been spread should be shut down."<sup>185</sup> In justifying the government's reasoning, one official explained that "[t]he message boards are too diverse, and students who read them are prone to rumor mongering.... Students don't watch TV or listen to radio but go to BBS and believe what they read. Many students with a right view do not speak on the BBS."<sup>186</sup>

The new restrictions limit BBS use to current students, cutting off access to all other users, including former students living abroad.<sup>187</sup> This is a significant limitation on the BBS' reach -- one current student estimated that as many as half of the users on his university's message board system were non-students.<sup>188</sup> The new regulations also require registration tied to the user's identity, eliminating the cherished anonymity the boards used to provide.<sup>189</sup> These actions will undoubtedly curtail discussion and speech on the BBS. As one frustrated student lamented, "When we use our real names we are lying; when we use false names, we speak the truth."<sup>190</sup> The BBS crackdown provides a microcosm of China's Internet content filtering: when the state detects exchange of information on sensitive topics, it employs both legal and technical methods to curtail, and ultimately silence, this speech.

<sup>180</sup> Robert Marquand, *Beijing Enforces the Party Line*, Christian Science Monitor, Apr. 6, 2005, available at <http://www.csmonitor.com/2005/0406/p01s04-woap.html>

<sup>181</sup> Marquand, *Beijing Enforces the Party Line*.

<sup>182</sup> Philip P. Pan, *Chinese Crack Down on Student Web Sites*, Washington Post, Mar. 23, 2005, at A13

<sup>183</sup> Benjamin Walker, *Theory of Everything: Freedom on the March* (radio broadcast, Apr. 3, 2005), available at [http://www.toeradio.org/archives/2005/04/broadcast\\_18\\_fr.html](http://www.toeradio.org/archives/2005/04/broadcast_18_fr.html).

<sup>184</sup> Marquand, *Beijing Enforces the Party Line*; Pan, *Chinese Crack Down on Student Web Sites*.

<sup>185</sup> Marquand, *Beijing Enforces the Party Line*.

<sup>186</sup> Marquand, *Beijing Enforces the Party Line*.

<sup>187</sup> Marquand, *Beijing Enforces the Party Line*.

<sup>188</sup> Walker, *Theory of Everything: Freedom on the March*.

<sup>189</sup> Pan, *Chinese Crack Down on Student Web Sites*.

<sup>190</sup> Marquand, *Beijing Enforces the Party Line*.

#### K. Restrictions on On-Line Discussion Forums

On-line chats are extremely popular in China; a spokesperson for the site sina.com.cn told Reporters Sans Frontières that 4 million users employ its forums each day.<sup>191</sup> A study by Reporters Sans Frontières (RSF) of censorship in these on-line discussion forums found that postings were filtered heavily, but inconsistently, and that users who persist in adding content on sensitive topics face exclusion from these services and, in extreme cases, even imprisonment.<sup>192</sup>

The RSF study found evidence of a complicated, and sometimes inconsistent, filtering regime for online discussion forums. The study states that most sites temporarily block all postings containing certain forbidden terms, but that forum Webmasters can override the automatic filter if, on review, the views expressed are deemed acceptable. (Such reviews are evidently uncommon since Webmasters spend most of their time monitoring forums for forbidden content, not attempting to restore improperly blocked posts.) Webmasters also manually remove messages with prohibited content that elude the automatic filters. These Webmasters are generally unpaid volunteers who are supervised by forum administrators charged with ensuring that no unacceptable material appears online.

In RSF's study, only 30% of messages containing "controversial content" were posted successfully. While 55% of messages with controversial content made it into the forums initially, RSF found that more than half of these postings were removed by Webmasters. The most controversial posts, containing "direct criticism or demands targeted at the central government," either never appeared or were available only briefly. More moderate messages, with content on sensitive political topics but without criticism of the state, were successfully posted over 70% of the time, though some were later taken down. Almost 80% of messages containing only factual information on current topics made it into forums, except for xinhaunet.com, which filtered over half these posts.

As xinhaunet.com's blocking demonstrates, the level of filtering varied by forum. RSF found that, generally, "The most open Internet sites are the ones that are commercial enterprises. Competition within this sector encourages those in charge to test the limits of censorship." Thus, forums at 163.net and sina.com have more lenient filtering. In contrast, quasi-official sites, such as xinhuanet.com, censored postings critical of the government more stringently; RSF concluded that these "webmasters give priority to censoring messages that criticize the government." Criticism of China's handling of the SARS crisis was particularly targeted for censorship.

Users who post unacceptable material face exclusion from forums. The RSF researcher was eventually blocked from using her user ID at sina.com.cn; a Sina.com company spokesperson confirmed that such "blacklisting" occurs. In extreme cases, penalties can be severe: RSF described four cases of online dissidents who were arrested for posting "harmful messages."

<sup>191</sup> Reporters Sans Frontières, "Living dangerously on the Net": Censorship and surveillance of Internet forums, May 12, 2003, at [http://www.rsf.org/article.php3?id\\_article=6793](http://www.rsf.org/article.php3?id_article=6793).

<sup>192</sup> Reporters Sans Frontières, "Living dangerously on the Net": Censorship and surveillance of Internet forums.

## 5. CONCLUSION

China makes a systematic, comprehensive, and frequently successful effort to limit the ability of its citizens to access and to post on-line content the state considers sensitive. At the level of legal regulation, China has a complex, overlapping system of laws, regulations, and informal methods that attempts to prevent the creation and distribution of banned material. At the technological level, the state employs a sophisticated infrastructure that filters content at multiple levels and that tolerates overblocking as the price of preventing access to prohibited sites. Importantly, China's filtering efforts lack transparency: the state does not generally admit to censoring Internet content, and concomitantly there is no list of banned sites and no ability for citizens to request reconsideration of blocking, as some other states that filter provide. The topics defined as sensitive, or prohibited, by China's legal code are broad and non-specific, and enforcement of laws such as the ban on spreading state secrets discourages citizens from testing the boundaries of these areas. China's legal and technological systems combine to form a broad, potent, and effective means of controlling the information that Chinese users can see and share on the Internet.

Moreover, the research we have conducted over several years – both individually as institutions and collectively as the ONI – demonstrates increasing sophistication of China's filtering regime. Its filtering system has become at once more refined and comprehensive over time, building a matrix of controls that stifles access to information deemed illegitimate by authorities. Considering that China's growing Internet population represents nearly half of all Internet users worldwide, and will soon overtake the United States as the single largest national group of Internet users, such extensive censorship should be of concern to all Internet users worldwide. China's advanced filtering regime presents a model for other countries with similar interests in censorship to follow. It has also shown a willingness to defend and even promote the principles of its filtering regime to international venues governing global communications, such as the World Summit of the Information Society. While there can be legitimate debates about whether democratization and liberalization are taking place in China's economy and government, there is no doubt that neither is taking place in China's Internet environment today.

APPENDIX 1  
**China Background**

A. General Description

The People's Republic of China (PRC) is located in eastern Asia, between North Korea and Vietnam. With a geographic area of approximately 3.7 million square miles and a population of 1.3 billion, China is one of the largest and most populous areas on Earth.<sup>193</sup> Officially atheist since 2002, China's population includes adherents to Daoism, Buddhism, Islam, and Christianity. Describing itself as a "central democracy," China exists as a socialist state ruled by the Chinese Communist Party.<sup>194</sup>

Though it has the second-largest economy in the world, China still ranks low in per capita economic measures. China has attempted to integrate market-oriented systems with a political framework of strict and centralized Communist control.<sup>195</sup> China is ranked 94 out of 177 states in 2004 on the United Nations Development Program's Human Development Index.<sup>196</sup>

B. Political System

The Chinese Communist Party controls the legislature, known as the National People's Congress (NPC), which is composed of 2,989 delegates serving five-year terms. The NPC appoints an executive State Council.<sup>197</sup> While other political parties exist, none is recognized by China because they are considered subversive.<sup>198</sup> The state is divided into 22 provinces, four municipalities directly under central government control, and five autonomous regions governed by local people's congresses.<sup>199</sup>

The Chinese Communist Party represses dissent, although traditional systems of social control and surveillance, such as the previously utilized "work unit", are being discarded in favor of structural reforms, greater social mobility, and strong economic growth.<sup>200</sup> Nonetheless, independent organizations capable of mobilizing popular support are perceived as threats; for example, the Chinese state has vigorously suppressed the practice of Falun Gong<sup>201</sup> and the separatist views of those who support freedom for Tibet.<sup>202</sup>

<sup>193</sup> *China*, Encyclopædia Britannica Online, at <http://search.eb.com/eb/article?tocId=9117321>.

<sup>194</sup> CIA, *The World Factbook -- China*, Feb. 10, 2005, at <http://www.cia.gov/cia/publications/factbook/geos/ch.html>.

<sup>195</sup> See generally U.S. Department of State, *Background Note: China*, at <http://www.state.gov/r/pa/ei/bgn/18902.htm> (Oct. 2004); Lucian W. Pye, *The Spirit of Chinese Politics* 1-11 (1992 ed.).

<sup>196</sup> United Nations Development Programme, *Human Development Report 2004* at 139-140, July 15, 2004, at <http://hdr.undp.org/reports/global/2004/>.

<sup>197</sup> CIA, *The World Factbook -- China*.

<sup>198</sup> CIA, *The World Factbook -- China*.

<sup>199</sup> CIA, *The World Factbook -- China*.

<sup>200</sup> With work units, state-owned factories provided salary, housing, education, and political indoctrination. See Economist Intelligence Unit, *Country Briefings: China -- Political Forces*, at <http://www.economist.com/countries/China/profile.cfm?folder=Profile%2DPolitical%20Forces> (Feb. 9, 2004).

<sup>201</sup> See *Falun Gong: China's Dilemma*, CNN.com, at <http://edition.cnn.com/SPECIALS/2002/falungong/>.

<sup>202</sup> See *The Dalai Lama: Man of Peace Takes His Place on World Stage*, CNN.com, at <http://www.cnn.com/SPECIALS/1999/china.50/inside.china/profiles/dalai.lama/>.

APPENDIX 2

**Entities Involved in Internet Regulation in China**

- Central Propaganda Department
- Department of Commerce
- Department of Telecommunications
- General Administration of Press and Publications
- Ministry of Culture
- Ministry of Information Industry
- Ministry of Public Security
- Public Security Bureau
- State Administration of Radio, Film, and Television
- State Council
- State Council Information Agency
- State Secrets Bureau



## APPENDIX 3

## In-Country Testing Results – Domains With Some Accessible and Some Inaccessible URLs

URL	Status
<a href="http://members.aol.com/Sftrail/christ/comment/bible/ezra/">http://members.aol.com/Sftrail/christ/comment/bible/ezra/</a>	Accessible
<a href="http://members.aol.com/Tibetan/Monitor3.html">http://members.aol.com/Tibetan/Monitor3.html</a>	Accessible
<a href="http://members.aol.com/yikhmongol/smff.htm">http://members.aol.com/yikhmongol/smff.htm</a>	Accessible
<a href="http://members.aol.com/bblum6/mem.htm">http://members.aol.com/bblum6/mem.htm</a>	Accessible
<a href="http://members.aol.com/casmasalc/">http://members.aol.com/casmasalc/</a>	Accessible
<a href="http://members.aol.com/imppsite/">http://members.aol.com/imppsite/</a>	Accessible
<a href="http://members.aol.com/kurdis6065/Psk.html">http://members.aol.com/kurdis6065/Psk.html</a>	Accessible
<a href="http://members.aol.com/TeacherNet/Industrial.html">http://members.aol.com/TeacherNet/Industrial.html</a>	Accessible
<a href="http://members.aol.com/imppsite/cnpage.htm">http://members.aol.com/imppsite/cnpage.htm</a>	Inaccessible
<a href="http://members.aol.com/imppsite/dcl.htm">http://members.aol.com/imppsite/dcl.htm</a>	Inaccessible
<a href="http://members.aol.com/imppsite/index.htm">http://members.aol.com/imppsite/index.htm</a>	Inaccessible
<a href="http://members.aol.com/TeacherNet/Medieval.html">http://members.aol.com/TeacherNet/Medieval.html</a>	Inaccessible
<a href="http://www.fog.org/act/act_join.php">http://www.fog.org/act/act_join.php</a>	Accessible
<a href="http://www.fog.org/chinese/index.php">http://www.fog.org/chinese/index.php</a>	Accessible
<a href="http://www.fog.org/news/news_category.php?cat_id=11">http://www.fog.org/news/news_category.php?cat_id=11</a>	Accessible
<a href="http://www.fog.org/news/news_story.php?doc_id=679">http://www.fog.org/news/news_story.php?doc_id=679</a>	Accessible
<a href="http://www.fog.org/voices/voices_story.php?doc_id=308">http://www.fog.org/voices/voices_story.php?doc_id=308</a>	Accessible
<a href="http://www.fog.org/">http://www.fog.org/</a>	Accessible
<a href="http://www.fog.org/chinese/persecution/persecution_bknd.php?cat_id=18">http://www.fog.org/chinese/persecution/persecution_bknd.php?cat_id=18</a>	Accessible
<a href="http://www.fog.org/news/news_category.php?cat_id=28">http://www.fog.org/news/news_category.php?cat_id=28</a>	Inaccessible
<a href="http://www.fog.org/news/news_story.php?doc_id=44">http://www.fog.org/news/news_story.php?doc_id=44</a>	Inaccessible
<a href="http://www.fog.org/news/news_story.php?doc_id=875">http://www.fog.org/news/news_story.php?doc_id=875</a>	Inaccessible
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APPENDIX 4  
Results of E-mail Filtering Testing

English Messages – First Test										
Provider	Message									
	1	2	3	4	5	6	7	8	9	10
http://mail.163.com/	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
http://mail.21cn.com/	Y	n	Y	n	Y	Y	Y	Y	Y	Y
http://www.citiz.net/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://mail.sina.com.cn/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://mail.tom.com/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Chinese Messages - GB 2312 Encoding										
Provider	Message									
	1	2	3	4	5	6	7	8	9	10
http://mail.163.com/	Y	N	Y	N	Y	Y	Y	Y	Y	Y
http://mail.21cn.com/	Y	n	n	n	Y	Y	Y	Y	Y	Y
http://www.citiz.net/	Y	Y	n	Y	n	Y	Y	Y	Y	Y
http://mail.sina.com.cn/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://mail.tom.com/	Y	N	N	N	n	N	Y	Y	Y	Y

English Messages – Second Test										
Provider	Message									
	1	2	3	4	5	6	7	8	9	10
http://mail.163.com/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://mail.21cn.com/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://www.citiz.net/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://mail.sina.com.cn/	Y	Y	n	Y	n	Y	Y	Y	Y	Y
http://mail.tom.com/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Chinese Messages – Unicode (UTF-8) Encoding										
Provider	Message									
	1	2	3	4	5	6	7	8	9	10
http://mail.163.com/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://mail.21cn.com/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://www.citiz.net/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
http://mail.sina.com.cn/	Y	n	n	Y	n	Y	N	N	n	Y
http://mail.tom.com/	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Internet Filtering in China in 2004-2005

Legend

Y = E-mail Message Received

N = Email Message Not Received, Error Message Delivered to Sender

n = E-mail Message Not Received, No Error Message Delivered to Sender

<b>Message Number</b>	<b>Contents</b>
1	Death Penalty Data on China
2	Tiananmen Mothers' Criticism of Government's Actions
3	Media Censorship by China
4	Police Surveillance of Dissidents
5	Religious Persecution of Falun Gong
6	Deaths of Coal Miners in Underground Explosion
7	Detention of Political Dissidents
8	Arrest and Sentencing of Tibetan Monks
9	Petitions and Protests by Political Activists on Human Rights
10	Arrest of Writer for Advocating Uighur Independence

**STATUTORY MANDATE OF THE U.S.-CHINA ECONOMIC AND SECURITY  
REVIEW COMMISSION**

Pursuant to Public Law 108-7, Division P, enacted February 20, 2003

**RESPONSIBILITIES OF THE COMMISSION.**—The United States-China Commission shall focus, in lieu of any other areas of work or study, on the following:

**PROLIFERATION PRACTICES.**—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the United States might take, including economic sanctions, to encourage the Chinese to stop such practices.

**ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.**—The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on United States economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.

**ENERGY.**—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the United States can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

**UNITED STATES CAPITAL MARKETS.**—The Commission shall evaluate the extent of Chinese access to, and use of United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities or other activities harmful to United States security interests.

**CORPORATE REPORTING.**—The Commission shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

**REGIONAL ECONOMIC AND SECURITY IMPACTS.**—The Commission shall assess the extent of China’s “hollowing-out” of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing’s military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

**UNITED STATES-CHINA BILATERAL PROGRAMS.**—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and [with] United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

**WORLD TRADE ORGANIZATION COMPLIANCE.**—The Commission shall review China’s record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

**MEDIA CONTROL.**—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

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