

**STABILITY IN CHINA: LESSONS LEARNED FROM
TIANANMEN AND IMPLICATIONS FOR THE UNITED STATES**

HEARING

BEFORE THE

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

**ONE HUNDRED THIRTEENTH CONGRESS
SECOND SESSION**

THURSDAY, MAY 15, 2014

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UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

WASHINGTON: 2014

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The Commission was created on October 30, 2000 by the Floyd D. Spence National Defense Authorization Act for 2001 § 1238, Public Law No. 106-398, 114 STAT. 1654A-334 (2000) (codified at 22 U.S.C. § 7002 (2001), as amended by the Treasury and General Government Appropriations Act for 2002 § 645 (regarding employment status of staff) & § 648 (regarding changing annual report due date from March to June), Public Law No. 107-67, 115 STAT. 514 (Nov. 12, 2001); as amended by Division P of the “Consolidated Appropriations Resolution, 2003,” Pub L. No. 108-7 (Feb. 20, 2003) (regarding Commission name change, terms of Commissioners, and responsibilities of the Commission); as amended by Public Law No. 109-108 (H.R. 2862) (Nov. 22, 2005) (regarding responsibilities of Commission and applicability of FACA); as amended by Division J of the “Consolidated Appropriations Act, 2008,” Public Law Nol. 110-161 (December 26, 2007) (regarding responsibilities of the Commission, and changing the Annual Report due date from June to December).

The Commission’s full charter is available at www.uscc.gov.

September 08, 2014

The Honorable Patrick J. Leahy
President Pro Tempore of the Senate, Washington, D.C. 20510
The Honorable John A. Boehner
Speaker of the House of Representatives, Washington, D.C. 20515

DEAR SENATOR LEAHY AND SPEAKER BOEHNER:

We are pleased to notify you of the Commission's May 15, 2014 public hearing on "Stability in China: Lessons from Tiananmen and Implications for the United States." The Floyd D. Spence National Defense Authorization Act (amended by Pub. L. No. 109-108, section 635(a)) provides the basis for this hearing.

At the hearing, the Commissioners received testimony from the following witnesses: Dr. Joseph Fewsmith, Professor of International Relations and Political Science; Mr. Xiao Qiang, Adjunct Professor at the University of California-Berkeley, Founder and Editor of China Digital Times; Dr. Stephen Hess, Assistant Professor of Political Science, College of Public and International Affairs at the University of Bridgeport; Representative Frank Wolf (VA-10); Dr. Murray Scot Tanner, Senior Research Scientist, CNA; Dr. Sophie Richardson, China Director, Human Rights Watch; Mr. Carl Minzner, Associate Professor of Law, Fordham; Ms. Sarah Cook, Senior Research Analyst for East Asia, Freedom House; Ms. Delphine Halgand, U.S. Director, Reporters Without Borders; and Mr. David Wertime, Senior Editor, Foreign Policy. This hearing examined the legacy of the Tiananmen Square Massacre and the underlying economic, political, and social tensions that cause instability in China today, as well as the implications of these challenges for U.S. economic and security interests. The hearing also assessed China's response to its internal security challenges, and the use of media and information controls to contain domestic unrest and manage public opinion.

We note that prepared statements for the hearing, the hearing transcript, and supporting documents submitted by the witnesses are available on the Commission's website at www.USCC.gov. Members and the staff of the Commission are available to provide more detailed briefings. We hope these materials will be helpful to the Congress as it continues its assessment of U.S.-China relations and their impact on U.S. security.

The Commission will examine in greater depth these issues, and the other issues enumerated in its statutory mandate, in its 2014 Annual Report that will be submitted to Congress in November 2014. Should you have any questions regarding this hearing or any other issue related to China, please do not hesitate to have your staff contact our Congressional Liaison, Reed Eckhold, at (202) 624-1496 or via email at reckhold@uscc.gov.

Sincerely yours,



Hon. Dennis C. Shea
Chairman



Hon. William A. Reinsch
Vice Chairman

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**STABILITY IN CHINA: LESSONS LEARNED FROM TIANANMEN AND IMPLICATIONS
FOR THE UNITED STATES**

THURSDAY, MAY 15, 2014

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Washington, D.C.

The Commission met in Room 608 of Dirksen Senate Office Building, Washington, DC at 8:45a.m., Commissioners Larry M. Wortzel, Ph.D. and Carolyn Bartholomew (Hearing Co-Chairs), presiding.

**OPENING STATEMENT OF DR. LARRY M. WORTZEL
HEARING CO-CHAIR**

HEARING CO-CHAIR WORTZEL: Good morning and welcome. I want to thank our panelists for being here and for the time they have put into their excellent testimonies and all their previous work. These are three very well published individuals that are relevant, probably the most relevant in the United States, on the topic we're going to cover today. Their written statements will be submitted for the record and be available online.

We also want to thank the Senate Budget Committee, Chairman Patty Murray, and the staff there for letting us have this hearing room today.

Now if you were in Beijing on May 15, 1989, you would have seen the arrival of Mikhail Gorbachev while more than 3,000 people occupied Tiananmen Square on a hunger strike, and they were surrounded--I mean I have throngs, but I was out there, and there were tens of thousands of people in the Square and on the streets supporting these hunger strikers.

There were sympathizers from all walks of life. The protests around Beijing initially involved as many as a million people complaining about corruption in the Chinese Communist Party and government, inflation, profiteering, and nepotism.

Gorbachev's motorcade couldn't make the approach to the Great Hall of the People or Party headquarters at Zhongnanhai very easily for meetings, if at all, and that deeply embarrassed the Politburo Standing Committee of the Communist Party and probably ultimately led to the declaration of martial law and the massacre on Tiananmen Square—and a couple other little incidents in between.

The Party was paralyzed arguing about how to resolve the demonstrations. If you looked at the windows of the Chinese Academy of Sciences and in military housing and barracks areas, the Communist Party bulletin boards had posters from Party Committees calling for people to march in the streets to support the protesters, and that just gives you an example of the split in the Party.

By the 20th of May, of course, martial law was put in effect by the Politburo, a column of troops and vehicles tried to move from the west to get to Tiananmen Square, but it was stopped by literally a human roadblock of thousands of Beijing residents, and the military column just

stopped there, and at that time, they weren't carrying weapons. The weapons were all stored in their trucks.

And, of course, on June 4, 1989, ten to 12 Army divisions closed on Tiananmen Square, firing rifles, automatic weapons and using tanks to clear roadblocks, and you had what we know today as the Tiananmen Massacre.

The panelists here are going to discuss how the Party has tried to address the complaints of the protesters in the intervening years, and they'll compare the political, social, and economic conditions in China today to those that led to the protests in 1989.

Our goal is to discuss the implications for U.S. policy, the security of American citizens, and the U.S. economy if domestic unrest again begins to destabilize China and to develop recommendations for Congress in case of that kind of an eventuality.

Commissioner Bartholomew and I want to thank our staff. They worked very hard on this, especially Katherine Koleski, Ethan Meick, and Reed Eckhold, and I turn to Commissioner Bartholomew for her opening statement.

**PREPARED STATEMENT OF DR. LARRY M. WORTZEL
HEARING CO-CHAIR**

Hearing on Stability in China: Lessons from Tiananmen and Implications for the United States

**Opening Statement of
Commissioner Larry M. Wortzel
May 15, 2014
Washington, DC**

Good morning and welcome to the sixth hearing of the U.S.-China Economic and Security Review Commission's 2014 Annual Report cycle. I want to thank our witnesses for being here today, and for the time they have put into their excellent written testimonies. Each of their written statements will be submitted for the record and will be available online at the Commission's website (www.uscc.gov). Before we begin, let me take a moment to thank the Senate Budget Committee, Chairman Patty Murray, and the Committee staff for securing this room for us today.

If you were in Beijing, China on May 15, 1989, you would have seen the arrival of Mikhail Gorbachev while more than 3,000 people occupied Tiananmen Square on a hunger strike, surrounded by throngs of sympathizers from all walks of life. The protests around Beijing initially involved as many as a million people complaining about corruption in the Chinese Communist Party and government, inflation, profiteering, and nepotism.

Gorbachev's motorcade could not approach the Great Hall of the People or Party headquarters at Zhongnanhai easily for meetings, deeply embarrassing the Politburo Standing Committee, which was already arguing internally about how to resolve the demonstrations. On the windows of the Chinese Academy of Social Sciences' offices and in military housing areas, posters called for the people to march on the streets in support of the protestors.

By May 20th, the Politburo put martial law into effect. A column of troops and vehicles tried to move from west to east across the city to get to Tiananmen Square but was stopped by a human roadblock composed of thousands of Beijing residents from all walks of life. And of course, on June 4, 1989, ten to twelve Army divisions closed on Tiananmen Square firing rifles, automatic weapons, and using tanks to clear roadblocks.

The panelists here today will discuss how the Party has tried to address the complaints of the protesters in the intervening years and will compare the political, social, and economic conditions in China today to those that led to the protests in 1989.

Our goal today is to discuss the implications for U.S. policy, American citizens, and the U.S. economy if domestic unrest again begins to destabilize China and to develop recommendations for Congress in case of such an eventuality.

Commissioner Bartholomew and I want to thank our staff that worked so hard on this hearing, especially Katherine Koleski, Ethan Meick, and Reed Eckhold.

I now turn to Commissioner Bartholomew for her opening statement.

**OPENING STATEMENT OF COMMISSIONER CAROLYN BARTHOLOMEW
HEARING CO-CHAIR**

HEARING CO-CHAIR BARTHOLOMEW: Thank you very much. Thank you, Larry, and thank you to our witnesses for being here today to help us explore the challenges to China's domestic stability and their implications for the United States.

It's certainly worth noting for those of you who don't know that Dr. Wortzel was on the ground in Beijing while all of this was taking place. I think some of our witnesses were. Certainly I've had the opportunity to work with some of our witnesses for the 25 years since.

While the events Dr. Wortzel just described took place 25 years ago, the legacy of the Tiananmen Square Massacre continues to reverberate. The protests leading up to June 4 were not limited to Beijing, but occurred in as many as 341 other cities around China. They shook the Chinese Communist Party to its very roots, changed the relationship of the Party to the people of China, and changed the perception of China here in the United States.

Many of us watched in horror as the tanks rolled in to attack peaceful demonstrators. The Chinese government's response to the protesters in 1989 continues to shape events today.

The Chinese government, of course, continues to deny wrongdoing in its use of military force in 1989. In fact, it seeks to erase the Tiananmen Square Massacre from the historical record by suppressing any public discussion or reassessment of the crackdown.

In preparation for the 25th anniversary of Tiananmen, the Chinese government party has once again tightened control over the Internet and detained several prominent dissenters, such as Pu Zhiqiang, a prominent rights lawyer, and Gao Yu, a reform-minded journalist and political analyst. At this point, I think we still have to ask the question of what are they so afraid of?

Today's hearing comes at a time when the Chinese public is increasingly concerned about rising inequality, ethnic tension, corruption, and environmental degradation. According to Human Rights Watch, between 300 and 500 protests occur in China each day. While most of these protests have been attributed to land and labor disputes, protests relating to concerns about environmental degradation and incidents of ethnic unrest are on the rise. Among the questions we will consider today is how the lessons of Tiananmen are being employed by both the Chinese government and dissenters as China faces a growing popular unrest.

The Chinese government has invested significant resources in preempting and managing social unrest, strengthening its internal security apparatus, and controlling the media and Internet.

Under President Xi, the government has increasingly sought to silence moderate voices in a campaign against the expression of dissent not seen in China since the 1970s. The country's newly formed National Security Commission illustrates President Xi's focus on coordinating internal security responses.

Furthermore, the Chinese government has tightened information controls through new Internet regulations and censorship mechanisms. These regulations seek to address the increasing challenges of managing online dissent in China, specifically on social media platforms.

China is the U.S.'s largest trading partner, and its actions in addressing dissent hold broad implications for the United States. In the business world, access to accurate information in real time is critical to businesses. From the human rights perspective, any crackdown on dissent is an attack on basic freedoms enshrined in the Universal Declaration of Human Rights, the Chinese Constitution, and fundamental to our own values.

And from the national security perspective, the Chinese government's aggressive territorial moves in the Asia-Pacific region must be viewed, in part, as an act of rising nationalism and an effort to deflect Chinese domestic attention away from internal tensions.

Today's hearing seeks to address these issues and a number of others. I look forward to all of our witnesses' statements, and with that, I'll turn back to my co-chair, Dr. Wortzel, to introduce the first panel.

Thank you, again, all of you, for participating.

**PREPARED STATEMENT OF COMMISSIONER CAROLYN BARTHOLOMEW
HEARING CO-CHAIR**

**Hearing on Stability in China: Lessons from Tiananmen and
Implications for the United States**

**Opening Statement of Commissioner Carolyn Bartholomew
May 15, 2014
Washington, DC**

Thank you Commissioner Wortzel and thanks to our witnesses for being here today to help us explore the challenges to China's domestic stability and their implications for the United States. While the events Commissioner Wortzel just described took place 25 years ago, the legacy of the Tiananmen Square Massacre continues to reverberate. The protests leading up to June 4th were not limited to Beijing but occurred in as many as 341 other cities around China. They shook the Chinese Communist Party to its very roots, changed the relationship of the Party to the people of China, and changed the perception of China here in the United States. Many of us watched in horror as the tanks rolled in to attack peaceful demonstrators. The Chinese government's response to the protestors in 1989 continues to shape events today.

The Chinese government continues to deny wrongdoing in its use of military force in 1989. In fact, it seeks to erase the Tiananmen Square Massacre from the historical record by suppressing any public discussion or reassessment of the crackdown. In preparation for the 25th anniversary of Tiananmen, the Chinese Communist Party has tightened control over the Internet and detained several prominent dissenters such as Pu Zhiqiang (POO jer-CHIANG), a prominent rights lawyer, and Gao Yu (G-OW YOO), a reform-minded journalist and political analyst.

Today's hearing comes at a time when the Chinese public is increasingly concerned about rising inequality, ethnic tension, corruption, and environmental degradation. According to Human Rights Watch, between 300 and 500 protests occur in China each day. While most of these protests have been attributed to land and labor disputes, protests relating to concerns about environmental degradation and incidents of ethnic unrest are on the rise. Among the questions we will consider today is how the lessons of Tiananmen are being employed by both the Chinese government and dissenters as China faces growing popular unrest.

The Chinese government has invested significant resources in preempting and managing social unrest, strengthening its internal security apparatus, and controlling the media and Internet. Under President Xi, the government has increasingly sought to silence moderate voices in a campaign against the expression of dissent not seen in China since the 1970s. The country's newly-formed National Security Commission illustrates President Xi's focus on coordinating internal security responses. Furthermore, the Chinese government has tightened information controls through new Internet regulations and censorship mechanisms. These regulations seek to address the increasing challenges of managing online dissent in China, specifically on social media platforms.

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PANEL I INTRODUCTION BY DR. LARRY M. WORTZEL

HEARING CO-CHAIR WORTZEL: The first panel of the day is going to talk about the contemporary economic, political and social challenges in China. We'll have seven minutes of oral testimony, if possible. There will be a timer. And then we'll turn to five-minute rounds of questions from each Commissioner.

First on the panel is Dr. Joseph Fewsmith. Joe is a Professor of International Relations and Political Science at Boston University. He's the author or editor of seven books, including one reexamining Tiananmen Square. What was that? 2008 was the second edition.

DR. FEWSMITH: China Since Tiananmen.

HEARING CO-CHAIR WORTZEL: China Since Tiananmen, yeah. He's an Associate at the Fairbank Center for East Asian Studies at Harvard University and the Pardee Center for the Study of the Longer Range Future at Boston University.

He'll be followed by Xiao Qiang, Director of the China Internet Project at the University of California-Berkeley. He's the Founder and Editor-in-Chief of China Digital Times.

He's a theoretical physicist by training and became a human rights activist after the Tiananmen Massacre in 1989. He was the Executive Director of the NGO Human Rights in China from '91 to 2002, and is Vice Chairman of the Steering Committee of the World Movement for Democracy.

The third panelist is Dr. Stephen Hess. He's Assistant Professor of Political Science and East Asian Studies at the University of Bridgeport. He's been very active in writing. His book last year on Authoritarian Landscapes I thought, as I looked through it, was a real model on comparative politics, and I think it's a great job of comparative politics.

He got his Ph.D. from Miami University, and his M.A. from the University of Louisville, and I've been there. It's not a bad little place.

Joe, we'll start with you. Thank you.

**OPENING STATEMENT OF DR. JOSEPH FEWSMITH
PROFESSOR OF INTERNATIONAL RELATIONS AND POLITICAL SCIENCE, BOSTON
UNIVERSITY**

DR. FEWSMITH: Thank you very much, Commissioner Wortzel, Commissioner Bartholomew. It's a pleasure to be down here in Washington this morning and to try to impact some views on China in the six minutes and 50 seconds left to me.

[Laughter.]

DR. FEWSMITH: Needless to say, I am not going to discuss the 25 years since Tiananmen since Commissioner Wortzel referred to my book. I will refer you to that--a little filler detail and a little advertising. There is no self-promotion on Capitol Hill, I understand, so excuse my brashness.

At any case, what I would like to address or start by addressing are some of the serious governance issues that I think that China has faced for some years as the proliferation of mass incidents and corruption that Commissioner Bartholomew mentioned in her introduction have occurred.

I think that most people who study governance issues would suggest, as do many Chinese citizens, strengthening the rule of law, greater media freedom as a watchdog, more public participation of one sort or another, all these sorts of things that are fairly basic to people who study governance around the world, that these sorts of measures would improve governance in China.

And I think that, in fact, in the 1990s and into the early 2000s, that China did at least experiment with some such measures, including so-called intra-Party democracy, which in some areas was actually quite interesting. That this is one of those routes not taken, I think, is the way we will ultimately consider it because they were dealing with governance issues, and they knew that they were dealing with them, and there were differences in the Party, and this was one that was being explored.

In any case, I think that those experiments have pretty much dried up. I'm not aware in the last round of township elections in 2011 of any major innovations in local governance or in intra-Party democracy.

Rather these sorts of experiments had withered on the vine, and, in fact, if you look at some of the recent measures that seem to be coming out, there is an emphasis on centralization, and, of course, centralization depends on where you look at it, but from a township level, it's the county, and from the county level, it's further up to the municipality and province levels.

In other words, rather than having horizontal or bottom up accountability measures, they're trying to monitor the behavior of cadres from the top down. This has not been successful in the past, but it is seemingly the direction that they are moving now. This is something that I think needs to be watched carefully over the next couple of years.

You know, I tend to think that unless there is fairly substantial reform in the political system, the sorts of governance problems that we have seen over the last several years are likely to continue and perhaps to worsen. I think what makes governance issues particularly difficult to address is the weak legitimacy of the government, on the one hand, and disagreement among the elite, on the other.

By weak legitimacy, I mean at least that there's, I think, a fairly widespread cynicism that has emerged from a variety of these protests, whether they're suppressed or whether they're bought off or some combination. You may jail the leaders and buy off the followers, whatever the methods. This leads to a cynicism because part of protest becomes a game, you know, as the saying "big protest, big solution; little protest, little solution; no protest, no solution."

This breeds a cynicism that, I think, could lead to the weakening of the regime over time. Obviously, there has for a long time been an absence of belief in Marxism-Leninism. There is a belief among some in the leadership of the Chinese Communist Party in the the so-called "China model," but if the economy stumbles, which is one of the questions that you've raised, then I think that that form of legitimacy will also begin to wither.

You have a sense in many quarters that the system is arbitrary and unfair, and again that breeds if not direct challenge, it undermines legitimacy. I'll leave it at that.

I think you have also seen some really telling disagreement among the elite in recent years. Obviously, the Bo Xilai case is behind us now for a year, but it's really, I think, one of the most telling cases in recent years because this is a person who simply did not accept the decision that the Party had made and challenged that decision.

We don't know a lot of the details. There's tremendous amount of speculation, but I think it is speculation. It is pretty clear that there was a challenge, and it was suppressed, and we have not seen a high-level, in this case, Politburo member challenging the collective decision of the Party, at least I think since the Cultural Revolution days.

Whether this is prelude to further challenge, we don't know. The Zhou Yongkang case, again, we don't know the details. He seems to have collaborated with Bo Xilai, but this is a major challenge. There seems to be a lot of factional infighting that is going on now, and no time to go into now, but there's disagreement over the evaluation of the role of Mao Zedong. This is getting to the basics of the system.

I think Xi Jinping has been trying to address some of these issues. We've seen a centralization of power. The emphasis on the "China dream" as some sort of an ideal that can move, in some ways, past Marxism-Leninism to something that hopefully all Chinese can agree on.

We've seen a really rather sustained and serious campaign against corruption, and there are many questions that we could ask about that. And the emphasis on nationalism, which is not exactly new, but it has been taken to a new height.

And I would suggest that the reemphasis on victimization is really extraordinary. If you have a chance to go to Beijing, I do recommend that you go to the Road to Renaissance exhibit in the National History Museum, which Xi Jinping took his Politburo Standing Committee colleagues to in his first public appearance after the 18th Party Congress, and you will find that all the problems that China has faced in the last 150 years were caused by foreigners.

You know, it's a somewhat one-sided telling of history, but it raises the question of why a country that has in some ways been so successful, the second-largest economy in the world, doesn't relax and say we're no longer a victim, we've worked through the victimization, and we can deal with that, and be a normal country.

At any case, I think that some of these domestic issues are reflected in foreign policy. We don't have time to go into that this morning, but, in any case, I think going forward, and I'll be very brief, you have some major challenges to the Chinese economic, social and political systems, including an economic slowdown.

I know from Washington's perspective, 7.5 percent growth sounds absolutely wonderful, but if you were at 11 percent, it's a 25 percent slowdown. And that raises questions about revenue, employment, all those sorts of things. Labor is getting expensive. You no longer can hire Chinese workers as cheaply as before, and I think that foreign enterprises are running into that problem; Chinese enterprises are running into that problem. Chinese labor is no longer cheap.

The workforce is actually beginning to shrink, and after about 2020, which--it's kind of weird to think that that's not very far away, but it's not very far away--this labor force is really going to begin to shrink significantly, which suggests that it will become much more expensive.

You have an aging population. China is aging much faster than the United States, and as unprepared as we are to deal with those issues, China is less prepared. They do not have the resources. The common saying is that China will grow old before it grows rich, and they will have tremendous problems in that area.

And, as I think it was Commissioner Bartholomew mentioned, the environmental challenges are extraordinary. We just saw a major protest in Hangzhou, which is one of the better governed cities in China, over an incinerator that the population did not want to have built. I think this consciousness of the environment, which has been brought home to so many millions of Chinese by the air quality in Beijing, Shanghai and throughout north China, is extraordinary.

So I think that we're at a critical point, and the next ten years are going to be quite decisive to see how China evolves in the future, and I know I've exceeded my time and beg the forgiveness of the Commissioners.

Thank you.

**PREPARED STATEMENT OF DR. JOSEPH FEWSMITH
PROFESSOR OF INTERNATIONAL RELATIONS AND POLITICAL SCIENCE, BOSTON
UNIVERSITY**

Recent Trends in China

**Testimony before the U.S.-China Economic and Security Review Commission for the
hearing on “Stability in China: Lessons from Tiananmen and Implications for the United
States”**

May 15, 2014

By: Joseph Fewsmith, Boston University

There have been several trends in China over recent years that seem important when thinking about the evolution of its political system, both in the past and in the future. The first of these trends is the turn away from “local innovation,” popular participation, and experiments with township elections, as modest as those experiments were. These experiments, which started in the mid- to late-1990s, were a response to growing problems of governance at the local level. Those problems came out of the fiscal crisis of the local state.

Throughout the decentralizing reforms of the 1980s, China’s central revenues began to decline as a percentage of GDP and as a percentage of all government revenue. In 1995 central revenue had declined to a low of only 10.8 percent of all government revenues, causing some to fear that China would break up like Yugoslavia. Others talked about the emergence of the “feudal lord economy” – local areas that controlled their economies and were increasingly independent of Beijing.

It was in response to such problems that then premier Zhu Rongji engineered the tax reform of 1994. This tax reform was remarkably successful in re-centralizing the fiscal system, and central government revenues as a percent of GDP have risen steadily ever since. Because the deal was struck between the central government and the various provincial governments, it was the local governments, particularly those in predominantly agricultural areas, that bore the brunt of this recentralization. But local cadres were still expected to lead economic development in their areas. Short on revenue, they resorted to over-taxing the local peasants. Although central policy limited the agricultural tax to 5%, local governments frequently collected 30-40% of income. No wonder peasant discontent rose precipitously.

In 1993 there were, according to official figures, 8,700 “mass incidents,” generally understood to mean more than five people demonstrating against or assaulting the local government. By 2005, there were some 87,000, ten times as many. For the first time, the Chinese government was confronted with a wide-ranging, albeit low intensity governance crisis.

There are three points that should be recognized:

First, the cadre management system, which weighs heavily economic development in evaluating personnel, implicitly encouraged local cadres to over tax peasants.

Second, the personal interests of local cadres often reinforced the structural incentives of the cadre management system. That is to say, the central government pushes cadres to develop the local economy but is often not overly concerned about how it is done. If local cadres pocket some of the proceeds from local taxation, that seems to be fine as long as development objectives are reached. This would be particularly true after the agricultural tax was abolished and local governments financed themselves by the requisitioning and sale of land. In other words, the incentive structure faced by local cadres put their interests in opposition to those of the people they were allegedly serving.

Third, these incidents were generally isolated because what happened in one village or township was generally of no concern to the next village or township – and the weight of the state could be directly harshly against those who sought to build horizontal linkages between areas. Thus, mass incidents were widespread, but isolated.

Over time, however, the number of serious mass incidents grew. By serious mass incident, I mean the number of people participating and the level of violence. One of the remarkable features of mass incidents over time was the number of people who had absolutely no relation to whatever had set the incident off who nevertheless participated. The prototypical incident was perhaps the Wanzhou incident in 2006. A porter carrying goods hit an expensive car in a crowded street. The angry driver got out and said, ‘Do you know who I am?! I am from the State Council....’ It turned out that he was not from the State Council, but hearing that he was a crowd swelled until it reached over 10,000. Similarly, but more violently, in Weng’an, Guizhou a crowd of 10,000 or more, angry over the death of a girl, clashed with police and eventually set the police department and government building on fire.

Confronted with widespread, if still not threatening discontent, the Chinese Communist Party adopted revised Regulations on the Promotion of Leading Cadres in 1995. The intent of these regulations was not to democratize China but rather to open up the selection of local cadres. At the time, local cadres were often selected by a very small group of people, a practice that contributed to the development of local political machines, to corruption, and to a lessening of higher-level control. The new regulations called for candidates for promotion to be considered by a wider group of cadres, often including the leading cadres of townships as well as the party committee at the county level.

It was under such a reformed system that in some areas, most particularly Sichuan, began experimenting with limited township elections. It is important to note that in no place was this a direct response to pressure from below, rather it was a central government initiative to deal with a cadre system that was becoming too ingrained, too corrupt, and too unresponsive, both to local and central demands.

Elections differed from place to place. Some were for party secretary, some for township head, but most were for lesser positions such as section head. One of the most interesting of these experiments occurred in Pingchang county, in northwest Sichuan. As of 2005, Pingchang had a population of 970,000 people, 83 percent of whom were involved in agriculture. Nearly a quarter of the population – some 192,318 people lived below the poverty line of 930 yuan per year, and of these 110,021 people lived below the absolute poverty line of 655 yuan per year. Like many rural communities, Pingchang was administratively bloated, in part because it was divided into too many villages and townships. It was an area in which there were many public protests.

Reform started by merging many villages and townships, eliminating many cadre jobs. Altogether, government restructuring eliminated the jobs of 68 township leaders (*yibashou*), 232 deputy township

leaders, and over 3,000 others.

One way of deciding who would retain his job as party secretary was to have an election. In late 2003, the local party secretary decided to hold elections in one-third of the townships in Pingchang county. The model that he followed was called “public recommendation and direct election.” Under this model, candidates would be voted on by all party members in that area.

Although this was the most democratic election yet held in China and was widely praised by the reformist press, it soon ran into difficulties. On the one hand, party cadres ousted from their positions were unhappy, and these are among the most articulate and well-connected people at the local level. In other words, they could effectively lodge complaints against the local party secretary. On the other hand, that party secretary soon developed a personal conflict with his superior, the party secretary of Bazhong city.

Soon the Pingchang county party secretary was being investigated for corruption. Although nothing was found, he was soon ousted from his position. And the elections were not repeated.

The Pingchang case raises many issues, including that those elected by local constituencies can become accountable to those constituencies rather than to their superiors – and that conflicts with the cadre management system. So by the early to mid-2000’s we stop hearing about township elections; they were not held when the terms in office ended in 2011.

So China turned away from a route that appeared to provide a path toward a soft political landing.

Everything that we have seen coming out of the Third Plenum of the 18th Central Committee suggests an effort to recentralize the political system.

Second, I think we have seen a parallel trend at the elite level, particularly since Xi Jinping has come to power. I refer particularly to the turn against the pluralization of discourse. This is not new – the CCP has never approved of pluralism in any form – but it comes at a time when Chinese society has really become quite diversified. And it has come hard. Many of you recall that not long after Xi Jinping raised the slogan of a “China Dream,” *Southern Weekend* wrote a New Year’s editorial called, “My China Dream is Constitutional Government.” This article was quickly rewritten by the local Propaganda authorities before it could be published, prompting a strike by some of the reporters at *Southern Weekend*. The more important outcome was the issuance of “Document No. 9” on March 22, 2013. This document was quickly summarized as the “seven things that are not to be spoken of.” Pretty soon the conservative press began criticizing the idea of “constitutional government,” although liberals defended themselves rather effectively on the Internet. How one can still tout the “rule of law,” as the government does, but campaign against “constitutional government” eludes me.

This incident highlighted a major concern in contemporary China, namely that public opinion was sharply divided and that there were clearly officials that sympathized with both sides, suggesting a polarization and politicalization of discourse. The “middle ground” was difficult to find.

One of the other topics not to be discussed was “historical nihilism” (*lishixuwu zhuiyi*). This is an expression that does not resonate with most Americans. What it means in practice is that Mao Zedong and the party in general are not to be criticized. The point is that criticism of Mao would sooner or later turn to criticism of Deng and others, and soon the system would collapse, just as the criticism of

Stalin had led to the criticism of Lenin and ultimately to the collapse of the Soviet system.

Over the last year or so, this issue has taken the form of the “two can’t be negateds” (*liangge buneng fouding*). That is to say, there are two thirty year periods in the PRC, and one should not criticize the 30 years of reform and opening by glorifying the (approximately) 30 years of Mao Zedong’s rule, just as one should not use the achievements of reform and opening to criticize the Maoist period. Again, one senses the polarization of opinion within the party and the fragility of legitimacy.

Third, let me say a few words about the turn toward stronger leadership. I think the big surprise that came out of the 18th Party Congress was how strong Xi Jinping would be as a leader. One assumed that there would be a period of years before he could really take the reins of power, but in fact he moved very quickly to do so. He has been putting his personal stamp on everything from the first day he was announced as the new general secretary of the CCP and talked about the “China Dream.”

Since then, he has presided over the drafting of Document No. 9, the discussion on the two 30 year periods, the drafting of the Third Plenum Document, the campaign against corruption, and taken charge of foreign policy. He has also been named chair of the newly established “State Security Commission” and the “Leadership Small Group for the Comprehensive Deepening of Reform.” After many years of blandness, we now have a Chinese leader with real personality, with ideas on what to do, and a real will to accomplish things. We may not yet know where he is going, but we are dealing with a new kind of leadership.

Precisely how Xi has been able to grasp the reins of power so quickly and so completely is not clear, but it must help that he has been able to go after Bo Xilai, his apparent rival for power, and seems certain to prosecute Zhou Yongkang and apparently several military leaders. It seems clear that he works closely with several others, but the mechanisms of power are not clear.

Finally, I want to say a few words about Chinese foreign policy, particularly on the way in which domestic politics relates to foreign policy. We know that China faces a long list of domestic problems, and we have generally come to accept the notion that domestic issues should top the agenda and lead China to be cautious in foreign policy. But China seems more assertive, not less, in recent years. What is going on? I would hazard a few guesses, but first I would say Chinese foreign policy is not as adventurous as some seem to think it is. Behind some of the language that has been used, China remains fairly cautious; it certainly is not looking for armed conflict.

Second, at least to some extent, I think that the “echo chamber of nationalism” that Susan Shirk described so well has come into being. China is reaping years of nationalistic rhetoric, especially with regard to Japan. That rhetoric has built up deep reserves of resentment, even hatred, that are difficult to reverse, even if the leadership wanted to. Unfortunately, I don’t think the leadership wants to. Rather I think the leadership would rather play to nationalistic sentiment to establish its own nationalistic credentials. To some extent this is playing to nationalistic feelings in the military, but it is broader than that. Unfortunately this tendency can be dangerous.

Third, at least to some extent, I think that nationalistic rhetoric is useful in centralizing authority and in diverting attention from real domestic problems. For instance, I think it is easier to carry out a campaign against corruption – particularly in the military – if it is in the context of strengthening the nation against foreign threats. Who can be against arresting corrupt officials whose corruption weakens China?

Finally, I think China’s sharper stance in foreign policy simply reflects China’s growing power, particularly in the wake of the global financial crisis. Of course, the financial crisis was a double gift

to China. On the one hand, it inflicted real pain on the US economy while on the other hand it seemed to bolster the claims of the so-called “China model.”

Conclusion

I think we need to be very careful about drawing sweeping conclusions from the trends discussed above. First, as some argue, some of the centralizing trends we have seen may well serve as prelude to a new wave of reform. This is much easier to imagine in the economic area than in the political arena, but it must be noted that marketizing reforms will inevitably create pressures for political reform.

Second, China faces enormous difficulties moving forward. I’ve focused on some of the problems in governance above, but China also faces the pressures that will come from a slowing economy, a more expensive labor force, and an ageing population, among other things. We do not know how much China’s economy will slow, but it has already slowed to about 7.5% per year, about a 25% drop in the growth rate. So the days of 9-10 percent growth per annum are over, and even though 7.5% is still a healthy growth rate, it will raise new issues. In the past, it has been too easy to throw money at problems; in the future there will be greater contestation over the use of funds.

In addition, with the rapid increase in wages, China’s growth model will have to begin to change. The export economy is likely to become less important, and some labor intensive industries are likely to move to other countries. At the same time, the size of China’s labor force is already beginning to shrink, and it will begin to shrink more quickly around 2020. That means that the “demographic dividend” that China has enjoyed for the past three decades is drying up as the work force ages.

So the picture China presents today is extremely complex. On the one hand, the country has turned away from some of the local innovations that seemed to hold promise for political change and the country has become more nationalistic and assertive. On the other hand, the country faces issues that seem to demand greater transparency, greater participation, and more services. How the country will adopt to these complex choices over the next decade will be critical.

**OPENING STATEMENT OF MR. XIAO QIANG
ADJUNCT PROFESSOR AT THE UNIVERSITY OF CALIFORNIA-BERKELEY, FOUNDER
AND EDITOR OF CHINA DIGITAL TIMES**

MR. XIAO: Good morning, Commissioner Wortzel and Commissioner Bartholomew and distinguished Commission members.

It is very special for me to be here at the 25th anniversary of Tiananmen. To me personally it was also a significant time. I didn't put this in the written testimony, but I'll start from saying 25 years, almost 25 years ago, in June 1989, I was standing on the street of Beijing and looked at the soldiers at a cross-section with their loaded guns and helmets, and most interestingly at that time to me, it was a very hot day, they wore white gloves. They looked awesome and fierce.

But many years later, I always remember why white gloves? They created the image of fear with the gun, with the loaded gun, to drive that into people's minds, and that was what they were trying to achieve, and the way they did.

So 25 years later, one of the biggest transformations in Chinese society is the growth of the Internet, we all know. And now I observe China from afar, but in cyberspace, it's not that far. I live and breathe with the Chinese bloggers, millions of them, every second.

And from my research and observation, and today I want to say a few things about fear and anger of the Chinese cyberspace. Two years ago, a study conducted by Professor Gary King at Harvard University found that online Chinese censors delete calls for collective actions but not simple criticism.

My observations actually differ somewhat from the research mentioned before. Rather, they complement King's study. The censors, yes, Chinese censors absolutely do the utmost to prevent collective action. However, they also work very hard to suppress other types of information from spreading online.

I'll give you a few examples: like unfavorable information about high level leaders and their families; like fundamental doubts and direct challenges to the legitimacy of the political system; like divulgence of inner workings of China's power system, such as police, military and censorship system itself; like symbolic figures of resistance, as well as people or organizations involved in opposition, such as Liu Xiaobo and a movement like Falun Gong. Also, major historical events, such as Mao Zedong's rule, Cultural Revolution, Great Leap Forward and ensuing Great Famine, and protests and crackdown in 1989, et cetera.

These are all in the category of absolutely delete. But on the Internet, you never have absolute control, and at the most, you can have effective control. And that effective control in China today is also questionable, and that's what I'm going to talk about, about the fear and the anger, because the massive intrusive censorship also generated massive resentment among the Chinese netizens.

The keyword filtering, post deletion, closing user accounts, and real name registration policies have not been able to fully control online political discussion and political public opinion. In fact, censorship often fuels netizens' determination to discuss sensitive topics. Censorship makes netizens angry but not afraid, and without fear, they will not only continue to talk about the forbidden and formulate narratives outside of official framework.

So the Chinese government is now resorting to offline measures, cracking down on influential online opinion leaders in order to intimidate millions of ordinary people. The authorities have arrested prominent Internet commentators and digital activists, publicly humiliated them through the forced confessions on national television, and that will create a chilling effect, which they did.

But despite that, I still watched the growing resentment continue among the netizens and general public. As I follow the Chinese social media, it has become clear to me that more and more netizens are less intimidated by repressive measures. The official media and government are losing their credibility and legitimacy in this process.

I draw my conclusion from rapidly growing number and frequency of deleted Weibo posts on forbidden topics, and still significant number of remaining posts which essentially express the same point, documented by my research group at School of Information at UC-Berkeley, and these observations are also being supported by equally fast-growing traffic of China's Internet users to use circumvention tools to access blocked Web sites outside of the Great Firewall, including my own China Digital Times.

The previous speaker already mentioned the social unrest that is all over the place in China, and one of the reasons is the credibility and the trust of the government is getting historically low. People simply don't trust what the government tells them, and therefore the Internet and other mobile phone technologies enable them to go for those leaderless protests.

But today I want to give one example, and I'll finish my talk. This example is Pu Zhiqiang. He himself is a human rights lawyer in China, most prominent, but here are several facts about him. One, he was one of the protesters in Tiananmen Square and, second, he has been in national magazines on the cover page several times, in China, for his human rights and constitutional lawyer role, as Man of the Year 2013 of the rule of law in China. He's a nationally known figure, and in his introduction in the magazine, it didn't even hide his history of Tiananmen. It said he came from '80s, and now he is walking his talk on his ideals.

So this is different than those dissidents who never showed on the national media. This one is embodied in that message, and now he's being detained and under arrest for his involvement in the commemoration of Tiananmen 25 years ago. Yes, government is trying to create fear, but did that creation of fear work?

I'll give you another example. We all know movie star Zhang Ziyi, who is China's biggest movie star, and how rare, but how significant, on May 6, the second day of Pu Zhiqiang being arrested, Zhang Ziyi posted a Weibo post to her 20 million followers and recommended a South Korean movie called "Attorney," a story inspired by the life of former South Korean President Roh Moo-hyun, who was elected president later on in the democratic Korea, South Korea, in 2003, who turned from a tax lawyer to a human rights lawyer, and this is what Zhang Ziyi wrote:

"The Attorney," a lawyer, who pursued democracy, rule of law and justice, fights for the truth and deeply inspires.

And that post had over 16,000 reposts on Sina Weibo, holding there today and were all directly or personally supporting Pu Zhiqiang's message.

And this is a prime example, and there's many of those online today, that the government

didn't achieve what it probably hoped to achieve, which is suppress the public discussion and collective memory of the 25th year of the Tiananmen. This made it even more prominent even though censorship was working, but it's no more that effective to erase that memory from people's minds. So for that reason, let me just say that by detaining Pu Zhiqiang and his fellow public intellectuals, the Chinese government has essentially made Pu's case and urged the netizens to discuss Pu and the Tiananmen pro-democracy movement.

It is the ruler of law who lives in fear today. So 25 years after Tiananmen, I think the event is still unfolding, and where China will go and where China will be and its relations with the world and with the United States has everything to do with how the story will eventually end, and I actually have no doubt what the end will be.

Thank you.

**PREPARED STATEMENT OF MR. XIAO QIANG
ADJUNCT PROFESSOR AT THE UNIVERSITY OF CALIFORNIA-BERKELEY, FOUNDER
AND EDITOR OF CHINA DIGITAL TIMES**

Fear and Anger on the Chinese Internet: The Struggle Between Censors and Netizens

Written Presentation by XIAO Qiang; Adjunct Professor, School of Information, University of California, Berkeley; Founder and Chief Editor, China Digital Times

Before the U.S.-China Economic and Security Review Commission

Hearing: Stability in China: Lessons from Tiananmen and Implications for the United States Thursday, May 15, 2014

Commissioner Dr. Larry M. Wortzel, Commissioner Carolyn Bartholomew, and Distinguished Commission Members,

My name is XIAO Qiang. I am the founder and editor-in-chief of China Digital Times, and an adjunct professor at the School of Information at the University of California, Berkeley. Founded in fall 2004, China Digital Times is an independent, bilingual media organization that brings uncensored news and online voices from China to the world. My research at the School of Information also focuses on revealing the hidden mechanisms of state censorship, mapping online political discourse and developing counter-censorship technologies to expand the free flow of information in China and global cyberspace. It is an honor to be among my distinguished fellow panelists, in front of this important commission.

It has been almost 25 years since the Tiananmen Massacre. China and the world have changed enormously since then. Over the past 25 years, one of the biggest transformations in Chinese society has been the dramatic growth of the Internet. The rise of online platforms has given Chinese “netizens” (in Chinese, *wangmin*) an unprecedented capacity for self-publishing and communication within a heavily censored environment. The instantaneous, interactive, and relatively low-risk nature of blogging has empowered netizens to voice political opinion, form social connections, and coordinate online (and sometimes offline) collective action.

The Chinese leaders views the Internet as vital to economic and technological development, but they are fearful that free speech, combined with the free flow of information, could destroy both their political legitimacy and control over society. Since the beginning of the Internet entered China, the government has also been expending significant resources to maintain control over both Internet content and public access to that content. These efforts have escalated since President Xi Jinping took office in the fall of 2012, and since he established the Central Internet Security and Informatization Leading Group in 2014.

My research and practice in the Internet freedom domain have allowed me to closely observe and document the interplay between censorship and resistance in Chinese social media. I believe this approach provides an unique lens to understand the contradictions in Chinese society today, and the possibilities for tomorrow.

In 2012, a study conducted by Professor Gary King at Harvard University found that online Chinese

censors delete calls for collective action, but not simple criticism. My observations differ somewhat from the research mentioned above—or rather, they complement King’s study. The censors absolutely do their utmost to prevent collective action. However, judging from the content of many propaganda directives and deleted posts, China’s censorship system also works hard to suppress the following types of information from spreading online:

1. Unfavorable information about high-level leaders and their families.
2. Fundamental doubt and direct challenges to the legitimacy of the political system.
3. Divulgence of the inner workings of China’s power system, including the police and military, as well as the censorship system itself.
4. Symbolic figures of resistance, as well as people and organizations involved in opposition. Names such as Liu Xiaobo and movements such as Falun Gong fall under this category.
5. Media and citizen journalists’ reports that are out of sync with the Chinese Communist Party (CPP) and the Central Propaganda Department, such as elections in Taiwan and Hong Kong, and the Arab Spring.
6. Major historical events, such as Mao Zedong’s rule, the Cultural Revolution, the Great Leap Forward and ensuing Great Famine, and the protests and crackdown of 1989.

In past three years, China Digital Times has collected over 2600 leaked censorship instructions, issued from 2004 to 2014. We also track censored content, using tools such as FreeWeibo’s archive of deleted Weibo posts. We have detected, documented, and published over 2400 keywords banned from Sina Weibo search results. Among these keywords are 155 words on the subject of the Tiananmen Massacre. It is the single most banned topic on the Chinese Internet. These blocked keywords not only show how the government makes an enormous effort to suppress the collective memory of this historical event, but also indicates how Chinese netizens insist on discussing it.

The government’s pervasive and intrusive censorship system has generated massive resentment among Chinese netizens. This is true especially since the advent of Weibo and WeChat over the past five years. These two major social media platforms have become a part of now China’s 618 million Internet users’ daily life. The rapid growth of the population of mobile Internet users, which surpassed 494 million in January, has also had an impact on resistance to the official narrative. Keyword filtering, post deletion, closing user accounts, and real name registration policies have not been able to fully control online political discussion and public opinion. In fact, censorship often fuels netizens’ determination to discuss sensitive topics. Censorship makes netizens angry, but not afraid, and without fear, they will only continue to talk about the forbidden.

The Chinese government is now resorting to offline measures, cracking down on digital activists and influential online opinion leaders in order to intimidate millions of ordinary people. The authorities have arrested prominent Internet commentators and publicly humiliated them through forced confessions on national television. Targets have included the American citizen Charles Xue, who was detained in Beijing last year under the charge of “prostitution,” and Chinese journalist Gao Yu, who was recently charged with “leaking state secrets.” The Chinese authorities hope to create a chilling effect, forcing netizens to self-censor.

Despite the authorities' fear-inducing tactics, resentment of censorship continues to grow among netizens and the general public. As I have followed Chinese social media, it has become clear to me that more and more netizens are less intimidated by repressive measures. The official media and the government are losing their credibility and legitimacy in this process. I draw my conclusion from the growing number and frequency of deleted Weibo posts on forbidden topics, and from the rapidly growing number of Chinese Internet users using circumvention tools to access blocked websites outside the Great Firewall, including China Digital Times.

For example, local and central authorities have been trying for years to quiet protest against the construction of plants processing paraxylene (PX), a chemical used in plastics manufacture. In 2007, online resistance to a PX plant in Xiamen spawned new language, as netizens called for people to "take a walk," a euphemism for street protest. Not trusting government assurances about the safety of PX plants, people have been "taking walks" against their construction all over China, most recently in Maoming, Guangdong this April.

There has been much of this "leaderless" collective action in Chinese society lately. But there is also another online phenomenon: public figures as icons of democracy and freedom, emerging from the dynamic interplay of censorship and resistance.

One of China's most prominent free speech and human rights lawyers is now in police custody. On May 3, Pu Zhiqiang and 14 other activists, scholars, and writers gathered for a seminar about the Tiananmen Massacre. Pu and at least four others have been accused of "creating a disturbance," a crime under Chinese law.

Pu Zhiqiang, himself a student protester in 1989, has defended several high-profile free speech and civil rights cases in recent years, including artist Ai Weiwei and activist Tan Zuoren. Just this past December, the mainland magazine *Chinese Newsweek* named him the "rule of law person of the year" for 2013. His willingness to take on politically sensitive cases, his outspoken nature, and his national fame have earned him the respect of many in the Internet generation.

Chinese netizens are now speaking out against Pu's detention under the heavy censorship. For example, Weibo users are resorting to film references to show their support for him. On May 6, actress and model Zhang Ziyi recommended on Weibo that her 20 million followers watch the 2013 South Korean film *The Attorney*, a story inspired by the life of former South Korean president Roh Moo-hyun. Prior to being elected president of recently democratized South Korea in 2003, Roh was a tax lawyer who, after defending student protesters, became a human rights lawyer. Without mentioning Pu Zhiqiang, Zhang Ziyi implicitly praised him by comparing him to the lawyer in the film.

Another Internet celebrity has also chimed in to support Pu Zhiqiang. Zhou Zhixing, the editor-in-chief of two major journals read by China's power elites, posted on the following to Weibo on May 12:

Joining the Party used to be sacred, but it has been made profane; going to school used to be joyful, but has been made somber; going to prison used to be miserable, but has been made glorious. "It's not that I don't understand / it's just that this world

changes quickly.”

(The last sentence is a lyric by Cui Jian, China’s first rock and roll icon, who rose to fame during the 1989 student protests.)

Despite the massive deletion of online messages of support for Pu Zhiqiang, both Zhang Ziyi and Zhou Zhixing’s posts are still prominently displayed on Weibo, with tens of thousands of comments left untouched. This is a prime example of the Chinese Internet and Chinese society today: people have gradually lost their fear of, and reverence for, state power. Zhou voices an increasingly common feeling that those who are sent to prison for championing democracy and human rights are “good people” and that they are suffering for the better of the nation. It is the state, which has put these people in prison, that is on the wrong side of history. The psychological foundation of freedom from fear is being formed.

Through my work observing Chinese Internet censorship and public opinion, I have seen a clear downward trend in the credibility of official media, trust in the government, and the ideological legitimacy of the CCP’s rule. Meanwhile, resentment of censorship has built. The connection facilitated by the Internet gives netizens a sense of “togetherness” and makes them less fearful of speaking the truth. Since online censorship has not stopped people from speaking, the Chinese government must rely on harsher crackdowns in the offline world to intimidate the public and create fear.

Over the past decade, Pu Zhiqiang has worked on human rights and constitutional rights cases. He has chosen to stand with those who suffer under the current system, and to lend his voice to those who are voiceless in Chinese society. He has also confronted his persecutors, and brilliantly tapped into the power of the Internet and media. By doing so, he has become the country’s most well-known human rights lawyer and a living symbol of ideals of the 1989 Tiananmen protest. By detaining him and his fellow public intellectuals, the Chinese government has essentially made Pu’s case and urged netizens to discuss Pu and the Tiananmen pro-democracy movement.

Congress should urge President Obama to press the Chinese government to release Pu Zhiqiang, Liu Xiaobo, and other political prisoners in China. It should also stay firm in its message of human rights and democracy while engaging with China in economic and other areas, and while providing greater support to expand Internet freedom in China and around the globe.

**OPENING STATEMENT OF DR. STEPHEN HESS
ASSISTANT PROFESSOR OF POLITICAL SCIENCE, COLLEGE OF PUBLIC AND
INTERNATIONAL AFFAIRS AT THE UNIVERSITY OF BRIDGEPORT**

DR. HESS: All right. Members of the Commission, good morning and thank you for the opportunity to speak at this hearing.

As we arrive at the 25th anniversary of the 1989 Tiananmen protests, social unrest and its threat to political stability factors strongly into Beijing's decision-making over domestic and foreign policies, and will almost certainly impact China's prospects for national development for years to come.

As such, this testimony will address the following issues: the social, economic, and political drivers of unrest before and after 1989; the patterns of popular contention in contemporary China; the state as a shaper of popular contention; and implications for the United States.

Upon the initiation of the reform and opening up policy in the late 1970s, the PRC incrementally relaxed control over the planned economy, unleashing market forces that have brought rapid economic growth and dynamic change to Chinese society.

Growth, however, has come with consequences. The transition towards a market economy has resulted in uncertain job prospects, rising inflation, a widening gap between rich and poor, and growing corruption within the ranks of the Party.

Following the death of Hu Yaobang in 1989, these public concerns boiled to the surface when students gathered at Tiananmen Square. Since 1989, many of the social, economic, and political drivers of unrest from the late 1980s have persisted to the present day, inspiring tens of thousands of localized protests each year, and highlighting the continual threat of social instability.

These localized or, as I called them, parochial protests are framed around material and issue-specific grievances. They lack broad and coordinated coalitions of social actors and primarily target local authorities. Since the early 1990s, China has seen urban state-owned enterprise workers and rural villagers emerge as the leading force behind parochial protests.

And since the mid-2000s and the deepening of reform, new protest actors have emerged: migrant workers in foreign direct investment firms; white collar workers; and students. These new groups are motivated by a range of grievances, including cadre corruption, excessive taxation and fees, land seizures, pollution, and irregularities in local elections.

Thus, social unrest in China has continued to persist but no national protest movement has yet emerged. In many respects, this has confounded the initial expectations of scholarship in the wake of the Tiananmen incident when China's unreformed single-party political system seemed unlikely to meet the demands and aspirations of a dynamic and rapidly changing society.

However, beneath the surface of Party rule, China's political order has evolved, transforming the opportunities available to popular challengers and thus providing political space for limited parochial forms of unrest while inhibiting the development of national regime-threatening forms of political contention.

One key impediment to the development of national movements has been the growing decentralization of the Chinese state. Over the last 30 years, Beijing has delegated a growing share of resources and decision-making power to sub-national authorities at the local and provincial levels.

From 1995 to 1998, 54.8 percent of all government expenditures in China occurred at the subnational level, compared to an average of 17.8 percent among all non-democracies.

Local officials have been granted a great deal of latitude in making decisions over how to apply repression or concessions to deal with local outbreaks of social unrest. An estimated 80 percent of incidents of large-scale unrest from '95 to 2006 were resolved entirely at the subnational level.

Of course, local officials are continually under pressure from higher-ranking authorities who may intervene from above if the unrest cannot be effectively contained. Because they can win concessions by challenging local officials, particularly if they draw the attention of high-ranking officials or the media, citizens are motivated to carry out large-scale and illegal collective actions when they enter intractable conflicts with the state.

Such protests are oriented against local officials and make appeals to higher-ranking officials and central directives, thus pressuring local officials while reaffirming the CCP and the political system itself.

To the present, China has maintained the veneer of political stability in the face of rising unrest. However, we must not presume that Beijing's assertiveness in its foreign relations in recent years is simply the result of growing confidence. Rather it is the weaknesses and fragility of China's existing political order, specifically the fear of domestic unrest coordinated on a national level, that most fundamentally shapes the outlook of its leadership, and the most likely source for transforming these very frequent parochial protests into larger movements is anti-foreign nationalism.

Recent examples of this have included the 1997 bombing of the Chinese Embassy in Belgrade, Western criticism of China during the 2008 Tibetan riots, and disputes with Japan over the Diaoyu/Senkaku islands in 2012.

Such protests are particularly threatening to the political order as they can emerge quickly in the midst of a national crisis, are inclusive of diverse social groups, and threaten the government's legitimacy if it fails to defend the nation's honor.

As a result, once large-scale nationalist protests emerge, China's leadership may take more aggressive actions than it would under normal conditions. As such, we must take care to engage China, particularly on its core interests, in a manner that balances concerns with the country's strength with concerns about its fundamental weaknesses and fragility.

Moreover, we should emphasize the constructive engagement of both China's high-ranking officials and the mass public itself. This involves expanding educational and cultural linkages between the United States and China and streamlining and expanding the opportunities available to Chinese nationals seeking to study work or travel in the United States.

These efforts provide meaningful opportunities for mutual understanding between Chinese and American citizens and can help balance against the risk that disagreements

between the United States and China will expand into more serious conflicts.

Thank you.

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Testimony before the U.S.-China Economic and Security Review Commission
Hearing on Stability in China: Lessons from Tiananmen and Implications for the United States¹
May 15, 2014

Members of the Commission: Good morning and thank you for the opportunity to speak at this hearing to discuss the issue of stability in China.

As we approach the 25th anniversary of the 1989 Tiananmen protests, social unrest and its threat to political stability remain a central concern in the People's Republic of China (PRC). This trend is marked by the following recent developments: the rising number of mass incidents reported by China's Public Security Ministry, which have increased from 10,000 in 1994 to 90,000 in 2010; the frequent references to social stability in official statements by Presidents Jiang, Hu and Xi; and the efforts by the central leadership to develop an elaborate and well-funded nationwide stability maintenance system.² Social unrest is a consideration that factors strongly into Beijing's decision-making over domestic and foreign policies and will almost certainly impact China's prospects for national development for years to come. As such, this testimony will address the following issues:

1. The social, economic and political drivers of unrest before and after 1989
2. Patterns of popular contention in contemporary China
3. The state as a shaper of popular contention
4. Implications for the United States

Social, Economic and Political Drivers of Unrest

Upon the initiation of the Reform and Opening up Policy in the late 1970s and 80s, the People's Republic of China (PRC) incrementally relaxed control over the centrally planned economy, unleashing market forces that have brought rapid economic growth and dynamic change to Chinese society.

Growth, however, has come with consequences. The transition towards a market economy resulted in uncertain job prospects, rising inflation, a widening gap between the rich and poor, and growing corruption within the ranks of the Chinese Communist Party (CPC). Following the death of Hu Yaobang in 1989, these public concerns boiled to the surface when students gathered in Tiananmen Square to commemorate the reformist leader and voice their frustrations with the party. Their gathering soon expanded into a demonstration involving as many as one million

participants in Beijing, inspiring hundreds of supportive protests throughout the country, and generating calls for serious political reform. Drawing intense international criticism, the national leadership declared martial law and forcefully cracked down on the protestors, killing an unknown number, and purged the party leadership of reformist leaders such as Zhao Ziyang, deemed more sympathetic to the demands of the protesters.

Since 1989, China has not witnessed another nationwide protest on the scale of the Tiananmen protests. However, many of the social, economic and political drivers of unrest in the late 1980s have persisted to the present day, inspiring tens of thousands of localized protests each year and highlighting the continual threat of social instability. These primary factors include employment insecurity, inequality and official corruption.

Employment Insecurity

Since the initiation of market reform, Chinese leaders have incrementally deconstructed the Maoist era “iron rice bowl” – the guaranteed employment, benefits and pensions associated with employment in the planned economy. Particularly since “deepening of reform” in the 1990s, the “losers” of reform, including former SOE workers, pensioners, and rural farmers, have faced previously unknown levels of economic insecurity. Even those who have successfully found employment in growing sectors of the economy have discovered that these positions are often uncertain, casual positions and do not guarantee reliable, long term incomes or benefits. China’s labor market is poorly regulated, and employers have frequently laid off workers, cut or withheld wage with little prior notice, leading to tensions and unrest on many worksites.

Those without employment have faced the greatest struggles. While official figures in China have indicated that unemployment has remain at the low rate of 4.1%,³ household surveys indicate that actual unemployment is closer to 8%.⁴ Of particular concern to the party, unemployment has heavily impacted young workers between the age of 16 and 30. Moreover, job creation in recent years has not met the demands of a growing number of college graduates. The number of graduates unable to find work increased from 750,000 in 2003 to 2 million (or 32% of the total) in 2009.⁵ Economic hardship has been a central issue of many protests in recent years; and is particularly noteworthy when it impacts the educated youth – the same demographic who served as the foot soldiers of major protests at Tiananmen in 1989 and the Arab Spring uprisings of 2011 and 2012. In this vein, we should pay close attention to short- term fluctuations in China’s economic conditions. Research suggests that a sudden downward drop in economic activity – even after decades of positive growth – can lead to politically destabilizing explosions of social unrest.⁶

Inequality

Income distribution has become a source of social tension and a leading concern for officials in China.⁷ The country’s rising Gini coefficient from 0.30 in 1988 of 0.47 in 2013 indicates that socioeconomic inequality has widened dramatically during the deepening of economic reforms from the mid-1990s to early 2000s.⁸ At a time in which a record 1.1 million Chinese have become millionaires, many of the poorest citizens have experienced little improvement in their living standards.⁹ Meanwhile, a 2004 household survey revealed that 71.7% of Chinese respondents agreed with the assessment that in contemporary China, the “rich get richer, [while the] poor get

poorer.”¹⁰ Such widely held sentiments can serve as powerful drivers of unrest - even in a context of overall economic growth. Individuals who have seen rising incomes during the three decades of market reform can feel a sense of “relative deprivation” – perceiving that their living standards are actually declining as they observe others advancing faster and further than themselves. In present day China, expanding inequality has created a phenomenon in which not only the poorest segments of society but also the rising middle class perceive that wealth is not being distributed fairly.

Official Corruption

Corruption has also been a growing problem in China over the last thirty years. The 2013 Corruption Perceptions Index (CPI), ranked China 80th out of 175 countries in terms of perceived public sector corruption.¹¹ According to the Pew Forum, 78% of Chinese considered corrupt officials to be either a “very” or “moderately big” problem.¹² President Xi’s recent anti- corruption has been more extensive than initially anticipated, involving over 180,000 officials prosecuted or punished, including officers from both the military and police forces and some high-ranking national-level officials. However, the crackdown has mostly focused on lower ranking officials and factional rivals of the president, and the longer term effects of the campaign on party corruption have yet to be determined.¹³ Compounding the issue, citizens on social media have generated increase awareness of the problem, exposing local officials – such as Yang Dacai or “Brother Watch” – who have misused their offices to accumulate personal wealth. The popular perception that corruption is pervasive among party cadres has encouraged citizens to frame their grievances through a lens of injustice – their rights having been violated by a cadre of officials who do not play by their own rules. This has created conditions for spontaneous, often highly combustible expressions of public outrage in response incidents of official abuse.

Patterns of Popular Contention in Contemporary China

Following the crackdown at Tiananmen in 1989, popular contention has reemerged in a variety of forms in Chinese society, which can be categorized as the following: ethno-religious challengers, political dissidents, and parochial protests.

Ethno-Religious Challengers

Popular dissent involving ethnic or religious concerns is heavily repressed in China. Ethnic challenges are treated as threats to the territorial integrity of the state and granted little political space. State officials also view religious movements with large memberships and high levels of organization as threatening to social stability and the party’s grip on power. Consequently, even nonviolent demonstrations involving ethnically or religiously framed grievances face harsh crackdowns by the authorities.

The Dalai Lama, who advocates nonviolence and greater cultural and religious autonomy for Tibet, is described as a violent separatist in official statements and the media. Demonstrations by Tibetans are quickly and forcefully silenced by internal security forces – as occurred during a 2008 observance of Tibetan Uprising Day that then spiraled into violent ethnic rioting. Facing a growing influx of Han Chinese in Lhasa and other traditionally Tibetan communities and limited in their ability to otherwise voice their concerns, some Tibetans have resorted to extreme expressions of opposition to Chinese rule, marked by around 125 self-immolations from 2009 to the present.

The Uyghurs, a large Turkic Muslim minority concentrated in the northwest province of Xinjiang, have also struggled to find channels to voice their discontent. Like Tibetans, Uyghurs have seen a growing in-migration of Han Chinese into their traditional homeland and heavy restrictions on their ability to maintain their culture, religion and language. Lacking a prominent overseas leader with the notoriety and influence of the Dalai Lama, Uyghur resistance to Chinese rule has been more violent and less organized than Tibetan dissent. In 2009, news of the killing of two Uyghur migrant workers in toy factory in Guangdong spread via social media to Xinjiang, triggering violent ethnic clashes between Uyghur and Han residents that resulted in nearly 200 deaths, a yearlong Internet blackout in Xinjiang, and the deployment of a heavily military force throughout the region.¹⁴ In recent months, Uyghur separatists associated with the East Turkestan Islamic Movement have been connected to deadly attacks at Beijing's Tiananmen Square and railway stations in Kunming, Guilin, Urumqi and Guangzhou. In recent decades, Beijing's response to such terrorist attacks has been to couple ramped up development funds with "strike hard" campaigns that even further limit political expression within Xinjiang, often exacerbating existing ethnic tensions.

Officially, religious organizations are required to register with one of China's five recognized patriotic associations. In practice, the state has tolerated the growth of unofficial religious organizations, such as "house churches," which often operate in plain sight. However, such organizations operate under conditions of legal uncertainty and can face sudden crackdowns if they are deemed threatening to social stability. In 1999, Falun Dafa, a rapidly growing religious movement with millions of adherents staged a silent, 10,000 person strong demonstration on Tiananmen Square. The organizational capacity, popularity and pervasiveness of the movement within the CPC itself, prompted an expansive state crackdown involving mass arrests, torture and imprisonment in labor camps. As suggested by these cases, protest actors who frame their grievances in religious or ethnic terms are given little political space to operate and face heavy state repression.

Political Dissidents

The situation is different for China's political dissidents. The country has a long tradition of dissident intellectuals who have voiced challenges to those in power. In the last three decades, an educated group of scholars, teachers and students has raised sensitive and political issues - defending individual rights and advocating for political reform.¹⁵ These dissidents have preferred less confrontational tactics, writing open letters, taking legal actions and delivering public petitions to government offices.¹⁶ While they have supported causes that might have wider public appeal, such as workers' rights, dissident intellectuals have generally functioned in isolation from the more numerous and often more confrontational everyday resisters. Some dissidents, such as imprisoned 2010 Nobel Peace Prize recipient, Liu Xiaobo, and exiled legal activist, Chen Guangcheng, have received international notoriety but are largely unknown among regular Chinese citizens. While granted some freedom to voice their views, dissents operate under close official scrutiny, and face harassment, arrest and prosecution when they touch on controversial subjects or attract larger followings, such as occurred with Liu Xiaobo's arrest after his participation in the Charter 08 manifesto.

Parochial Protests

The most pervasive form of public dissent in China is everyday resistance, which can also be labeled as "parochial" or "localized" unrest. These actions are: framed around material and issue-

specific grievances, lack broad and coordinated coalitions of social actors who are based in diverse societal and economic sectors and geographic localities, and target particular local officials. These should be distinguished from “national protest movements” that are framed in general and inclusive terms that incorporate outside groups, coordinated across many previously unconnected sites and social actors, and united against a single unifying target, such as a national government or leader.¹⁷

In contemporary China, parochial protests are commonplace, whereas national protest movements have been absent. The participation of various social groups in parochial protests has waxed and waned over the last three decades. Since the early 1990s, China has seen urban SOE workers emerge as the leading force behind parochial protests. These workers have fought back against layoffs, reductions in compensation, pensions and other benefits, and abuse at the hands of corrupt managers. Second, urban residents have organized often highly confrontational protests against forced land seizures carried out by local governments and developers. Finally, rural villagers have carried out large numbers of protests against excessive taxation, land seizures and abuse by local officials.¹⁸ Since the mid-2000s, new protest actors have emerged: migrant workers in foreign-direct investment (FDI) firms, white-collar workers, and students. These new groups are motivated by a range of grievances: cadre corruption and malfeasance, excessive taxation and fees, illegal or undercompensated land seizures, environmental pollution, and irregularities in local elections.¹⁹

Critically, because China’s parochial protests are fragmented and uncoordinated on a national scale, officials can deal with them on a case-by-case basis, extending concessions or applying repression with little risk that they will expand geographically or to other social sectors. Were these parochial protests to achieve coordination across social and economic classes, they would present an existential threat to the survival of the regime.

The State as a Shaper of Popular Contention

As previously noted, since 1989, social unrest in China has continued to persist but no national protest movement has yet emerged. China has continued to maintain brisk economic growth as well as political stability. In many respects, this has confounded the initial expectations of scholarship in the wake of the Tiananmen incident, when China’s unreformed single-party political system seemed unlikely to meet the demands and aspirations of a dynamic and rapidly changing society. The regime had bought time by applying force against its own people but was unlikely to meet the needs of a dynamic, complex society or to survive long into the future.

However, beneath the surface of continued CPC rule, China’s political order *has* evolved, transforming the opportunities available to popular challengers, and thus providing political space for limited, parochial forms of unrest while inhibiting the development of national, regime-threatening forms of popular contention. These transformations have included the development of legal channels for voicing dissent, the reform and expansion of the internal security forces, the norm-bound process for cadre promotion and retirement, and the ongoing decentralization of the state apparatus.

Legal Channels

When in disputes with the state, citizens may use the courts to pursue legal actions or file

petitions to government officials and offices. Despite improvements to the courts in recent decades, aggrieved citizens nevertheless often lack the resources and knowhow needed to conduct lawsuits against the state. There is also little confidence in the impartiality and professionalism of the courts, limiting their ability to serve as vehicles for channeling public dissent.

The most commonly used method for voicing complaints from the 1950s to the present has been the presenting of petitions to officials. In 2005, over 600,000 petitions were presented to the central government, and over 13 million petitions were presented to complaint agencies at all levels of the government.²⁰ While frequently presented to officials, petitions have a very low rate of success. A 2005 survey of petitioners in Beijing found that less than 1% of all petitions resulted in a desired outcome.²¹ Additionally, citizens attempting to travel to Beijing to petition the central government directly have often been intercepted by local officials and confined to unofficial “black jails” located throughout the city. In April 2014, central officials formally forbade outsiders from submitting petitions to the capital, stating that petitioners should lodge complaints with their own local governments or online.²² As a result of their low levels of success in pursuing grievance through official channels, citizens have often escalated their efforts, taking illegal, dangerous and disruptive actions. These have included demonstrations, strikes, riots or attacks on government officials or property. The intention of these actions has often been to draw the attention of central leaders, the media, or fellow citizens, putting pressure on local officials to take desired actions.

Internal Security Forces

Since 1989, Beijing has also reformed and upgraded its internal security apparatus, which centers on the People’s Armed Police (PAP), a paramilitary organization jointly operated by the Ministry of Public Security (MPS) and the People’s Liberation Army (PLA). Its primary mission is addressing the “quelling of sudden incidents” of social unrest.²³ The PAP is deployed at provincial and local-levels of government, its units conducting joint patrols with civilian police officers. Because of their special training for pacifying riots with nonlethal crowd dispersal techniques, PAP officers assume a leading position when major incidents of social unrest break out. In this capacity, the PAP commands over 1 million personnel and is supported by 1.9 million MPS officers attached to local security offices.²⁴ As social unrest has continued to rise, Beijing has increased its funding for the internal security forces, whose annual budget of \$124 billion in the year 2013 exceeded the \$119 billion officially spent on national defense.²⁵ Demonstrating the new leadership’s concern with internal unrest, Xi Jinping has established a National Security Commission under his direct supervision that appears to be heavily oriented towards internal threats.²⁶ Upgraded internal security units have served as a highly competent instrument for the monitoring and dispersal of large crowds when called upon by local or national officials.

Elite Cohesion

As often noted in social movement theory, the political opportunities for national level unrest open up when elites are divided. Such conditions limit the ability of regimes to respond to internal threats in a unified fashion and inspire popular challengers who may perceive the regime’s vulnerability or carry out mass collective action to appeal to one elite faction or another. Over the last three decades, the CPC has reformed the hiring, promotion and retirement process for cadres to create a more merit-based and norm-bound system and minimize the threat of in-party

divisions.²⁷ With such changes, CPC cadres have viewed long-term loyalty to the party leadership as in their personal interests and, for the most part, hidden factional rivalries from the public eye. Seeing little opportunity to exploit divisions within the CPC, popular challengers have largely avoided anti-regime rhetoric, preferring instead to act as “rightful resisters” – patriots who support the party but seek to see the Center’s policies and directives put into practice at the local level.²⁸

However, recent developments suggest that the CPC’s unity might be under strain. Recent studies have suggested that personal and factional connections, rather than standard measures for performance, are increasingly the force that drives cadre advancement in the party.²⁹ In addition, recent attacks by the central leadership on high-ranking officials such as Zhou Yongkang and Bo Xilai have suggested that serious factional struggle has surfaced within the CPC. If factional struggle becomes a more public and persistent issue, it could create opportunities for better-organized and more overtly political forms of contentious collective action to emerge.

Decentralization of the State

An additional impediment to nationalized forms of contention has been China’s emergence as one of the world’s most decentralized nondemocratic states. Over the last 30 years, Beijing has delegated a growing share of resources and autonomous decision-making power to subnational authorities at the local and provincial levels. From 1995 to 1998, 54.8% of all government expenditures in China occurred at the subnational level, compared to an average of 17.8% among all nondemocracies.³⁰ This power over the allocation of local resources and decisions related to local policymaking has driven subnational authorities to compete with one another in their efforts to promote local economic growth.

Additionally, local authorities have been granted a great deal of latitude in making decisions about how to deal with local outbreaks of social unrest. This enables them to autonomously decide how and when to use either repression or concessions against protestors. An estimated 80% of incidents of large scale of unrest from 1995 to 2006 were resolved at the subnational level.³¹ Of course, local officials are under pressure from higher-ranking authorities who may intervene from above if the unrest cannot be effectively contained. This can involve punishing the local official or directly extending concessions to protestors. Such interventions both appease protestors and preserve the legitimacy of the system.

The decentralization of the state thus creates a particular political opportunity structure within China that facilitates localized, parochial forms of unrest but constrains the development of protest movements coordinated on a national level. Because they can win concessions from local officials, particularly if they draw the attention of high-ranking officials or the media, citizens are motivated to carry out large scale (and illegal) collective actions when they enter conflicts with the state. These protests are oriented *against* local officials and make appeals *to* high-ranking officials. Consequently, they focus on local, apolitical issues such as the environment, official corruption, land seizures, or labor disputes, and are organized in manner designed to pressure local officials while reaffirming the CPC and the political system itself. Thus, while the frequency and intensity of protests has increased over the last two decades, we have not seen the emergence of regime-threatening national protests movements in the mode of those seen in post-communist color revolutions or the Arab Spring.

Implications for the United States

To the present, China has maintained the veneer of political stability in the face of rising unrest. As a consequence, we have often focused on the strengths of China. These have included the growth of China's economy and the challenges and opportunities it poses for American commercial interests as well as China's increasing military capabilities and their implications for the existing balance of power in East Asia.

However, we must not presume that Beijing's assertiveness in its foreign relations in recent years is simply the result of growing confidence. Rather, it is the weaknesses and fragility of China's existing political order that often shape the outlook of its leadership. Social unrest and the threat it poses to the CPC's monopoly on power is a constant preoccupation of China's leadership. To the present, the tens of thousands of mass incidents that occur in China each year have proven manageable. However, there is an ever-present potential that localized, parochial forms of unrest might achieve a higher level of coordination and transform into nationwide protest movements that threaten the regime's survival.

The most likely vehicle for such a transformation is nationalism, which Susan Shirk (2007) has described as "the emotional platform that can meld various discontented groups into a revolutionary movement."³² Recent nationalist, anti-foreign protests have emerged in the wake of the NATO bombing of the Chinese embassy in Belgrade in 1999, Western criticism of China during the 2008 Tibet riots, and disputes with Japan over the Diaoyu/Senkaku islands in 2012. Such protests are particularly threatening to the political order: they can emerge quickly in the midst of a national crisis, are inclusive of diverse social groups, and threaten the government's legitimacy if it fails to defend the nation's honor. As a result, once large-scale nationalist protests emerge, China's leadership – fearing a domestic backlash – may take more aggressive foreign policy actions than it would under normal conditions.

As such, American policymakers must take care to engage China in a manner that balances concerns with China's strength with concerns for China's weakness and fragility. This is particularly true when dealing with China's "core interests" – specifically its disputed territories in the East and South China Sea, Taiwan, Tibet and Xinjiang. These issues have great potential to drive almost instant popular reactions within Chinese society, placing Beijing in a situation where a hard line response is the only politically viable option. Based on the potentiality of deepening elite divisions within the CPC and the growing surge of localized protests, China's leadership is likely to have a particularly intense sense of political vulnerability in the short and medium term.

In addition to exercising cognizance and caution over China's core interests, American foreign policy in the region should emphasize the constructive engagement of not only China's high-ranking officials and diplomats but also the mass public itself. It is easy to presume a single-party authoritarian state is a monolith capable of shaping public opinion, but Chinese citizens have become increasingly capable of voicing dissent and placing pressure on the CPC and need to be treated as key political players in China's foreign policy decision-making process. Consequently, it is critical to smooth Sino-American relations to engage Chinese hearts and minds by encouraging more educational and cultural linkages between the United States and China. Federal support for exchange programs, such as the U.S. Peace Corps China Program, Fulbright student and scholar programs, Gilman scholarships, and Critical Language Scholarships should be expanded to help achieve the goals of the 100,000 Strong Initiative advanced by former Secretary of State Clinton

in 2013. Moreover, efforts should be made to streamline and expand the opportunities available to Chinese citizens seeking to study, work or travel in the United States. These efforts provide meaningful opportunities for mutual understanding for Chinese and American citizens and can help balance against the risk that disagreements between the United States and China will generate anti-American nationalism – upsetting this most critical international relationship.

¹ This testimony draws from Steve Hess, “From the Arab Spring to the Chinese Winter: The Institutional Sources of Authoritarian Vulnerability and Resilience in Egypt, Tunisia, and China,” *International Political Science Review* 34:3 (2013): 254-272; and Steve Hess, *Authoritarian Landscapes: Popular Mobilization and the Institutional Sources of Resilience in Nondemocracies* (New York: Springer, 2013): 79-108.

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PANEL I QUESTION AND ANSWER

HEARING CO-CHAIR BARTHOLOMEW: Yes. I'm going to take the prerogative of being the co-chair to make a personal statement inspired really by what Mr. Xiao said, which is to acknowledge for me personally what a privilege it has been to work with him and with others from Tiananmen who at great personal cost have continued their efforts to promote reform and democratization.

I don't know if my colleagues are all aware that Xiao is a recipient of one of the MacArthur "Genius Grants." He is certainly one well deserving of that, and I just wanted to acknowledge what an inspiration it has been to work with him and with others in the movement.

Thank you.

HEARING CO-CHAIR WORTZEL: Chairman Shea.

CHAIRMAN SHEA: Well, thank you, all, for being here, and particularly I want to thank Mr. Xiao for his comments.

I want to be a little bit of a contrarian. I heard two things, two themes. One, there is growing popular unrest. Dr. Hess kind of modified that and said there is no national protest movement underway. But the theme I'm getting here is that there is growing popular unrest in China. I see maybe the seeds of unrest, and maybe that's why, Dr. Fewsmith, the leadership is not relaxed because they've recognized that.

And I've seen the numbers, you know, 160,000 mass protests in 2010, and those are Chinese government figures, I believe. But I question whether there's growing popular unrest. We see more recently ethnic violence, which may have the effect of uniting the Han Chinese population. So that's number one.

I'd like you to sort of make your best case to me if you agree that there is growing popular unrest in China?

And then the other theme I hear is that there is a lot of factional infighting going on. I think that's what Dr. Fewsmith said. It seems to me there's a consolidation at the leadership level, consolidation of Xi's power. Yeah, there's been some factual infighting, but he's seized the power, and so the theme here is that China is unstable, growing popular unrest, factual infighting. I question both of those assumptions, and I'd like you to sort of make the case for them, if you believe so. Anyone?

DR. HESS: I would say just in terms of the numbers, there are the tens of thousands of mass incidents every year, but then one thing to point out is what is the definition of a mass incident? And typically it's an illegal mass gathering, and an illegal mass gathering can involve more than five people presenting a petition which might be something different than what we would think of as a protest.

So in that sense, there is quite a bit of diversity within these 160,000. You know, they stopped publishing the numbers at some point when we started citing them in our papers.

But there are very significant, very large movements, protests. There was a protest at Dalian recently that I believe was over 10,000, and you see a growing kind of efficacy among

people that if they feel that in their interactions with the state that it can't be resolved through the normal channels, through petitioning, through the courts, et cetera, that you need to escalate, that you need to get noisy, you need to organize people, you need to be very assertive towards the state, particularly towards local officials.

And you see this becoming a normalized pattern. We call it non-institutionalized forms of resistance, but it's very common. There's so many of these protests that we don't hear about that happen on a very routine basis, but, like I said before, it's an interesting paradox that there is so much unrest, but it's so uncoordinated in that sense. If you counted the number of people who participate in these kinds of events, it would be a very, very large number.

But you don't see Arab Spring style protests, and you see protests organizing themselves around material issues, especially not- in-my-backyard style issues, and you don't see this emerging sense of a counter-regime form of mobilization where it's attacking the system itself so much as it's fighting against local issues of concern. So this is generally the pattern that we see with this frequent kind of unrest.

Thank you.

CHAIRMAN SHEA: Thank you.

DR. FEWSMITH: Yeah. I'll just respond very quickly. Marty Whyte at Harvard recently published a book on the Myth of the Social Volcano--

CHAIRMAN SHEA: Yeah.

DR. FEWSMITH: --which says China is not about to blow, and I agree with Marty. I think that he's absolutely right. What I was suggesting is that there is widespread governance issues that lead to a certain cynicism in the population, and cynicism can be--it's not necessarily but can be a prelude to bigger things. It is, in any case, a legitimacy issue that challenges the effectiveness of government.

So, yeah, you know, if you look at public opinion polls in China, they are really quite consistent that they like the government in Beijing. In fact, I hate to tell you, but the Chinese government rates way above the American government in support from the population.

[Laughter.]

DR. FEWSMITH: Just saying, in any case. But if you look at what they think of their local government, they don't like it. This is quite the opposite of the American system where we all like our local representatives and don't like Washington. But for whatever that is worth, take what you want from it.

So, no, I don't think that things are about to blow, but I think that there is a continuous undermining of legitimacy, and that there is the potential that if you don't like your local government, eventually you decide that the local government is, indeed, part of a system that the tone is set from the top, and so you do have a legitimacy problem there.

Factional fighting. What I am specifically referring to, I think that one of the major interpretations of Chinese politics now is that basically the whole thing has been institutionalized. And I don't see that. I see that when you have a change of leadership, you have some major sorting out to do, and that those problems have perhaps become worse over

time. I tend to agree with you. In fact, I think I was one of the earliest people to come out and say Xi seems to be winning in consolidating power earlier and faster than expected.

That doesn't mean that there aren't still some very major issues, and these will come out over time. For instance, we've had rumors about Zhou Yongkang for--what is it--about eight months now--something in that range, and no resolution. That suggests that there's some pushback.

CHAIRMAN SHEA: Uh-huh.

DR. FEWSMITH: So that suggests that there are some different interests, not only on that issue, but perhaps asking more profound questions of where does this all go? If you get Zhou Yongkang, who's next? And we have some military leaders who are no longer in position, and there are a lot of questions going on, and I think that this is, you know, this is very difficult to get a grasp of. This is not an open system, and I don't like to overread things and draw dramatic conclusions from rumors of this or rumors of that.

But it's pretty clear that there is some sorting out of power that needs to be done, so I do agree that Xi Jinping seems to be consolidating power quite quickly, but I also know that in ten years, he will step down.

CHAIRMAN SHEA: Thank you.

Mr. Xiao, do you have something?

MR. XIAO: Yeah, I want to add some of my observations on the Chinese cyberspace on those questions. I don't differ with what previous speakers already said, that they all have a very valid observation and analysis.

But here's three things I want to add. One is relating to those protests, the massive numbers, but seems like they're all aiming at the local, not-in-my-neighbor-type of protest, but not only just that, because the Internet does make those images and events and the messages go nationwide even under the severe censorship.

People are aware, and particularly those protests now are getting more and more violent. So all those clashes with police, the bloody pictures all over the place, that's the Internet censor's business to censoring the cellphone videos, the cellphone images about violent clashes.

And online public opinion usually, overwhelmingly, without knowing any facts, because official media never really report, side on the side of the people in protest because just by their life experience, they know the power arbitrarily abuses the people.

And that public opinion is building on the Internet clearly, even these are the people who have no direct relation with those people who protest. And that has been an increasing frequency, increasing number, and, overall, in my view, it's building what I call the downward trend of the credibility of official media, trusting the government and the ideological legitimacy of the Chinese Communist Party rule. So that trend is still there and continues to be there.

Secondly, I want to comment on the faction part, the faction struggle. Again, I don't have any direct information and insider, but as a personal note, when I was in high school, I lived in the same apartment building as President Xi Jinping. Little did I know that later on--

[Laughter.]

MR. XIAO: --he would be president. Okay. But this is what I can see on the Internet, which is the censorship and most busy at it, it's not deleting even those dissident voices and the mass incidents. It's most busy at controlling at Internet about how any high politics information, the political enemies leaking information negative to their opponents, and then the Internet becomes another high politics fighting place, and that is a clue there's a lot of it going on.

But then the censorship is going to be extremely severe to those types of information. You cannot validate it, but it's there, and there's a lot of clues, including there is a number of so-called "suicide" cases of high officials recently leaking on the Internet and being deleted right away.

Among them, Mr. Li Wufeng, who was the Vice Minister of Internet, National Internet Information Office, who was a number one Internet censor in the last two decades, who's responsible for controlling the entire Internet contents for the last ten years.

Essentially he and I looked at exactly the same thing everyday, and I'm basically looking at his work. He jumped off the floor a few months ago. No conclusion, no further information. He jumped off the floor. I'm still here, but he's dead.

And there is a number of those mysterious high official so-called "suicide" cases or the family members arrange them or their mistresses or their close friends. And that information appeared on the Internet and disappeared right away. And no more information being validated. What does it mean? I didn't see that five years ago. I didn't see that even three years ago. I see that within the last ten months, even last six months.

CHAIRMAN SHEA: Thank you.

HEARING CO-CHAIR WORTZEL: I guess I'll go next. Joe, a little comment on Zhou Yongkang, and then a couple follow-up questions. I felt and still feel that what you're seeing is a flank attack as part of a real factional struggle between Xi Jinping and Jiang Zemin, and that going after Zhou Yongkang--he can't attack Jiang. Jiang came back so strongly at the 18th Party Congress out of nowhere, and he's kind of got to go around and flank it, you know. I mean so that I personally see factional struggle as strong and alive, which leads me to another set of questions.

I'm kind of at odds with most of the community. I think that Xi Jinping's decisions to take over so many leading small groups and not to allow other Politburo Standing Committee members to have decision-making authority is a sign of insecurity, not consolidation, insecurity, and weakness. Secure leaders delegate. Insecure leaders are afraid to delegate because they can't trust people around and they'll know things will go the way they want.

In any case, that leads me to some of your comments on intra-Party democracy, and I wonder if this withering of the trend toward it is really still a sign of insecurity in General Secretary and Party Chairman Xi Jinping?

DR. FEWSMITH: Well, to pick up the latter point, I think that it withered under Hu Jintao long before Xi Jinping got to the top position, and I think that it withered because ultimately if you pursue even intra-Party democracy, we're talking about within the elite, you know, local Party members voting for their own leaders, for instance, then you have a situation with a local leader who has a constituency, and you might be inclined to listen to your

constituency rather than your superior, and that breaks up the fundamental organizational principle of the Party, the so-called "dang guan ganbu" principle that I know you're familiar with, and I think the Party looked and said that's a long way down, we don't want to go on that route. So that path withered.

So I think that was sort of an organizational decision, and I think that's why you see this trend towards centralization. If you can't do decentralization, then you do centralization.

You know I'm not sure how much I should try to comment on the relationship between Xi Jinping and Jiang Zemin. It seems to me that it's very difficult to imagine Xi Jinping being where he is without the support of Jiang Zemin and particularly Zeng Qinghong. We don't want to go into inside baseball too much here.

But, you know, people sometimes drop followers. Jiang Zemin had raised Bo Xilai, and at some point seems to have been willing to say, no, I don't like what you're doing, and presumably the case against Zhou Yongkang--we don't know this--but presumably the case is that he presented such a challenge to the central leadership of the Party that we have to deal with him even though he's at the Standing Committee level, even though he's retired.

I'm speculating in that regard. You know, I'm sure that Xi Jinping may very well want to just say we no longer want the elders to interfere in everyday politics, not going after him, but curtailing a role. It's hard for me to believe that he's going after Zeng Qinghong. You can't go after Jiang Zemin without going after Zeng Qinghong--you know, that's too much inside baseball, but it's fun to play that game and speculate.

So, you know, nobody eliminates all factional interest in the Party. You have over 80 million Party members. They represent every interest in China--economic, political, local, national. You can gain some--I see Xi as having a coalition with several other people and recognizing the severity of the problems is determined to do something.

Now whether that's security or insecurity, I'm not quite sure. But that's the way I'm looking at Chinese politics right now.

HEARING CO-CHAIR WORTZEL: Anybody else?

DR. HESS: Yeah, I would like to comment--this has some implications on my research too. You mentioned this effort to centralize, which I think is in spirit driven by a kind of insecurity; right? The fear of internal rivals is what makes you concentrate your power and have this unwillingness to delegate, and we see this trend in other kinds of dictatorships. We saw this with Marcos. We saw this with the Shah. We see these in other places where the fear of these internal rivals coming in, the sort of palace intrigue, the fear that causes you to want to concentrate power more in your hands.

But at least in my research, this is kind of a dangerous trend sometimes, because at present the national leadership benefits from this psychological space between them and the local cadres, the idea that, if the emperor only knew what was happening, he would come down and help us.

And there's this belief that exists there, some of it real, some of it imagined, that the emperor may really know what's happening and chooses not to intervene. But one of the concerns that this growing centralization brings is that it eliminates the ability to have this kind

of plausible deniability about what's happening in the regions where you're suffering under the local government, and it's because the local official is a bad guy, a corrupt official, a corrupt cadre, and that's why you're suffering under these conditions, and the central government does not know about it.

So one of the concerns is that if you start to concentrate power too much, it eliminates the ability to make this claim that you just don't know what's happening below, and also if you concentrate power, one of the trends that we've seen in other examples, like in the Philippines, is as you concentrate power more, local officials can say we're abusing you, but we're just following orders, and what it does is it creates a unifying target to say we're all suffering differently in different communities or actually we're all suffering in the same way in different communities, and now instead of blaming our local villain, we can blame the national government.

So this is one of the risks that you run with this centralization that's oriented around internal threats.

Thank you.

MR. XIAO: Maybe I'll just continue to comment on the central is good and local is bad that's often been described a China phenomenon.

Just to add, don't forget that's not only because it's a belief, it's more a tactic, and it's a tactic in the context of the authority will tell the protesters if you only ask for your interest, that's one thing. If your demand is broader, that's subversion, and that's a very different thing, and you are facing different consequences, and from the protesters' point of view, that's just a tactic to protect themselves.

In other words, they totally know what they're doing, and, of course, they are not going to go over that, but if the context is different now that people really believe that the emperor is not great, and that can clearly be seen on the Internet when people connect to each other, they share their selves to each other, they have much less sense of fear.

They have a sense of togetherness, and then they are more willing to speak the truth. And then there you can hear people say those kinds of things. Don't give me this crap of emperor is good and the local official is bad. I know exactly what's going on. And you can hear that on the Internet clearly.

On the internal faction part, I just want to add a little more about what I see on the Internet. I've never seen so much negative information--intentional or unintentional, I have no idea, rumors or validated, no idea--leaks on the Internet about so many higher-level leaders in the past five months.

The names include Zeng Qinghong, including He Guoqiang, including Jiang Zemin himself. Of course, he is also being attacked -- Li Peng. Yes, those families and their names or the scandals that are related to them were always very severely suppressed, but in the last five months, they just keep on popping up here and there, and that is unprecedented.

HEARING CO-CHAIR WORTZEL: Thank you very much.

Commissioner Wessel.

COMMISSIONER WESSEL: Thank you, and thank the co-chairs for their leadership and also, as several have noted, the staff for a great job in helping to prepare this hearing.

I have to say I came here somewhat depressed in the sense that I don't know that the 25th anniversary has been given enough attention here in the United States and in the short review we're taking.

But Mr. Xiao, I have to say that I come away with a somewhat different view. At the end of your testimony, you said you have no doubt where it will end, and then a broad smile appeared on your face. I hope that smile was with the hope I think we all have of freedom, democracy, human rights, et cetera.

As a congressional staffer, I had the privilege over many years to meet a lot of foreign leaders, Vaclav Havel, Nelson Mandela. One of the great treats was shortly after Wei Jingsheng's entry into the United States, Leader Pelosi brought Wei over to the office, and the first thing he did was thank the leadership for speaking out on behalf of human rights and change in China.

It seems that there are fewer speaking out than there probably should be. So I'd like to ask you, Mr. Xiao, and the others as well, first, is the U.S. speaking out enough? Are we doing enough to promote change? Should we be doing more? Or are we largely irrelevant?

Your smile, Mr. Xiao, tells me that I hope your long-term optimism about what the Chinese people can do for themselves, what the Internet can do as a tool to help them, fuel them, I hope that smile is directed in that direction and not simply because you're happy to be here today, which I hope you are. But, please, are we doing enough? Are we irrelevant? And would it matter?

Mr. Xiao, to you first and then the others, please.

MR. XIAO: You are asking a human rights activist and an American citizen now what the U.S. government, my own government, can do and should do to my homeland to improve the situation--a homeland I could not return to in the last 25 years.

Yes, of course, it's never enough. We should do more speaking out and stay firm in the messages, but I know the U.S. has to deal with China on every front, engaging economically, international security, everything else, global environmental protection, and it is of the world's second-largest economy.

See, I'm also from China, grew up in China, and living in the United States, I don't feel simply calling for American government or any government to putting pressure on China is the solution. Is it a message? Yes.

But I'm not here also calling for Chinese people doing more because I'm living in a safe and protected United States. I can only observe and watch and do my best to support in any way, moral support, with those people like Pu Zhiqiang, who put their life on the line by actually making concrete differences in China.

I think the U.S. government can do more to expand, supporting Internet freedom because that helps China; it helps it globally. It should speak strongly and never enough to release political prisoners and addressing all the human rights issues in China--sending clear messages.

But here's one thing I can share, which is when I was running Human Rights in China ten years ago, I was here testifying on China's human rights cases. I was in Geneva at the U.N. Human Rights Commission sending messages. Very few people in China know about it. And now I ask people that came from China, they say when we heard the word "human rights," America criticize China on human rights, we laugh. These are the students in 1990s who are the kind of Chinese elites.

But now it changes. When Secretary Hillary Clinton speaks about Internet freedom, when that speech is translated into Chinese, the speech is widely praised in the Chinese Internet, and they think what she said is good.

Now when the Chinese version of the U.S. human rights report on China published by State Department is being reposted and deleted and reposted and deleted and reposted again saying this is a comprehensive report, instead of saying this is Americans accusing us again, the public opinion has changed, and so the message from the United States government to Chinese government on human rights now, even the Chinese government can ignore it or whatever, but the Chinese public can hear it and can respond to it positively if those messages are clear, strong, and at the side of those people being persecuted.

So that itself gives more reason for the United States government to stay strong and clear in your support of human rights and democracy of the Chinese people, speaking to what this country believes.

COMMISSIONER WESSEL: Thank you.

Mr. Hess.

DR. HESS: Yes, I have very mixed feelings about this. In terms of putting diplomatic pressure on China to improve its human rights record, sometimes it's difficult to see that there's a major impact in that way, and sometimes such diplomatic pressure can be counterproductive in some ways because China, or Beijing, a lot of times has very much a victim complex that despite being the world's second or by some measures first largest economy, there's very much a culture that that they are a weak country that's been bullied historically and in the present day by more powerful countries.

So in that sense, outside pressure can sometimes have negative repercussions. I do think promoting the cause of human rights is a very worthwhile cause, and I think perhaps the best way to do that is through greater exchange, by finding ways to get more Americans into China, to get more Chinese into the United States, and people are affected by human interactions with one another.

It's hard to, you know, the more contact that Chinese nationals have with American individuals, the harder it is to demonize the United States as an outside power that's putting pressure on their country.

The human component is very, very important, and also sharing with Mr. Xiao's sentiment, any kind of support for Internet mobilization is very, very useful. This actually helps put the tools directly into people's hands where they can expose corruption, they can expose things that are going on within the system, and it gives them a very tangible ability to expose and to make a difference, and to enable people to connect with one another.

Thank you.

COMMISSIONER WESSEL: Doctor.

DR. FEWSMITH: Sure. Let me mention the pressure. When China had a bid to host the Olympics in the year 2000, prior to their successful bid in 2008, the Congress passed resolutions I believe in both the House and the Senate that were overwhelmingly against China hosting the Olympics.

Regardless of the rightness or wrongness of that stance, it became the point at which in the post-Tiananmen period, a large number of Chinese active in--well, the Internet wasn't very active then--but in the press decided that the U.S. government wasn't against the Chinese government; it was against Chinese people.

So I would be very careful about the pressure that you exert because that negative effect can be quite serious, and I think we've had a problem with Chinese perceptions of the United States more or less continuously since that point. I know there's always a desire to do something, but think it through.

On the point of contact, Iain Johnston has some survey materials that show that Chinese who come to the United States or to Japan, it reduces their hostility. This is quite understandable. You meet people, and you find out that they are not the devil incarnate, that they are actually human beings, and you can interact with them.

I do strongly support the President's 100,000 Strong Initiative. It's pathetic how few students go to China. It really is. It's inexcusable in this era, and obviously the fact that we have, I think, 150,000 Chinese undergraduates in this country is, I think, absolutely marvelous. Whether they go back or they stay here and strengthen our economy, the interaction is wonderful. So the contact is wonderful.

The third part of the answer you'll probably not like: make the Congress functional. This is really horrible to go to China and try to say that democracy works. Oh? Have you looked at Washington lately?

You know, if you want to talk about the rise of China, why don't you talk about the decline of America? How did the war in Iraq and Afghanistan and the '08 debacle play in China? You know, put your own house in order, please. That's a *cri de coeur* from one citizen with voting rights that matter increasingly less because we all have blue states and red states, and so I do vote but I know my vote doesn't count.

COMMISSIONER WESSEL: Move.

[Laughter.]

COMMISSIONER WESSEL: Thank you. Well taken.

DR. FEWSMITH: Sorry to be so blunt, but you asked the question.

COMMISSIONER WESSEL: We want bluntness. Thank you.

HEARING CO-CHAIR WORTZEL: Jeff, Commissioner Fiedler.

COMMISSIONER FIEDLER: So you want bluntness, you'll have bluntness.

[Laughter.]

COMMISSIONER FIEDLER: I spend my entire time creating unrest in the United States.

[Laughter.]

DR. FEWSMITH: Creating what?

COMMISSIONER FIEDLER: Creating unrest in the United States.

DR. FEWSMITH: Unrest. Okay.

COMMISSIONER FIEDLER: So I know a little about unrest. And I know that the U.S. government, most of the people we talk to, don't believe that China is particularly unstable. And I believe that U.S. government and policy is primarily designed to help China remain stable. Okay. It is allegedly in our interest that China remains stable.

Yet, I suspect that the Chinese leadership spends much more money on internal security, but they spend a lot of money.

And we talk about parochial concerns. Things are parochial because they immediately affect people. All right. So the Hangzhou environmental fight is the same fight that other people are having locally all over the country.

What the Chinese government has succeeded in doing is making sure leaders who would travel from one city to the other to talk to each other and organize and create unrest like I do in the United States are arrested right away.

And the Internet, while a wonderful means of communication, lacks certain ability that only humans bring to organization of movements.

Now, academics and the government have had a poor prediction record of stability in U.S. allies and other countries around the world for the last 40 years. In other words, we haven't called one yet, in terms of bluntness.

So I'm more willing to believe that the Chinese government is correct in worrying about instability than our own analysts are because it takes demonstrable action to kill the chicken, scare the monkey, in every aspect, not just criminal aspects of Strike Hard.

The labor movement, for instance, which 25 years ago in Tiananmen may have crystallized the leadership's decision-- when workers started joining students, the dynamic changed in Tiananmen. So governments like the United States and China are less worried about intellectuals than they are ordinary people.

And what we are seeing--and ordinary people, whether they be workers, they be citizens responding to environmental problems, is that there is a lot more agitation going on as the fruits of industrialization have been brought to bear on the heads of the people. I don't think anyone should be taking succor, including us, that the place is a paradigm of stability.

It seems to me that the prairie fire that was lit in 1989 and was snuffed out relatively quickly by Deng Xiaoping can be lit at any moment, and all of this other stuff doesn't mean much. I think the place is fragile.

Does anybody disagree that China is fragile when it comes to stability?

DR. FEWSMITH: Sure. I've written that so I guess I better stick to my--

COMMISSIONER FIEDLER: So you say yes.

DR. FEWSMITH: By the way, can I say that I was one of the few to talk about the tensions before Tiananmen? Our analytic ability was not too bad.

COMMISSIONER FIEDLER: It doesn't--no, I learned a long time ago it doesn't do much good to be right when everybody else is wrong unless I'm in a complete leadership position, and I haven't been yet.

Xiao.

MR. XIAO: I have described what I have been observing on trends and the cases on the Internet. I didn't really say China is unstable. It's beyond my observation. That's economics, the environmental, the social, cultural. There are so many factors into it.

I do not want China to be radically unstable. I want China changed to the right direction, but I hope the change has the least costs for society and the people and the international community, but I'm afraid I see the opposite sign--

COMMISSIONER FIEDLER: Yeah.

MR. XIAO: --on the Internet, which is the insecurity of the leadership, the fragile. The nature of this stability has many more signs. For example, the Chinese officials, elites and the money and children's education and immigrants, they're moving out of China in tremendous numbers. The insecurity of these people--these are elites. These are the people not losing everything in China. These are people having everything in China.

The second is I do see clearly, which I said in the opening statement, the rising nationalist sentiment, and that the authority is purposefully manufacturing or guiding those nationalist sentiments into international conflicts as a way to shift attention to domestic issues. And I only see that as becoming more and more so.

So either creating the domestic crisis causing some even bigger insecurity and instability and this creating external enemies in order to shift the attention is a real scenario. Either it costs Chinese society or it costs international peace for everybody.

I see the sign more and more in that direction, so, yes, there is fragility and instability, but I smile on the long-term future, but how this process will unfold actually worries me.

COMMISSIONER FIEDLER: Because of the fragility of the situation?

MR. XIAO: Yes, yes.

DR. HESS: I would agree that, yes, China is very fragile, and unrest has been a concern for quite some time. However, my book is about landscapes --it is about gardening, kind of. They have been very careful to trim the hedges, to make adjustments, in order to maintain stability in the context of continual pervasive unrest, continual pervasive corruption, et cetera, and there have been adjustments that have been made that have enabled China to maintain a kind of political order despite all the underlying social instability.

And some of these changes have been efforts at institutionalization, to manage elite divisions, requiring that people retire when they're supposed to retire. There have been efforts to use performance-based criteria for cadres who move up the system, although more recently this is becoming much more debatable, how much is this merit based, how much is this factual intrigue that moves you up and down?

But the important impact in a lot of ways has been that these elite divisions are hidden. We know that they're there, but the government has been doing a very effective job at hiding a lot of the divisions that do exist. Particularly the higher they move up the pyramid, the harder they are to see.

The lower ones--corruption problems and factionalism at the bottom--we hear quite a bit about, but the closer you get to the top, they're banning newspapers in the country if they cover a story about a national leader. The New York Times, for example.

There are certain things that you don't talk about so hiding some of these divisions has been helpful for preventing national movements because it's very inspirational for people, for protesters, to look up and say, we're with this one faction in the government, and this other faction in the government is the bad guys, and if they can see that division, it gives them hope and inspiration that perhaps we have allies all the way at the top.

At the present, there's not an ally at the top that you can clearly identify. Maybe in the future there will be.

The other change has been decentralization, which I've talked about before. The fact that local officials are delegated--

HEARING CO-CHAIR WORTZEL: Dr. Hess, I have to confess that I have done everyone a horrible disservice in very, very poorly controlling time.

DR. HESS: Oh, sorry.

HEARING CO-CHAIR WORTZEL: And all of your comments have been absolutely riveting, which is what drove me to lose control. But we have four more Commissioners with questions.

DR. HESS: Okay.

HEARING CO-CHAIR WORTZEL: And only 18 minutes left.

DR. HESS: Can I have ten seconds--

HEARING CO-CHAIR WORTZEL: Yes.

DR. HESS: --for the last point? So I mentioned decentralization before. The other change has been this reform of the internal security forces. You've seen--at Tiananmen, you saw in a lot of ways a very clumsy blood response by bringing the actual military in to resolve something.

Today, you very rarely see the bullets come out. You typically see non-lethal dispersal tactics, and this is all part of that lavish funding that the internal security forces get, and so they've improved in that way.

Thank you.

HEARING CO-CHAIR WORTZEL: Thank you very much.

Commissioner Slane. Five minutes.

COMMISSIONER SLANE: I'll be quick. Thank you. Thank you all for your time.

I recently saw some interesting graffiti in the Wall Street area, and it read "the French aristocracy didn't see it coming either," and the point being is that it's very difficult to predict these things, and I believe that Chinese leaders go to bed at night worrying whether this whole thing is going to come unraveled.

But my question to you is I don't understand why they don't take steps to defuse some of the anger that goes on in that country? For example, many of their protests revolve around environmental issues. They want to build an incinerator or a chemical factory or a refinery, and they just do it instead of having a public hearing and defending it to the people and at least getting their input.

Do any of you see any kind of movement going down that road or any steps that they could take? They seem to just set themselves up.

Thank you.

DR. FEWSMITH: Well, yes, there have been public hearings. There have been all sorts of things of that sort so, yes, they do deal with those sorts of issues. And, in fact, they're supposed to deal with those issues.

The problem on many of these projects is even though they are established by a local government, in fact, they've been approved at a much higher level, and that's not public, and so, you know, it's not a clear central-local division. It's in many cases a collaboration. For instance, the PX plant in Ningbo that people protested so vigorously against, the local government promised to shut it down.

They had no authority to promise to shut it down because it had been approved by the NDRC. So the issue is going to linger. The cost-benefit, if it's a low cost project, you can have input. If it's a very high cost, if you're going to make money off of a project or whatever it is, then you don't yield to public protests nearly so easily.

MR. XIAO: Yeah, in short, it's the nature of the political system, how the legitimacy depends on the growth of the GDP, and the performance and promotion of local officials, and it all depends on these numbers, and that's more important than anything. There is no other accountable system. Therefore, the system is driving towards that direction. Basically if you're driving a tank, you cannot tell them to drive it like a bicycle, no matter what the advice is. And they are driving a tank. They're going to run over people all the time.

DR. HESS: I would say that the central government does legislate. They come up with laws. They've passed laws about labor rights, about land use, about systems for hearing and the need to have environmental assessments when you build factories.

The problem is implementation. And one of the things that happens, is that there's a legal construction in China that in a lot of ways is a relatively open and reasonable process that offers a lot of rights to citizens. It's not enforced that way. And there's a question of whether it's intended to provide those rights in practice or whether or not the intent is lost as you move

down the pyramid and you get down to local officials actually protecting these rights, et cetera.

And one of the positive developments is that increasingly citizens are more aware that they have these rights that were passed by a far away central government, and increasingly they protest, and they print out these national level laws, and they say no, this is my right that I have, and you are deviating from it.

So in that way, they get to be what Kevin O'Brien has called "rightful resisters." They can say I'm following the letter of the law. You are not, you know. Despite the fact that you are an official, you are in the wrong here because I know what my rights are, and I'm being a loyal follower of the Communist Party because I'm following what the central leadership has passed and demanding that those rights are protected.

Thank you.

HEARING CO-CHAIR WORTZEL: Thank you, all. It's you.

HEARING CO-CHAIR BARTHOLOMEW: It is, I think. Thank you. This has just all been very interesting. Two quick comments before I move on to a question.

Dr. Fewsmith, while I certainly agree that we need to get our own house in order, I want you to sort of examine what I think of as the moral equivalence argument that--

DR. FEWSMITH: I was not making a moral equivalence argument --

HEARING CO-CHAIR BARTHOLOMEW: Okay. Because you are free to be here in an official--

DR. FEWSMITH: I understand all that.

HEARING CO-CHAIR BARTHOLOMEW: --forum criticizing your government. You walk out the door, you aren't going to be arrested, and, in fact, you're free to organize to change things.

So, and Dr. Hess, I'd urge you to reconsider your sense that the Chinese government in its new internal security apparatus is not resorting to bullets. I think if you talk to people in Xinjiang, I think if you talk to people in Tibet, they would have some pretty real questions about that kind of statement. So, sorry, just comments.

What I'm trying to understand, I'm confused a little bit, and part of it probably, of course, is China is a huge country, and you see what you want to see.

Dr. Fewsmith, I hear you really saying that centralization is taking place. Dr. Hess, I hear you saying that centralization isn't taking place, and I'm just trying to reconcile that, and then I want to put it in the context of this great statement you made about big protests, big solution; little protest, little solution; no protest, no solution.

As people learn that lesson, many times through the Internet, of course, it creates a real dilemma for the people who are encouraging sort of the release of or trying to deal with these issues. If people learn that the bigger cry you make, the more of a response you're going to get, it really creates a dynamic where there's going to be more and more and more and more of it.

So how do you tie that into centralization, decentralization, and where the decisions are made?

DR. FEWSMITH: I honestly think it's a separate issue. As I think as Stephen expressed, a lot of these protests are very locally triggered.

In fact, if you do public opinion surveys, the surprising response is most people seem to be happy contented citizens most of the time, but you do something like take their land, threaten their children by putting toxic waste into their rivers, whatever it is, then, of course, they get mad and these protests arise.

So that tends to be a local response to a local issue. When I talk about centralization, I'm talking about particularly cadre promotion and evaluation, and that--as opposed to what I was suggesting before--trends towards intra-Party democracy, which seem to involve more people in the selection and promotion of local cadres.

So you can have, as I said, centralization at different levels, counties over townships, municipalities over counties, provinces over municipalities and so forth. So it's a relative thing, but it seems to be something that you think of as top down monitoring as opposed to let's open up the system and get more input, and that I see as a trend over the last roughly two years, and I'm going to be watching that very closely.

HEARING CO-CHAIR BARTHOLOMEW: Dr. Hess, anything to add?

DR. HESS: Yes. I have a few things. You mentioned the way in which repression is applied hasn't changed that much. If you're talking about Xinjiang and Tibet, those are a very different can of worms than parochial protests in predominantly Han China.

So if you go to Tibet or Xinjiang, China is very much a police state in the sense that--and this isn't--we're talking about degrees, differences of degrees, not so much in Han dominated areas where there's a much higher level of tolerance for local level protests.

Uighurs are not given that ability. In a lot of ways, even nonviolent protests that occur in other parts of the country are not tolerated in Xinjiang or in Tibet. So, in that sense, we've seen some of the unsettling developments recently that they've responded to more and more desperate measures because they haven't had channels for voicing their dissent.

You know, the self-immolations of Tibetan activists or the succession of bombings and stabbings carried out by Uighurs throughout China. This is all a very unique, in a lot of ways, to these specific ethnic groups. So it kind of depends who you are and what you're protesting about that affects how the state responds to you.

There's a massive growth in house churches throughout China. But if you organize in the way that Falun Gong did in the early 2000s or late 1990s, that brings down a certain kind of harsh response that you don't have for other religious organizations.

Thank you.

HEARING CO-CHAIR WORTZEL: Commissioner Tobin.

COMMISSIONER TOBIN: Thank you. Thank you, co-chairs, for today's hearing, for organizing it.

And my question that I wish to ask of all three of you was asked and you gave us clear answers to Commissioner Wessel, but I do need to say something. I was very deeply moved by your testimony, Mr. Xiao. I want to thank you for your leadership. I want to thank your family

and you for being brave. I want to thank the citizens of China for their speaking out. I hope that they can find through the Net more and more tools because we agree with you, or at least I agree with you, that you cannot continue to repress the human spirit, and frankly it's going to affect the innovation of China if they cannot unleash the human spirit.

So thank you very much.

HEARING CO-CHAIR WORTZEL: Commissioner Reinsch.

VICE CHAIRMAN REINSCH: Thank you.

I just have one question, and it's for all of you, but I'm going to start with Dr. Fewsmith because he brought it up, which is the corruption campaign, which you alluded to as being more aggressive than others presumably, which I think is correct.

Can you say a few more words about how it's different from other ones, and particularly to the extent whether or not it's gone beyond simply treating symptoms and dealing with core causes?

DR. FEWSMITH: That's always been the issue. Going after a few corrupt officials, no matter how high they are, doesn't change the incentives for corruption, and the incentives for corruption are huge.

You know, one figure that I like to use is from 2005--so it's quite dated--but at that point, there were something like 163,000 hectares of state-owned land that was sold, and about a third of it was sold at auction -- so at a market price -- and about two-thirds through private sellings at non-market price.

And the difference between the two was about four to five times or about four million renminbi per hectare. The price of land has obviously escalated way beyond 2005 prices. So you think about the incentives. You're under pressure to develop the economy and somebody hands you a massive amount of money. You know, it's not unlikely that people are going to take advantage of that and fill their own pockets in one way or another.

It's this combination of the pressure to develop the local economy and the potential for corruption, and that's been so much the root cause, as well as, the sense that everybody does it, and this is very hard to break.

So the campaign is interesting and impressive, but until they can somehow get at that root cause, I don't think you're going to eliminate corruption from the system.

VICE CHAIRMAN REINSCH: Either of the other two want to comment?

MR. XIAO: I absolutely agree. I think President Xi Jinping's anti-corruption campaign is generally impressive, but it's nothing--more like a purging for power, and also giving sort of an intimidation signal to the internal Party members to follow him rather than addressing any real causes, and it's not going to be--if he continues to suppress a free press and the rule of law, as he currently does, it's not addressing any causes.

VICE CHAIRMAN REINSCH: Dr. Hess.

DR. HESS: I would say it's been surprising how extensive and high the anti-corruption campaign has been, but, like Xiao said, this is anti-corruption from within, this purging of

people from rival factions has been accompanied by a tightening of anti-corruption activists who are trying to expose these things on the grassroots.

So as a result, you know, you have people being purged for corruption, on one hand, and by the way, corruption is so pervasive that you could purge a lot of people, almost all of them. You can purge--you know, you could eliminate the entire Party almost if you purged everyone for minor infractions or not so minor infractions.

But on one hand, he's putting blinders up to people who are outside the system trying to expose these things.

Thank you.

VICE CHAIRMAN REINSCH: Well, it's still about control. You know you can't have an anti-corruption campaign unless you can control it and move it in the direction that you want.

Thank you.

HEARING CO-CHAIR WORTZEL: Senator Talent.

COMMISSIONER TALENT: Thank you.

I'll be very brief because I see Mr. Wolf is here. I was just going to say given your testimony, I'm guessing that the news about this hearing on Tiananmen Square is probably not going to reach the vast majority of the Chinese media.

Okay. One question then-- it seems to me there is a path, which a lot of people thought the leadership might try and follow, for them to move the country gradually towards representative institutions and for the Party to survive that. I mean other parties have done that. They have been authoritarian. They've had one-party rule, and then they end up getting elected.

I mean this has happened in Taiwan obviously and in South Korea and in many other places. Is there any sense that you have, and would you care to speculate at all--right now it looks like that every time it comes up, absolutely no, no, no, no, no--is there perhaps a little bit more thinking along those lines within the Party than maybe is visibly appearing?

I don't see them being able to survive long term, and they do seem to be pretty good judges of these kind--able to look objectively at these kinds of issues, which is how they've been able to stay in power as long as they have.

Thank you.

MR. XIAO: Let me respond to that because this is a really important and interesting question. At what point will the higher leadership inside the Party have a different voice or different initiatives, policy? Like this time, Bo Xilai was challenging the centralization to contend at the highest power basically. But Bo Xilai is not really, in my view, a Maoist by ideology. He's an opportunist.

He assessed the situation and decided to run his message of Maoist language because he believed that it's politically safer to him, it's closer to his political roots, but also has certain popularity that he can run again, using that against the central authority.

The next time if there's another politician trying to challenge and running some kind of a popular platform and the message, I'm not sure he is going to use this Maoist political language

again because Bo Xilai is a failed example.

Judging from the online public opinion and the growing sentiment inside of China, the next politician, the next Bo Xilai, if there will be a next, may run on a platform of universal values and democratization because that's where you get more popular support in addressing the issues.

That's my hope, but it's also my speculation, that--it's not only that. The next one could run on some kind of fascist, yeah, nationalist platform to do that, but there is increasing possibility.

And I'll give you an example. Actually some of you probably have met or know Mr. Zhou Zhixin, who is an interesting insider in the Chinese political system. He's chief editor of two influential magazines read by the China power elites, and he was with the delegation in Washington I think a year ago or two years ago. He's not a dissenter--he's not media. He's a real insider. I actually personally know him.

On this Pu Zhiqiang's case, who's in detention now, Mr. Zhou Zhixing wrote on his Weibo publicly--has 100,000 followers--said in the past, going into prison used to be miserable, but now it is glorious. It's not I don't understand. It's a time that changed quickly. He said that publicly. The Weibo is still there right now, publicly been reposted over a thousand times. But came from his mouth publicly, and he's well-connected.

He once studied archival Mao Zedong and Liu Shaoqi and highest Party history institution. And he's married to a woman who is a close friend of Deng Xiaoping's daughter. For him to say this message publicly and only a year ago he was visiting Chongqing, visiting Bo Xilai, kind of betting on, taking their horse in that side, it shows those public opinions affect the higher leader elites' thinking.

And they're aware that that kind of public opinion is rising. I hope it leads to the next contender citing a more universal value political liberal platform.

HEARING CO-CHAIR WORTZEL: Gentlemen, I want to thank you very much for your time and your intellectual contribution and being so willing to express your views on a topic that will not make you popular when you travel--if you get to travel back to China. Thank you very much.

HEARING CO-CHAIR BARTHOLOMEW: Thank you.

DR. FEWSMITH: So we're done. Shall we quit?

HEARING CO-CHAIR WORTZEL: You're done. Panel dismissed. Thank you very much.

CONGRESSIONAL PERSPECTIVES

HEARING CO-CHAIR BARTHOLOMEW: Wonderful. We are now very pleased and honored to welcome Virginia Congressman Frank Wolf to present his perspectives. Congressman Wolf is serving his 17th term in Congress where he is the powerful chairman of the Commerce-Justice-Science Appropriations Subcommittee, and he serves as co-chairman of the Tom Lantos Human Rights Commission.

It's particularly moving for me, Mr. Wolf, to be able to introduce you today since it was 25 years ago that I had the honor of really starting to work with you and seeing your extraordinary leadership on human rights issues--freedom of religion, freedom of association, freedom of press. You have been just a magnificent leader, and while I'm very sad to see you leaving the Congress at the end of your term, I know that you will continue your leadership.

There are tens of millions of people around this world who will never know who you are whose lives have been dramatically improved by your work. So thank you very much.

We thank you for taking time out of your busy schedule to be with us today. We also really, all of us, wanted to thank you for your career-long dedication to addressing the most vital issues in U.S.-China relations. Your work to improve our nation's cybersecurity, to support a globally competitive American workforce, and your tireless, tireless promotion of human rights around the world represent only a fraction of the work that you have done in preparing our nation for the challenges that lie ahead.

Today, as we discuss the lessons from Tiananmen, we are very appreciative of being able to hear your perspective as a policymaker who was faced with how Congress should respond to the Massacre and who has closely followed, and indeed led how the U.S. government has responded, and has followed China's approach to internal security as it's evolved in the face of ongoing social, political and economic challenges.

We thank you, again, as always, for your steadfast support of this Commission over the years of our existence, and we wish you very well and look forward to working with you in whatever path you choose next.

Thank you, Mr. Wolf.

MR. WOLF: Thank you, Carolyn. Thank you very much. I want to begin by thanking the U.S.-China Economic and Security Review Commission for convening this timely and important hearing ahead of the upcoming 25th anniversary of Tiananmen Square Massacre on June 4.

I also want to thank the individual Commissioners, many of whom I've had the privilege of partnering with on a variety of China-related issues over the years. Your reliable reporting, analysis and policy recommendations are an invaluable resource for policymakers.

For example, just this week, a senior FBI official testifying before the Senate highlighted this Commission's 2012 report on cyber espionage.

Additionally, as many of you are aware, I have included many of this Commission's recommendations from your annual reports. So what you all have done I have taken in Commerce-Justice Appropriations since I returned as chairman in 2011. I am pleased to

announce today that a number of your recommendations from your most recent annual report are included in the CJS bill that is coming to the House floor later this month.

So needless to say, your work continues to have a profound impact on both the Congress and other federal agencies.

Today's hearing is another example of the important work you do, work that would, unfortunately, if you weren't doing it, quite frankly would not be done. The scope of today's hearing involves examining the legacy of Tiananmen Square. An examination of the last quarter century reveals a legacy of unanswered questions, a legacy bereft of accountability for grave human rights abuses, and ultimately a legacy of failed U.S. policy responses, which has not only served to embolden the increasingly repressive Chinese government.

I might say, too, probably more Chinese come through my office than maybe any other office up here, and they look to us.--If you weren't here, I don't know who anybody in the government would really be reaching and dealing with these issues.

25 years ago this April, student-led pro-democracy protests were triggered by news of the death of a former Communist Party General Secretary. He was then considered largely a reformer. At its height, the protest drew more than a million people to Tiananmen, and they were not alone. Protests had begun to spread across the vast nation that is China. At the time, and most certainly in hindsight, it appeared that this spontaneous citizen-led movement for greater openness, transparency and rule of law could have marked the beginning of a peaceful and political transition in China.

But that brief moment of opportunity was lost. By nearly every measure, China today is as intolerant of dissent as it's ever been, if not more so. A quarter century later, much of the detail surrounding the crackdown remains shrouded in mystery as the Chinese government apparatus desperately tries to control and in some cases rewrite the historical narrative of the bloody day in which martial law was declared, tanks were deployed, and as many as 300,000 troops were mobilized.

Perhaps the most familiar image from the crackdown is a photo sacred and seared in the minds of millions around the world and in mine--not in China since the image itself can scarcely be found in any Internet search behind the Great Firewall--is that now famous "tank man," a diminutive figure set against the backdrop of an imposing line of PRC tanks.

Time magazine featured this man, the "unknown rebel," in their 100 most important people of the 20th century, but today his fate remains unknown. Some reports said he was executed in the weeks that followed. Others believe he is in hiding. Still others maintain that he has lived a relatively normal life, unaware of the impact of his singular act of defiance, largely due to the government's information blockade surrounding that bloody day.

On June 6, 1989, The New York Times published a piece that began: "It all started with a man in a white shirt who walked into the street, raised his hand no higher than a New Yorker hailing a taxicab. Unlike so many of the pictures from China in the last few years, images crowded from one edge of the frame to the other with determined demonstrators and ambivalent soldiers, this one was powerful in its simplicity: a single man stopping a column of tanks rumbling toward Tiananmen."

New York Times headline for that article was, quote, "Crackdown in Beijing; One Man

Can Make a Difference: This One Jousted Briefly with Goliath." The headline reminded me of a book I recently read by Malcom Gladwell, *David and Goliath: Underdogs, Misfits and the Art of Battling Giants*. The book features a chapter on the American civil rights movement, and an equally searing photo from May 1963 of a young teenage boy apparently being attacked by a police dog in Birmingham, Alabama.

The book describes in fascinating detail how Martin Luther King and fellow civil rights leaders chose Birmingham for the next protest in their struggle against segregation because they knew that the city's racist Public Safety Commissioner, Eugene "Bull" Connor, was likely to overreact to their peaceful protest and in doing so galvanize national public outrage for the burgeoning movement.

Gladwell writes in his book, quote: "For years, Martin Luther King and his army of civil rights activists have been fighting the thickets of racist laws and policies that blanketed the American South. Suddenly, the tide turned. A year later, the U.S. Congress passed the landmark Civil Rights Act of 1964, and the Civil Rights Act, it has often been said, was written in Birmingham." End of quote.

This iconic American image awakened the national consciousness to the injustice of segregation and racist laws. Sadly, the same cannot be said of the "tank man," at least inside China, where the picture has been stripped from history. Equally troubling, the picture, widely seen in the West, failed to have a meaningful impact on U.S. foreign policy.

For a time, the United States suspended military contacts with China and imposed sanctions on arms sales. But a mere four years later, the Clinton administration chose to reengage with the top PRC leadership, including the People's Liberation Army, which you know more about it than I do, does unbelievably bad things--the same PLA responsible for the atrocities in Tiananmen, the same PLA that had Tiananmen protesters in jail.

This reengagement, which was not marked by any real accounting for the atrocities at Tiananmen, set the tone for the U.S.-China relationships the last two decades--a relationship that only pays lip service to human rights and religious freedom, quite frankly by both political parties.

As noted in the State Department's recent annual report on human rights, quote: "At year's end, the government has not provided a comprehensive, credible accounting of all those killed, missing or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations. Many activists who were involved in the demonstration continue to suffer from official harassment." End of quote.

That harassment takes many forms. Chinese citizens who challenge the government version of what happened that day are met with swift reprisals. Tiananmen survivors, many of whom have served already lengthy prison sentences, are harassed and exiled. Those who were injured, maimed or severely handicapped during the military assault are pressured not to talk about the source of their injuries.

Just days ago, Reuters, among other media outlets, reported that China, quote, "detained five rights activists, three lawyers and a rights' group said, after they attended a weekend meeting that called for a probe into the suppression of pro-democracy protests in Tiananmen Square." End of quote.

This crackdown is consistent with the government's authoritarian impulses. China consistently silences dissent, represses religious believers, and stifles opposition. In fact, repression of the Chinese people for the economic and political benefit of the Communist Party may be the government's most enduring governance value.

When you think about it, it's the one value today's Party leaders, who long ago abandoned any pretense of Communist economic philosophy, that they share in common with Mao.

I first went to China in 1991 with my good friend, Congressman Chris Smith of New Jersey. It was during this trip that we visited Beijing Prison No. 1. Chinese authorities informed us that approximately 40 Tiananmen Square demonstrators were in prison. Our request to see the demonstrators and different people were denied, but Chinese authorities gave us a tour of prison textile and plastic shoe factories.

We went through, we saw the Tiananmen workers working, and I asked if I could see some of the socks, and the warden didn't understand, and he gave me a whole set of socks. We brought them back. Senator Moynihan raised the socks on the floor of the Senate when he was--and I wish we had more Senator Moynihans--but he raised the socks. Socks for export to the West were being made by Tiananmen Square demonstrators.

I took some of these socks with me for export. We had them analyzed by different people, and that experience captures in sobering terms the failure of U.S. foreign policy toward China over successive administrations, both Republican and Democrat alike.

The United States has too often pursued a relationship that is fundamentally inconsistent with our most basic national values, marked by trade and market access at the expense of human rights, religious freedom, and the rule of law.

Personally, and I will say this, I believe this is what decline looks like. Our nation--we are either in decline or getting ready to go, and what we are seeing with the reaction of both political parties and both administrations--their reaction in contrast to the reaction of Scoop Jackson or President Reagan--this is what decline looks like.

This policy approach has been based on the misguided belief that greater economic openness would automatically result in accompanying political openness. It is a calculation which has proven false time and time and time again. This discredited argument is dusted off every time the U.S. is urged to provide the benefits of free trade or greater access to a country with a deplorable human rights record.

It was the very argument employed during the debate about whether China should be granted Permanent Normal Trade Relationship in 2000. At the time of passage, there was significant and ultimately well-founded concern that once China secured PNTR, Congress would lose a valuable legislative mechanism to shine a bright light on China's manifold human rights abuses every year.

Would a Scoop Jackson have given that up in the '70s and '80s? Would a Ronald Reagan have given it up? I mean no, they would have never given it up. We just gave it up, and there's a Simon and Garfunkel quote. He sang a song in Central Park called "The Boxer." "Man hears what he wants to hear and disregards the rest."

Fundamentally, the Congress disregarded it. They wanted to sort of hear this thing, and

we gave it up. At the time of passage, there was significant, ultimately well-founded concern that once China secured it, Congress would lose that ability to make a difference.

One only need look at China's record, both on human rights and compliance with trade agreements, to see the results. In a tragic twist of history, by expanding trade with this government, we enriched, empowered and emboldened the very people responsible for Tiananmen, and their kids drive in BMWs and Mercedes all through the big cities of the East Coast and the West Coast in our country. This is what decline looks like.

The message other oppressors around the world will clearly take away from our record in the years since Tiananmen is that they need only to crack down hard enough to stifle further public protests and promise enough market access, and the West will turn a blind eye.

However, these strategic missteps have not been ours alone. From entry into the World Trade Organization to the honor of hosting the Olympics, the "butchers of Beijing," as Bill Clinton once called them, have been legitimized and in many cases embraced by the international community, by large universities in the United States. In contrast, the Chinese government and the PLA persecute rarely make headlines and scarcely are known outside of their individual prison cells.

Like many repressive regimes throughout history, the Chinese government maintains a brutal system of labor camps. Common criminals languish behind bars alongside Nobel Laureates who dared to question the regime's authority and those who practice their faith, whether Christian, Buddhist or Muslim.

A February 2013, Christianity Today piece reported that, quote, "China's Christians felt a noticeable rise in persecution in 2012 as the Communist government began the first of a three-phase plan to eradicate unregistered house churches, a new report says."

More recently, this April, government authorities bulldozed a large Protestant church capable of holding 3,000 worshipers that had been under construction for more than 12 years. Protestant house church pastors are routinely intimidated, imprisoned and tortured.

We were there a couple years ago--Chris Smith and I--and we invited a group. Everyone who was invited got beaten up, arrested, and the silence of the Bush administration--Clark Randt--he was a disaster as ambassador. He never said anything. When we told him, he kind of didn't want to hear because he wanted to later on--and who does he represent now--he wanted to go out to make money to represent them.

More recently, currently every one of the 25 Protestant, no, now Catholic, of the 25 imprisoned Catholic underground bishops, underground, not above ground, but the underground Catholic Church, is either in jail, under house arrest or under strict surveillance or in hiding according to the Cardinal Kung Foundation--24 or 25 Catholic bishops are in hiding or under house arrest.

Nobody--I mean nobody seems to say anything. I see congressional delegations--you know, the delegations used to go to Russia in the '80s took lists. Now these delegations go to find out to where they can get a new factory for their district.

The government is an equal-opportunity persecutor of people of faith. Since 2009, more than 130 peace-loving Tibetans have set themselves aflame in desperation at the abuses suffered

by the people.

I snuck into Tibet in '96. They have cracked down. Every building in Lhasa--Lhasa is no more than a dirty Chinese city with karaoke bars and prostitutes. They have bulldozed most of the city. There are surveillance cameras up on all the buildings. 130 Buddhist monks and nuns poured kerosene on their bodies, killed themselves. One we saw where they were actually shooting him. The public security police are shooting him as he's burning, and nobody in the West says anything.

Uighur Muslims are unable to freely associate and have been subject to forced confessions and persecution. Rebiya Kadeer's son continues to languish unjustly in prison as he has for eight years. You should read the memo I got from Rebiya Kadeer two weeks ago. I don't know if you ever saw it, but we'll get it to everybody.

I mean her son is dying in prison. Nobody says anything. The list goes on. It does not even begin to address the broader scope of our bilateral relations, including China's increasingly aggressive cyber espionage, which directly threatens U.S. national security and is responsible for the loss of untold millions of U.S. technology.

And frankly I see the lists. My committee, we fund the FBI. I've seen the lists. Every high tech company is hit. Every agency is hit. Nobody says anything. I mean it's just memories when people were going to China, taking their laptops, taking their cellphones--and they've stolen billions of jobs. We are losing jobs based on the theft of the cyberattacks by the Chinese.

Even in the face of China's draconian assault on basic human liberty, millions of Chinese people continue to long for freedom from the oppressive rule of the Communist government. I saw an article two weeks ago. They think, in 1930 [sic]--this may be the largest Christian nation in the world. I think they're going to collapse. I think they're going to collapse. They have found Ceausescu's playbook, and they are following it. I think they're going to collapse so there's a lot the Chinese people, you know, there's a lot going on that quite frankly they're saying why isn't the West advocating more the way that it used to be?

In December 2008, a courageous group of Chinese democracy activists published Charter '08, a document modeled after Charter '77, issued by dissidents in Czechoslovakia. Charter '08 called on the Chinese government to implement democratic reforms and respect the dignity and fundamental human rights of all Chinese citizens. The Chinese government responded by systematically incarcerating and harassing the brave group of individuals who signed the charter.

One of the lead authors, Liu Xiaobo, later was awarded the Nobel Peace Prize in absentia. Dr. Liu, a Chinese scholar and democracy activist, was sentenced to 11 years in prison on December 25, 2009 on the grounds of, quote, "inciting subversion."

His lawyers were given a mere 14 minutes in which to argue his defense. This was not, however, Dr. Liu's first run-in with Chinese authorities. It is noteworthy for the purpose of this hearing that he was first detained following the 1989 Tiananmen Square protest and ultimately sentenced to two years in prison. He later served three years in a Chinese labor camp for daring to criticize China's one-Party system. His has been a life-long struggle for basic human rights in China.

In response to his receipt of the award, the Chinese government placed his wife under house arrest where she remains today without charge.

A recent Wall Street Journal op-ed by Rev. Desmond Tutu, recipient, again, of the 1984 Nobel prize for standing up against the racist government of South Africa, said, quote--the international counsel to Liu Xiaobo reported the following about her plight:

"Despite living in the middle of the one of the busiest, most populous cities in the world, she is cut off and alone. Chinese security officials sit outside her front door and at the entrance to her apartment building. Under these conditions, her physical and mental health are rapidly declining." End of quote.

The pair described a woman who has suffered a heart attack while under house arrest and is presently dealing with severe depression. They describe her suffering as profound and inhumane.

Next week I intend to send a letter to the D.C. mayor and city council requesting that the Section of International Place that runs past the Chinese Embassy in Washington be named the Dr. Liu Xiaobo Street. There is precedent for this action. In the 1980s, the square in front of the Soviet Embassy in Washington was renamed Sakharov Plaza after the anti-Soviet dissident Andrei Sakharov who unfortunately many people are even forgetting.

By renaming the street in front of the Chinese Embassy Dr. Liu, we would send a clear and powerful message that the United States remains vigilant and resolute in its commitment to safeguard human rights around the globe. The timing is auspicious with the Tiananmen anniversary rapidly approaching. Some may argue this is a purely symbolic gesture, but symbols have power.

The Tiananmen Square demonstrators of 25 years ago understood that symbols speak volumes. They carried paper mache models of the "Goddess of Democracy" precisely because of what it represented. The art student who created the sculpture explained as much in their declaration writing.

They said, quote: "You are the symbol of every student in the Square, of the hearts of millions of people. Today, here in the People's Square, the people's goddess stands tall and announces to the world: A consciousness of democracy has wakened among the Chinese people." End of quote.

President Ronald Reagan, too, understood symbols. He understood that there was something symbolic stirring about him standing at the Brandenburg Gate and calling on the then Soviet leader to tear down the wall that divided the people of the East and West Berlin.

He understood there was something symbolically powerful about invoking the name of Solzhenitsyn when he spoke at the Danilov monastery in Russia.

I want to close my testimony today with the words of Bob Dylan and the beloved anthem "Blowin' in the Wind." Listen to the words of "Blowin' in the Wind." Dylan says, quote:

"How many times can a man turn his head, pretending he just doesn't see?"

How many times can we pretend that we don't see the injustice, the repression, the persecution that the Chinese people endure everyday at the hands of their government?

How many times can we pretend that unbridled capitalism is our greatest national export?

How many times can we pretend that a White House State Dinner is the appropriate response for a head of state that imprisons a Nobel Laureate?

I pray that the answer to these questions is quite simple: no longer. With the 25th anniversary of Tiananmen on the horizon, there are steps that the administration can take, symbolic and tangible alike, that would communicate to the Chinese people that their struggle has not been forgotten.

I believe that the Chinese government, the Party and the system responsible for Tiananmen and continued repression, will ultimately be left on the "ash heap of history."

What remains to be seen is whether the United States, our country, our Congress, the Republican Party, the Democratic Party, this "shining city on the hill" will be the shining city on the hill as envisioned by our Founding Fathers. Reagan said that the words in the Constitution and the words in the Declaration of Independence were not only for the people in Philly in 1776, and the Constitution in 1787. Reagan said they were for the people of the entire world.

So as envisioned by Founders, will we be on the right side of history in the years ahead or will we continue, in the words of Dylan, "to turn out heads and pretending we just don't see"?

Thank you very much for the opportunity to be here today.

HEARING CO-CHAIR WORTZEL: Mr. Wolf, thank you. There's always a tension in U.S. policy on how to balance our concerns for human rights and American values, and foreign relations and other national interests, and you have been a real beacon for a focus on American values and national security.

I want to thank you for your time on behalf of my fellow Commissioners. Thank you for your support for the Commission, and thank you very much for your service to the nation.

HEARING CO-CHAIR BARTHOLOMEW: Thank you.

We are going to take a break until 11:15 when we'll start with the next panel.

[Whereupon, a short recess was taken.]

PANEL II INTRODUCTION BY COMMISSIONER CAROLYN BARTHOLOMEW

HEARING CO-CHAIR BARTHOLOMEW: Let's get started again. Okay. Our second panel today will discuss China's responses to dissent through its internal security forces and legal means as well as current trends in expressing dissent in China.

We have three very distinguished witnesses with us. I'd like to remind our witnesses to keep their remarks to seven minutes so that we have time for our question and answer session. As I'm sure you all know, we're quite shy about asking questions.

Our first panelist is Dr. Murray Scot Tanner, Senior Research Scientist in the China Studies Division at CNA. He previously served as the Co-Chairman's Senior Staff Member for the Congressional-Executive Commission on China, our sister commission, and as a Senior Political Scientist at the RAND Corporation.

Dr. Tanner received his B.A. in political science and East Asian languages and literature and his Ph.D. in political science from the University of Michigan.

Next we'll hear from Dr. Sophie Richardson, the China Director at Human Rights Watch. I'd note that Dr. Richardson rearranged her travel plans to appear before us today and arrived back from a long trip to Asia at midnight last night so she gets a little bit of dispensation.

She's a graduate of the University of Virginia, the Hopkins-Nanjing Program, and Oberlin College, and is the author of numerous publications on domestic Chinese political reform, democratization, and human rights in China and Southeast Asia, including the 2009 book, *China, Cambodia, and the Five Principles of Peaceful Coexistence*.

Our third panelist is Mr. Carl Minzner, an Associate Professor of Law at Fordham University. He is an expert in Chinese law and governance and has written extensively on these topics in both academic journals and the media, including a recent article entitled "China's Turn Against Law," in the *American Journal of Comparative Law*.

Prior to joining Fordham, Mr. Minzner was an Associate Professor of Law at Washington University in St. Louis and also worked for the other commission, the Congressional-Executive Commission on China, where he served as Senior Counsel.

Dr. Tanner, we're going to go ahead and start with you.

**OPENING STATEMENT OF DR. MURRAY SCOT TANNER
SENIOR RESEARCH SCIENTIST, CNA**

DR. TANNER: Good morning. I want to start by thanking the Commission and its staff for inviting me back to testify as part of today's panel, a topic near and dear to my heart, or at least near to my heart because, as Dr. Wortzel knows very well, the two of us were both in Beijing during the spring of 1989.

I never had a chance to publicly thank the people who were working for the U.S. government then for all the concern that they showed for us American citizens who were there. So I'll take that opportunity now.

I'm also privileged to share this panel with Dr. Sophie Richardson and Professor Carl Minzner, two of our country's top experts on these topics, long-time colleagues and friends from whom I've learned a great deal.

My testimony today represents my own personal views and does not necessarily reflect the views of CNA, any of its corporate officers, or its sponsors.

I've been asked here today to discuss the scale and trends in popular unrest in China today, the Xi Jinping leadership's responses, and China's internal security forces, and the impact this unrest is having on China's relations with the world. In doing so, I want to emphasize the following four major points:

First, that although Chinese authorities have tried to make it harder for both foreign observers and their own security analysts to track social order trends, law enforcement data from China indicate that unrest remains at a high level after a sustained increase of two decades.

Second, that many of the most prominent causes of unrest in China today remain unchanged despite the Hu Jintao leadership's pledge a decade ago to address these social problems and build a "harmonious society." Meanwhile, other causes and forms of unrest are reportedly on the rise.

For the Xi Jinping leadership--this is my third point--now in its second year, no policy objective is more important than reasserting control over social order. Indeed, as we look at his own policies and institutional changes, Xi Jinping seems well on his way to becoming the most hands-on Chinese Communist leader in decades with respect to social order and social control issues.

And fourth, concerns about maintaining the Communist Party's rule over society are a major factor shaping its leaders' thinking about foreign and defense policies. But the impact of instability concerns on international security is complex, and it defies many of the simple analytical conclusions that are often set forth by foreign analysts.

The true level of social unrest in China is not known with certainty outside of China or quite possibly by the Chinese government leadership itself.

But law enforcement data on so-called "mass incidents," a wide variety of protests ranging from sit-ins to strikes, marches, rallies and even genuine riots, indicate that China has witnessed a sustained increase in these incidents from 8,700 in 1993 to more than 120,000 by 2008, and in 2012, the Chinese Academy of Social Sciences reported that these protests now

regularly exceed 100,000 per year, while another Chinese analyst contends that China saw a truly dramatic increase in the year 2011.

By contrast, however, official press reports earlier this year claimed that the government achieved equally dramatic downturns in protests during 2013, although these reports provide no actual data.

Many of the most prominent causes of social unrest have remained largely unchanged over the last decade, and the Chinese Academy of Social Sciences and China's Trade Union have identified many of the same major causes today as ten years ago--poor labor relations; wage disputes; illegal government seizures of rural land and urban apartments; environmental pollution; and unfair or improper law enforcement.

And many of these social ills persist notwithstanding numerous calls by Beijing to eradicate them.

Other forms of unrest have become more prominent in recent years and have attracted the attention of Party leaders and security officials. I won't spend a lot of time on this, but I will note the emergence of a striking rise in attacks against or threats upon doctors and medical personnel and patients, so-called "medical disturbance cases," and also as widely reported in the news, China recently suffering a number of mass knifing and bombing attacks at railway stations in Kunming or Urumqi and Guangzhou, which the government has used to focus attention on what they regard as a large terrorism problem, and particularly highlighting Uighur separatist terrorism.

The Xi Jinping leadership's response by issuing numerous speeches and directives to law enforcement officials since coming to office and establishing himself as chairman of the new National Security Committee, Xi may be the first Party's chief since 1949 to personally head a top committee overseeing domestic security and may be on his way to becoming the most hands-on leader with regard to social control in China's history.

Concern about popular unrest and Party legitimacy also seem to motivate Xi's flagship campaign against corruption, which he's called an "invisible wall between the Party and the people."

Xi has also called for optimizing the command and management over the paramilitary People's Armed Police Force, and he inherits a debate over how best to prevent grassroots officials from misusing these paramilitary forces against local citizen protester.

Finally, one disturbing trend has been China's decision to increase the carrying of firearms by police patrols in the wake of the railway stabbing cases. China actually has a relatively restrained tradition of carrying firearms by police, and any shift from that policy raises serious questions of whether officers will receive adequate firearms training or whether cases of police shootings will be adequately reviewed.

Closing, I just want to say a little about the impact of social order concerns on China's relations with the outside world. The Chinese leadership's concern over social unrest and maintaining the CCP's hold on power is a major background force helping shape Chinese foreign and defense policies.

But its impact is complex and defies many of the simple characterizations that are put

forward, such as, on the one hand, that China has little choice but to pursue a peaceful rise and good relations with its neighbors so that it can focus on internal challenges or, on the other hand, that an unstable Chinese government may assuage populist nationalism by launching diversionary conflicts with Japan or its other neighbors.

May I have 30 seconds, ma'am?

HEARING CO-CHAIR BARTHOLOMEW: Yes.

DR. TANNER: In its dealings with Japan, for example, China has at times had to confront major anti-Japanese protests as in 2005, 2010, and 2012, but this year despite events such as Prime Minister Abe's visit to Yasukune and the problems in the Senkakus, Chinese officials appear to have averted public protests.

Looking to the future, Tibet is one area in which China's pursuit of social control will likely create foreign policy challenges, especially if Beijing attempts to install a handpicked successor to the Dalai Lama in the event he passes away during Xi Jinping's term in office.

I and the panel would welcome additional questions from the Committee on the complex impact of social unrest on foreign policy, but my time limit has been reached, and I want thank the Commission for inviting me to testify.

**PREPARED STATEMENT OF DR. MURRAY SCOT TANNER
SENIOR RESEARCH SCIENTIST, CNA**

China's Social Unrest Problem

**Testimony before the
U.S.-China Economic and Security Review Commission Murray
Scot Tanner, Ph.D.
Senior Research Scientist China
Studies Division CNA
May 15, 2014**

Good morning. I want to start by thanking the Commission and its staff for inviting me back to testify as part of today's panel. I am also privileged to share this panel with Dr. Sophie Richardson and Professor Carl Minzner, two of our country's top experts on these topics, and longtime colleagues and friends from whom I have learned much over the years. Before I begin, let me also note that my testimony today represents my own personal views, and does not necessarily reflect the views of CNA, any of its corporate officers, or its sponsors.

I have been asked today to discuss the scale and trends in popular unrest in China today, the Xi Jinping leadership's policy responses and China's internal security forces, and the impact this unrest is having on China's relations with the world. In doing so, I want to emphasize the following main points:

- Although Chinese authorities have, in recent years, tried to make it harder for both foreign observers and their own security analysts to track social order trends, available data from Chinese law enforcement sources indicate that unrest in China remains at a high level after a sustained increase of about two decades.
- Many of the most prominent causes of unrest in Chinese society remain unchanged, despite the Hu Jintao leadership's pledge almost a decade ago to address these social problems build a "harmonious society." Other notable causes and forms of unrest are reportedly on the rise.
- For the Xi Jinping leadership, now in its second year in office, there is no policy objective more important than reasserting control over social order, and Xi has offered numerous policy directives, institutional reforms, and speeches directed at dealing with social order challenges. Indeed, Xi seems to be well on his way to becoming the most "hands on" Chinese Communist Party leader with respect to social order issues in decades.
- China's concerns over maintaining the Communist Party's leadership over society and dealing with internal security challenges are a major factor that helps shape its leaders' thinking about foreign and defense policies. But the impact of instability concerns on international security is complex, and defies many of the simple analytical conclusions that are often set forth by foreign analysts.

Social Stability Problems—Levels and Causes

The true level of social unrest in China is not known with certainty outside of China—or, quite possibly, by the Chinese government. But internal Chinese law enforcement data on so-called "mass

incidents”—a wide variety of protests ranging from sit-ins to strikes, marches and rallies, and even genuine riots—indicated that China had seen a sustained rapid increase in these incidents from 8,700 in 1993 to nearly 60,000 in 2003 to more

than 120,000 by 2008.¹ In recent years the picture has been harder to track, as Chinese authorities have made it harder to obtain these data, even within their law enforcement system. The Chinese Academy of Social Science reported in 2012 that mass incidents now regularly exceeded 100,000 per year.² One government research institute analyst in 2013 cited unsourced data indicating China saw a dramatic increase in protests during 2010 and 2011, though I believe such figures must be treated with extreme caution.³ By contrast, government press reports in early 2014 claimed that the government achieved equally dramatic downturns in protests during 2013, although these reports also did not provide actual statistical data measuring this decline.⁴

The Chinese law enforcement system’s other indicators of social disorder and group-based instability, however, are more consistent with a view that China saw a continued major increase in social instability over the past decade and a half that may have plateaued somewhat in the past 3-4 years. Cases of various forms of “social order” violations rose from 3.2 million in 1995 to 11.7 million in 2009, and increased more slowly up to 13.9 million in 2012. Formally reported cases of so-called group social order violations—categories of legal violations that include disrupting public order, creating fights and disturbances, and obstructing state officials in performance of their duty—rose more slowly from 462,000 to 631,000 during the same period.⁵

Many of the most prominent reported causes or sparking incidents behind these protests have remained largely unchanged over the past decade or more. Studies by the Chinese Academy of Social Sciences and China’s official trade union federation identify bad economic conditions, unemployment, poor labor relations, wage disputes, illegal government seizure of rural land and illegal evictions of urban residents from their apartments, environmental pollution, and unfair or

¹ Dan Weihua, A Multilevel, Multicausal Analysis of Mass Incidents Related to Police During the

² “Chinese Academy of Social Sciences Report Says Mass Incidents in China Each Year Number in Tens of Thousands,” (社科院报告称中国每年群体性事件多达数万起) December 18, 2012, People’s Daily network (Renmin Wang) Beijing, at <http://news.163.com/12/1218/11/8J0KU2R500014JB6.html>.

³ Ye Yu “An Examination of the Modern Nature of Mass Incidents,” (Quntixing shijian de xiandaixing shenshi), *Renmin Luntan*, 2013, Number 1. The author works for the Nanjing Population Management Cadres Institute. The author cites standard Chinese sources in asserting other mass incidents data, such as the claim that these incidents had reached nearly 60,000 by 2003. But the author goes on to state that “the year 2011 was six times that of 2003” (pg. 40) an assertion which would produce the astounding figure of approximately 360,000 incidents per year or about 1,000 incidents a day nationwide. The author cites no published Chinese sources on unrest statistics that are recent enough to be the source of annual data for the year 2011, so it is difficult to take these data at face value.

⁴ “Scholar: The Political-Legal Work Conference Convened Under Central Auspices for the First Time in Recent Years” (学者:政法工作会近年首次以中央名义召开), *Xinjing Bao*, January 9, 2014, <http://zgws.xinhuanet.com/info.aspx?id=40499&typeid=128>; “Xi Jinping: Use Realistic Operations to Protect Social Fairness and Justice,” January 9, 2014, http://www.qstheory.cn/zs/xjp/201401/t20140109_311072.htm.

⁵ These data, collected by the Ministry of Public Security, were compiled from annual editions of *Policing Studies* (*Gongan Yanjiu*) and the *China Social Statistics Yearbook*.

improper law enforcement as the major causes of unrest. These are essentially the same list of main causes that Chinese police analysts cited a decade ago, and they persist today notwithstanding numerous announced policy efforts by Beijing to rein in these problems.

Other causes and forms of unrest and instability have emerged or become more prominent in recent years, however, and have attracted the attention of Party leaders and law enforcement officials.

- Between 2006 and 2010, China saw a striking increase in cases of so-called “medical disturbance” incidents, in which patients or their family members “violently beat, threaten, or curse medical personnel,” with cases of these attacks rising 68 percent from 10,248 in 2006, to 17,243 in 2010, spurring a policy directive from the Ministries of Health and Public Security.⁶
- As has been widely reported in the Chinese press, China has recently suffered three incidents of multiple knife attacks at railway stations in Kunming, Urumqi, and Guangzhou. These, coupled with a string of reported attacks on government offices in Xinjiang and a flaming car attack last October in Tiananmen Square, have spurred a major reaction by Chinese leaders, who portray these as signs of a growing problem of terrorism in China, especially Uyghur separatist terrorism.⁷

The Xi Jinping Leadership’s Response

- Xi Jinping’s institutional reforms and policy pronouncements on social order, law enforcement, and counterterrorism indicate that since coming to power two years ago, Xi may be well on the way to becoming the most “hands on” Party General Secretary with regard to social order issues in at least the past 35 years.
- Beginning soon after coming to office, Xi made inspection visits to People’s Armed Police units, issued numerous “important” security policy directives, and made “major” speeches to national meetings of police and judicial officials. Institutionally, Xi’s Politburo Standing Committee is the first since 2002 that does not include the Party’s head of law enforcement and security (“political-legal affairs”). By establishing a new National Security Committee with himself as Chairman, Xi appears to be the first General Secretary since the founding of the PRC in 1949 to personally head a top Party policy committee overseeing domestic security or law enforcement policy.⁸
- Xi Jinping’s concern with restoring social stability and strengthening the Party’s legitimacy

⁶ These national statistics and policy directives are reported in “Since Last Year 115 Medical Disturbances Occur in Nantong,” (去年以来南通共发生医闹事件115起,) date 2012-05-28, reported on the Jiangsu provincial site of the People’s Daily news network, <http://js.people.com.cn/html/2012/05/28/112298.html>.

⁷ Steven Jiang and Katie Hunt, “Five arrested in Tiananmen Square incident, deemed a terrorist attack,” *CNN*, October 30, 2013, <http://www.cnn.com/2013/10/30/world/asia/china---tiananmen---arrests/>.

⁸ Mao Zedong, Deng Xiaoping’s general secretaries (Hu Yaobang, Zhao Ziyang, and Jiang Zemin), and Hu Jintao all left chairmanship of the Central Political-Legal Group and related security bodies to senior party security specialists such as Peng Zhen, Luo Ruiqing, Kang Sheng, Ji Dengkui, Chen Pixian, Peng Chong, Qiao Shi, Ren Jianxin, Luo Gan, and most recently Zhou Yongkang and Meng Jianzhu. It is worth noting, however, that our knowledge of leadership security structure during the leadership of Hua Guofeng—who was a former Minister of Public Security—is less detailed than these other periods.

has also been a major motivator for Xi's high profile campaign against corruption, and last year Xi labelled corruption "an invisible wall between the Party and the masses."⁹ At the same time, Xi remains a Leninist who insists on the Party defining and controlling these anti-corruption efforts. Xi has shown no more tolerance than his predecessors for Chinese citizens who organize independently to fight corruption or publicly promote transparency and accountability.¹⁰

- Xi thusfar appears to be following in the footsteps of Jiang Zemin and Hu Jintao in trying to keep the blame for the abuses and predations that spark unrest focused on local officials, and trying to find ways to reassert Central control over these Party officials. Xi's political initiatives announced at last November's Third Plenum do not enthusiastically promote some of the legal and political institutional reforms first inaugurated in the late 1980s and 1990s that once promised to strengthen citizen access, oversight, and influence (notably through elections), or to strengthen the institutional independence of courts, prosecutors, and anti-corruption investigators.¹¹
- Xi has called upon police and judicial officials to strengthen "fairness and justice" and the "rule of law" in order to improve their dealings with the public. At the same time, he has emphasized the need to strengthen the Party's leadership over law enforcement.¹²
- Xi's intentions regarding the paramilitary People's Armed Police are not yet clear. The Decision adopted by the November Third Plenum called broadly for "optimizing the structure of the Armed Police forces and their command and management structures," but gave no more detail. Since the passage of the Armed Police Law in 2009, Chinese law enforcement and military officials have continued to wrestle with the issue of how much they should recentralize power over these forces away from local Party leaders, who have been accused of abusing leadership over the PAP to suppress local citizens in non-law enforcement operations.¹³
- One recent policy shift that I see as a significant future source of concern is China's decision to increase the carrying of and use of firearms by regular patrol police. This move has been announced in the wake of the Kunming railway stabbing incident. On March 16 the Ministry of Public Security directed cities to establish more armed police patrols, and a vice minister of Public Security has called on officers to respond more quickly to such incidents by the use of firearms.¹⁴ China has a tradition of restrained deployment and

⁹ "Xi Jinping 22 Jan Delivers Important Speech at 2nd Plenary Meeting of 18th CDIC," Beijing Xinhua Domestic Service in Chinese 0912 GMT 22 Jan 2013, [Report by reporters Xu Jingyue and Zhou Yingfeng: "Xi Jinping Delivers Important Speech at the Second Plenary Session of the 18th Central Discipline Inspection Commission."

¹⁰ For an excellent discussion of Xi's policy in this regard, see the interview with Sophie Richardson, "China is cracking down on both corrupt officials and anti-corruption activists," *The World* (Public Radio International), April 9, 2014, <http://www.pri.org/stories/2014-04-09/china-cracking-down-both-corrupt-officials-and-anti-corruption-activists>.

¹¹ See especially Sections VIII and IX of the Party's Decision at the 2013 Third Plenum.

¹² See especially Section IX of the Party's 2013 Third Plenum Decision, as well as Xi's April 2014 speech to the Politburo's study session on social order and national security.

¹³ See Third Plenum Decision, Part 15 on National Defense and Military Reform. On Central versus local control over the People's Armed Police (PAP) and the impact of the 2009 PAP Law and its implementation, see Murray Scot Tanner, "The Impact of the 2009 People's Armed Police Law on the People's Armed Police Force," forthcoming in Susan Trevaskes, ed., *Rule of Law and Social Control in China* (London, Edward Elgar, 2014).

¹⁴ China's official English language paper *The China Daily* reported that Vice Minister of Public

use of firearms by police, and any shift from that policy raises serious questions of whether China will provide its officers with adequate training in the safe use of firearms, and establish transparent and effective methods of oversight, and after-action review of cases of police shootings.

The Impact of Social Order Concerns on China's Relations with the Outside World

The Chinese leadership's concern over social unrest and maintaining the CCP's hold on power is a major background force helping to shape China's foreign and defense policies. China's foreign policy focus on encouraging continued rapid economic growth, exports, and energy security are all undergirded by the Party's belief that economic growth is the key to maintaining its hold on power and building legitimacy.

But this impact is also complex and defies some of the simple analytical characterizations that are often put forward—such as: (1) that China has little choice but to pursue a “peaceful rise” and good relations with its neighbors in order to permit itself to focus on domestic challenges; or conversely that (2) an unstable Chinese government will feel compelled to appeal to angry, populist nationalism at home by launching “diversionary conflicts” with Japan or other neighbors. China has shown, at times, an apparent need to respond to social pressure in its foreign policy, and at other times, an ability to contain unrest that might press it toward a harder foreign policy line. In 2005, 2010, and 2012, for example, anti-Japanese protests probably put pressure on Beijing in its dealings with Tokyo. But in the past six months, China appears to have shown an ability to contain anti-Japanese protest even in the face of incidents such as Prime Minister Abe's visit to the Yasukune shrine, or tensions over the Senkaku/Diaoyu islands, that recent history would lead us to expect would have caused more public protest. As China's economic and diplomatic power continue to grow, we have already seen signs, and can expect to see more, of Beijing using its power to pursue policies, initiatives, and operations overseas aimed at protecting its domestic stability in lands outside its borders. Looking to the future, one issue in which China's pursuit of social control appears likely to create foreign policy challenges concerns Tibet. If, as seems possible, the Dalai Lama passes away during Xi Jinping's period of leadership, any effort by Beijing to install a Beijing-selected successor, or heavy-handed efforts to suppress the Dalai Lama's followers inside China, or an insistence by Beijing that India do the same inside of its territory, will create serious challenges for China's relations with India and the United States.

The reality of the impact of social unrest on foreign policy is complex, and I welcome specific questions on this for myself and the panel.

I thank the Commission for inviting me to testify.

Security Fu Zhenghua recently instructed police that “when deadly force is required, the police should eliminate the threat with one shot.” Fu “urged officers to react fast and take the initiative in emergencies.” “Security Beefed Up Nationwide,” *China Daily* (Asia-Pacific edition) online in English, May 8, 2014, http://www.chinadailyasia.com/news/2014-05/08/content_15134048.html. On the MPS's March 16 directive and expanded armed patrols, see Du Qiongfang, “Gunning for Crime,” *Global Times* (online edition, in English), April 28, 2014 .

**OPENING STATEMENT OF DR. SOPHIE RICHARDSON
CHINA DIRECTOR, HUMAN RIGHTS WATCH**

DR. RICHARDSON: Thank you very much for inviting me to be here today and thanks very much to your terrific staff and to my infinitely more articulate fellow panelists today.

Just in the past week, the Chinese government's seemingly immutably hard-line attitude towards dissent has been on display in a couple of different ways. Early last week, five people, including China's top human rights lawyer, Pu Zhiqiang, were criminally detained on charges of causing disorder, a charge that's been used several times in the past year and in other cases led to sentences of up to four years.

These people's so-called "crime" was gathering privately to discuss the 25th anniversary of Tiananmen. In addition, the founder of the Tiananmen Mothers, Ding Zilin, and her husband, Jiang Peikun, have been told they may not return to Beijing to observe the anniversary.

And veteran journalist Gao Yu, who is in her 70s and who had disappeared on April 24, was trotted out on state TV appearing to forcibly confess to violating China's notoriously opaque state secrets laws. We are particularly concerned that that may have transpired because in the few weeks she was in detention her whereabouts were unknown, that she was subject to ill treatment or torture, and that's a reality that may continue because these grounds deny you--or these charges deny you--access to counsel.

And what we take away from that is that in the 25 years that have elapsed since the Tiananmen Massacre, the Chinese government has to an unprecedented extent opened the country to the outside world, radically restructured its economy and engineered significant socioeconomic transitions. Yet successive Chinese Communist Party leaderships and the government have consciously and conspicuously chosen not to grant greater room for peaceful criticism and other basic human rights.

Very quickly, three lessons we think that the CCP has taken away from the Tiananmen experience:

First, to allow debate and dissent, particularly in ways that cross class boundaries or take on any organizational shape or form, fundamentally constitute a threat to the Party State, even if that debate is about issues that the Party State itself has identified as priorities. I think the prosecutions recently of anti-corruption activists is a perfect example of this hypocrisy.

Second, the CCP learned that while it can't tolerate organized opposition or much independent criticism, it also understands that it won't survive if it remains wholly impervious to popular opinion.

One of my colleagues refers to it as the first Darwinian Communist Party we've seen in recent history, and particularly at a time of ebbing legitimacy on the Party's part so that we do actually see discontent, but it's not willing to cede power into institutions that can mediate that discontent, such as a free press or an independent judicial system. So the Party and the Party alone decides what, when and how to respond, leaving challengers vulnerable to arbitrary reprisals.

And, finally, the CCP also learned that for the most part it did kill thousands of unarmed

peaceful protesters, subsequently denied that reality, partly by writing the events out of history books and partly by crushing all discussion of the subject domestically, and could to a large extent get away with it.

Chinese officials regularly lie about a host of human rights issues to the U.S. and to other governments, to the U.N. and to people in China, and often go unchallenged when they do so.

Popular dissent in China today really is to a large extent a function of many of the dynamics that led to Tiananmen: lack of a free press and freedom of expression, no avenues for meaningful political participation, and a legal system designed not to address social grievances or make decisions based on precedent, but to protect Party interests.

Several other people have spoken in far greater detail than I have about the nature of protest. We see roughly four different categories that are actual protests or demonstrations, what we might recognize as demonstrations. There are also more organized sustained efforts.

In that category, I would place, for example, the weiquan, or "rights defense" movement, which is a direct legacy of Tiananmen. These are mostly lawyers who are trying to press for change through the legal system, which is a channel that, in theory at least, is approved by the Party, and the purpose of this work is for people to assert their rights through the legal system.

Another offshoot of the weiquan movement itself is the New Citizens Movement, which is a little bit more about civic activism and what it means to be a part of governance essentially. But it's people from precisely this community who have been particularly targeted for prosecution in the last year or so.

I would also in this category put unregistered house churches and groups of academics who do things like submit sets of comments on proposed legal reform either to the Party leadership or to the National People's Congress.

A third form of dissent, I think we should probably talk more about this afternoon, particularly as it pertains to ethnic minority regions, is about violence. It's not just about ethnic minority regions. There have been all sorts of allegations about Uighur terrorism that I think it's important for us to unpack here, but also I think the violence that we've seen Tibetans visit upon themselves as a form of dissent, and some of the attacks on civilians. These are disturbing and different trends from what we've seen in the past.

I think the fourth form of dissent is dissent within the Party, which still revolves around prosecutions like that of Bo Xilai or of Zhou Yongkang, which may not be actual legal proceedings. We certainly have views about whether the rule of law is being pursued in these cases or whether this is simply a case of people eliminating their political rivals.

The Party's role in or the Party State's role or reaction to dissent is generally the state is omnipresent, and it is really consistently tolerant. It really is local and police authorities who deal with protests, it's national authorities who decide to go ahead with the prosecution of people like Liu Xiaobo, Xu Zhiyong or Ilham Tohti. In some cases we do see the state essentially trying to cover its tracks in suppressing dissent either by using illegal detention facilities like "black jails" or difficult to research internal Party systems like shuanggui to discipline Party members.

Very quickly, I was asked to answer the question whether Xi Jinping is more tolerant of

dissent than his predecessors, and that's a hard question to answer. I think the 75 or so people who have been prosecuted for behavior that's entirely within the confines of Chinese law over the last year would certainly say no.

I think the fact that people are now being criminally sentenced for activities that previously would have resulted in a mere chat with the authorities and then released would probably say he's not more tolerant either.

I'm going to exercise hopefully the same claim to 30 seconds. And that finally while I think a comparison between previous administrations and the current one about tolerance for dissent may tell us some interesting things about differences in tactics, I think it fails to take into account a more important basic reality, that 25 years later, this should be better; this should be different. The Chinese government has consciously chosen to make changes and to allow room for growth and change and openness and reform in some other realms but not in this one, and it is not inconsequential.

The failure to do this will continue to arrest China's ability to undertake critical reforms, and it will mean deepening dissent with vulnerable and/or aggrieved populations from migrant workers to dispossessed farmers. It will mean covering up rather than grappling with environmental and public health disasters, and these problems will not remain within China's borders.

I'm going to stop on that happy note. Thanks.

HEARING CO-CHAIR BARTHOLOMEW: Thank you.

**PREPARED STATEMENT OF DR. SOPHIE RICHARDSON
CHINA DIRECTOR, HUMAN RIGHTS WATCH**

May 15, 2014

“Stability in China: Lessons from Tiananmen and Implications for the United States” Sophie Richardson

China Director, Human Rights Watch

Testimony before the U.S.-China Economic and Security Review Commission

Introduction

Twenty-five years after the Chinese army killed untold numbers of unarmed civilians in Beijing and other cities on and around June 3-4, 1989, the Chinese government continues to persecute survivors, victims' families, and others who challenge the official version of events. The Chinese Communist Party (CCP) initially justified its actions during the bloody crackdown as a necessary response to a "counter-revolutionary incident," later revising its characterization of the event as a "political disturbance."

In April 1989, workers, students, and others began to gather in Beijing's Tiananmen Square and in other cities. Most were demonstrating peacefully for government accountability, democracy, and the freedom of expression. When the protests had not dispersed by late May, the government declared martial law, and then authorized the army to use lethal force to clear the streets of protesters. In the process of fulfilling that order, the army shot and killed untold numbers of unarmed civilians, many of whom were not connected to the protests. In Beijing, some citizens attacked army convoys and burned vehicles as the military moved through the city. Following the civilian killings, the Chinese government implemented a national crackdown and arrested thousands of people on "counter-revolutionary" charges, and on criminal charges including arson and disrupting social order.

The Chinese government was globally condemned for its crackdown on the protesters, and several countries imposed sanctions, including the ongoing—though porous—European Union arms embargo. The Chinese government has rebuffed all efforts to seek a re-examination of the events of June 1989.

The Lessons of Tiananmen

In 1989, senior Chinese leaders perceived the Tiananmen protests as the political equivalent of a near-death experience, a profound threat to the Communist Party's existence and control. The CCP's unwillingness over the last quarter-century to discuss or reevaluate any aspect of Tiananmen—the government's decision to resort to force, the number of people who died, accountability for political or military leadership at that time, ongoing persecution of those who were involved or their family members—suggests that this perception has not changed, and has continued to inform its attitude toward dissent.

What lessons did the CCP take away from 1989? First and foremost, it learned that retaining political control meant limiting the freedoms of assembly, association, and expression. Allowing a broad cross-section of society to come together spontaneously and debate ideas would lead to an unacceptable challenge to Party control. The Party reached a similar conclusion regarding any organizing vehicle that could serve as an alternative to the CCP to bring people together, regardless of whether the entity in

question is a church, a community welfare organization, or a nascent political party.

With a nervous eye on its neighbors and its recent history, the CCP has continued to avoid the kinds of political liberalization that it perceives as having led to the collapse of the former Soviet Union.

While the Chinese government has adopted—and in some senses strengthened— language in laws guaranteeing basic human rights, including a 2004 Constitutional amendment obliging the state to protect and promote human rights, these are frequently and grossly violated. The authorities' efforts to silence the New Citizens Movement (NCM) over the past year is but one example of this problem. The NCM consists of a loose network of activists across the country who have done no more in recent years than meet over meals to discuss constitutionalism and political reform, and hold a handful of peaceful demonstrations demanding official asset disclosure. In the past few months, dozens of NCM members have been charged with “gathering crowds to disturb social order” or “picking quarrels and stirring up troubles”; in January 2014 the prominent rights activist Xu Zhiyong was sentenced to four years for his involvement in small, peaceful protests in Beijing about unequal access to education and corruption.

The Party learned and continues to apply a related lesson: while it cannot tolerate organized opposition or independent criticism, it also understands that it will not survive if it is wholly impervious to popular opinion, particularly at a time of ebbing legitimacy.

While Chinese authorities continue to invest extraordinary resources into monitoring and censoring the Internet, they have also put it to use in detecting and opportunistically responding to popular frustration. Local officials whose transgressions have been documented on social media, for example, have been purged, and certainly central authorities' decisions to publicize large portions of disgraced former Politburo member Bo Xilai's 2013 trial appear designed to ameliorate deep frustration about officials' impunity and privilege. The leadership even occasionally initiates seemingly systemic reforms, such as the January 2014 abolition of reeducation through labor, a deeply unpopular form of arbitrary detention imposed by police.

Yet the Party is no closer to submitting to the ultimate test of popular opinion—regular and open elections—nor is it willing to tolerate institutions that could help channel or mediate discontent, such as allowing a genuinely free press or a truly independent judicial system. Recent efforts targeting on-line “rumors” and “cultural threats” leave the government considerable latitude to limit expression. As a result, it and it alone decides what, when, and how to respond, leaving its challengers vulnerable to arbitrary reprisals. While Xi Jinping's ambitious reform agenda will require popular support to overcome bureaucratic reticence and entrenched interests, he and other leaders continue to impose harsh curbs on civil society.

The other significant lesson the CCP learned from the 1989 massacre was that it could kill thousands of unarmed, peaceful protestors and subsequently deny that the event had even taken place. Both domestically and internationally, the CCP has gotten away with one of the biggest lies of the 20th century in denying the attack on peaceful protestors. No domestically published documents discuss the 1989 massacre, and the topic is heavily censored on-line, such that whole generations of people in China are simply unaware of this pivotal recent event. On the occasion that peaceful critics, such as prominent lawyer Pu Zhiqiang or the Tiananmen Mothers, mount public calls for accountability, they are put under criminal detentions or confined to their homes and their letters remain unanswered. The “big lie” can be seen in government spokespeople's remarks that Liu Xia, the wife of the imprisoned 2010 Nobel Peace Prize winner who has been held under house arrest since October 2010, is actually

“free,” or in its submission to the United Nations Human Rights Council which claimed that the Chinese government welcomes the work of civil society and lawyers.

Senior officials have also worked assiduously to end discussion of the topic internationally. In 1990, then-President Jiang Zemin dismissed international condemnation of the Tiananmen Massacre as “much ado about nothing”; in January 2001, Foreign Ministry spokesman Zhu Bangzao defended the use of deadly force against unarmed civilians in June 1989 as “...timely and resolute measures...extremely necessary for the stability and development of the country.” While some governments, such as the United States, continue to issue annual statements commemorating Tiananmen, officials within those governments admit that the fight within their own bureaucracies to do so gets harder each year, and many others have simply stopped marking the occasion or inquiring about the victims. The “big lie” is successful in part as a result of this self-imposed diplomatic amnesia.

Popular Dissent in China Today

The denials of human rights that contributed to the 1989 protests are ongoing today, and fuel popular dissent. While government statistics are dated and somewhat unreliable, official and scholarly statistics, based on law enforcement reports, suggest there are 300-500 protests each day, with anywhere from ten to tens of thousands of participants. Although the Chinese Constitution guarantees the right to assembly, the Assembly Law and its implementing regulations outline such restrictive requirements that the right is effectively denied. People who seek permission are usually turned down and suffer retaliation. In one memorable instance, Chinese authorities established three official “protest zones” designated for public use during the August 8-24, 2008, Beijing Olympic Games, but did not approve any applications for people to actually protest in any of them. Those who did apply were taken into custody and at least one was imprisoned.

Arguably the most common kinds of protest today involve small-scale, highly local, and essentially spontaneous gatherings at the village or local level, typically responding to a land or housing issue. A single family’s fight against an eviction, or a neighborhood’s opposition to land expropriation or pollution, are likely the most frequent outbursts, and they typically involve the wholesale dislocation of the affected community, or some sort of compensation at a fraction of the actual market value of the land or building. Larger protests, often opposing construction of facilities to produce toxic materials, generate more crowds, domestic press attention, and some violence on the authorities’ part in dispersing people. Often local authorities overreact to protests or dissent, believing their role is to simply suppress rather than resolve local unrest. On rare occasions, protests whose substance is agreeable to the government, such as those against Japan, are encouraged.

At a more sustained, organized level, independent groups like the New Citizens Movement have come together to try leveling specific demands against the state. Unregistered “house” churches consider their efforts to congregate and worship, despite state prohibitions on using particular spaces or buildings, as entailing a degree of coordination. In some circumstances, subsets of particular professions—most notably lawyers and legal scholars—have used that status to offer written critiques of state policy. While some of these efforts are occasionally successful, for example, when submitting commentary on draft laws or policies, or when small independent civic groups are able to undertake community-based health or education work, few independent or critical voices are able to carry out their activities on a sustained, open basis. The state has yet to see their peaceful efforts as contributions rather than threats.

Self-immolations by Tibetans, which are understood as forms of protest against repressive Chinese policies, began in February 2009 and continue, though at a reduced frequency. That authorities have moved swiftly to prosecute immolators' family members and associates on grounds of incitement—absent of publicly available evidence to substantiate such charges—indicates the state's interest in suppressing the discussion, rather than engaging on the substance of the protests. Chinese officials have also not given the public any information that would substantiate their claim that Uighur "separatists" are responsible for attacks on railway stations in Kunming in March 2014 and in Urumqi in April 2014, nor have they engaged in any way with the Uighur or Han populations on what could motivate such attacks.

The government plays a clear and visible role in virtually all forms of dissent, frequently at least as the target of popular frustration. It is often local police and authorities who disperse crowds or attempt to negotiate settlements; it is national authorities who decide to proceed with the prosecution of well-known peaceful critics such as Liu Xiaobo and Xu Zhiyong. Human Rights Watch has documented the existence of "black jails."

These facilities essentially function as illegal prisons, run by thugs hired by provincial authorities to detain petitioners—local complainants—who have traveled to Beijing seeking redress. National authorities continue to deny that such facilities exist.

Virtually all of those imprisoned for their involvement in Tiananmen are now thought to have been released. But some served very long sentences: Jiang Yaqun, who had been charged with "counterrevolutionary sabotage," was not released until 2013. By that time, according to human rights group Dui Hua, the 73 year old was suffering from Alzheimer's. Some student leaders of the 1989 Tiananmen protests, such as Chen Wei and Zhao Changqing, have been imprisoned subsequent to their initial detention, while others continue to be marginalized in society, unable to get jobs or share their views via social media. Some of those who managed to flee China continue to press for accountability for Tiananmen or for other human rights protections in China, such as Han Dongfang's work to secure labor rights through China Labour Bulletin, a Hong Kong-based non-governmental organization, or Wang Dan teaching history and politics in Taiwan. But they too have paid a price, particularly in Beijing's consistent denial to let them return to China.

It is difficult to state categorically the lessons learned by people across China about CCP responses to dissent in the years since Tiananmen; it would be impossible to conduct a public opinion survey on the subject without putting respondents at considerable risk. But the general sense is that in the aftermath of Tiananmen, and in the years immediately following, which also saw explosive economic growth, the Chinese leadership's implicit proposition to the populace was to allow a greater degree of social freedom, wealth, and mobility—but with the caveat that they stay out of politics. Many today complain about the government, but are also wary of reprisals and generally averse to organized dissent that will trigger a violent response. Some explain that change must come gradually and that such a strategy is preferable to revolution, though few of even the government's harshest critics propose an overthrow of the state.

One tangible legacy of the Tiananmen experience, infused by current dissatisfaction with the government, is the rise of the "rights defense," or *weiquan*, movement. The lawyers, scholars, and other members of this movement deliberately focus on using the law—a channel approved by the authorities—to encourage ordinary citizens to assert their rights on issues like land and housing with a view towards gradually transforming society and the state. The emphasis here is not on building political parties, though some members have attempted this, but rather on building a sense of civic

participation and expectations that demands can be made of the state. The New Citizens Movement has been a key element of the *weiquan* effort, largely by promoting the idea of an engaged citizenry whose contributions are seen as essential—not anathema—to the state.

Responses to Unrest: Hu Jintao vs. Xi Jinping

Former President Jiang Zemin and his administration showed little tolerance for dissent or criticism, and it was during his and subsequent President Hu Jintao's tenures that the momentum towards modest legal and political reform slowed and stalled.

Xi Jinping's first year as president provides little evidence to suggest that he and his allies will be any more tolerant, and indeed, there are some alarming indications of Xi's hostility towards civil society. More than seventy writers, activists, lawyers, and other civil society representatives have been given sentences of one to four years since Xi took office, and one well-known Chinese human rights defender, Cao Shunli, died in custody after being incarcerated for her efforts to participate in China's Universal Periodic Review at the United Nations Human Rights Council. The arrests and imprisonment of moderate activists including Ilham Tohti, Xu Zhiyong, and Pu Zhiqiang in recent months highlight this particularly alarming trend.

The state appears to be far more strategic and proactive in shutting down dissent now, rather than reactive, as in its response to Liu Xiaobo's 2010 Nobel Peace Prize win.

The government is also making a more concerted effort to break down the relationship between three entities—social media, activists, and mass media--whose common criticisms often lead to policy changes, such as the abolition of reeducation through labor. Often, the issues these activists are trying to advance are not the overthrow of the state or national elections, but quite moderate issues.

Is the Xi government less tolerant than its predecessors? To answer this question accurately requires recalling that the government has actively chosen to change China in other ways—massive economic expansion, a higher standard of living, and a far greater role on the world stage—yet it remains as intolerant of peaceful dissent as it did twenty-five years ago. In other words, that this regime is as intolerant of the freedoms of assembly, association, and expression as its predecessors has to be considered a still-greater failure with each passing year. It is not hard to see the harsh reality in the current government's decision to abolish reeducation through labor but retain other forms of arbitrary detention, to keep a Nobel laureate in prison, and to brand as terrorists and traitors those who simply wish to assert their rights. But to also see those who are responsible for these abuses welcomed uncritically in capitols, at global trade and development summits, and at the United Nations also suggests that the rest of the world's willingness to speak up about these realities has sadly weakened.

The consequences of China's unwillingness to make meaningful human rights progress will continue to arrest its ability to undertake critical economic, legal, and political reform. It will mean deepening tensions with vulnerable and/or aggrieved populations, ranging from migrant workers to ethnic minorities to dispossessed farmers. It will mean covering up rather than solving environmental and public health disasters. These problems will not remain within China's borders.

Remembering and continuing to seek justice for the Tiananmen Square Massacre is not a remote or irrelevant historical exercise. It is fundamental to the essential political, legal, and social transformation of China, one whose peaceful outcome is in the interests of the global community.

Implications for the United States

At no point in time has the lack of respect for basic human rights by the Chinese government had greater implications for the United States. The lack of respect for free expression in China contributes directly to everything, from concerns about the actual physical safety and professionalism of the domestic and international press corps, to a lack of independently verified information essential to the development and implementation of large areas of bilateral policy. The opacity of state decisions on issues ranging from public health to environmental protection to the size of the security apparatus leaves the United States at a distinct disadvantage in trying to secure its established goals. The lack of an independent judicial system means that there is no institution that has the trust of the public to resolve grievances impartially, which in turn raises serious questions about public unrest and the state's ability to resolve that peacefully.

It is manifestly in the interests of the United States that China be a peaceful, predictable, transparent bilateral partner. Yet China cannot be such a partner absent meaningful reforms to protect human rights, and to hold accountable those who violate them. Occasional and discrete diplomatic efforts by other governments, such as occasional queries about individual cases not supplemented with public mentions by senior officials, or relying only on private diplomatic efforts, are woefully inadequate in the face of a much stronger Chinese government. It is therefore entirely appropriate that US officials, including President Obama and all Cabinet members, raise at least one human rights issue or individual case in all interactions with Chinese officials. It is entirely necessary for a variety of US government agencies—the success of whose policy goals with China fundamentally rest on the free flow of information, an independent legal system, and the ability of people to peacefully speak their minds—to do the same; such a strategy conveys a seriousness of purpose to the highest levels of the Chinese government.

Human Rights Watch Recommendations:

To the Chinese Government:

The Chinese government should issue an immediate amnesty for those still imprisoned on charges related to the events of June 1989 and launch an independent review of their cases to determine possible miscarriages of justice in terms of violations of due legal process. The government should absolve and compensate those individuals determined to have been unfairly or illegally imprisoned.

The Chinese government should immediately permit the unimpeded return of Chinese citizens exiled due to their connections to the events of June 1989.

The Chinese government should respect and enforce citizens' rights to freedom of speech and expression, and cease the detention and harassment of individuals who challenge the official account of the events of June 1989.

The Chinese government should permit an independent inquiry into the events of June 1989. Such an inquiry should be open to the public, allow the participation of victims' families, including the Tiananmen Mothers, and the substance of its proceedings and conclusions should be made public in a complete and timely manner. Such an inquiry is obviously impossible until the government stops harassing and silencing the victims of the events of June 1989 and takes substantive steps to preserve

the historical record of what transpired at that time. When these prerequisites have been met, the Chinese government should issue and uphold explicit public guarantees that participants will not be subject to official reprisals.

The Chinese government should initiate a mechanism for victims of the violence of June 1989 and/or their family members to claim official compensation for their losses.

The Chinese government should launch criminal proceedings against any government and military officials who gave the orders for and/or participated in the use of lethal force against unarmed civilians in Beijing and other major cities in June 1989.

The government should amend its recently released National Action Plan for Human Rights to include specific references which stipulate respect for the rights of the victims of June 1989 and their families.

To the International Community:

The European Union should resist calls to lift its arms embargo until the Chinese government completes an independent public investigation of the crackdown and holds accountable those government and military officials responsible for the use of lethal force against unarmed civilians. In addition, the EU should insist on general amnesty for all those jailed for all forms of peaceful protest in China. Those convictions should be reviewed and overturned if there was a lack of procedural safeguards or evidence of serious criminal acts.

Governments, particularly those that have bilateral human rights dialogues with the Chinese government, should make their concerns about the 1989 crackdown and its legacy a touchstone of its engagement with the Chinese government on human rights, and establish measurable benchmarks and timelines for the Chinese government to address the rights abuses, past and present, connected to the events of 1989.

Foreign governments should urge China to amend its National Action Plans for Human Rights to include specific references which stipulate respect for the rights of the victims of June 1989 and their families, and actionable targets and deadlines to ensure those rights are respected.

Foreign governments should publicly observe the 25th anniversary of the events of June 1989 by opening their embassies in Beijing to the general public on June 3-4, 2014, as safe zones where Chinese citizens could access uncensored information about the events of June 1989, and engage in discussions about those events and their legacy.

Those countries with bilateral human rights dialogues with China should make these recommendations a key component of their human rights engagement with China in 2014, and should reconvene on or around June 3-4 to discuss means to adopt and implement these recommendations.

**OPENING STATEMENT OF MR. CARL MINZNER
ASSOCIATE PROFESSOR OF LAW, FORDHAM UNIVERSITY**

MR. MINZNER: Thank you very much, and I may also see if I can preemptively ask for the additional one minute? I've timed myself so I should be okay.

[Laughter.]

MR. MINZNER: Thank you very much to the U.S.-China Economic and Security Review Commission for holding this hearing and for inviting me to testify today on this important topic.

Over the past 25 years, China has been marked by seemingly contradictory trends. On the one hand, the Chinese domestic security apparatus has expanded dramatically. Stability maintenance, or *weiwen*, operations have become a priority for local authorities throughout China. Funding and personnel for controlling citizen petitioners, rights advocates, and social protest have surged.

And the police chiefs and Party political legal organs charged with supervising these operations have risen in bureaucratic influence.

On the other hand, China is far from a North Korean police state where society remains cowed by the policeman's baton. In fact, precisely because Chinese authorities are so sensitive to the possibility of social unrest, this has facilitated strategies of "rightful resistance" among the disgruntled.

Citizens have used outpourings of online criticism and the threat of collective petitions to higher authorities as weapons to force tactical concessions by local authorities in conflicts ranging from collective land seizures to ordinary civil cases.

This combination of an increased state sensitivity to social unrest, a strengthened bureaucratic role of the police, particularly vis-a-vis the courts and procuratorate, and a trend of "securitizing" ever-expanding fields of governance--land, environment, ordinary civil grievances--treating these fields as security challenges that need to be comprehensively coordinated by Party political-legal organs mean that China is a security state, one where responding to perceived social stability challenges has become the primary goal around which a wide range of local government operations are oriented.

These trends date back to the early 1990s. In the wake of Tiananmen Square and the developments in Eastern Europe, Party authorities adopted new domestic security models that differed dramatically from those in the 1980s.

First, they made social stability one of the most important criteria in cadre evaluation, the process of deciding which local officials are going to be promoted or rewarded.

If the 1980s saw economic development emerge as a key factor in the evaluation of local officials, the 1990s began to bake in social stability considerations as a core consideration of Party cadre evaluation.

Second, 1990s era reforms began to shift China away from campaign style policing as a primary tool of domestic stability. Rather than simply mobilizing the police, procuratorate, and

courts to arrest, prosecute, and jail offenders in short, highly mediatized, highly politicized campaigns such as the 1983-86 Strike Hard campaign, they began instead to emphasize the coordinated response to crime and social unrest by a wide range of government organs under the banner of comprehensive management of public security (shehui zhi'an zonghe zhili).

Second, in order to carry out these new policies, they created a new framework for a new bureaucratic structure. There is a new national committee, Committee for Management of Public Security. They established local branches of this organization throughout the county level and co-located these with the Party political-legal committees.

And as a matter of practice, Party political-legal heads have almost always chaired the CMPS committees.

Why does this matter? Well, this is actually the birth of the modern weiwen apparatus. Back in the 1980s, the Party political-legal apparatus was heavily focused on the courts and the police. Starting in the 1990s, it began to expand its voice through these CMPS committees into a much wider range of governance functions affecting social unrest, everything from insurance regulation to food safety.

CMPS offices spread during the 1990s. Their personnel expanded. Influence over cadre evaluation increased. In the late 1990s, when the Party authorities began to create ever even more offices to deal with specific issues, such as the 610 offices to deal with the Falun Gong, these were invariably grouped with the CMPS office under the Party political-legal apparatus.

In short, this fused entity started to become a gravitational vortex that sucked in greater and greater power and responsibility. This is the origin of the domestic security portfolio that eventually emerged as Zhou Yongkang's bailiwick.

But it's also been the trigger for China's rising wave of instability. These 1990s era policies put increasing pressure on cadres to halt outbreaks of social unrest at the cost of their careers.

On the one hand, this has led to repressing legitimate grievances, black jails of petitioners being one example. On the other hand, it's also led to instances of authority simply caving in-- courts in Guangdong, for example, simply using their own budgets to pay off the protesters outside their streets who are dissatisfied with the judicial verdicts about compensation in order to get them off the streets.

Both of these trends, suppression and capitulation, have been taking place, and both of them are bad news. When you suppress legitimate grievances, that leads some citizens to lose faith in the system entirely and resort to even more radical or violent, even violent actions.

Caving into illegitimate grievances has incentivized other citizens to engage in increasingly organized, repetitive large-scale petitions or protests as a means to push local authorities to get what they want, particularly in the absence of alternative political or legal channels to redress grievances.

Why is this important now? Well, some observers saw recent developments as indicating a reconsideration of some of these policies. For example, Xi Jinping's assumption of power has been marked by a takedown of Zhou Yongkang. Zhou's successor as the head of the Party political-legal committee, Meng Jianzhu, is not on the Politburo Standing Committee.

Many Chinese liberals had interpreted such developments as a step towards curbing the power of the domestic security apparatus and perhaps deeper institutional reform, particularly following some speeches that Xi Jinping made in December 2012 about the role of the Chinese constitution.

True, there have been some positive changes. The new head of the Supreme People's Court is a figure closely identified with late 20th century legal reforms that had slid backwards during the late Hu Jintao era. Chinese authorities are currently attempting to disentangle the court and the petitioning systems, and they've eliminated, formally at least, the much hated system of reeducation through labor.

But such efforts have been limited. Some have been reversed. Constitutional hopes were quashed in the summer and fall of 2013 by a series of tough editorials appearing in the state media. Other policies strongly resemble former earlier ones.

Newly announced mechanisms for dealing with the medical disputes that Dr. Tanner just mentioned bear a striking resemblance to late Hu Jintao era policies that emphasized closed door mediation at all costs to resolve social conflict rather than relying on legal norms.

Fully implementing other announced policies, such as stripping control over local courts out of the hands of local governments, would require an extended commitment to deep institutional reform that does not yet seem to be on the horizon.

Behind the scenes, it seems like other trends might be escalating. Take a look at which leader has actually been standing behind all of the relevant decisions coming out of the political-legal committee. Look at the organization of the new National Security Commission, which will bear responsibility for both the domestic security apparatus and the military, and you quickly realize what's happening is not that the domestic security apparatus is being cut back, but that Xi Jinping himself is personally taking over Zhou Yongkang's portfolio under this new National Security Commission.

So the domestic security apparatus built up over the past quarter century does not seem to be cutting back. Instead, control of it seems to be migrating into the hands of China's top leaders after previously being under a mere Politburo Standing Committee member, precisely because that bailiwick is now too powerful to let anyone else control it. It has to go to the Chinese top leader.

So as a result, I think the Chinese domestic security models which developed in the last decade of the 20th century and the associated problems might be about to move to the next level.

HEARING CO-CHAIR BARTHOLOMEW: Thanks very much.

**PREPARED STATEMENT OF MR. CARL MINZNER
ASSOCIATE PROFESSOR OF LAW, FORDHAM UNIVERSITY**

Testimony Before the U.S.-China Economic and Security Review Commission

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Panel 2

Expression of Dissent in China Today
Thursday, May 15, 2014

THE RISE OF THE SECURITY STATE

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Abstract

Over the past two decades, the Chinese domestic security apparatus has expanded dramatically. “Stability maintenance” operations have become a priority for local Chinese authorities. We argue that the birth of these trends dates to the early 1990s, when central Party authorities adopted new governance models that differed dramatically from those that of the 1980s. They increased the bureaucratic rank of public security chiefs within the Party apparatus, expanded the reach of the Party political-legal apparatus into a broader range of governance issues, and altered cadre evaluation standards to increase the sensitivity of local authorities to social protest. We show that the origin of these changes lies in a policy response to the developments of 1989-1991, namely the Tiananmen democracy movement and the collapse of Communist political systems in Eastern Europe. Over the past twenty years, these practices have flowered into an extensive stability maintenance apparatus, where local governance is increasingly oriented around the need to respond to social protest, whether through concession or repression. Chinese authorities now appear to be rethinking these developments, but the direction of reform remains unclear.

¹⁵ The authors are in reversed alphabetical order. Both authors contributed equally to the research and writing of this article.

Keywords: security state, stability maintenance, political legal committee, public security

Introduction

Over the past two decades, the Chinese domestic security apparatus has expanded dramatically. “Stability maintenance” (*weiwen*, 维稳) operations have become a priority

for local Chinese authorities. Public security chiefs have risen in bureaucratic influence. Funding and personnel for state operations aimed at controlling citizen petitioners and social protest have surged. And control of the institutions responsible for addressing these issues has been vested in progressively more senior Party political-legal authorities.

But China remains far from a simple police state. To be sure, state authorities harass, detain, and arrest individuals they deem a threat to their rule. And vast numbers of state agents and informally recruited personnel have been employed to keep watch over selected political dissidents, citizen activists, and public interest lawyers. But heightened official sensitivity to social unrest has also led to state concessions to mobilized groups of aggrieved citizens, facilitated strategies of “rightful resistance” among petitioners, and prompted state authorities to revive Maoist-era populist judging practices and mediation institutions at the expense of late-20th century legal reforms.

This article argues that the birth of these trends dates to the early 1990s, when central Party authorities adopted new governance models that differed dramatically from those that of the 1980s. They increased the bureaucratic rank of public security chiefs within the Party apparatus, expanded the reach of the Party political-legal apparatus into a broader range of governance issues, and altered cadre evaluation standards to increase the sensitivity of local authorities to social protest. We argue that the origin of these changes lies in a policy response to the developments of 1989-1991, namely the Tiananmen democracy movement and the collapse of Communist political systems in Eastern Europe. Over the past twenty years, these practices have flowered into an extensive *weiwen* apparatus, where local governance is increasingly oriented around the need to respond to social protest, whether through concession or repression. Chinese authorities now appear to be rethinking these developments, but the direction of reform remains unclear.

The past two decades have witnessed increased levels of domestic protest in China, despite a growing economy and rising living standards. While the literature on resistance has flourished,¹⁶ there remains limited scholarship on how China’s coercive institutions have responded to this challenge. We join a rising scholarly interest in coercive institutions in China,¹⁷ but our approach is distinctive in focusing on Party-state leaders and the internal organization of the Chinese bureaucracy.

Beyond China, we also speak to the broader literature on authoritarian regimes. There has been a long tradition in the social sciences that views coercion as the pillar of model nation states.¹⁸ The recent uprisings in the Arab world have again called attention to the dependence of authoritarian regimes on coercive organizations. The loyalty of such organizations is said to explain the survival of the Bahraini monarchy, while the defection of the military contributed to the breakdown of autocratic rule in Tunisia and Egypt.¹⁹

However, our study argues that the response of the authoritarian Chinese regime to the

¹⁶ O’Brien and Li 2006; Chen 2012.

¹⁷ Shambaugh 2004; Scott Tanner and Green 2007; Guo 2012; Deng and O’Brien 2013.

¹⁸ Tilly 1978. Skocpol 1979; North 1990.

¹⁹ Bellin 2012.

“survival dilemma” goes beyond simply ratcheting up the use of coercion.²⁰ Chinese authorities have remodeled the internal bureaucratic organization of the Party- state apparatus, incentivized local authorities to aggressively respond to citizen protests (whether through repression or concession), and reworked the political-legal apparatus to address citizen grievances in a more flexible and coordinated manner.

Our research is based on both quantitative and qualitative analysis. Quantitatively, we manually constructed a Chinese Political-Legal Leaders Database, covering all national and provincial political-legal committee chairpersons, public security heads, procuratorate presidents, and court presidents from 1978 to 2013.²¹ The database includes variables measuring the Party bureaucratic positions concurrently held by these leaders. Qualitatively, we conduct a close reading of government and Party documents (including analyzing the public speeches of Qiao Shi, Party political-legal head during the late 1980s

and early 1990s) to explain relevant changes in these bureaucratic practices.

The next section details our quantitative data collection methods. The third section offers a descriptive analysis of the rank of political-legal leaders at the national and local levels. The fourth section identifies the early 1990s as a turning point of development in the political-legal apparatus and provides a historical analysis of relevant shifts. The fifth section examines recent developments. The sixth section discusses possible implications of our findings.. The last section then concludes with a summary of our findings and broader implications of the study.

The Data

We constructed our Chinese Legal Leaders Database (CLLD) in three steps. First, we used the China Law Yearbooks (*Zhongguo falu nianjian*, 中国法律年鉴) to identify

Chinese national and provincial political-legal leaders, such as Party political-legal committee chairs, public security heads, court presidents, and procuratorate presidents. This produced a list of names for the period 1986-2010. We supplemented this list with web searches extending coverage to 1978-2013. Second, we conducted Internet searches for the biographies of these leaders. Baidu Encyclopedia (*baidu baike*, 百度百科) contains information for most of them including their age, gender, education, and most importantly, working history. Where insufficient information was available, additional Internet searches of newspapers and other websites were employed to find the missing information. Third, we coded the leaders’ bureaucratic ranks according to their concurrent positions. This coding scheme produced nine variables that will be subsequently presented. Examples include: whether a provincial political-legal committee chairperson or high court president is on the provincial CCP standing committee, and whether a provincial public security chief chairs the provincial political- legal committee.

National and Local Trends

According to some media reports, the expansion of China’s domestic security apparatus in recent years is largely the work of one man: Zhou Yongkang, Politburo Standing Committee member and head of the central Party political-legal committee (PLC) from 2007 to 2012. According to this

²⁰ The “survival dilemma” refers to authoritarian rulers’ difficulty to simultaneously minimize threats from the elites and from the masses. Please see Magaloni and Kricheli 2010; Svobik 2012.

²¹ Our data reflects the most recent developments after CCP’s 18th Party Congress.

analysis, Zhou capitalized on central fears of domestic unrest and employed his dual positions to build his own personal fiefdom in the political- legal arena.²²

There is an element of truth in this. The bureaucratic influence of Party political- legal authorities has indeed risen in recent years, as illustrated by Figure 1 below (depicting the Party rank held by the chairman of the central Party PLC).

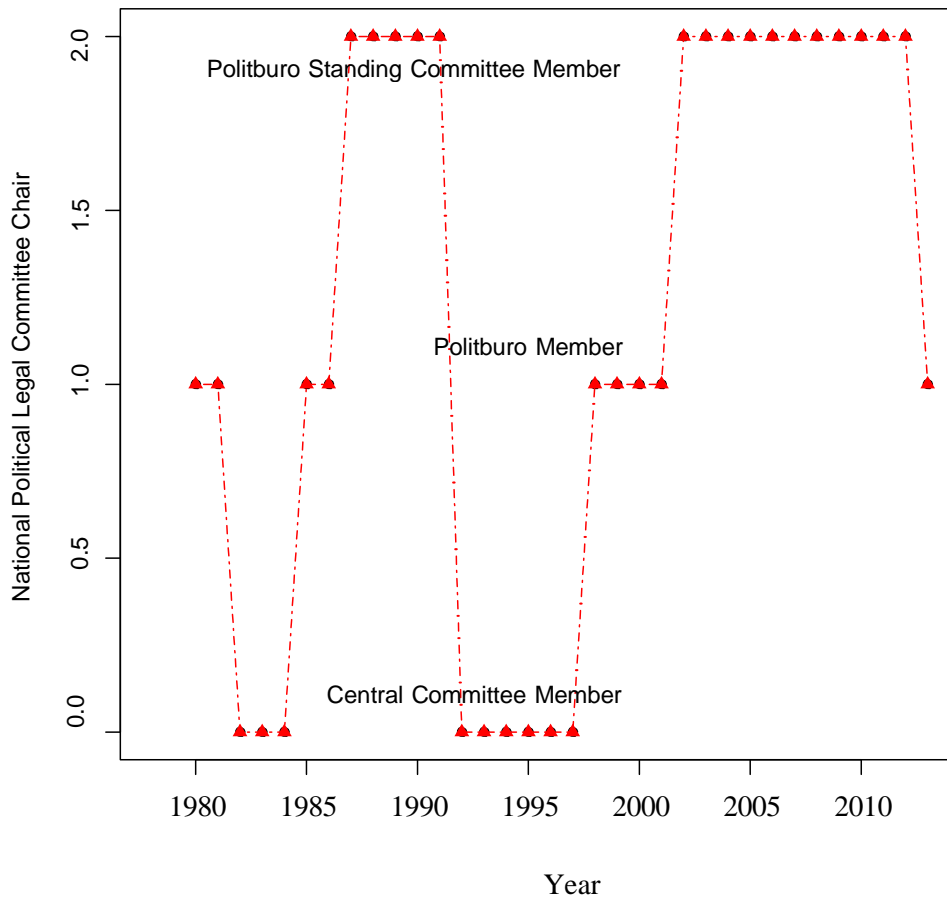


FIGURE 1: PARTY RANK OF NATIONAL POLITICAL LEGAL COMMITTEE CHAIR (1978-2013)

Source: CLLD

In the mid-1990s, the central Party PLC was chaired by a mere member of the 350-person Party central committee, a sharp contrast with Zhou Yongkang's stature as one of nine members of the Politburo standing committee.

However, explaining the rise of the political-legal apparatus as an artifact of Zhou's

²² Reuters.com 2012.

twin roles as a Politburo standing committee member and head of the central Party PLC is problematic.

First, Zhou is not the first Politburo standing committee member to chair the central Party PLC. Luo Gan held the same positions from 2002 to 2007 (after serving on the 25-person Politburo from 1998 to 2002). During the 1980s, Qiao Shi also served as Politburo Standing Committee member and Party political-legal head. Furthermore, Qiao presided over the relatively more liberal period from 1988 to 1990, when reformist Party leaders actually dissolved (at least in name) the national Party PLC in a partial effort at decoupling Party and state government institutions. The growth of the security state administered by the political-legal apparatus is thus not simply an outgrowth of the Party rank of the person heading the organization.

Second, it is unclear that the bureaucratic influence of the political-legal apparatus has actually changed that much over the past three decades. Figure 2 depicts the Party post held by the chairmen of provincial Party PLCs from the beginning of the reform period to the present.

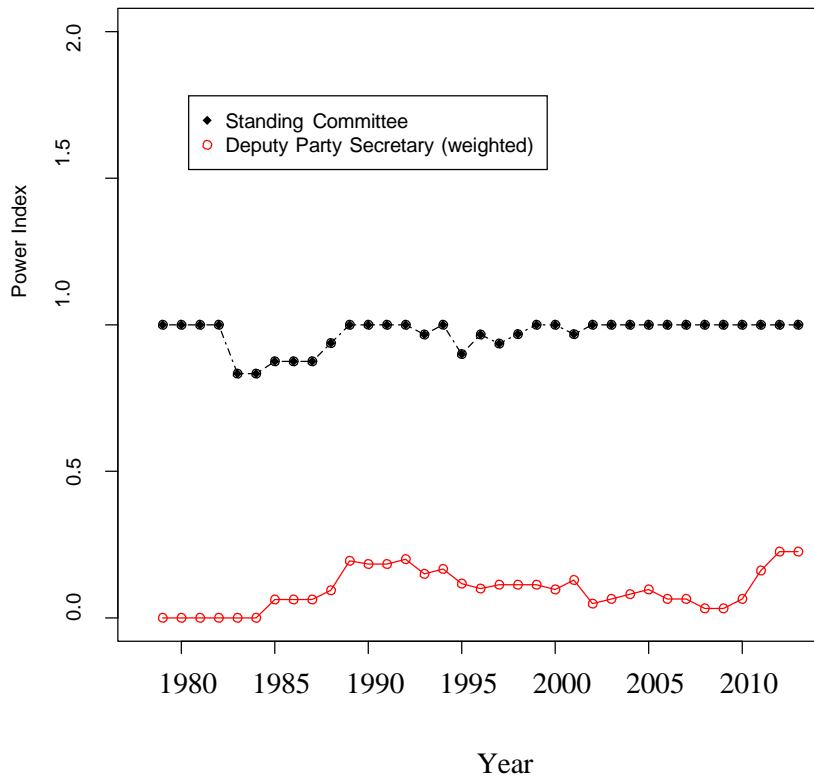


FIGURE 2: PROPORTION OF PROVINCIAL POLITICAL LEGAL ECOMMITTEE CHAIRS SEATING ON PROVINCIAL CCP STANDING COMMITTEE AND APPOINTED AS DEPUTY CCP SECRETARY (1978-2013)

Notes: A value of 1.0 indicates that every provincial Party political-legal head is simultaneously a member of the provincial standing committee. The variable measuring deputy Party secretary is weighted by taking into account the total number of deputy Party secretaries in a province as follows: before 2006 the “power” of a deputy Party secretary was discounted by half because the

average number of provincial deputy Party secretaries were four while after 2006 it was two.²³

Source: CLLD

We find that, with a few exceptions in the 1980s, the head of provincial Party PLCs have always been on the provincial standing committee. Regardless of shifts in national politics, PLCs have always been at the core of governance at the provincial level. A second possible narrative explanation for the rise in the domestic security apparatus focuses on slightly longer-term trends. Minzner has argued that central Party attitudes underwent a shift around 2003. Social stability emerged as a top Party priority, leading national authorities to backtrack on a range of legal reforms that they had launched in the 1980s and 1990s – reforms that had emphasized law, litigation, courts, and a professional judiciary.²⁴ Similarly, Wang has identified the extent to which changed official bureaucratic practices resulted in a significant increase in the percentage of police chiefs represented in Party provincial leadership teams after 2005.²⁵

Both of the above analyses rely less on individuals (i.e. Zhou Yongkang) to explain changes in Party political-legal and domestic security practices. Instead, they focus on broader structural explanations. The failure of Chinese leaders to undertake meaningful institutional reform has led to the growth of social unrest (citizen petitions and riots) as a regularized form of political expression. Over the past decade, this has spurred Party leaders to both expand the domestic security apparatus and raise its bureaucratic profile as a means to handle building tensions.

We generally agree with the above narrative. But three decades of data on the chairmen of provincial Party PLCs (charged with managing the courts, procuratorates, and police) and provincial standing committees (the top Party institution in each province) now permit us to analyze the internal bureaucratic dynamics within Chinese provincial Party institutions to a degree unknown in the prior literature.

Two figures illustrate our key findings.

Figure 3 depicts the percentages of provincial Party PLC chairmen who simultaneously hold the position of court president, procuratorate president, or public security bureau (PSB) head.

²³ Infzm.com 2011.

²⁴ Minzner 2011.

²⁵ Wang Forthcoming.

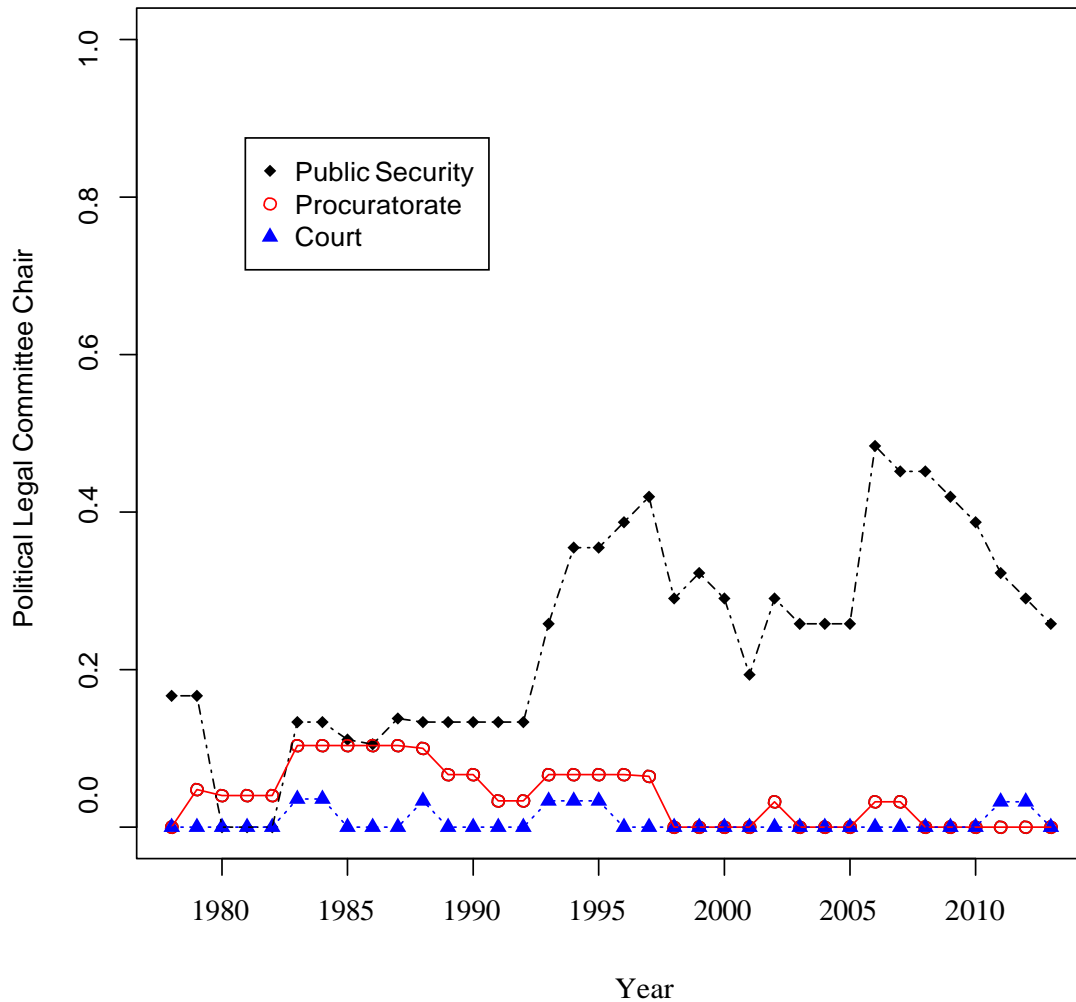


FIGURE 3: PERCENTAGE OF PROVINCIAL PUBLIC SECURITY HEADS, PROCURATORATE PRESIDENTS, AND COURT PRESIDENTS HEADING THE PROVINCIAL POLITICAL LEGAL COMMITTEE (1978-2013)

Notes: These numbers do not total 100%, since it is also possible a political-legal committee chairperson chairing neither the court, procuratorate, or PSB might head the PLC.

Source: CLLD

Since the early 1990s, there has been a clear shift in the bureaucratic weight of the different entities within the political-legal apparatus. In the 1980s, provincial Party PLCs were just as likely to be chaired by court or procuratorate presidents as by the head of the provincial public security bureau. That trend ended in the early 1990s. PSB heads began to dominate provincial PLCs, while the numbers of court and procuratorate heads chairing provincial PLCs dropped to almost zero.

Such trends suggest an increase in the relative influence and power of public security chiefs, and a parallel decline in that of court and procuratorate heads.

Figure 4 examines this trend through a different lens – the percentage of provinces that had

the heads of the courts, procuratorate, or PSB represented in the highest institution of Party governance in the province – the provincial standing committee.

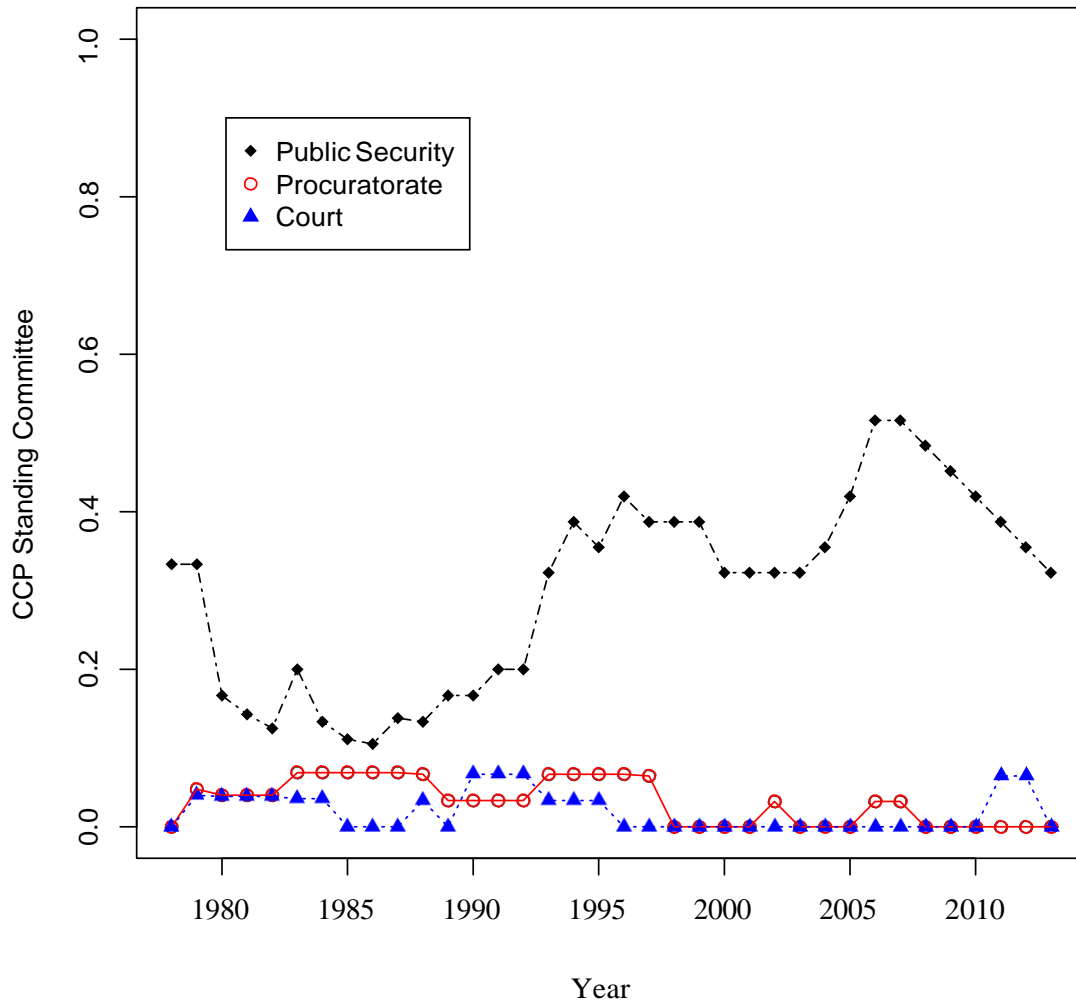


FIGURE 4: PERCENTAGE OF PROVINCIAL PUBLIC SECURITY HEADS, PROCURATORATE PRESIDENTS, AND COURT PRESIDENTS SEATING ON THE PROVINCIAL CCP STANDING COMMITTEE (1978-2013)

Source: CLLD

In the 1980s, provincial PSB heads were only somewhat more likely to be on the provincial standing committee as their court or procuratorate counterparts. Again, that trend decisively ended in the early 1990s. Court and procuratorate heads dropped off of provincial standing committees, while more and more PSB heads came in.

Since the heads of Party PLCs are almost always represented on provincial standing committees, the two graphs largely parallel each other. However, Figure 4 does help explain one intriguing facet of Figure 3 – the decline in numbers of PSB heads chairing Party PLCs in the late 1990s and early 2000s. Rather than indicating a significant decline in the bureaucratic stature of the PSB, it reflects the fact that central authorities allowed some PSB heads to serve on the

standing committee entirely apart from their chairmanship of the Party PLCs. Thus, although numbers of PSB chiefs chairing Party PLCs declined, there was a much more modest decline in their representation on provincial standing committees.²⁶

The Turning Point

The above data suggests that the key shift in state policies with regard to domestic security took place not in the past five years, nor even in the past ten years. Instead, the turning point appears to have taken place in the early 1990s. Central authorities seem to have adopted a qualitatively different strategy for managing political-legal institutions around that point. Marrying a bureaucratic and descriptive analysis of state security strategies both before and after this date with the above data helps flesh this shift out in greater detail.

At the beginning of the reform period in the late 1970s and early 1980s, central authorities re-established Party PLCs, which had collapsed along with other formal institutions of governance during the internal chaos and political radicalism of the prior two decades. Their roles included supervising the courts, procuratorate, and police, coordinating policy in the legal arena, and overseeing anti-crime efforts.²⁷

During the 1980s, two different strategies contended for influence regarding how Party political-legal leaders should conduct these efforts. The first – “comprehensive management of public security” (*shehui zhi'an zonghe zhili*, 社会治安综合治理)

(CMPS) emerged in the late 1970s as an alternative to Maoist-era campaign-style practices as a strategy for maintaining social order. CMPS emphasized the coordinated response to crime and social unrest by a wide range of government and social organs. This went beyond the simple mobilization of the police, procuratorate, and courts to arrest, prosecute, and jail offenders. It included enlisting individual workplaces or schools, assigning them responsibility for controlling and preventing their students or workers from engaging in criminal activity, and tailoring responses to the circumstances of each individual involved.²⁸

Such efforts employed responsibility systems (*gangwei mubiao guanli zeren zhi*,

岗位目标管理责任制) to accomplish their goals.²⁹ For officials, such systems set concrete target goals linked to official salaries and career advancement.³⁰ Annual bonuses received by the police, for example, were tied to their rates of success in resolving cases within their jurisdictions.³¹ But such systems were not limited to cadres. They were also used to reinvigorate rural policing strategies that relied on the participation of civilians. Villagers – either individually or in groups – would sign responsibility contracts with their village committee and township public security organs for maintaining security in a given target area. Such contracts specified designated financial rewards and inducements for success or failure in accomplishing the given tasks.³² Naturally, such efforts posed a strong contrast to earlier Maoist-era policing strategies that had strongly relied on ideology and political incentives.³³

²⁶ The post-2006 decline in numbers of PSB heads chairing provincial PLCs, and its implications, are addressed in the concluding section of this article.

²⁷ Zhou 2012.

²⁸ Qiao 2012, 55-76; Harold Tanner 1999, 66-72.

²⁹ Harold Tanner 1994, 290-291.

³⁰ Minzner 2009.

³¹ Dutton 2005, 277-282.

³² Harold Tanner 1994, 292.

³³ Dutton 2005, 258.

During the 1980s, however, CMPS remained relatively embryonic and undefined. As Harold Tanner notes, economic reform meant that many private entrepreneurs, migrant workers, and the urban unemployed were increasingly living outside of the formal work-unit structure, undermining the thrust of CMPS efforts.³⁴ Responsibility systems themselves generated perverse incentives as well. Surveys conducted in the late 1980s revealed that large numbers of local police, faced with high quotas for resolving criminal cases, simply failed to report crime in an effort to skew their statistics, and thus their evaluations.³⁵

A second, alternative method of social management consisted of “strike hard”

(*yanda*, 严打) – highly mediatized anti-crime crackdowns of specified duration, pursued with techniques drawn from Maoist political campaigns. In 1983, after a series of brutal and high profile crimes, Deng Xiaoping personally pushed central authorities to prioritize such campaign-style strategies.³⁶ The 1983-86 Strike Hard campaign resulted, characterized by mass arrests, rapid sentencing procedures, and high execution rates – with perhaps as many as 10,000 persons executed in a three-year period.³⁷

As a social control strategy, “strike hard” policies required tight Party political- legal control over the procuratorate, courts, and police to coordinate processing of large numbers of cases and deliver results. State authorities brought together court, procuratorate, and police officials to staff “command posts” and carry out the “joint handling” of cases.³⁸ This facilitated extremely rapid handling of cases. In one example, only fifteen days elapsed between the arrest of a suspect and his execution.³⁹ Naturally, the combination of campaign political pressure and the erosion of bureaucratic boundaries between state organs resulted in sweeping procedural abuses.⁴⁰ State authorities themselves voiced concerns regarding such abuses (particularly during the 1983-86 campaign) and the tendency for campaigns to enforcement, invariably followed by a resurgence of criminal activity.⁴¹

The dramatic events of 1989 prompted a reset in state management of crime and social unrest in China, leading to the emergence of CMPS as the primary social control strategy and the decline (albeit gradual) in reliance on “strike hard” policies. This shift is reflected both in relevant central party directives and speeches of Qiao Shi, the Politburo Standing Committee member heading the political-legal affairs committee at the time.

In 1990, Party authorities re-established the Central Party PLC, which had been abolished (at least in name) during Zhao Ziyang’s abortive two-year experiment with political reform during the late 1980s. But central leaders did not immediately promulgate a new strategy for the re-established PLC. Instead, they carried out short- lived “strike hard” campaigns, such as the “six evils,” in late 1989 and 1990.⁴²

This changed in January 1991. At a central Party conference assembling all provincial political-legal heads and representatives of thirty other organizations, Qiao Shi spelled out a new direction for Party political-legal work, in a series of speeches highlighting the need to respond to the

³⁴ Harold Tanner 1999, 70-71.

³⁵ Dutton 2005, 282.

³⁶ Scott Tanner 2000, 98-108; Xinhuanet.com 2005.

³⁷ Harold Tanner 1999, 99.

³⁸ Harold Tanner 1999, 87; Trevaskes 2007, 124.

³⁹ Dutton 2005.

⁴⁰ Scott Tanner 2000.

⁴¹ Trevaskes 2007, 159-164.

⁴² Biddulph 2007, 137; Qiao 2012, 218-220.

political events of the prior two years, including the unraveling of Communist political systems in Eastern Europe and the USSR, the 1989 student democracy protest movement, and tensions in ethnic autonomous regions.⁴³ Despite rhetorical support for continuing “strike hard” policies, Qiao’s speeches marked a clear shift in favor of CMPS. “As to the relationship between ‘strike hard’ and comprehensive management of social stability . . . while adhering to “strike hard,” more prominence needs to be given to comprehensive management of social stability.”⁴⁴ Qiao emphasized that “strike hard” needed to be increasingly localized – with campaigns directed by individual local authorities in response to specific problems they faced. In contrast, CMPS was to be adopted as long-term, nation-wide strategy, pursued under the leadership of a central body, and demanding the support of all Party authorities. Such proposals were not entirely new. As early as 1986, in an indirect criticism of the just-

concluded nationwide “strike hard” campaign, Qiao had called for greater emphasis on CMPS strategies, heightened use of responsibility systems tied to the salaries and promotions of local officials, and the creation of a more coordinated Party-led CMPS apparatus.⁴⁵

Now, however, Qiao’s words translated into immediate shifts in policy. Less than a month after the conclusion of the January 1991 conference, the Central Party Committee and State Council issued a joint directive on strengthening the comprehensive management of public security.⁴⁶ The directive set CMPS as a national priority. It established a central Committee for the Comprehensive Management of Public Security to manage these efforts and coordinate state responses to social unrest and crime. And it ordered the creation of CMPS branches at the county level and higher, and the establishment of CMPS “leadership organs” at the township and village levels. These policies reshaped Party governance in two critical ways. First, they expanded the portfolio of Party political-legal heads. The 1991 directive clearly placed CMPS work under the auspices of Party PLCs, explicitly co-locating CMPS committees in the same offices with Party PLCs. Unsurprisingly, in the past two decades, every national chair of the Party PLC has also chaired the national CMPS committee. Where 1980s-era Party political-legal authorities were tasked with managing the courts, procuratorates, and police, their successors have found themselves additionally charged with coordinating (through the CMPS committees) a much wider web of governmental activity surrounding crime and social unrest. Comparing the membership of the two institutions illustrates this point. In 2007, the central Party PLC consisted of five entities

– the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice. In the same year, the membership of the national CMPS committee consisted of over 40 organizations, including the five above, but also the National Tourism Agency, the People’s Bank of China, the State Ministry of Work Safety, the Ministry of Personnel, and the People’s Liberation Army.

The 1991 decision had a second effect as well. It explicitly raised social stability to a core place within internal Party cadre evaluation policies. It instructed Party leaders at all levels to construct CMPS target responsibility systems tied to the salary and career promotion prospects for local leaders. These were to be “fused with responsibility systems for economic development” that had developed in the 1980s. Further, CMPS social order targets were also to be granted status as “priority targets with veto power” (*yipiao foujue*), meaning that failure to attain them could cancel out official’s positive work performance in other fields⁴⁷. Subsequent implementing opinions required relevant organization bureau officials to solicit the input of CMPS leaders in personnel

⁴³ Qiao 2012, 221-252.

⁴⁴ Qiao 2012, 246-252.

⁴⁵ Qiao 2012, 50-54.

⁴⁶ Alt.gov.cn 2011.

⁴⁷ Alt.gov.cn 2011.

advancement decisions.⁴⁸

Of course, policy changes at the top of the bureaucratic hierarchy did not generate sweeping changes in internal practices overnight. 1996, 2001, and 2010 witnessed renewed national “strike hard” campaigns.⁴⁹ Implementation difficulties hampered central efforts to build a CMPS institutional framework. In 1996, for example, one finds central CMPS authorities issuing directives complaining of the laxity of local Party authorities, demanding that they devote more attention to constructing the required CMPS institutions – particularly at the township and village levels.⁵⁰

But the early 1990s did mark a “critical juncture,” unleashing a gradual evolution in official strategies of social control.⁵¹ The three subsequent national “strike hard” campaigns were marked by declining duration and intensity, compared with that of 1983- 1986. The seven-month long 2010 campaign, for example, remained limited to the public security apparatus, with limited participation from judicial organs.⁵²

Bureaucratic institutions gradually expanded in the wake of shifts in central policies. Authorities began to work social stability considerations into relevant evaluations of local officials. Numbers of CMPS personnel grew. Their responsibilities ballooned. For example, central Party directives issued in 2001 specified that private enterprises should be brought into the CMPS web, assuming responsibility for incidents of crime and social unrest within their ranks.⁵³ By the late 1990s, when Party authorities established specialized offices to deal with emerging concerns (such as social stability (*weiwen*) offices to respond to outbreaks of unrest, or anti-cult (610) departments to deal with organizations deemed heretical), these were invariably grouped with the CMPS offices under the purview of Party political-legal authorities. As these institutions evolved, their personnel, leadership, and daily responsibilities remained highly intertwined with the fused CMPS/political-legal committee framework established in the early 1990s.⁵⁴

The increased emphasis on social stability was intertwined with the rise in bureaucratic rank of police chiefs. Local police chiefs – rather than their court or procuratorate counterparts – managed the daily operations of the newly established *weiwen* offices.⁵⁵ And in 2003, central Party authorities explicitly instructed that provincial, municipal, and county-level public security organs should be headed by Party standing committee members or deputy government heads, thereby outranking their local government and court counterparts (and generating the peak shown in Figure 4).⁵⁶

Such developments have led to the widespread “securitization” of local governance in China. This is not without precedent. The American pursuit of the war on terror has led an ever-expanding array of foreign policy concerns – AIDS, economic development, information collection and monitoring – to be regarded as challenges to be comprehensively managed through a national security lens.⁵⁷ Similarly, the Chinese state focus on domestic stability, coupled with the post-1991 bureaucratic shifts discussed above, have meant that an increasing number of seemingly

⁴⁸ Chinalawedu.com 1993.

⁴⁹ Biddulph 2007, 134-135; Trevaskes 2007, 187-189.

⁵⁰ Chinalawedu.com 1996.

⁵¹ In the critical juncture, antecedent conditions allow contingent choices that set a specific trajectory of institutional development and consolidation that is difficult to reverse. Please see Collier and Collier 1991.

⁵² Xie 2013, 53; Xie 2012, 7.

⁵³ Xie 2013, 148

⁵⁴ Liebman 2013; Cook and Lemish 2011.

⁵⁵ Xie 2013, 145.

⁵⁶ People.com.cn. 2003.

⁵⁷ Higgott 2004.

unconnected fields of governance - food safety, environmental accidents, ordinary civil disputes – are being sucked into the *weiwen* vortex. This has generated intense pressure on local officials. In 2013, one deputy Sichuan township head pointed to precisely such pressures as the reason for his resignation, asserting that they effectively required him to spend four months per year carrying out *weiwen* work, leaving only four months to spend on “real” government work.⁵⁸

These developments have also led to increasing levels of conflict with legal norms promoted by Chinese authorities themselves. At the central level, heavy state use of top-down responsibility systems tying officials’ career and financial incentives to success or failure in attaining given targets (in particular, social stability targets) as a governance tool has fueled the expansion of a “rule by mandates” at odds with rule-of-law norms.⁵⁹ At the local level, the stability imperative has promoted the emergence of an expansive, well-funded, extra-legal *weiwen* apparatus. Facing increasingly tough career sanctions for outbreaks of citizen petitioning, local Chinese authorities have resorted to both the widespread use of hired thugs to intercept petitioners seeking to reach higher authorities, and the calculated application of pressure on their family and friends (“relational repression”) to convince them to give up their petitioning efforts.⁶⁰

Increasing securitization of local governance has contributed to the decision of Chinese authorities to turn against their own late 20th century legal reforms. State efforts to promote courts, litigation, and rule-of-law rhetoric gave rise (by 2003) to a cadre of Chinese public interest lawyers and advocates (such as Chen Guangcheng and Xu Zhiyong), capable of organizing aggrieved citizens, invoking central rule-of-law language, and launching savvy litigation and media challenges to state policies. By 2005, Party political-legal authorities concluded that such efforts were inconsistent with the expanded domestic stability apparatus and its aims. As a result, they have since progressively moved to close down “rhetoric (constitutionalism), channels (court trials), and social forces (lawyers) that activists had used to mobilize for greater change”.⁶¹

Ironically, few appear to have initially appreciated the extent to which the new bureaucratic structures and social control policies advanced in the early 1990s would ultimately generate the levels of conflict with legal norms seen in the last decade. At the time, some foreign criminal law experts depicted the emergence of CMPS strategies as a rationalized, professionalized, and desirable alternative to the excesses of campaign-style policing.⁶² And in the 1990s, at least some Chinese officials clearly envisaged that the domestic security shifts discussed above were consistent with legal reforms emphasizing judicial professionalism and greater access to the courts for aggrieved Chinese citizens. Indeed, less than a year after Tiananmen, one finds Qiao Shi himself simultaneously advocating the adoption of the CMPS policies described above and also saying:

“Historically, it was the case that officials brought suit against citizens. [Now,] the newly implemented Administrative Procedure Law authorizes citizens to bring suit against officials – this must be regarded as an advance for democracy and the rule of law. Implementation of some laws will increase “trouble” (*mafan*, 麻烦). But this trouble is extremely necessary, and is beneficial to better protect citizen rights.”⁶³

⁵⁸ Xinhuanet.com 2013.

⁵⁹ Birney 2013; Minzner 2009; Dutton 2005. Naturally, many of these policies are themselves modern incarnations of prior practices found in the early PRC or imperial periods.

⁶⁰ Deng and O’Brien 2013; Lam 2012.

⁶¹ Minzner 2013, 69.

⁶² Biddulph 2007, 150.

⁶³ Qiao 2012, 92.

Recent Developments

Developments in 2012 – the dramatic fall of Politburo member Bo Xilai, the retirement (and subsequent corruption investigation) of his ally Zhou Yongkang, and Xi Jinping’s ascension to power – have prompted some observers to parse the tea leaves for signs of reform in the political-legal system.

Changes have indeed occurred. At the top of the system, the bureaucratic rank of the chairman of the Central Party PLC has been reduced. Unlike the past ten years, the current chairman (Meng Jianzhu) no longer holds a spot on the Politburo standing committee. There has also been a reallocation of influence within provincial PLCs. In

2005, over 40% of provincial Party PLCs were chaired by provincial PSB heads. That figure has now fallen by roughly half (Figure 3). Instead, the emerging trend appears to be vesting the chairmanship of the provincial PLC with a designated deputy Party secretary who heads neither the court, procuratorate, nor the PSB. Percentages of PLCs chaired by deputy Party secretaries have now risen to over 20% (Figure 2).

How to interpret such developments? Naturally, one possibility would be to view them as an effort to curtail the power of the Party political-legal apparatus and weaken the security state.⁶⁴ Such an interpretation would arguably be further reinforced by Figure 4, which shows a post-2005 decline in the percentage of PSB chiefs seated on provincial Party standing committees, from over 50% to under 40%.

But our data suggests that such changes remains limited in nature. On the provincial level, there has been absolutely no change in the practice of having the Party political-legal head represented on the provincial standing committee (Figure 2). That trend has continued in every single province (including after the 2012 leadership handover). Further, as Wang has demonstrated, the decline in PSB chiefs heading Party PLCs does not mean that their influence has been diminished. Rather, it has been accompanied by a parallel trend - an increasing number of PSB chiefs being transferred to the Party group (*dangzu*, 党组) in the provincial government, and holding positions

such as assistant to the governor (*shengzhang zhuli*, 省长助理) or deputy governor (*fu shengzhang*, 副省长). Consequently, public security heads have not suffered a demotion in rank, because members on the government Party group has the same bureaucratic rank as a member on the provincial CCP standing committee—vice ministerial level (*fu buji*, 副部级).⁶⁵

Instead, the key trend appears to be a steady diversification of the number of leaders bearing responsibility for domestic stability work. Take, for example, the relationship between the CMPS committees and Party PLCs. Central authorities are in the process of separating the leadership of the two institutions. As mentioned earlier, until recently, their leadership was intertwined. The Party PLC head would bear direct responsibility for leading the work of the courts, procuratorate, and public security bureau, and simultaneously (in his role as head of the CMPS committee) be charged with mobilizing, coordinating, and enlisting a wide range of other government bureaus in social stability work. In the last two years, Party leaders have been dividing the leadership of these two institutions – charging either the provincial Party secretary or a

⁶⁴ BBC.co.uk 2012.

⁶⁵ Wang Forthcoming.

designated deputy Party secretary chair the CMPS committee, and having a separate individual head the provincial Party PLC. About fifteen of China's provincial-level governments have now adopted such a bureaucratic division of responsibilities.⁶⁶ Party leaders may be responding to (and rethinking) the expanded role that the PLCs have enjoyed in recent years – not by reducing the bureaucratic rank of the committees, but by dividing up the responsibilities for domestic security work among a range of different subordinates.

The implications of such developments are unclear. On one hand, such developments might lead to the emergence of partial checks on state power. For example, the increasing division of power within the security apparatus might result in Party political-legal authorities losing the voice that they have enjoyed in recent years over a range of other enforcement organs.

As one possible example, take the urban management enforcement (*chengguan*, 城管) personnel charged with enforcing urban health, environment, and commercial regulations. Suppose the same deputy Party secretary that is chairing the PLC (and supervising the courts, procuratorate, and the police) is also responsible (through the CMPS committees) for coordinating the enforcement activities of the *chengguan* and other administrative organs. That is a more concentrated position of power. It is relatively more difficult in that situation for public interest lawyers or legal activists to mobilize institutional support within, say, the courts, to address abuses of the *chengguan*. Now imagine that the chairmanship of the Party PLC falls to deputy party secretary X, but responsibility for the CMPS committees falls to a different deputy party secretary Y. Now power is split. And it is possible to imagine that activist lawyers might find a more receptive ear within some legal institutions (say the courts) for complaints that might tend to expose abuses or problems occurring on the turf of a political rival.

On the other hand, these shifts might suggest a more negative trend. Social stability appears to be migrating ever higher within the bureaucratic hierarchy as a Party concern. Consider the general shifts over recent decades. In the 1980s, the domestic security portfolio on provincial Party standing committees was held by a Party political-legal head, who himself was not a MPS head. In the 1990s, it was increasingly held by an MPS head serving simultaneously as Party standing committee member, head of the provincial PLC, and chair of the CCMPS. That represented an intensification of security responsibilities in a single individual. Since 2006, however, the security portfolio at the provincial Party level has increasingly taken the form of multiple individuals – first, a Party political-legal head represented on the Party standing committee, second, a CCMPS head also represented on the standing committee, and third, a provincial police chief – also represented on the standing committee or on the Party group within the government. This represents an intensification of security responsibilities among a greater number of people at the provincial level.

Rather than representing a weakening of the political-legal apparatus, such developments may be another step in the escalating “securitization” of the Chinese state. As domestic security challenges has risen in importance over the past two decades, and the *weiwen* apparatus ballooned in size, the Chinese bureaucratic state may have found it necessary to task ever-increasing numbers of senior officials with responsibility for domestic security work. Such an interpretation might be bolstered by developments since the 2012 leadership transition. Party General Secretary (Xi Jinping) has emerged as the PBSC member clearly responsible for the political-legal portfolio (i.e., directly managing Meng Jianzhu) – a distinct contrast with prior practice (Zhou Yongkang, rather than Hu Jintao, running the PLC), and the creation of State Security Committee Further, at the November 2013 Party plenum, Chinese authorities announced the creation of a new State Security Committee – charged with supervising both foreign and domestic security matters – and chaired by Xi Jinping

⁶⁶ Takunpao.com 2012.

himself.⁶⁷

Implications

First, the rise of the Chinese security state in recent years is not merely the result of political decisions taken by individual Party leaders. Nor is it simply the result of social and economic dislocations caused by the process of economic reform. Instead, the expansion of the Chinese state *weiwen* apparatus is the result of the gradual accretion of power by a political-legal bureaucratic apparatus that was significantly restructured in the wake of the dramatic events of 1989-1991 to address central Party concerns regarding social stability and domestic unrest. Specific events over the past two decades – such as the Falun Gong protests of 1999, increased citizen petitions regarding land takings in the early 2000s, and the ascension of Luo Gan and Zhou Yongkang to the Politburo Standing Committee – have contributed to state decisions to ratchet up the power and influence of this apparatus. But the fundamental framework – the rise in the bureaucratic stature of the police, the emergence of social stability as a core element of cadre evaluation mechanisms, the expanded responsibility for political-legal authorities for coordinating state responses to social unrest across all fields of governance – is the product of state policies taken in the early 1990s. The recent announcement of the creation of a national State Security committee may simply be the latest step in a two-decade long evolutionary rise of the Chinese security state.

Second, these policies may themselves be partially responsible for the rise of social unrest in China today. As others have documented, the rise in collective petitions and citizen protests since the 1990s and the emergence of “rightful resistance” as a strategy for popular contention has been facilitated by state sensitivity to the threat of social unrest.⁶⁸ Precisely because central officials apply pressure on local authorities

(through cadre responsibility systems) to avoid all instances of mass petitions, citizens can – and increasingly are – “gaming the system” by tactically using the threat of organized petitioning as a tool to try to wring concessions from local authorities in conflicts ranging from land grievances to commercial disputes to environmental protests, often regardless of whether their claims have underlying legal merit. These developments may be a direct outgrowth of the early 1990s bureaucratic changes discussed above. The decision of Chinese authorities to both expand the responsibility of political-legal leaders for coordinating state responses to social unrest across different areas of governance and increase the career sanctions on local authorities for outbreaks of social discontent may have enabled the growth of social protest by altering key bureaucratic incentives for both citizens and officials alike.

Ironically, both the rise in the Chinese state repressive apparatus and the increase in social instability may have their roots in exactly the same government policies.

Concluding Remarks

An analysis of more than three decades of data on Chinese political-legal leaders shows that the Chinese state has become increasingly “securitized.” The rank of public security chiefs vis-a-vis court and procuratorate leaders has been raised within the Party apparatus, the reach of the Party political-legal apparatus has been expanded into a broader range of governance issues, and the

⁶⁷ As of submission of this article, details of the committee and its responsibilities have not yet been released. Presumably, these will be released by the National People’s Congress meeting in the spring of 2014.

⁶⁸ O’Brien and Li 2006; Minzner 2006; Cai 2006; Chen 2011; Lorentzen 2013.

incentive structure of local officials have been altered to increase the sensitivity of local authorities to social protest. We show that the rise of the security state can be traced back to the early 1990s when the Party-state systematically restructured the security apparatus as a response to the events of 1989.

We also observe a pluralization of security work in recent years. Domestic security work in the mid-1980s largely consisted of coordinated campaigns of court, procuratorate, and police personnel led by Party PLC officials. Recent years have seen the emergence of a more pluralized organizational structure involving a wider net of Party, government, and social institutions. In part, this reflects the fact that an increasingly complex Chinese society is generating a more complicated set of disputes. Individual government bureaus cannot handle these on their own. Before 1978, labor disputes might be successfully managed within the confines of a single state-owned enterprise. Now, handling a mass protest by the employees of a construction company might require the coordination of local police, court, labor bureau, labor union, and private enterprise – not to mention the state media and propaganda authorities (to control the dissemination of information via social media).

But the pluralization of security work also reflects the fact that, rather than facilitating the emergence of independent institutions (such as courts) endowed with the autonomy and legitimacy to handle such disputes, Chinese authorities are reverting to practices from the 1940s and 50s that blurred the distinction between security and non-

security Party work. Housing management bureaus (*fangwu guanliju*, 房屋管理局),

which might not have been considered part of the domestic security apparatus in the 1980s, are now expected to be directly involved in settling protests arising from land seizures. As one Chinese state cadre fumed after learning of directives instructing him to prevent family and relatives from engaging in protest activity surrounding a local construction project, at the cost of his own job, “Now, as long as you are part of the state bureaucracy, you are part of the *weiwen* apparatus.”

We want to distance ourselves from arguments that link China’s regime stability in the last 30 years solely to simple coercion. It is far more. The China field has provided a wide spectrum of theories explaining the macro-level stability of the regime including the CCP’s revolutionary tradition and cultural resources,⁶⁹ institutionalization of elite politics,⁷⁰ the cadre evaluation system,⁷¹ the media,⁷² nationalism,⁷³ the Party’s cooptation strategy,⁷⁴ and foreign direct investment.⁷⁵ To this list, we would add the bureaucratic shifts within the Chinese political-legal system that the state has adopted to respond to escalating levels of social conflict. The ultimate success or failure of these efforts, of course, will be left for history to answer.

⁶⁹ Perry 2012.

⁷⁰ Nathan 2003.

⁷¹ Whiting 2004; Landry 2008.

⁷² Stockmann 2012.

⁷³ Zhao 1998; Weiss 2013.

⁷⁴ Dickson 2003; Tsai 2006.

⁷⁵ Gallagher 2002.

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PANEL II QUESTION AND ANSWER

COMMISSIONER FIEDLER: I have three quick questions. Does the rule of law exist in China? And the complementary question is has having a lawyer mattered to any dissident for the outcome of their case? And third question of you, Mr. Tanner, is can you explain to me the decision-making process? Who really controls the PAP, how it works?

MR. MINZNER: Thank you very much for that question. I'll start. So I think you're raising two questions. One, the general one, is: does the law matter in China, and the second is: does law matter to political dissidents? Those are two different questions to separate out.

Certainly when it comes to any sort of top level core issues, such as highly sensitive political dissidents, handling figures like Bo Xilai, or large monetary cases that directly impact the interests of key officials, the decision itself has been worked out well in advance. In those cases, the law is taking a back seat to politics.

The broader question is does the law matter at all to the vast majority of other disputes in China? When the question is over not a highly sensitive case, but the dispute between neighbors, a domestic violence dispute, the award of--

COMMISSIONER FIEDLER: I got it. I got it.

MR. MINZNER: So I think there might be a difference between those two. I think the first one politics trumps law. In other cases, I think law does have some meaning.

COMMISSIONER FIEDLER: It doesn't answer my question does rule of law exist? I mean let me give you an example. I suspect rule of law existing is like whether you're pregnant or not. Okay? And it either does or it doesn't. All right.

Miscarriages of justice happen in the United States all the time. Okay. But the rule of law exists. I think we would all agree. I'm not getting any real examples of whether it's worker disputes not being paid wages, whether it's environmental protests -- whether the law is an effective means for ordinary people to maintain their existence vis-a-vis the government or oppression or justice?

Does it exist or doesn't it exist? Or is it too nuanced an answer?

DR. RICHARDSON: I'm going to go with halfway pregnant.

[Laughter.]

DR. RICHARDSON: I mean, look, I wouldn't want--

COMMISSIONER FIEDLER: For who? For who does the law exist as a beneficial thing day-to-day in China?

DR. RICHARDSON: I think that for, and I would welcome--

COMMISSIONER FIEDLER: Not for petitioners.

DR. RICHARDSON: But I think for some kind so cases that are in some circumstances about fairly straightforward, for example, financial or business transactions, I think you can reasonably expect reasonably consistent rulings in a given geographic location. So that's a lot

of--

COMMISSIONER FIEDLER: So some places, business law--

DR. RICHARDSON: Some places, some circumstances, some times.

COMMISSIONER FIEDLER: Okay.

DR. RICHARDSON: But is the law--

COMMISSIONER FIEDLER: Anything outside of business law or is it meaningful? The Party still runs the legal process; right?

DR. RICHARDSON: Yes, no, look, as long as there are--if there's Party interference all the way down to the local levels, absolutely. But on the question about whether having lawyers has mattered at all for dissidents, not nearly as much as it should.

I think the two ways in which it's mattered are simply in terms of lawyers having access to people while they're in detention, which in some circumstances has, I think, mitigated the possibility of torture, and for people who do wind up going to trial, those lawyers wind up becoming incredibly important essentially spokespeople for their cases externally.

COMMISSIONER FIEDLER: Yeah, but I mean not as lawyers within the process as you would say in the United States; right?

DR. RICHARDSON: Correct.

COMMISSIONER FIEDLER: Where a lawyer makes an argument in court and maybe you're found innocent? We don't have a lot of cases where political dissidents are found innocent; do we?

DR. RICHARDSON: Correct.

COMMISSIONER FIEDLER: Okay. So a lawyer is not allowed to do his job; right?

DR. RICHARDSON: In some cases, they have been allowed to do their jobs. Whether they are listened to and accommodated is an entirely different matter, I think, at least on a consistent basis. Some dissidents have had some of the best human rights lawyers that there are--

COMMISSIONER FIEDLER: I'm not trying to attack lawyers--

DR. RICHARDSON: No, no.

COMMISSIONER FIEDLER: I'm trying to understand whether or not it matters to have one, and I still am dubious about whether it's been effective.

MR. MINZNER: I'll just offer a personal anecdote, and again, I'm one of the biggest critics of some of the trends that are going in China right now. You pointed your finger at the core issue-- Party control of the legal system that creates all sorts of problems. What does it mean for the dissidents we're all concerned about?

But I'll give you an example of the kinds of local disputes I was talking about. I sat in on worker dispute cases that were being adjudicated by a local court in Xi'an. It was a guy having his hand ripped off by a small machine company, and the judge was simply adjudicating

whether or not the guy was going to get compensation.

I wasn't able to see a significant difference between that and the ALJ proceedings that I'd sat in on at labor disputes before the New York Department of Labor, that there was no--

COMMISSIONER FIEDLER: You aren't suggesting that their labor relations system is healthy in any way, shape or form?

MR. MINZNER: No, there's no union, and you don't have the ability to form independent unions or anything like that so I'm not going to--

COMMISSIONER FIEDLER: Thank you. My time is up.

HEARING CO-CHAIR BARTHOLOMEW: Dr. Tanner, you can have a minute--

HEARING CO-CHAIR BARTHOLOMEW: --if you want to, if you have something you want to add to the--

DR. TANNER: I just wanted to address your specific question about the leadership over the People's Armed Police, and it's extraordinarily complex so I won't go into a lot of detail. But the basics of it is that the key policies for developing the organization and how it's going to be used are set at the central level jointly between the Central Military Commission and the State Council, specifically most of that being done by the Ministry of Public Security, the civilian police.

The PAP is made up of three major groups: an internal security organ; a group of ones that are overseen by public security that handle fire, border security and body guards work; and then a number of economic ones that guard hydropower, gold, forestry. And there are separate leadership organizations for each of those, and as I've written elsewhere, there's been a struggle for a good long time, and it continued in the 2009 law over how much authority, particularly county-level officials, were going to be given to mobilize small or very large numbers of PAP forces in their area to put down unrest.

COMMISSIONER FIEDLER: Who makes the decision to shoot or not?

DR. TANNER: It is supposed to be made depending on the case--giving out weaponry is supposed to be made by a higher level government. So if you're talking about a county-level force, up to the next level, municipality. They're supposed to check with them before bringing weapons to the scene, if I remember the regulation correctly, and before using them with the extreme exception of if chaos suddenly breaks out.

HEARING CO-CHAIR BARTHOLOMEW: Thank you.

Commissioner Wessel.

COMMISSIONER WESSEL: Thank you. Thank you for two of our panelists coming back, and Dr. Richardson, three, and Dr. Richardson, thank you for traveling here today.

Let me ask a question about the theory behind, if you will, PNTR or partial theory of PNTR that the engagement and participation and movement of U.S. corporations and their activities in China, that engagement would help promote change.

As I see, and from Mr. Wolf's and prior testimony, there's been change in some areas, but human rights and the areas that we're talking about here today don't seem to have improved dramatically, and therefore maybe the initial theory about engagement will bring change is suspect.

We also have a major trade agreement coming up with China, the Bilateral Investment Treaty, and what if my point is correct, that U.S. firms haven't done that much to promote change, should we do a new treaty? And if so, should we do it with a human rights clause to make sure that, in fact, maybe greater change could be brought about by those companies profiting from their participation.

Each of the panelists, if we could. Dr. Richardson, would you like to start?

DR. RICHARDSON: I'll try to be quick. I think absolutely the BIT should have human rights language in it. I don't see why it couldn't. I would never hold the EU up as a paragon of an institution that defends human rights. They have a set of obligations now codified that in theory requires that they include human rights components in all their trade agreements. Whether they pull it off in what they're working on recently in Brussels remains to be seen.

I think American corporations could play a much greater role in promoting human rights. I think they generally try to defend themselves as having been supportive of the adoption of the rule of law and better labor relations. I think that's left a great deal to be desired. I think it's mostly been rhetorical mostly because those companies have not really been particularly willing to pay a price to defend rights issues in the same way that the U.S. government has been unwilling to sacrifice in some areas to defend rights on principles or in sort of practical realms.

COMMISSIONER WESSEL: Can you point to an example of a U.S. firm as an outlier that has actually really been a thought leader, if you will, or a moral leader in trying to put its money where we'd like its mouth to be?

DR. RICHARDSON: Not off the top of my head.

COMMISSIONER WESSEL: Okay.

DR. RICHARDSON: But that doesn't mean that some haven't done--

COMMISSIONER WESSEL: Understand. Dr. Tanner.

DR. TANNER: Commissioner Wessel, one of the most important lessons my father taught me a number of years ago is the importance of knowing when to say I don't know.

This is not a topic on which I'm an expert, particularly compared with the people on either side of me. Here I would broadly associate myself very strongly with what Dr. Richardson has just said, about the desirability of trying to use trade agreements and U.S. firms for that.

I think it's fair to bear in mind that even when efforts at this have been done over the last 20 years, and God knows a lot of people have tried, China is a very difficult--is, I would say, a uniquely difficult case because of its market power and its ability to sort of break up these packages or to break up the coalitions on the other side facing them that try to promote these sorts of things. I don't think that's a justification, though, for dropping the general policy.

COMMISSIONER WESSEL: That would seem to be facilitated maybe by the

mercenary interests of some of our companies. I think that was overcome in part, for example, with apartheid, with the Sullivan principles, and ultimately congressional legislation.

So Mr. Minzner.

MR. MINZNER: I have to admit this is also a subject I haven't devoted quite as much thought to. I do think that China is so big that, unlike many other countries, it's unlikely that any outside pressure from the United States will make Chinese authorities do something that they don't want to do.

I think Chinese authorities' concerns are primarily domestic, just as the U.S. concerns are, and so it's hard for me to imagine how solely by outside pressure, you can alter China.

Sure, this sometimes works. For example, when China entered the WTO and was making the concessions that it needed to make in order to get in WTO, it dovetailed with Zhu Rongji's interests in remodeling the Chinese economy.

That being said, I don't know whether outside pressure can remake China? I'm not sure. Pressures that are building in China are the result of vast socioeconomic changes that are taking place, and the question is do the Chinese authorities respond to those and take the steps they need to in order to address the demands of their citizens. So I generally think that engagement helps because it creates pressure within Chinese society, not from U.S. companies or the U.S. government but from Chinese citizens themselves.

COMMISSIONER WESSEL: Thank you.

HEARING CO-CHAIR BARTHOLOMEW: Commissioner Tobin.

COMMISSIONER TOBIN: Thank you, everyone.

Dr. Tanner, I have a question that you do know a good bit about so--

DR. TANNER: I'll be the judge of that.

[Laughter.]

COMMISSIONER TOBIN: Great. Great.

DR. TANNER: Forgive me.

COMMISSIONER TOBIN: That's okay. That's okay. A few months ago, we actually had a hearing on the topic of our trading with China in the area of pharmaceuticals and medical devices, and it was there for the first time that several of us became aware of that trend that you have highlighted, the violence in the medical health care system.

And we learned that in prior times, the security at a hospital, and the hospitals are largely public hospitals, were carried out by the hospital staff themselves, but recently it changed to a police leadership, the government's security system.

In your testimony, you say: "Between 2006 and 2010, China saw a striking increase of cases of so-called medical disturbance incidents in which patients or their family members violently beat, threatened or cursed medical personnel with cases of these attacks rising 68 percent from 10,000 in 2006 to 17,000 in 2010, spurring a policy directive from the Ministries of Health and Public Security."

Can you tell us what we need to know about these medical disturbances and how you see that as a domestic security problem and what else we need to be aware of, please?

DR. TANNER: I don't have an enormous amount of detail to add to that except for a couple of broad points. One of the big things that happened over 30, 35 years of economic reform in China in opening up is that the very structure of the security system in the country changed greatly.

When I started studying this country, it was a country where people were not mobile, they got most of their public services from their work units, whether that was in the countryside or in the city. A lot of security work was handled by nonprofessional people whose livelihood was cared for by their work unit and consequently amounted to a subsidy to the security system by making these people available for work like that, but they weren't very professional.

In fact, at that time, the police themselves weren't particularly professional.

COMMISSIONER TOBIN: What's driving the violence?

DR. TANNER: What's driving the violence as far as I understand, and again I'm no expert on medical areas, is that China's safety net is not providing people with ready access to affordable good quality health care.

It's been awhile since I looked into these things, but I believe it is still the case that one frequently is asked to pay in advance. Is that correct, Sophie? One is frequently asked to pay in advance for one's medical care, something I've never encountered in the United States, and if something goes wrong, there's very little place to appeal.

So you have a failed system without a good security system to back it up, and just to add another point to what I was saying earlier, we've seen the privatization of security over the last 20 years with these security companies, which can be of very uneven quality and frequently amount to little more than undisciplined Pinkertons for the organization for which they work.

COMMISSIONER TOBIN: So given the aging population and the fact it doesn't sound like there are hospital reviews or quality safety factors that are nationalized. Actually that should be a question. Do you know if they have regulations of their hospitals and--

DR. TANNER: They have a Ministry of Health that works very hard putting out regulations to try and oversee these sorts of things, and each province and locality has a corresponding health department.

But I'd be way out of my ball park to try and characterize the quality of the regulations that they put forward.

MR. MINZNER: I can try to jump in on that one.

COMMISSIONER TOBIN: Yes, please.

MR. MINZNER: With respect to your question, there are a couple things that are driving it. The social security network that had provided coverage to rural citizens under the Maoist era began to break down in the 1980s.

During the 1990s, you saw the privatization of health care in China, particularly for rural citizens. This meant that many of them lost access to medical services that they once had.

Increasingly, they had to pay, just as Dr. Tanner mentioned, out of pocket, sometimes very high sums to receive care.

Urban residents enjoyed health care through their work units, and later through the health systems that have been created for the large municipal areas. During Hu Jintao's administration, he made a push to extend coverage to rural citizens, but health care provision, particularly for the health care network in rural areas, remains very weak.

This, of course, leads to highly volatile situations in hospitals when you have people being told: pay up X amount of money or your relatives can't receive care. That's one of the triggers that is pushing these types of disputes.

Precisely because you have problems with the legal system, this then leads to confrontations in the hospitals themselves when people say I don't want to pay when they're presented with the bill, or they allege that their dead relative didn't receive adequate care, and things are getting resolved in that kind of environment rather than through legal channels. This includes things that Ben Liebman at Columbia has written on, including people taking the dead body of their relative and stationing it outside the hospital until they get the compensation that they think they deserve.

This is a recipe for exactly the types of problems that you've mentioned.

COMMISSIONER TOBIN: And so it will increase. If we have time for a second round, I'll come back with a next question.

HEARING CO-CHAIR BARTHOLOMEW: Commissioner Wortzel.

HEARING CO-CHAIR WORTZEL: Thank all three of you for being here and for your testimony. You've done a great job.

I want to talk or have you really talk about social unrest as it relates to nationalist protests, which are often encouraged by the Party, and then we've seen cases where the Party can no longer effectively control the protests that they thought would promote a particular policy they wanted to promote.

My own experience is that the level of social dissatisfaction and tension is so high that once you get a group of people together, the purpose of that gathering shifts, and uncontrollably, and the propensity for violence increased also uncontrollably.

So if the Party is doing--and we know they're doing this in various areas. We've seen it--the Belgrade bombing, things like that. Japanese, protests over Japan and the Senkakus.

Talk about the risks to American citizens and U.S. economic interests and the likelihood that these things could get out of control.

DR. TANNER: Did you want the answer to focus primarily on the impact for American interests or--

HEARING CO-CHAIR WORTZEL: Yeah, I mean--

DR. TANNER: --or go to the broader?

HEARING CO-CHAIR WORTZEL: As you like, Scot. You know, you're a smart guy. I'm not going to tell you what to answer.

[Laughter.]

DR. TANNER: Please make sure that's properly transcribed. I'd like my boss to see that.

[Laughter.]

DR. TANNER: Exactly how these nationalist protests, and also I would lump in with that the voice of netizens and public commentators and such, interacts with the Chinese foreign policy is something that's very complex and that we need to really focus on and better understand, and one of the problems is that when we burrow into each of those cases, we seem to get a slightly different recipe for what happened each time.

Chinese officials and analysts have been telling us that their failure to assert China's territorial claims will result in severe public anger, netizen attacks, protests from highly nationalistic citizens, and they state or imply that this is a reason they can't make concessions on these issues.

To some extent I expect that that's true. To some extent, that is a convenient claim for them to back up and draw a line in their negotiating stand, but as you've correctly pointed out, the government itself helps to facilitate or try to gain guidance over a number of protests. Exactly how much in each one is an area of disagreement among the available sources.

The government also privileges these very nationalistic voices in their media. I don't need to tell anybody on this Commission about the Global Times, but that's just one of a vast number-- CCTV-4. I was there in 2012 during the Philippine Scarborough Shoals dispute, and CCTV-4 was 24/7 which Southeast Asian country was trying to take over the South China Sea and steal everything from China?

So they fan a lot of this and there's an interaction with this. And this leads China to claim, to fan this further by claiming that China is lagging behind other countries in the region in asserting these kinds of interests.

The problem is that these things once started can be very, very difficult to control, and after 2012, we really did see a fairly clear effort by Japan to try to encourage investors in their country to--Japanese investors in China to relocate to other places. If you watch NHK, this was a daily drumbeat message to put out there.

So right now the United States is not an object of this sort of thing, but we never know when the next Belgrade or EP-3 incident is going to occur, and the suddenness with which these things can whip up is indeed an area of great potential danger for U.S. investors.

DR. RICHARDSON: Let me try to take a couple of different pieces of that. With respect to the issue of risks or threats to American citizens or U.S. interests, I have a little bit of trouble imagining the Chinese government tolerating, for example, what's happening in Vietnam at the moment against companies that are perceived to be Chinese facilities. Many of them aren't, which makes it especially tragic.

At the same time, certainly we have seen American and other international journalists be beaten or detained or otherwise prevented from doing their jobs, prevented from getting visas. We have, in the last year or two, seen a little bit more aggression directed at diplomats, Americans and others.

Ambassador Locke's car was--attacked isn't quite the right word, but it was surrounded at one point. For U.S. business interests, some of the only, to us, really interesting or useful conversations we've had with international companies in the last couple of years have revolved around the contents of the state secrets laws and industrial espionage because I think there's an increasing proclivity to use those kinds of statutes against international business people, particularly ones who are of ethnic Chinese dissent or who are nationalized U.S. or other country citizens.

But on the sort of larger question about the nature of protests, one point I really wanted to make, especially in response to a question this morning, is that I think the Chinese government and the Party have put considerable thought and effort into preventing the establishment of cross-regional, cross-ethnic, cross-anything coalitions.

We've now seen, for example, environmental protests in just about every single province or major city across the country. I am very sure that an effort has gone into making sure that the people who are perceived as being leaders of any or all of those will be in trouble if they try to make a common concert.

At the same time, I think the Chinese government has also been incredibly depressingly successful at painting as somehow uniquely ethnic problems issues that are certainly common in Tibet and Xinjiang but are very common in other parts of the country as well. They are not necessarily Uighur issues or Tibetan issues. You know there are dispossessed farmers all across the country who essentially experience the same problem, but by painting them as such, not only is there no sympathy, but there's actually some antipathy towards those groups.

MR. MINZNER: This will be very short. The best analogy that I've heard people use for China is the idea of a steam kettle where you're holding the handle down, and the fire is being turned up. It looks really stable because you're applying pressure. But as soon as you lift up the handle, the pressure dramatically releases.

That opening could be when the center allows a little opening for nationalist protests against Japan or an anti-corruption campaign against some local authority. All the pressure in society can suddenly, just as Commissioner Wortzel said, coagulate and flow towards the opening.

And so I'm a worried about that, because I think that dynamic can flip unpredictably. Take the example of Vietnam where it started as an anti-Chinese protest, but then suddenly popular sentiment became directed at Hong Kong or Taiwan firms. That's a risk that I'm worried about for China, too.

HEARING CO-CHAIR BARTHOLOMEW: Thanks.

Commissioner Shea.

CHAIRMAN SHEA: Thank you, panelists, for being here today.

Over the past couple of weeks, a couple things struck me in the news. One, this church, cathedral-like church in Wenzhou, which is a very prosperous city in the eastern seaboard, where a huge congregation, and they, the local government, wanted to destroy the church, and the congregation encircled the church, but eventually the authorities were able to just completely destroy this cathedral-like structure over the desires of the protesters.

That struck me. First, that this huge church existed in Wenzhou was, I found, interesting.

Secondly, there was a report put out by a professor at Purdue, and Congressman Wolf alluded to it this morning, that China may become the most Christian nation on the planet by 2030 with about 250 million people professing Christianity.

And both these things, I was wondering, it was an interesting juxtaposition, these two, the event and this fact if true--or this projection. It seems to me this has enormous implications for Chinese society, enormous implications potentially for U.S.-China relations, and just tell me what your thoughts are on sort of these two incidents, the incident and the fact, and your general thoughts on religious, the growth of religious belief in China, and what the government is doing there about it?

DR. RICHARDSON: Is that one all mine, guys?

DR. TANNER: Not all, most of it.

DR. RICHARDSON: Good. Glad you'll join in. Yes, the destruction of the church was just extraordinary, and there's footage of it on YouTube if you want to look at it. This enormous building, and people had fought for a long time to try to keep it open, and that it was destroyed anyway obviously was extremely distressing and done on a very shaky legal grounds. There was somehow some part of the building didn't comply with the local code.

CHAIRMAN SHEA: Uh-huh. Uh-huh.

DR. RICHARDSON: I'm sure if that was the case for--that's the case with lots of buildings across China that don't get bulldozed.

CHAIRMAN SHEA: Uh-huh. Right.

DR. RICHARDSON: And yes, I don't think anybody has exact facts on the growth of Christianity or the number of practitioners, but it is clear that I think at a time when the Party has lost a lot of legitimacy, there's enormous transition in society, urbanization.

I think the common explanation is that people are increasingly turning to religion as something that gives more meaning to their lives. I think the Party's response is pretty predictable, that religion is one of several organizing vehicles it doesn't like. It has certainly not moved to ease the process of registering churches.

There are still official religions, and anything outside those boundaries is technically considered illegal. I'll yield to you guys. Those are the basic.

DR. TANNER: I'd note that this question of what, of how to treat religion as both a potential organizing source for good forces in society and also as something that the Party sees as a threat is something that for quite a number of years now the Party has been wrestling with.

I was comparing notes with Professor Minzner. We were trying to remember when it was that Hu Jintao a few years ago made a speech, I believe it was, in which he talked about the potential value of religion for Chinese society.

That said, one of the other things that I've seen very clearly in recent years is an increase, and really a professionalization, of police work with regard to monitoring and trying to control religion. There is, indeed, even a separate bureaucratic system within public security--I believe

it's part of the Domestic Security Protection Service--that deals with, by name, religious security protection affairs.

And you get training texts on how to deal with the problem of religion in society, and they differentiate--they draw some appalling caricatures of what the potential social impact of different religious groups are.

So this is something that they have wrestled with and continue to wrestle with, but it's still a real concern for the people, for the security professionals.

MR. MINZNER: Yes, I'll just back out a little bit and say Marxism in China is ideologically bankrupt and everybody knows it. Right now nobody really believes the slogans on the TV evening news--, and so everyone is looking for something to fill the void.

You have a wide range of citizens who are looking to everything from Christianity to various Buddhist sects to a whole range of new folk religions. Even the state, as Scot mentioned, is also grappling with this issue.

They're worried about more about certain religions that are perceived as foreign. So Christianity and Islam come under higher scrutiny. But the Party is also just worried about the possibility that any religion might emerge as a potential competitor to them, and so they remain very invested in the network of patriotic state churches.

On that note, it's interesting that last November, Xi Jinping went to Qufu, which is the birthplace of Confucius. Consistent with that, there has been a big tick up in the invocation of traditional values, i.e., particularly Confucianism, but also Buddhism--so I have a sense that the state is experimenting. It's looking for like how would we, --

CHAIRMAN SHEA: Channel?

MR. MINZNER: Right -- channel and use these belief system. But at the same time, they wouldn't want them to emerge as an independent forces. So I could imagine them coming back to as some kind of revived, politically-approved orthodoxy of some kind.

They're clearly looking at this. You can sense it in the media. You can sense it in speeches that Xi's made. Look at the speech that he made, 95th anniversary of the May 4th Movement at Beijing University, where he invokes traditional Chinese culture. It's very, very clear there.

CHAIRMAN SHEA: I saw a story about one of Zhou Yongkang's associates who was recently arrested for--and one of the things alleged against him, he was promoting superstition, and I was sort of struck what's that all about?

MR. MINZNER: Well, China is experiencing huge social change. Values are coming under question. And people are gravitating toward a whole range of beliefs out there, and they range from what we would say, oh, that makes sense--

CHAIRMAN SHEA: Thank you.

HEARING CO-CHAIR BARTHOLOMEW: Commissioner Slane.

COMMISSIONER SLANE: I wanted to go back to Vietnam. I know it's been alluded to a couple of times here, but it's kind of shocking, at least to me, what happened in Vietnam and

the reaction, and I'm wondering your thoughts on whether it was government-sponsored or spontaneous, and will it spread to the Philippines and Japan? What are your thoughts?

DR. TANNER: I'm probably going to be the first of the three of us to say that I would only be speculating about the sources of protest in Vietnamese society, but I think just the general absence of this type of protest in Vietnamese, I have not seen similar sorts of protests, trends in Vietnam in the last 20 years that we've been following in China since the early '90s.

Therefore, it becomes very difficult for me to imagine that the initial organization of this didn't take part with at least some official blessing, and I was listening to the BBC this morning, who were quoting the Vietnamese government on talking about peaceful protests against China being considered legitimate by the Vietnamese government.

DR. RICHARDSON: We have written about unrest in Vietnam, labor strikes, some very small scale protests by religious figures, but certainly nothing of the orders of magnitude that we've seen in the last couple of days. I am going to plead the Fifth a bit in that having been trapped on a plane, I haven't even read our own statement about these protests, which presumably call for restraint and all the normal things under international law.

I will note that I think this certainly this kind of anti-Chinese--it's very broad sentiment in Vietnam--has grown enormously in the last few years, and frankly I think it is one of the Chinese government's worst nightmares, particularly in Southeast Asia, for there to be sort of rejuvenated and targeted anti-Chinese sentiment. You know, it has not been that long since we saw serious unrest in Indonesia, for example.

You know, it's very clear at the moment that the protesters in Vietnam aren't necessarily discerning between Taiwanese, Singaporeans, South Korean, or mainland industrial facilities.

HEARING CO-CHAIR BARTHOLOMEW: Okay. Thanks.

All right. Commissioner Talent.

COMMISSIONER TALENT: Thank you.

Three questions, and one of them Commissioner Wortzel touched on. I'm going to put it in a little bit different form. First of all, in the past, these anti-corruption campaigns I take it have been mostly covers under which the leadership has gone after factions within the Party that weren't with the leaders. So they were the only corrupt people that ever got prosecuted.

Do you think it's bigger than that now, that, and that Xi sees it as an important social stability thing to go beyond just the people who oppose him? That's question one.

Question two is related to that. The Party has been emphasizing ever since Tiananmen the importance of unity among elites. One of the things that led to Tiananmen was the public divergence among elites about basic directions.

I asked this of the last panelist. Do you see any possibility of that breaking down and maybe somebody deciding that they can leverage a play for power by being the reformer, being the Yeltsin, any sign of that at all?

And then the third, could another Tiananmen happen in China today? And if so, what would be the events that lead to it, and what in your view would be the primary things stopping it from developing and getting to that point?

MR. MINZNER: I can try to take the first two. First, your question regarding the anti-corruption campaign--factional or bigger. I think it is bigger. You've got two things going on. If you look at who's actually being taken down, yes, it's clear they are taking out the big fish that people particularly associated with Zhou Yongkang. So there is clearly an internal factional element going on.

But it is also bigger. Xi Jinping is cracking down on luxury products, on corruption generally precisely because he has the fear that this is damaging the Party's ability to run the system. I don't think it's going to work in the long term because it's not setting up institutional mechanisms to check corruption. But this is what they've got, and they're going to run with it.

COMMISSIONER TALENT: And the problem is he has to treat corruption like it's a bug, but it's really a feature of the system.

MR. MINZNER: That's exactly right, and unless you start creating independent court system and independent checks on power, you're not going to be able to address it in the long run. But it's short-term behavior, and going after corrupt officials wins political points with many ordinary Chinese.

The question that you're raising about the unity breaking down among elites, I think that's actually a really important one to keep your eye on. The struggle with Zhou Yongkang is really interesting because we've never seen a former Politburo Standing Committee member being gone after in this way.

It feels to me this is something different where you're starting to see the breakdown in elite norms. You presented it as a positive light - maybe this could give rise to a potential reformist figure.

But I worry that faced with this type of conflict, one thing that somebody might try to do is make an end run around the entire bureaucracy, and appeal to populist nationalism. Perhaps someone might argue my enemies at the center are trouble; the bureaucracy isn't letting me do what I want; and I'm going to go to the people. But not go to the people, and support electoral democracy. But rather go the people and tell them to rise up and take down that system.

That, if you remember, is what led to the Cultural Revolution in the 1960s, Mao's effort to get around what he viewed as bureaucratic inertia, and I'd worry about the same thing here too.

DR. TANNER: First of all, I would underscore my complete agreement with the very important point Professor Minzner made about the difference between launching a campaign in which you target a certain number of people for corruption and engage in a number of public trials, issue a number of short-term directives that, for example, military people aren't supposed to excessively use their division staff cars and stuff, and actually putting in place the type of relatively autonomous self-initiating institutions that can investigate, that can oversee, and can continue to push these types of things.

And then I think that gets back to one of the defining characteristics of what Commissioner Fiedler raised earlier about the meaning of rule of law versus rule by law, and I will defer to Dr. Minzner's expertise on this, but I see a fair amount of talk about rule by law under Xi Jinping. I don't see the institutional calls for what would be rule of law and self-generating fights against corruption.

One other that I would toss in that I find more interesting. It will be very interesting to see how far any prosecution of corruption of the former leaders within the PLA General Logistics Department. Forgive me. Commissioner Wortzel, was it--it's the Logistics or the Armament is the logistics department in chief?

HEARING CO-CHAIR WORTZEL: It's Logistics, yeah. But they're both corrupt.

DR. TANNER: Yeah. Pardon?

HEARING CO-CHAIR WORTZEL: But they both control a lot of money and a lot of construction.

DR. TANNER: Okay. Please don't misinterpret my comments as a defense of either department.

[Laughter.]

DR. TANNER: That I think would be one of the critical questions getting to the issue of important divisions within the leadership because if you wanted to identify five or six really critical enduring lessons the Party took out of Tiananmen, one of them is to keep a lid on divisions within the leadership and to not allow divisions within the leadership to spill out to the point where they can be used to mobilize people and society.

That's the Zhao Ziyang lesson, and that one, for those of us who have watched Chinese factionalism for most of our career, they have clung to astoundingly well for the past 25 years.

DR. RICHARDSON: I can't improve on those. I'll just add a little bit. On the point about anti-corruption campaigns, I think from our perspective it's impossible to see it as serious, as systemic, when independent activists who are advocating for exactly the same kinds of transparency that senior leaders are wind up in jail for precisely the same call.

I think if the government was serious about a thorough, growing anti-corruption campaign, you would see a lot more trials and a lot more vacancies.

On elite unity, look, there are always serious disagreements. Even, for example, the decision to go ahead and prosecute Liu Xiaobo, there was serious disagreement about that, and I think the news last week that some princelings had called for his release was not necessarily a surprise, but I agree entirely with Scot that hanging together is the governing imperative.

Could another Tiananmen happen? Well, I think certainly many of the same desires for the freedom of expression, for more transparent government, for the right to participate in politics, I think those conditions are all still absolutely present. Is the Chinese government ready to let a million people show up in downtown Beijing to argue for that? No. Will they use any and all means necessary to prevent that from happening? Yes, I think so.

HEARING CO-CHAIR BARTHOLOMEW: Okay. My turn. I was going to start off in a different place, but it just really strikes me as we talk about anti-corruption, how could an anti-corruption campaign possibly be real when some family members of all of the highest officials in China are engaged in practices that have enriched them beyond what would be considered to be a normal level of enrichment?

That's just rhetorical, but I want to return back, since it is coming up on the 25th anniversary of Tiananmen, just to ask you, I mean obviously there have still been some, though

they've been silenced, calls for revisiting of the verdict, and why is the Chinese government so reluctant to do this? What are they so afraid of?

MR. MINZNER: That opens up the whole question of the legitimacy of the regime, and they're not going to do that.

DR. TANNER: 25 years has passed, but the people who rule China now, Xi Jinping personally, were people who were either relatives of those who led the suppression or were proteges of them, or in the case of Xi were part of this vast group of talented young people that was recruited in the early 1980s--Hu Jintao is another one--who were brought up and quickly promoted through the system.

So it's 25 years, but there are still an awful lot of people whose careers probably benefited mightily from the way Tiananmen was handled in the upper levels, but it does get back to also fundamental questions of the Party's legitimacy, and once you open up the question of revisiting the verdict, then the next issue becomes, okay, what alternative verdict do you want to have? And that is a major political minefield.

I don't think that they want to take that on at all, and I don't think that their assessment of society and their position, legitimacy with their people, tells them that they need to take that on. I think that they think they can probably continue to ignore this until it disappears from the Chinese memory.

By the way, Senator, with regard to the question of could another Tiananmen happen, I was just reminded, I arrived in Beijing in February of 1989 for dissertation work, and I was at Beijing University, and the last thing in the world you would have predicted for the spring of 1989 from the mood of the students, from the mood of people in Beijing, that spring was that in mere weeks an enormous set of protests would take part.

The transformation that occurred in those couple of days right after Hu Yaobang's death on April 15th was really surprising.

DR. RICHARDSON: I'll just add that if you were going to allow for a revisiting of Tiananmen, what else would you get asked to do? And I think that from the Party's perspective, it's a terrifying infinite regress, but also if you think through, for example, how some of these issues have been approached in other countries, in South Africa, or even what, for example, Brazil is now contemplating about any sort of truth or reconciliation proceedings or any sort of even, you know, very painful difficult discussions about amnesty, for example--that's amnesty with a little "a," not Amnesty with a capital "A"--I can't even imagine how that discussion would begin at senior levels of the Party.

Who would drive the process? Who would participate? How would records be retrieved? Who would be invited to testify? What sort of punishments might be considered? It might make a great thought exercise for all of us to imagine what that might look like, but I think many of the people who would be best qualified to testify or discuss those things are in jail.

HEARING CO-CHAIR BARTHOLOMEW: Thank you.

We have a few minutes left, with the forbearance of our panelists, for a second round. So, Dr. Wortzel first.

HEARING CO-CHAIR WORTZEL: The Central Discipline Inspection Commission, which principally investigates corruption, is a Party organ, and it can stop or prevent the judiciary from investigating corruption.

It can send investigative teams to a province or a township, and there are parallel Discipline Inspection Commissions throughout the Party structure in every province and township and county.

But it's still really a Party organ. How does the judiciary or can the judiciary, if there's any kind of rule of law, really go after corruption, or is this really just a facade to control people in the Party?

DR. TANNER: I'll make a couple of quick comments on that and then defer to the real legal expert here.

The Party has always reserved for itself the role of prime mover in these sorts of things, and that doesn't just relate to the Central Discipline Inspection Commission. Coming out of the chaos of the Cultural Revolution, one of the first sets of regulations they put in place with the development of the legal system concerned what--the difficult challenges that would be, that they put in place on prosecuting Party officials, and ostensibly that was to avoid the abuses that had taken place during the Cultural Revolution.

But they retained this for themselves. As my colleague Melanie Manion has documented, the ratio between the number of cases that the Discipline Inspection Commissions take on for Party discipline violations and the number of those that actually leak on through to the formal legal system is tremendously large.

They only allow a very small portion of this. I vaguely recollect it's about 85 percent to 15 or something like that--85--maybe six times as many Party cases as ultimate court cases. So they really do try very hard to keep this out of the formal legal system, and they have positioned themselves in terms of the structure of the system to make that possible.

MR. MINZNER: There's a fundamental structural issue that's going on here when you're talking about addressing corruption in China even if the state wanted to move towards a more institutional method for addressing corruption, rather than using , the campaign style methods that they are now.

The Discipline Inspection Committees that you mentioned are Party committees. If you look at a local county in China, you'll find that you have the local Party secretary and couple deputies underneath them. Each of the deputies handles different portfolios.

One deputy runs the government. Another chairs the local legislature. Another chairs the CDIC, the discipline commission. So you have a fundamental institutional problem. How is this deputy supposed to supervise the corruption investigation into the Party head of the relevant county?

That's the core problem. For the disciplinary officials, how are they actually even supposed to carry out their mission when it comes to investigating stuff that impinges on the interests of that core group of people.

There's a second problem too. What's the role of the court system? It's not supposed to supervise the internal operations of the Party at all. And it itself is supervised by one of those

other Party deputies who's also chairing the Party political and legal committee that's managing the court system.

You have to address both of those underlying issues if you wanted to go after corruption in China in a real way.

HEARING CO-CHAIR BARTHOLOMEW: Commissioner Tobin, our final question.

COMMISSIONER TOBIN: Actually I will pass.

HEARING CO-CHAIR BARTHOLOMEW: Oh, okay. All right. With that, we're actually unless--oh, Commissioner Goodwin.

COMMISSIONER GOODWIN: Dr. Richardson, you said in your earlier testimony that American corporations could do more to foster protections for labor rights, freedom of expression and human rights, and you said quite simply they're not willing to pay the price to defend such rights.

My question is, is it about to become more expensive to not pay those costs and to not heed the calls for such protections?

Directing your attention to a couple of instances just in the past six months where labor protests at a Nike production facility and a Cooper Tire plant cost approximately \$130 million in losses. What's the likelihood that such incidents will increase in the future and what impact will they have on how American businesses approach these issues?

DR. RICHARDSON: That's a tough question.

COMMISSIONER GOODWIN: In 30 seconds.

[Laughter.]

DR. RICHARDSON: And I'm not psychic. But especially, look, if you also backed up a few years and looked at, for example, some of the kinds of labor demonstrations that were allowed in the delta against Japanese and South Korean companies, I think often greater labor unrest is tolerated at foreign firms than at domestic ones. So in that sense, I do think international companies may be somewhat more vulnerable.

And, yes, I think, you know, a lot of prevention is better than the cure, and frankly I think as workers are better educated and have, I think, a clearer understanding of labor rights in other operating environments, they're becoming much more assertive in their demands, as well they should, and then it's in those companies' interests to respect those rights.

COMMISSIONER GOODWIN: Okay. Thank you.

HEARING CO-CHAIR BARTHOLOMEW: All right. On that note, I want to thank all of our witnesses for appearing before us today. It was terrific testimony. We learned a lot. We might be coming back to you with some additional questions, and then just to announce that we're going to break for lunch until 1:45, until 1:45.

Thanks very much.

[Whereupon, at 12:44 p.m., the hearing recessed, to reconvene at 1:49 p.m., this same day.]

PANEL III INTRODUCTION BY DR. LARRY WORTZEL

HEARING CO-CHAIR WORTZEL: The third panel for today is on the freedom of expression and media control in China and implications for the United States. That's actually specifically one of the issues that we have to cover in our legislative mandate, and we have three great panelists to cover this.

And just to lead it off, if you read either The New York Times or The Wall Street Journal, and I imagine a lot of other big newspapers around the country, on April 30, the Communist Party's newspaper, the China Daily--that's the English language one--bought full-page advertisements disguised as news in U.S. papers that criticized the Japanese government for what China sees as trying to erase or alter the facts about the 1937 Nanjing massacre.

Now, the irony of that action by the Communist Party, as you're going to hear from this panel, is that the Party controls and erases all references to the Tiananmen Massacre in history books, in the press, and in social media in China.

So you have three really excellent people to discuss this. First will be Ms. Sarah Cook, who is a Senior Research Analyst for East Asia at Freedom House. Ms. Cook is the author of articles and country reports examining media freedom and democratic governance, including a recent report on the Communist Party's media restrictions and how they affect news outlets outside China.

She received a B.A. in International Relations from Pomona College and a Master's Degree in Politics and International Law at the London School of Oriental and African Studies. Good school. Good journal.

Next will be Ms. Delphine Halgand--thank you--U.S. Director of Reporters Without Borders. She's been director since December 2011 and manages U.S. activities for the organization, advocating for media rights and journalists worldwide.

Previously, she was a press attache at the French Embassy to the United States. She earned an M.A. in Journalism from the Paris Institute of Political Science. I could not do that in French.

[Laughter.]

HEARING CO-CHAIR WORTZEL: They translated it.

Our final panelist is Mr. David Wertime, Senior Editor at Foreign Policy. He's also a Truman National Security Fellow and ChinaFile Fellow at the Asia Society.

He founded Tea Leaf Nation, which is a China media analysis Web site. He got his bachelor's degree from Yale and a J.D. from Harvard Law School.

For all three of you, I failed in the first panel this morning, but we try and limit the oral testimony to about seven minutes, if you can do that, and then there will be--seven minutes each--and then it will be five minute--

[Laughter.]

HEARING CO-CHAIR WORTZEL: --five minute rounds of questions from each Commissioner except Fiedler sometimes it takes five minutes to get his statement out before a question.

COMMISSIONER WESSEL: It's a tough day.

[Laughter.]

**OPENING STATEMENT OF MS. SARAH COOK
SENIOR RESEARCH ANALYST FOR EAST ASIA, FREEDOM HOUSE**

MS. COOK: Thank you very much for convening this hearing, and I apologize for my voice.

I'd like to focus my comments on three aspects of information controls in China:

One, the new Communist Party leadership's approach to media freedom. Media and information control has long been an essential dimension of the CCP's authoritarian system. Nevertheless, since the November 2012 leadership change, top leaders have rededicated themselves to asserting Party dominance over an information landscape perceived to be slipping away. This has manifested as a more sophisticated, strategic and, in many ways, effective effort compared to the preexisting apparatus.

These actions contributed to China's decline on Freedom House's recently released Freedom of the Press 2014 Index.

One of the things we've recently done as part of a larger research project is analyze several public and internal Party statements that provide insight into how Xi Jinping and the top leadership perceive the current information landscape.

First, they emphasize the leadership role of the Party in managing the media. This is not new, but its reiteration indicates the limited prospects of the Party voluntarily loosening its grip.

Second, there is a heightened sense of insecurity and a sense of a depleted ability to influence public opinion even to the point of this being an existential threat to the regime.

In an August speech to cadres involved in propaganda work, Xi acknowledges popular dissatisfaction with the government, expresses concern that mainstream media are losing their influence, and even notes the problem that Party cadres themselves are not ideologically clear.

Third, they're responding with a combination of militant rhetoric and calls for innovation. Xi draws on warlike imagery describing the situation as, quote, "an ideological battleground," and in a disturbing use of Mao-era terminology calls for a "public opinion struggle."

These attitudes have become translated into concrete actions. For example, four days after Xi's August speech, Chinese American businessman Charles Xue, whose commentaries on social and political issues were shared with over 12 million followers on Sina Weibo, was detained for allegedly soliciting prostitutes, but he was later shown handcuffed on state television expressing regret for using his microblog account to influence public opinion, thereby reinforcing suspicions of a politically motivated prosecution.

His case then became the first in a series of events signaling a multifaceted and aggressive clampdown on social media.

Two, sensitive topics evident from censorship directives. A key facet of information controls that is largely unique to China is the almost daily issuance of directives to news outlets and Web sites by Party and government bodies on how to cover breaking news.

This is in addition to routinely forbidden topics such as the writings of dissidents, the massacre on June 4, the calls for autonomy in Tibet and Xinjiang, or the persecution activism of members of the Falun Gong spiritual group.

The California-based Web site China Digital Times has become very adept at obtaining these leaked directives and publishing them in Chinese and English under the Orwellian moniker "Directives from the Ministry of Truth."

Freedom House is in the process of analyzing hundreds of these directives that were issued between November 2012 and April 2014. One of the analyses we've done is looking at what topic categories they cover, and these are a few of the key findings.

Not surprisingly, information related to the government of the Communist Party is the most common category censored or manipulated, but while approximately one-half of those directives involve official wrongdoing, the remainder relate to seemingly innocuous aspects of official activity, policy initiatives or government reforms.

Importantly, information related to public health and safety was the second-most common category censored or manipulated. This included news or commentary about environmental pollution, natural disasters, or food and drug safety.

The next four most common categories were foreign affairs, including news related to the United States; civil society; the media sector and censorship policies; and information related to the economic sphere.

Three, the impact of Chinese government media controls on news outlets and businesses. As mentioned earlier, in October 2013, I authored a report titled "The Long Shadow of Chinese Censorship" about how Chinese censorship affects media outlets around the world.

It included a chapter on the Chinese government's treatment of international media. Among the key findings were that pressure on foreign media and the harassment of their front-line journalists has increased over the past five years. In addition, beyond reprisals against individual journalists, the Chinese authorities increasingly employ collective punishment tactics targeting news organizations as a whole.

Such tactics then generate conflicts within the news organization between different departments as sales are damaged or boosted by editorial decisions, thereby incentivizing self-censorship, and, indeed, over time, the Chinese government's efforts have taken a toll on international news coverage of topics ranging from official corruption to public health to human rights abuses although hard-hitting reporting from China continues to reach newsstands and television screens around the world.

In terms of the impact on U.S. firms engaging in business with China more broadly, I don't have updated information on U.S. companies selling hardware or software to assist in systemic censorship or surveillance, but virtually any U.S. firm operating in information service or Web site accessible to Chinese audiences is pressured to implement surveillance and censorship of their users.

In addition, it is difficult to underscore strongly enough the capricious and often opaque nature of decisions by Chinese regulators and censorship bodies.

In my written testimony, you will find three recent examples of these dynamics and their detrimental financial impact on both U.S. companies and investors.

To conclude, one threat emerging from the above research is the CCP's heightened sense of insecurity and perceived threat from a wide range of content and sources. This includes

information that may not appear even remotely political, but whose circulation profoundly affects the financial and physical well-being of both Chinese citizens and foreigners.

Yet, as the Chinese authorities expand the targets of censorship and detention and issue arbitrary regulatory decisions, they risk reinforcing the very trends they fear by provoking public discontent over censorship. Thus, the regime's efforts at retaining its legitimacy and hold on power in the short term may, in fact, be undermining them in the medium to long term.

Meanwhile, based on the new Party leadership's actions over the past year and a half, there appears little hope of the regime voluntarily loosening information controls, and U.S. policy response should take this as its starting point.

Rather than trying to convince the Chinese authorities that information openness is to their benefit, a more effective approach may be to identify loopholes within the censorship apparatus or points of leverage to proactively pressure the Chinese government to change its behavior.

Thank you, again, for giving me the opportunity to address the Commission. And I'm happy to expand on any of these points or answer your questions in the following moments.

Thank you.

CHAIRMAN SHEA: Thank you.

**PREPARED STATEMENT OF MS. SARAH COOK
SENIOR RESEARCH ANALYST FOR EAST ASIA, FREEDOM HOUSE**

Testimony before the U.S.-China Economic and Security Review Commission for the hearing
titled:

Stability in China: Lessons from Tiananmen and Implications for the United States

May 15, 2014

Sarah Cook, Senior Research Analyst for East Asia, Freedom House

Thank you to the commissioners for convening this very timely and important hearing. In my remarks this afternoon, I will focus on three aspects of the Chinese government's approach to information controls, including with regards to international media.

- The attitude towards media freedom of the new Chinese Communist Party (CCP) leadership under Xi Jinping, drawing on an analysis of internal speeches, official documents, and recent developments
- The range of topics targeted for manipulated coverage and the tactics for doing so, based on an analysis of nearly 300 leaked censorship directives
- The impact of Chinese media controls on U.S. news outlets and businesses

The new Communist Party leadership's approach to media freedom

Media and information controls have long been an essential dimension of the CCP's authoritarian system, and the apparatus for censoring and monitoring internet communications increased dramatically during the decade of the Hu Jintao-led Politburo Standing Committee. Nevertheless, since the change in leadership in November 2012, the dedication of top leaders to reasserting party dominance over an information landscape whose control was perceived to be slipping away has contributed to a more sophisticated, strategic, and in many ways, effective effort compared to the pre-existing apparatus.

In particular, after intellectuals and members of civil society urged the CCP to adhere to China's constitution and a rare strike by journalists at a major newspaper sparked broader calls to reduce censorship, the authorities responded with campaigns to intensify ideological controls. These efforts and their impact contributed to China's slight decline on Freedom House's recently released *Freedom of the Press 2014* index.⁷⁶

As part of a larger research project whose findings will be published in the fall, Freedom House analyzed a series of both public and internal speeches by top leaders, including President and CCP General Secretary Xi Jinping himself. These documents and other developments reveal a number of insights into how Xi and the top party leadership perceive the current information landscape.

⁷⁶ Freedom House, "China," (draft) *Freedom of the Press 2014*, May 1 2014, <http://www.freedomhouse.org/sites/default/files/China%20FOTP2014%20draft.pdf>

Specifically, a number of key themes stand out:

- **Emphasis on the leadership role of the party in managing the media.** This may be nothing new but its reiteration indicates the limited prospects of the party voluntarily loosening its grip on the media or internet sector. One set of internal party instructions, Document No. 9, specifically warned against “propagating Western news views” and “opposing Party leadership of our media, in an attempt to open breaches for the ideological infiltration of our country.”⁷⁷
- **A heightened sense of insecurity, lack of control, and depleted ability to influence public opinion, even to the point of this being an existential threat to the regime.** The speeches and documents convey an especially high level of anxiety over the spread of ideas about democracy or its components, including an independent judiciary or an unfettered press. In an August speech by Xi to cadres involved in propaganda work, he acknowledges popular dissatisfaction with the government, notes that positive comments about the party are challenged or attacked online, and expresses concern that mainstream media are losing their influence, especially among young people who instead look to the internet for information. Interestingly, one of the other concerns Xi voices is that party cadres themselves are not ideologically “clear.” According to reports of the speech published by Xinhua News Agency and an apparently authentic, more complete leaked version, Xi noted that “we are currently engaged in a magnificent struggle that has many new historical characteristics; the challenges and difficulties we face are unprecedented.”⁷⁸ As a result, according to Xi, “on this battlefield of the internet, whether we can stand up, and gain victory directly relates to our country’s ideological security and regime security.”⁷⁹

⁷⁷ The existence of this communiqué was widely reported and its authenticity generally acknowledged by China watchers. Several translations into English were published, including: Rogier Creemers, “Communiqué on the Current State of the Ideological Sphere (Document No. 9),” *China Copyright and Media* (blog), April 22, 2013, <http://chinacopyrightandmedia.wordpress.com/2013/04/22/communiqué-on-the-current-state-of-the-ideological-sphere-document-no-9/> and “Document 9: A ChinaFile Translation,” *ChinaFile*. Asia Society, November 8 2013, <http://www.chinafile.com/document-9-chinafile-translation>

⁷⁸ Xinhua, “Xi Jinping: Grasp General Trends, Look Towards Great Matters, Do Propaganda and Ideological Work Even Better,” [Chinese],” August 20, 2013, Communist Party of China News, <http://cpc.people.com.cn/n/2013/0820/c64094-22634049.html>; An English translation is available here: Rogier Creemers, “Xi Jinping: Keep the Larger Picture in Mind, Grasp General Trends, Look Towards Great Matters, Do Propaganda and Ideological Work Even Better,” *China Copyright and Media* (blog), August 25, 2013, <http://chinacopyrightandmedia.wordpress.com/2013/08/20/xi-jinping-keep-the-larger-picture-in-mind-grasp-general-trends-look-towards-great-matters-do-propaganda-and-ideological-work-even-better/>

⁷⁹ “Netizens shared full text of Xi Jinping’s remarks on August 19: We must dare to arrest, dare to manage, and dare to bare the sword when it comes to regulating speech,” [Chinese] *China Digital Times*, November 11, 2013, <http://chinadigitaltimes.net/chinese/2013/11/%E7%BD%91%E4%BC%A0%E4%B9%A0%E8%BF%91%E5%B9%B3%E2%80%A219%E8%AE%B2%E8%AF%9D%E5%85%A8%E6%96%87%E7%BC%9A%E8%A8%80%E8%AE%BA%E6%96%B9%E9%9D%A2%E8%A6%81%E6%95%A2%E6%8A%93%E6%95%A2%E7%E6%95%A2/> An English translation is available here: Rogier Creemers, “Xi Jinping’s 19 August speech revealed? (Translation),” *China Copyright Media* (blog), November 12, 2013, <http://chinacopyrightandmedia.wordpress.com/2013/11/12/xi-jinpings-19-august-speech-revealed->

- **Responding with a combination of militant rhetoric and calls for innovation.** In outlining what the party should do in response to the sense of weakened influence and control, Xi draws on warlike imagery, describing the situation as an “ideological battleground” and in a more disturbing use of terminology reminiscent of Mao-era campaigns calls for a “public opinion struggle (douzheng).”⁸⁰ This sometimes anachronistic aggressiveness is combined with calls for innovation, including increasing the attractiveness of state media content, improving expertise on new media to resolve a “skills panic,” and developing different approaches for different segments of the population and across various media types.

These speeches and attitudes have translated into a number of concrete actions, including an aggressive campaign to reassert dominance over social media. In one striking example, four days after Xi’s aggressive August speech to party cadres on the subject, Chinese-American businessman Charles Xue, whose web commentaries on social and political issues were regularly shared with more than 12 million followers on Sina Weibo, was detained for allegedly soliciting prostitutes.⁸¹ He was later shown handcuffed on state television, expressing regret over the way he had used his microblog account to influence public opinion.⁸² The appearance reinforced suspicions of a politically motivated prosecution and his case became the first in a series of events signaling a multi-faceted clampdown on social media that my co-panelist David Wertime will describe in more detail.

Tactics and sensitive topics evident from censorship directive analysis

A key facet of media and internet controls that is largely unique to China is the regular (often daily) issuance of directives to news outlets and websites by party and government bodies on whether and how to cover breaking news events. This is in addition to routinely forbidden topics that include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the persecution and activism of the Falun Gong spiritual group, the writings of prominent dissidents, and unfavorable coverage of CCP leaders.⁸³ While the existence of this system is widely recognized, the specific content of these directives is less commonly known. Indeed, until several years ago, it was extremely difficult to obtain copies of these instructions. However, in one example of the challenges the party faces keeping internal documents secret in the internet age, a growing number of these directives are being published and posted online.

The California-based website *China Digital Times* (CDT) has become especially adept at obtaining leaked instructions and publishing them in both Chinese and English under the facetious Orwellian moniker of “Directives from the Ministry of Truth.”⁸⁴ While it is difficult to verify their

[translation/](#)

⁸⁰ Qian Gang, “Parsing the “public opinion struggle”” *China Media Project*. The University of Hong Kong, September 24, 2013. <http://cmp.hku.hk/2013/09/24/34085/>

⁸¹ David Barboza, “Chinese-American Commentator and Investor Is Arrested in Beijing,” *New York Times*, August 25, 2013, http://www.nytimes.com/2013/08/26/world/asia/chinese-american-commentator-and-investor-is-arrested-in-beijing.html?_r=0

⁸² Keith Zhai, “Charles Xue Biquan admits Weibo fuelled ego, state media reports,” *South China Morning Post* (Hong Kong), September 16, 2013, <http://www.scmp.com/news/china/article/1310567/charles-xue-biquan-admits-weibo-fuelled-ego-state-media-reports>

⁸³ “China,” (draft) *Freedom of the Press 2014*

⁸⁴ “Directives from the Ministry of Truth,” *China Digital Times* (web archive),

authenticity beyond the efforts by CDT staff, the leaked directives often match visible shifts in coverage and are generally treated by observers of Chinese media as credible.

Between November 1, 2012 and April 2, 2014, CDT published nearly 400 such directives issued by central and provincial authorities. Although the sample is by no means exhaustive, it is sufficiently robust and detailed to provide insight into several aspects of CCP information controls and sensitivity towards various types of content. While Freedom House is still in the process of completing and updating the analysis, two preliminary findings from 290 centrally issued instructions during this time frame are especially worth noting in the context of this hearing.

First, the topics targeted for censorship or other forms of manipulation by the Chinese authorities are far broader than simply suppressing criticism of the regime or countering dissident activities. A breakdown of the analyzed directives by their topic category reveals that the top six most commonly targeted forms of content are:

- Information related to the **government or Communist Party (133 directives)**. While approximately one half (66 directives) involved some form of official wrongdoing or alleged wrongdoing, the remainder related to other forms of official activity, policy initiatives, or government-initiated reforms discussion of which the authorities sought to control.
- Information related to **public health or safety (47 directives)**. This included news or commentary about environmental pollution, natural disasters, manmade accidents, violent attacks, or food/drug safety.
- Information related to **foreign affairs (30 directives)**. This included news related to the United States (including comments and meetings of President Obama), North Korea, Japan, and Ukraine, among other countries.
- Information related to **civil society (30 directives)**. This included news related to protests, activist initiatives, and the detention of prominent activists, as well as their comments, such as lawyer Xu Zhiyong's defense statement at his trial in January.
- Information related to the **media sector and censorship policies (23 directives)**.
- Information related to the **economic sphere (15 directives)**, including business disputes, economic statistics, and pension shortfalls.

Second, a key strategy employed by the party is to not only suppress independent news and commentary, but to also proactively promote certain content and position party-controlled media as the main (and sometimes exclusive) source of information on a breaking news event. This is often done by allowing key state-run outlets to cover potentially damaging news in a timely but selective manner, then requiring other media to restrict their reporting to the established narrative. The aim is to preempt less favorable coverage by bloggers, foreign journalists, and the more aggressive commercial news outlets. This strategy, termed by David Bandurski of Hong Kong University's China Media Project as "Control 2.0," gained prominence during the Hu Jintao era but, as the analysis of these directives shows, continues to be employed extensively under Xi.⁸⁵¹⁰

From among the directives analyzed, not surprisingly, 269 required some form of negative action (such as deletion of content or refraining from independent investigation). However, 107 also required some form of corresponding positive action, primarily promoting or making use of more

<http://chinadigitaltimes.net/china/directives-from-the-ministry-of-truth/>

⁸⁵ David Bandurski, "The Shishou riots and the uncertain future of Control 2.0," *China Media Project* at The University of Hong Kong, June 29, 2009. <http://cmp.hku.hk/2009/06/29/1673/>

tightly controlled official news sources as the basis of any reporting. In this context, 82 directives specifically cited Xinhua news agency as such a source. In addition, 22 directives required only positive action or in other words, demanded that media outlets or online portals publish, post, or promote a particular article in their coverage or on their home pages.

The impact of Chinese government media controls on U.S. news outlets and businesses

In October 2013, the National Endowment for Democracy's Center for International Media Assistance published a report titled *The Long Shadow of Chinese Censorship* of which I was the author. Among other topics, it included a chapter examining the Chinese government's treatment of international media. The full report is available online.⁸⁶ Due to limited time and space, rather than revisiting all of the details in the report, I would like to simply reiterate a few key findings:

- **Pressure on foreign media and harassment of their frontline journalists has increased over the past five years.** This followed a brief period of greater tolerance surrounding the 2008 Olympic Games. Among other types of harassment, over the past two years, this has especially taken the form of delaying or rejecting visas for journalists known for hard-hitting reporting, especially on human rights or high-level corruption. Since the report's publication, two more prominent journalists have been forced to discontinue their reporting from inside China—Paul Mooney who was transitioning to Reuters⁸⁷ and Austin Ramzy who was taking up a post for the *New York Times*.⁸⁸
- **Beyond reprisals against individual journalists, the Chinese authorities increasingly employ collective punishment tactics.** Such actions impede the work of news organizations as a whole and discourage dissemination of certain critical reporting. Some aspects of these dynamics—such as visits to senior executives by Chinese diplomats or intrusive cyber espionage—take place outside China's borders, including within the United States.
- **Such collective punishment tactics generate conflicting stances among departments within a news organization, as sales are potentially damaged or boosted by editorial decisions, incentivizing self-censorship.** In recent months, these tensions have gained greater international attention as senior executives at Bloomberg News have apparently decided to retreat from publishing investigative reports on the wealth of the Chinese political elite due to the potential damage that government reprisals could cost their other interests in China, primarily the sale of their financial data terminals.⁸⁹

⁸⁶ Sarah Cook, *The Long Shadow of Chinese Censorship: How the Communist Party's Media Restrictions Affect News Outlets Around the World*, (Washington, DC: Center for International Media Assistance, October 2013)

http://freedomhouse.org/sites/default/files/CIMA-China_Sarah%20Cook_10_22_13.pdf

⁸⁷ Freedom House, "Reuters journalist denied visa to reenter China," *China Media Bulletin: Issue No.96*, November 12, 2013, http://www.freedomhouse.org/cmb/96_111213#7;
see also Andrew Jacobs, "Reporter for Reuters Won't Receive China Visa," *New York Times*, November 9, 2013, <http://www.nytimes.com/2013/11/10/world/asia/reporter-for-reuters-wont-receive-china-visa.html>

⁸⁸ Tania Branigan, "New York Times journalist forced to leave China after visa row," *The Guardian* (London), January 29, 2014, <http://www.theguardian.com/world/2014/jan/29/new-york-times-journalist-leave-china-visa>

⁸⁹ Howard W. French, "Bloomberg's folly," *Columbia Journalism Review*, May 1 2014, http://www.cjr.org/feature/bloombergs_folly.php?page=3

- **Over time, the Chinese government’s efforts have taken a toll on international news coverage of topics ranging from official corruption to public health to human rights abuses,** although hard-hitting reporting from China continues to reach newsstands and television screens around the world. In addition to the above example regarding allegations of high-level corruption, when sources are intimidated into silence, journalists are forced to abandon potentially newsworthy stories—including on health issues like AIDS and deadly asbestos—or invest an inordinate amount of time and money to complete them. Meanwhile, lack of unimpeded access to regions such as Xinjiang and Tibet has hindered independent investigations of severe crackdowns, enforced disappearances, and torture. One academic study similarly found that reports about the Falun Gong spiritual practice in major Western news outlets and wire services were few and far between, despite the ongoing scale and severity of abuses suffered by its adherents.

Regarding the impact on U.S. firms engaging in business with China more broadly, a couple of points are worth noting.

First, while I do not have updated information on U.S. companies that have recently sold hardware or software that assist in systemic censorship or surveillance, I would note that perhaps the era of such sales may have passed (though the ramifications of past sales, such as allegations against Cisco Systems, are likely still being felt). The Chinese government—especially after Edward Snowden’s revelations about surveillance by the National Security Agency—may not trust U.S. companies and prefer instead to rely on homegrown talent for developing these technologies.

That being said, essentially any U.S. firm operating any information service or website accessible to Chinese audiences is subject to pressures to implement surveillance and censorship of their users. One recurring example of this relates to the removal of mobile phone or tablet applications from stores accessible to users in China. For example, since 2011, Apple has repeatedly removed applications from its China app store that granted users access to circumvention platforms, independent news sources, or uncensored content on politically sensitive topics. The application designers have complained of receiving little explanation other than that the content was deemed “illegal” in China and that there were no avenues to appeal the decision.⁹⁰

Second, the arbitrary regulatory environment poses a risk to both businesses and investors. It is difficult to underscore strongly enough the capricious and often opaque nature of decisions by Chinese regulators and censorship bodies, including in cases that can have profound financial implications for both foreign and Chinese companies. Three relatively recent examples illustrate this dynamic and the various forms it can take.

- In the fall of 2012, following an investigative report by *The New York Times* into the wealth of then-premier Wen Jiabao’s kin, the Chinese authorities instituted a block on its website. By blocking not only its English, but also its newly launched Chinese-language website, the sudden decision produced palpable financial losses for the media company. Overnight, the paper’s stock lost 20 percent of its value, though it slowly recovered over the following months. The outlet was also forced to renegotiate agreements with numerous advertisers, causing revenue loss.⁹¹
- More recently, last month the State Administration of Press, Publication, Radio, Film and

⁹⁰ Cook, *The Long Shadow of Chinese Censorship*, pg. 41

⁹¹ *Ibid*, pg. 18

Television (SAPPRFT) ordered leading video-streaming sites to remove four U.S. television shows from their services. The decision undermined agreements—respectful of intellectual property rights—that had been negotiated between the Chinese video-streaming firms and American content providers. The four programs—*The Big Bang Theory*, *The Practice*, *The Good Wife*, and *NCIS*—were all popular in China, with *The Big Bang Theory* reportedly scoring more than one billion views before its removal.⁹²

- Also last month, regulators unexpectedly announced that Chinese internet giant Sina Corporation could have two crucial licenses revoked due to lewd content posted on its site. The decision occurred in the midst of the latest antipornography campaign. The move appears unusual given that Sina has one of the most robust monitoring and censorship systems, but is being singled out and punished harshly for its apparent neglect of only 24 pieces of content. Shortly after the official news agency Xinhua reported on the regulator's decision, Sina's stock dropped to a one-year low on the New York Stock Exchange, less than two weeks after its subsidiary microblogging service Sina Weibo held an initial public offering.⁹³ The very real prospects of such punishments for incomplete implementation of the government's censorship requirements have prompted firms like Sina to include extensive warnings of the risks to investors in their filings with the U.S. Securities and Exchange Commission.⁹⁴

Conclusion and recommendations

One consistent thread that emerges from the above research is the CCP's heightened sense of insecurity and perceived threat from a wide range of content and sources. This includes information that at first glance may not appear even remotely related to the political system, but whose circulation could have profound implications for the financial and physical well-being of both Chinese citizens and foreigners.

This heightened sense of insecurity and the CCP's efforts to intensify control are partly in response to growing frustration over censorship among both media workers and the Chinese citizenry at large, as well as increasing distrust of state media, particularly among younger Chinese. Meanwhile, with more than half of China's population now accessing the internet, some political content going viral despite domestic censors' efforts, and Chinese citizens getting better at finding ways around the so-called Great Firewall, the CCP's nervousness of overseas news trickling in has increased.

Yet, as the Chinese authorities expand the targets of censorship, increase the cost of non-compliance, and issue arbitrary regulatory decisions, they also risk reinforcing the very trends they fear. In many cases, public discontent over censorship or injustice does not appear to have dissipated, even if it has been pushed underground, while the actions of the authorities have provoked anger

⁹² Freedom House, "Popular U.S. TV shows pulled from Chinese streaming sites without explanation," *China Media Bulletin: Issue No. 105*, May 7, 2014, http://www.freedomhouse.org/cmb/105_050714#4; see also Michael Martina and Paul Carsten, "China party mouthpiece says no Internet Freedom without order, as TV shows pulled," *Reuters*, April 28, 2014, <http://www.reuters.com/article/2014/04/28/us-china-internet-idUSBREA3R0G220140428>

⁹³ Freedom House, "Sina threatened with loss of licenses amid antipornography campaign," *China Media Bulletin: Issue No. 105*, May 7, 2014, http://www.freedomhouse.org/cmb/105_050714#3

⁹⁴ "Registration Statement under The Securities Act of 1933: Weibo Corporation," *Securities and Exchange Commission*, as filed on March 14, 2014, <http://www.sec.gov/Archives/edgar/data/1595761/000119312514100237/d652805df1.htm>

and disillusionment. From this perspective, the regime's efforts at retaining its legitimacy and hold on power in the short-term may in fact be undermining them in the medium- to long-term.

Based on the new CCP leadership's actions over the past year and a half, there appears little hope of the regime significantly and voluntarily loosening information controls. On the contrary, exercising such control seems to be an even higher priority and the focus of an even more concerted effort than under the previous leadership.

Any policy responses by the United States should take this into consideration as their starting point. Rather than trying to convince the Chinese authorities that information openness is to their benefit, a more effective approach would be to identify points of leverage or loopholes that take advantage of weaknesses within the censorship apparatus or proactively pressure the Chinese government to change its behavior.

Given the above analysis, the following are some preliminary recommendations that Freedom House hopes will assist the Commission, the Obama Administration, and Members of Congress:

- High level U.S. officials should raise restrictions on freedom of expression in meetings with senior Chinese officials. This apparently proved effective late last year in helping resolve some of the delays in visas for foreign correspondents after Vice President Biden expressed his concerns during a high-level visit to Beijing. Such efforts should be extended not only in cases that directly impact U.S. citizens and companies but also to offer assistance to Chinese citizens.
- The U.S. government should continue to support and fund efforts that provide much needed information to Chinese citizens on a wide range of topics but that do not rely on Chinese government permission. Examples include projects such as circumvention tools, the documentation and reposting of content censored on Sina Weibo, and the U.S. Embassy's posting of air pollution data on social media.
- In terms of actions that Members of Congress might take, these could include:
 - In addition to meeting with and speaking out for Chinese journalists and online activists, highlighting cases where internet censorship affects the well-being of a large number of Chinese citizens who may not self-identify as activists, such as food safety, environmental pollution, etc.
 - Reconsideration and passage of the Global Online Freedom Act in order to improve transparency and accountability regarding internet censorship and surveillance for both American companies operating in China and Chinese firms listed on U.S. stock exchanges.
 - Continued efforts to pressure the U.S. Trade Representative to use World Trade Organization processes or other economic arbitration mechanisms to challenge regulatory decisions that pose a barrier to entry in the Chinese market for U.S. internet and news companies.

Thank you again for holding this hearing and for giving me the opportunity to contribute the above observations to the discussion.

**OPENING STATEMENT OF MS. DELPHINE HALGAND
U.S. DIRECTOR, REPORTERS WITHOUT BORDE**

MS. HALGAND: Dear members of the Commission, thank you for inviting me today to testify. By your invitation, you honor the work Reporters Without Borders has done since 1985 to defend journalists and freedom of information all over the world.

In China, Reporters Without Borders relies on a unique, large and diversified network of journalists, bloggers and cyber dissidents to monitor on a daily basis the freedom of information violations.

After Xi Jinping's appointment as China's president in March 2013, the new government reinforced censorship and repressive policies towards news and information providers, especially cyber dissidents.

These practices are flouting Article 35 of the Chinese Constitution which says:

"Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration."

In reality, China is ranked 175 out of 180 countries in the 2014 Reporters Without Borders World Press Freedom Index.

Since the 1989 Tiananmen Square Massacre, the Chinese media landscape developed and diversified tremendously, especially online. However, the role of the Chinese media didn't change for the authorities. Media is still considered a propaganda tool. Even so, the role of Chinese media is increasing everyday to empower the Chinese people and to provide them new mobilization abilities. Some key scandals proved it very clearly in recent years.

First, I would like to focus on the very strict directives to censor the media. The Publicity Department issues very precise directives everyday to the Chinese media, including news web sites, listing the stories and events that should not be covered, also the stories that may be covered only by using the official news reports of the agency Xinhua, or the stories that may be covered freely, or those they are encouraged to cover.

To give you an example, on April 16, 2013, the day that The New York Times received a Pulitzer Prize for its investigative coverage of the financial assets secretly controlled by former Prime Minister Wen Jiabao's family, China's media regulator issued a directive banning the media from using any unauthorized news project provided by the foreign media or foreign Web site.

Clearly, the Internet complicates the implementation of this precise directive and strict control of information. Official media are able to publish more information online than offline, sometimes temporarily before the articles are removed, but the information went out.

Journalists working for official media are also following less strict lines on their personal Weibo accounts, which sometimes are extremely popular, sometimes even more than the media Weibo account itself.

Bloggers reporting on expropriation, corruption, environmental scandal or any injustice case do not receive this daily directive of the Publicity Department, and then by definition are

not following them.

Second, I would like to highlight that China is one of the world's biggest prisons for journalists and netizens. A total of 30 journalists are currently imprisoned in China in connection with the gathering and dissemination of news and information. They include not only journalists who work for dissident publications, such as Lin Youping, who has been held since 1983, but also journalists with state media, such as CCTV's Li Min, who has been on a "corruption" charge since 2008.

China is also the world's biggest prison for netizens, with a total of 74 currently held. They include 2010 Nobel Peace Laureate Liu Xiaobo or the citizen journalist Ilham Tohti.

Third, China counts among the states that have created the world's most sophisticated Internet censorship and surveillance system. The tools that China has created to filter and monitor the Internet are known collectively as the Great Firewall of China.

This system allows China to filter access to foreign Web sites. As well as using classic data routing methods to block access to IP addresses or domain names, the Great Firewall makes considerable use of Deep Packet Inspection to detect and lock keywords such as "human rights," "Tiananmen" or "Liu Xiaobo."

Privately owned companies such as SINA, Baidu, Tencent, Weibo are required by the authorities to monitor their networks and prevent the circulation of banned content. The role played by these private companies is key to the Internet censorship and surveillance.

The regime's increased monitoring and crackdown on netizens and their online tools are symptomatic of its nervousness, especially since the Arab Spring, about the way the Internet and social networks can function as an echo chamber that amplifies dissent.

The recent creation of the New Leading Small Group for Cybersecurity and Informatization on Internet controls headed by Xi Jinping himself demonstrates that the control of information is a policy priority. This is a very concerning signal for the future and the directions taken by the new leadership.

And, finally, the authorities also seek to control coverage by the foreign media which play a vital role in informing the international community, as well as the people of China, who suffer from the increased censorship of the local media. The attacks and arrests against foreign journalists are clearly increasing.

I could give you many examples. I could just maybe think of Mark Stone, a reporter with Sky News and his cameraman, which were arrested while doing a live report on Tiananmen Square on March 15, 2013.

I could tell you also about the journalists who last January were covering the trial of cyber dissident Xu Zhiyong and they were barred from the courtroom, and there were BBC, Sky News and CNN journalists.

In addition, members of the Foreign Correspondent's Club of China have been regular targets of cyber attacks, as many American media outlets revealed as well, like The New York Times, The Wall Street Journal, The Washington Post, and Voice of America.

The authorities are increasingly resorting to the granting or withholding of visas as a

means of putting pressure on journalists who work for foreign news organizations. In November 2013, Paul Mooney, a journalist best known for writing about human rights in China, was unable to take up a post for Reuters in Beijing because the Chinese authorities refused him a visa.

Visa applications by New York Times' journalists are still blocked over the publication by the newspaper of an investigation into the fortunes accumulated by Party leaders. Consequently, The New York Times has been unable to obtain accreditation for its journalists since 2012.

Chinese media controls impact all U.S. companies doing business in China. Risk assessment is impossible without a free flow of information, especially on corruption, pollution, or even health issues. This lack of information has a clear economic impact.

Because the Chinese press and Internet censorship affects directly American journalists, American companies, but also the right of all American citizens to be informed, Reporters Without Borders recommends that the U.S. Congress should continue to speak out for Chinese and foreign journalists targeted in China, should monitor carefully the compliance of China with WTO rules, and should support the development of new media headed to Chinese citizens such as radios, TV and news Web sites.

Thank you very much for your attention.

HEARING CO-CHAIR WORTZEL: Thank you.

**PREPARED STATEMENT OF MS. DELPHINE HALGAND
U.S. DIRECTOR, REPORTERS WITHOUT BORDERS**

May 15, 2014

Hearing on “Stability in China: Lessons from Tiananmen and Implications for the United States”

**Statement by Delphine Halgand, US Director, Reporters Without Borders
Testimony before the U.S. – China Economic & Security Review Commission**

Dr. Larry M. Wortzel, Commissioner Carolyn Bartholomew, Members of the Commission, thank you for inviting me to testify today. By your invitation, you honor the work Reporters Without Borders / Reporters Sans Frontieres has done since 1985 to defend journalists and freedom of information all over the world.

Reporters Without Borders is the largest press freedom organization in the world with almost 30 years of experience. Thanks to its unique global network of 150 local correspondents investigating in 130 countries, 12 national offices (Austria, Belgium, Finland, France, Germany, Italy, Libya, Spain, Sweden, Switzerland, Tunisia, USA) and a consultative status at the United Nations and UNESCO, Reporters Without Borders is able to have a global impact by gathering and providing on the ground intelligence, and defending and assisting news providers all around the world.

In China, Reporters Without Borders relies on a unique, large and diversified network of journalists, bloggers and cyber dissidents to monitor on a daily basis the freedom of information violations.

After Xi Jinping’s appointment as China’s president and Li Keqiang’s appointment as prime minister during the first annual session of the 12th National People’s Congress in Beijing in March 2013, **the new government reinforced censorship and repressive policies towards news and information providers, especially cyber-dissidents.**

These practices are flouting the Article 35 of the Constitution which says: “Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”

As we are approaching June 4 events in Tiananmen Square 25 years ago, the commemoration appears a duty of remembrance, a tribute to pay to the victims of repression, but this is also an opportunity to publicize what is probably one of the Beijing government’s greatest taboos. The consequences of the lack of information as a result of the censorship and disinformation about the Tiananmen Square massacre imposed by the government are still felt today. Thanks to the effectiveness of the blackout, the vast majority of young Chinese still know nothing about this episode.

Since the 1989 Tiananmen Square massacre, it is important to highlight that the Chinese media landscape developed and diversified tremendously, especially online. However the role of the Chinese media didn’t change for the authorities. Media are still considered as propaganda tools.

Even so, the role of Chinese media is increasing every day to empower the Chinese people and to provide them new mobilization abilities. Some key scandals proved it very clearly in recent years: Sun Zhigang in 2003, Xiamen in 2007, Wukan in 2012. What is very interesting with the Wukan village case is that the Wukan habitants reported themselves on social networks to expose their land expropriation and to demand justice. Despite the news blackout offline and online, the villagers succeeded in making their voices heard and the authorities in negotiating.

Censorship of the media, reprisals against news providers

Very strict directives to the media

The Publicity Department (the former Propaganda Department) issues very precise directives every day to the Chinese media, including news websites, listing the stories and events that should not be covered, those that may be covered only by using the reports provided by the official news agency *Xinhua*, those that may be covered freely and those they are encouraged to cover.

As soon as a story gets the attention of the media, online or offline, or public opinion, the Department reminds them of the importance of political and social stability in China. It may ask them to withdraw an article from their website, or their front page, to suppress comments, to block all information about the case, or to post an article written by the Bureau.

On April 16, 2013, the day that the *New York Times* received a Pulitzer Prize for its investigative coverage of the financial assets secretly controlled by former Prime Minister Wen Jiabao's family, China's media regulator issued a directive banning the media from using "any unauthorized news products provided by the foreign media or foreign websites" or any content provided by "news informants, freelancers, NGOs or commercial organisations" without "prior verification."

In December 2013, the government announced measures aimed at reinforcing its control of the national media, including the introduction of a national exam for journalism students, who could now find themselves obliged to study Marxist ideology in-depth at university. These measures have been accompanied by a verbal offensive against the media, which are accused of "endemic corruption," and constitute a response to the many revelations in the media and by citizen-journalists of corruption within the Chinese Communist Party.

Clearly the internet complicates the implementation of these precise directives and strict control of the information. Official media are able to publish more information online than offline, sometimes temporarily before the articles are removed but the information went out. Journalists working for official media are also following less strict lines on their personal Weibeeo accounts which sometimes are extremely popular, sometimes even more than the media Weibeeo account itself. Bloggers reporting on expropriation, corruption, environmental scandals or any injustice case do not receive the daily directives of the Publicity Department, by definition are not following them. Some Chinese bloggers enjoy as much visibility as established media.

Censored "incidents" and "sensitive events"

The censors lost no time in putting their mark on 2013. The Publicity Department censored the New Year editorial that the reformist weekly *Nanfang Zhoumo* published on January 3, 2013. Headlined “The Chinese dream, the dream of constitutionalism,” the original version referred to hopes of change for the New Year and called for a constitutional government. It was purged of its critical content and was given a new, propagandistic introduction which, according to some sources, was written by Tuo Zen, the head of the Guangdong Publicity Department. None of the newspaper’s editors were told in advance that a new version was replacing the original one on its website.

The censorship has also affected China’s so-called “petitioners,” including those responsible for protests in recent months in Tiananmen Square. Five people were killed in late October in Tiananmen Square in what the authorities initially described as an “accident” and later as a terrorist attack by “Uyghur separatists.” At the time, screens were put up to prevent the burning car from being seen, pedestrian access was banned, and photos of the incident were removed from websites. The national television stations, *CCTV*, did not mention it, while other media referred to a “traffic incident.”

Coverage of an attack by people armed with knives on travellers at the railroad station in Kunming on March 1, 2014 was also censored. The State Council Information Office issued a directive to the media instructing them to strictly adhere to the official version provided by *Xinhua* or the information provided by local authorities. As a result of the censorship, many newspapers did not mention the attack at all, or provided only minimal coverage.

China, one of the world’s biggest prisons for journalists and netizens

A total of 30 journalists are currently imprisoned in China in connection with the gathering and dissemination of news and information. They include not only journalists who worked for dissident publications, such as **Lin Youping** of *Ziyou Bao* (Freedom Newspaper), who has been held since 1983, but also journalists with state media, such as *CCTV*’s **Li Min**, who has been held on a “corruption” charge since 2008, when he was arrested while investigating corruption in Shanxi province.

China is the world’s biggest prison for netizens, with a total of 74 currently held. They include 2010 Nobel peace laureate **Liu Xiaobo** and the citizen-journalist **Ilham Tohti**.

The authorities do not limit themselves to censoring what journalists report. They arrest them when they cover very sensitive subjects and bring such charges against them as defamation, disturbing public order, “picking quarrels and causing trouble” and “inciting separatism.”

Ilham Tohti, a Uyghur academic and editor of the *Uyghurbiz.com* website, was arrested at his Beijing home by policemen from Beijing and the Xinjiang Uyghur Autonomous Region on January 15, 2014. Equipment was seized from his home and he was “placed under criminal detention” for “violating the law.” As a frequent critic of the government’s repressive policies in Xinjiang, he had long been under permanent surveillance by state security and he had reported an increase in harassment of the Uyghur population after the Tiananmen Square incident in October 2013.

Huang Qi, the editor of the *64Tianwang* website, and three citizen-journalists who report for the site – **Liu Xuehong**, **Xing Jian** and **Wang Jing** – were arrested in March 2014 for covering protests by “petitioners” in Tiananmen Square during the annual session of the National People’s Congress. When a woman was arrested after trying to set fire to herself on March 5, Wang managed to post photos of the

incident on *64Tianwang*. The next day, a man threw ink on Mao's big portrait in the square. He was quickly taken away but Liu managed to report the incident. Huang Qi is one of 100 information heroes highlighted this year on World Press Freedom Day by Reporters Without Borders.

Professional journalists have also been arrested. They include **Liu Hu**, another information hero of the Guangzhou-based *Modern Express* daily, who was arrested on August 24, 2013 and was officially charged with defamation on September 30 for accusing Ma Zhengqi, state administration deputy director for industry and commerce, of neglecting his duties by failing to investigate the privatization of two state state-owned companies that resulted in considerable losses for the state. His arrest reflected both the government's campaign against corruption and its campaign against rumor-mongering. Only the authorities are supposed to conduct the campaign against corruption. Members of the general public are not supposed to take part, and those that dare to level accusations against government officials are liable to be accused of spreading rumors or to face more serious charges.

China, "Enemy of the Internet"

China counts among those states that have created the world's most sophisticated Internet censorship and surveillance systems and, as a result, it was again included in the Reporters Without Borders list of "Enemies of the Internet" in 2014.

The tools that China has created to filter and monitor the Internet are known collectively as the Great Firewall of China. Begun in 2003, the system allows China to filter access to foreign sites. As well as using classic data routing methods to block access to IP addresses or domain names, the Great Firewall makes considerable use of Deep Packet Inspection to detect and block keywords such as "human rights," "Tiananmen" or "Liu Xiaobo." Surveillance methods are incorporated into social networks, chat services and VoIP. Privately-owned companies such as SINA, Baidu, Tencent, Weiboo are required by the authorities to monitor their networks and prevent the circulation of banned content. The role played by these companies is key to the internet censorship and surveillance.

Nonetheless, the rapid growth of the participative Internet and its impact on social and political debate are complicating the censors' job more and more. The regime's increased monitoring and crackdown on netizens and their online tools are symptomatic of its nervousness – especially since the Arab Spring – about the way the Internet and social networks can function as an echo chamber that amplifies dissent. Every day, the State Office for Internet Information and the State Council Information Office send the media directives that may concern any subject liable to represent a danger for the authorities.

The recent creation of the New Leading Small Group for Cybersecurity and Informatization on Internet controls headed by Xi Jinping himself demonstrates that the control of information is a political priority. This is a very concerning signal for the future and the directions taken by the new Chinese leadership.

Xinjiang and Tibet -- black holes for news and information

Xinjiang

Beijing has established an efficient system of prior censorship using publication committees and local

propaganda bureaus in each town and city of the region. These agencies report to the central authorities, who filter each item of information transmitted by the subordinate offices.

Uyghur-language newspapers are made up almost entirely of direct translations of Chinese content that is reviewed in minute detail by the publication bureaus to ensure that no content unacceptable to Beijing sees the light of day.

Only a handful of independent Uyghur-language newspapers, produced in neighboring countries and smuggled over the border, manage to circulate in the region. But censorship blocks any Uyghur website unfavorable to the Communist Party. In a recent development, proxy servers are used to access sites that “mirror” foreign-based sites, even though this tactic carries more risk than in the rest of the country.

The Chinese Internet operates under permanent official supervision. But in Xinjiang the web faces additional technical obstacles, which Beijing uses in order to diminish dissemination of information.

The download rate in Xinjiang is the country’s slowest. According to the techinasia.com site, the download rate is more than twice as slow in the province as in big coastal cities such as Shanghai and Beijing - less than 1.5 mbps, versus 4 mbps.

Social networks such as Twitter and Facebook are censored, as in the rest of mainland China. The use of proxy servers to bypass censorship carries a higher risk than elsewhere in the country.

The government regularly resorts to jamming telecommunications. During the deadly violence that broke on 26 June, all communications lines in the Turpan prefecture were temporarily cut.

“This is clear evidence of the levels of curtailment implemented by the Chinese authorities on the ability of Uyghurs to freely discuss and also know about the human rights situation facing their people,” said Dolkun Isa, secretary-general of the World Uyghur Congress. “But it also goes further by shielding the international community from knowing the full extent of what is happening on the ground, which is extremely concerning.”

Tibet

The authorities no longer wait for further protests in order to tighten Internet censorship. They regularly order the closure of Tibetan websites and block access to others based abroad, such as

Tibet Post International.

The Chinese-language business site, *TibetCul*, has been closed down several times since 2011. *MyBudala*, affiliated to *TibetCul*, and the Tibetan-language sites *DobumNet* and *Sangdhor* have also been censored by the authorities.

At the end of 2013, the Chinese authorities stepped up their persecution of independent Tibetan news providers, arresting three writers who were frequent information sources for external observers on the pretext that they carried out “political activities aimed at destroying social stability and dividing the Chinese homeland.”

Kalsang Choedhar, a monk from Palyul monastery, was arrested in the market in Sog, in eastern Tibet, on 12 October for circulating information over a period of two weeks about a crackdown by the Chinese authorities in Driru county.

Choedhar's mobile phone was confiscated and he is currently being held incommunicado in an unknown location. Hundreds of Tibetan monks from Palyul monastery demonstrated outside Palyul county government offices and a police station to demand Choedhar's release.

Tsultrim Gyaltzen, a 27-year-old Tibetan writer who uses the pen-name of "Shokdril," was arrested in Khardrong, in Driru province, on 11 October, and a 25-year-old associate known only as **Yulgal** was arrested the next day. Both are accused of "political activities aimed at destroying social stability and dividing the Chinese homeland." Their current place of detention and physical condition are not known.

Gyaltzen's computer, mobile phone, books and other personal effects were confiscated by Chinese security officials who went to his home at 1 a.m., witnesses said.

A former monk, Gyaltzen has written two books about Tibet and used to edit a Tibetan-language magazine called *The New Generation*. Yulgal is a former Security Bureau officer who resigned because of the "political" nature of his work.

There has been no news of three Tibetan monks – **Sungrab Gyatso**, **Yeshi Sangpo** and **Draksang** – since their arrest in early December 2012 in Gonghe for disseminating information about a demonstration.

Foreign media targeted by the authorities

The Communist Party also seeks to control coverage by the foreign media, which play a vital role in informing the international community, as well as the people of China, who suffer from the increased censorship of the local media. The attacks against foreign journalists is increasing.

Arrests and assaults

Mark Stone, a reporter with British 24-hour TV news channel *Sky News*, and his cameraman were arrested while doing a live report from Beijing's Tiananmen Square on March 15, 2013. He had obtained permission to do a report from there, but the police accused him of not visibly displaying his accreditation and not having his passport on him.

Stone said the police intervened when he referred to the 1989 pro-democracy demonstrations in the square, which were crushed with considerable loss of life. Stone and his cameraman were taken to a police station before being released.

A crew from German TV station *ARD* consisting of reporter **Christine Adelhardt**, two other German employees and two Chinese employees were pursued and attacked on February 27, 2013 by two men in a car who broke the windscreen of their vehicle with a baseball bat.

Two Hong Kong journalists, **Tam wing-man** and **Wong Kim-fai**, were beaten outside the home of **Liu**

Xia, the wife of jailed Nobel Peace Prize laureate Liu Xiaobo, as they were filming an attempt by a campaigner to visit her on March 8 2013. The attackers, who did not say who they were, tried to stop them from filming and seize their equipment.

In January this year, journalists covering the trial of cyber-dissident **Xu Zhiyong** were barred from the courtroom and were even prevented from filming outside when Xu's trial opened. *BBC*, *Sky News* and *CNN* crews outside were all pushed away violently by uniformed and plainclothes policemen.

CNN reporter **David McKenzie** reported that he was manhandled and detained by police, who broke his crew's equipment.

Two other journalists, **Mark Stone** and **Martin Patience**, were also manhandled by police during coverage of the trial.

In June 2013, **Cyril Payen**, a senior journalist with the French television news station *France 24*, was subjected to harassment and threats by Chinese diplomatic personnel after his documentary "Seven Days in Tibet" was screened. He managed to enter Tibet secretly in May 2013 and record personal accounts of the repression suffered by the Tibetan minority.

In addition, members of the Foreign Correspondent's Club of China (FCCC) have been regular targets of cyber attacks, as many American media outlets revealed as well, like *the New York Times*, *the Wall Street Journal*, *the Washington Post* and *Voice of America*.

Denials of accreditation and visas

The authorities are increasingly resorting to the granting or withholding of visas as a means of putting pressure on journalists who work for foreign news organizations. In November 2013, **Paul Mooney**, a journalist best known for writing about human rights in China, was unable to take up a post for Reuters in Beijing because the Chinese authorities refused him a visa for undisclosed reasons.

Visas' applications by *New York Times* journalists are still blocked over the publication by the newspaper of an investigation into the fortunes accumulated by party leaders. The head of the paper's Beijing bureau, **Philip Pan**, is still waiting for his visa after 22 months, while reporter **Chris Buckley** had to wait for 17 months for his.

The *Times* journalist **Austin Ramzy** was forced to leave the country in January this year after working in China for six years, when the authorities rejected an application for a visa that he had made in June 2013. Consequently the *New York Times* has been unable to obtain accreditation for its journalists since 2012.

The Chinese authorities also have another means of applying pressure when a journalist needs a visa quickly in order to travel to cover an event abroad.

Chinese media controls impact all US companies doing business in China. Risks assessment is impossible without a free flow of information especially on corruption, pollution or even health issues.

This lack of information has a clear economic impact.

Because the Chinese press and internet censorship affects directly American journalists, companies but also the right of all American citizens to be informed, the US Congress should:

- monitor carefully the compliance of China with WTO rules
- support the development of new media headed to Chinese citizens such as radios, TV and news websites

Thank you very much for your attention.

**OPENING STATEMENT OF MR. DAVID WERTIME
SENIOR EDITOR, FOREIGN POLICY**

MR. WERTIME: Thank you, members of the Commission. I am grateful for the opportunity to testify here today.

I plan to focus my remarks on online Chinese media, particularly social media. Broadly defined, that means any platform where Chinese citizens themselves act as publishers, including so-called blogs and microblogs.

I believe this form of media to be extremely important for three reasons: first, despite being highly censored, it remains the closest thing China has to a platform for free speech and debate on the major issues of the day; second, the Chinese Internet is a contested space, one whose users frequently criticize the government by complaining about policies, individual officials, or treatment of a story in state media; and third, it provides a valuable window into grassroots sentiment in the world's most populous nation.

As such, the social Web remains, in the eyes of Chinese officials, dangerous. It can expose corruption, add fuel to protests, gather dissent into a critical mass, and bring localized movements or issues to national, even international attention. This remains true even though the majority of Chinese online speech on most days is not political.

Given the importance of Chinese social media, I wish to make three overarching points.

First, Chinese authorities have made an important choice: to manage the social Web using every tool available instead of letting it run free or simply turning it off. The Chinese Web cannot be characterized as a place on complete lockdown, but neither is it open.

Instead, both dissent and censorship are ever-present ingredients, with users and authorities engaged in a constant game of cat and mouse.

The ranks of Chinese censors, which include government agents and Internet company employees, delete about one of every seven social media posts, according to certain studies and experiments.

The government does not try to make online dissent vanish entirely. Instead, its goal is to marginalize and minimize dissent. It does so by targeting spikes in chatter that appear to run the risk of bringing citizens onto the streets.

The government also detains, arrests and sometimes prosecutes online opinion leaders who have developed large, independent followings and are therefore capable of driving the national conversation.

For their part, the majority of Chinese Web users, like the population at large, are at least avowedly apolitical. This partly reflects the environment in which Chinese live, where political activity can obviously be dangerous. Web users there view censorship as a fact of life, but they are also skilled at avoiding it.

They take advantage of the fact that Chinese contains many homophones, or words that sound similar to each other, and homographs, words that look similar to each other.

Second, despite censorship, and even though, beginning in August 2013, multiple

crackdowns on individual bloggers, Web platforms and the private companies that run them has led to a noticeable chill on online political speech, the Chinese Web continues to exercise a great deal of latent power.

Although political speech has gone relatively quiet, available digital platforms have only continued to proliferate and the citizenry still holds the same basic set of desires and complaints. This suggests that online dissent could, at any moment, come roaring back. In particular, moments of national reflection or crisis have seen users flood onto social media platforms to share their views and to debate.

As a result, policy decisions now occur under the shadow of Chinese social media. The government knows certain images or news items can seize the public imagination and spark online backlash and must account for this.

The government has even tried to appropriate the power of the social Web for itself. This includes a reported 100,000 government accounts on Weibo, China's Twitter, as well as online portals for citizens to report corruption directly to the government instead of calling offenders out publicly.

Third, I hope to offer some recommendations to the United States. I believe that given both the importance of the U.S.-China relationship and the Internet's major social role in China, it is crucial for the United States to both track and engage major Chinese Internet platforms.

By tracking, I refer to sentiment analysis via the monitoring of public posts. Although online sentiment is a highly imperfect proxy for overall Chinese public opinion, it is influential enough that it can drive Chinese authorities to respond, whether that be firing a corrupt official, altering a legal outcome, or scrapping a policy proposal.

Sentiment tracking offers at least a partial view of the Chinese government's own informational dashboard. Similarly, tracking censorship itself may help reveal what the Chinese government considers to be most threatening or destabilizing.

Additionally, engagement by U.S. officials on Chinese social media platforms should increase. Although such efforts may be censored, I believe it important to try to engage regardless and not to internalize a status quo that many wish to change.

After all, Chinese censorship of U.S. official accounts or individual accounts would simply prove to Chinese citizens and netizens that their government cannot meet American standards of free speech. Direct engagement with Chinese Web users, even on non-political topics, offers an opportunity to bring the United States' message directly to the eyes of Chinese citizens and to showcase the relative accessibility and transparency of the U.S. policymakers.

This concludes my opening statement, and I look forward to answering any questions you might have.

**PREPARED STATEMENT OF MR. DAVID WERTIME
SENIOR EDITOR, FOREIGN POLICY**

Testimony before the U.S.-China Economic and Security Review Commission on “Lessons from Tiananmen and Implications for the United States”

David Wertime Senior
Editor, *Foreign Policy*

Thursday, May 15, 2014

Co-Chairs, members of the Commission: thank you for giving me the honor of speaking before you today. My name is David Wertime and I am a Senior Editor at *Foreign Policy* magazine, where I focus on China, particularly Chinese media. Prior to joining FP, I spent almost two years co-founding and operating Chinese media analysis site *Tea Leaf Nation*, which was subsequently acquired by FP’s parent company. I am a Returned Peace Corps Volunteer who served in China, and also a fellow at the Truman National Security Project. My testimony today reflects only my own opinions.

Chinese media has undergone a dramatic evolution since 1989. One significant shift is the rise of the Internet in China, and to that end, my testimony today will focus on online Chinese media. Particularly important to my analysis is the recent phenomenon of Weibo, a Chinese micro-blogging platform launched by private company Sina in August 2009ⁱ in the wake of Twitter’s blockingⁱⁱ in June 2009. Weibo allows for the wide sharing of 140-character posts and combines some features of its Western antecedents, Facebook and Twitter. User numbers are contested, but according to Sina statistics, Weibo had 96.7 million active users per month by December 2012, and 129.1 million by December 2013.ⁱⁱⁱ (Research has shown^{iv} most of these active users are simply sharing others’ original posts.) More recently, WeChat, a mobile discussion platform centered around discussions between invite-only groups of friends, has become China’s most popular social network, with parent company Tencent most recently claiming^v a total of 355 million active monthly users on that platform and its international counterpart.

The current state of Chinese media and information flows

The ascent of Weibo, WeChat, and other Chinese web platforms boasting tens of millions of users mean that Chinese citizens now possess the power — one once reserved only for the Communist party — to publish their opinions directly to a (potentially vast) audience. They can sometimes, but not always, do so without prior delay or interference from authorities, giving them first-mover advantage over larger, more cumbersome, more controlled mainstream outlets. Just as the experience of publication has been personalized, so too has censorship.

Countless millions of Chinese have seen their own online posts deleted (or held, then never published), meaning they have come face-to-face with the machinery of state information control for the first time.

Chinese media’s portrayal of unrest and dissent can be roughly plotted along a spectrum. At one end lie closely controlled Communist party mouthpieces, which include official news services like *Xinhua* and *People’s Daily*. These outlets do not pathologize every instance of dissent, but their treatment of it is strictly in accordance with what the party deems in its own interests. At the other end of the spectrum lies citizen media. This includes opinions on Weibo, genuine citizen journalism such as the

live sharing of images and videos during a protest or in the aftermath of a crisis, as well as “self-media,” which refers colloquially to articles or newsletters published by individual users on WeChat to a “public account” to which other WeChat users can subscribe. The spectrum between the two endpoints is populated by both left-leaning (conservative) and right-leaning (liberal) publications. These institutions all face some degree of censorship as well, but authorities do not vet their every word *ex ante*. In certain cases, particularly social media, dissent is valorized in a way unseen in mainstream or at least “mouthpiece” outlets.

A complex dialogue results between mainstream and social media. Mainstream reporters sometimes use social media platforms to leak stories that were spiked within their own organizations. Western reporting of topics banned in China can be reintroduced via a social media backdoor. Social media can also provide a counter-narrative to the official line, which is sometimes strong enough to force mainstream media to change its tune, or even to retract its story. Finally, online discussion itself can become an object for mainstream reportage, with outlets as staid as Xinhua routinely quoting web users and exploring trending online topics. In this way, social media chatter becomes news on its own, and dissent, even of the virtual sort, becomes collectivized.

It is important to note that most discussion on social platforms is apolitical. This reflects the existence of censorship and potential adverse consequences, but also the interests and inclinations of online users. But politics nonetheless lurks in the background, casting a wide shadow that can blanket even seemingly innocuous topics. Indeed, because Chinese authority is chary of anything that smacks of independent collective gathering or organizing, it sometimes censors content that may strike observers outside the party as innocuous. For example, in March 2011, Weibo censors frequently deleted terms like “iodized salt” and “radioactive iodine”^{vi} after false rumors had spread that it would defend against radiation emanating from the Fukushima Daiichi Nuclear Power Plant in Japan; this in turn threatened to create street-level unrest as panicked citizens initiated a run^{vii} on, of all things, table salt.

Because of the Internet’s ability to rile the masses and to create nation-wide awareness in a near instant, it can lend even moderate political organizing, with no ambition of nationwide reach or street protests, the appearance of a potentially devastating assault on Communist hegemony.^{viii} This was likely a factor behind the harsh sentence meted out to Xu Zhiyong, a rights lawyer who was sentenced early this year to four years in prison. Remarkably, charges against him included “disturbing order” in “public spaces on the Internet,”^{ix} a redefinition of “space” that effectively acknowledges the latent organizing power of the Chinese web.

The limits of dissent

Expression of dissent on the Internet and in social media is tightly circumscribed, but in a particularized way. The online presence of mainstream news outlets face limits at the institutional level; an editor can as surely be fired for an online editorial as one in print. But on social media, the picture complicates. An influential May 2013 study^x by Harvard researchers argued convincingly that “when the Chinese people write scathing criticisms of their government and its leaders” online, “the probability that their post will be censored does not increase.” This study applied to over 3.6 million blog posts on 1,382 blog sites, not Twitter-like micro-blogs. But there is little reason to think

the government approaches the two differently, since its overarching goal remains the same: “clipping social ties” between users to make collective action less likely, as the Harvard study writes.^{x1} It appears that authorities have been largely successful in meeting this limited objective. Street protests often gather steam and international recognition via social media, but there are precious few examples of discussions that begin on social media and then spill onto the streets.

Chinese online censorship is fast, pervasive, and diverse. One study puts the average proportion of censored posts at 13 percent,^{xii} and another at 16 percent,^{xiii} although the data sets analyzed are different. Most online censorship of this variety occurs within 24 hours, and often does so during surges in chatter — not surprising, as spikes indicate that an issue has become resonant enough for authorities to consider it dangerous.

A February 2014 experimental study by Harvard researchers^{xiv} shows that both authorities, and in-house censors at the private companies that run Internet platforms, employ a wide suite of censorship tools. These include, but are not limited to, keyword blocking (holding for review all posts mentioning a certain word), search blocking (preventing other users from finding certain terms via search, even if other users have written about them), and the blocking of posts that depend on the identity of the user or even the time of day. The study found that this diversity occurs partly because websites have significant leeway to select their own censorship methods. One common approach is the automated review of a hand-selected set of keywords. Posts are automatically held, then reviewed by human beings, who determine whether to release or delete them. About 63 percent of those posts held are effectively deleted.^{xv}

The application of censorship methods is not uniformly consistent across the map. A March 2012 statistical analysis^{xvi} of 56 million Weibo posts found that the frequency of censorship varied greatly depending on the location of the user. In Tibet, for example, 53 percent of posts within the group studied were censored, making it the most censored province. Last on the list was Shanghai, with only 11.4 percent deleted, followed closely by Beijing, at 12 percent.

Many censorship methods have an automated component, while also involving a human “in the loop.” This is partly because natural language processing is highly difficult when applied to written Chinese. Not only are there no spaces between words, but online users employ an ever-evolving lexicon of coded slang (including homophones, words that sound similar to those censored, and homographs, words that look similar to those censored) as well as memes, which are repeated phrases or images that themselves lack a clear meaning but carry political or cultural connotation in a dynamic online context. This helps explain why some estimates set the number of Chinese government censors at between 20,000 to 50,000.^{xvii} This number must be added to in-house censors employed by the private companies or organizations behind many major online platforms. While in China, Harvard researchers were advised by one source^{xviii} that for every 50,000 users, Chinese platforms should employ two or three of their own censors.

When technical methods fail, the government turns to old-fashioned intimidation. In its initial stages, this involves dispatching government agents to speak in person with the writer, sometimes in the writer’s home, sometimes in a government facility or another location. Tactics often begin with a warning, and can escalate from there. This method is referred to colloquially as being “invited to drink

tea."^{xix} More severe methods involve physical intimidation, violence, or criminal prosecution — sometimes, but not always, for infractions that relate on their face to the underlying "crime" of posting dissident speech.

Compared to the vast numbers using Chinese social media, the actual prosecution or arrest of online dissent, broadly defined, appears rare. Instead, authorities have focused on those high-profile individuals who drive the discourse by creating the content that others read, share, and sometimes discuss. This method, combined with the technical censorship apparatus, is intended to dissuade would-be dissidents from sharing their most heterodox thoughts publically, where they might gain a following.

Indeed, while the immediate loss of localized social control has long been a bugbear for Chinese authorities, the party appears to have realized somewhat belatedly that the social web, often highly critical of government, also threatened its ability to control its message. By August 2013, Chinese authorities had initiated what is widely understood to be a crackdown^{xx} on Weibo, which included the detention and arrest of hundreds of micro-bloggers, as well as new rules with stiffened penalties for spreading "rumors" online.

In particular, this action ensnared several "Big V's," online slang for highly influential micro-bloggers (with a "V" by their name showing their identity has been verified) who boast millions or even tens of millions of followers. This action included the arrest^{xxi} of Charles Xue, a U.S. citizen originally from China, on prostitution charges. At that time, Xue had over 12 million Weibo followers.

In the wake of this crackdown, there was an observable^{xxii} (if not quantifiable) drop in the amount of potentially heterodox political speech on that platform. But its latent power remains, even if it is not always realized. Even now, Weibo's "Big V's" are able to affect the national conversation faster, with fewer filters, than any party mouthpiece. Even users who merely log on to read an opinion-maker's post, with no intention to comment or to share, are still affected by that information.

Crucially, censorship, punishment, and intimidation are deployed on what appears to be a highly *ad hoc* basis that leaves the proverbial red line ambiguous. This is likely intentional, as it exerts a chilling effect on speech that edges toward dissent while also providing ample pretext for the assertion of party authority. Although censorship methods are multifarious and there are few bright-line rules regarding dissent, the government can be described as using a sliding scale that provides significant leeway for web users with little influence to express anti-government views, but which pinches far more closely on major influencers and "Big V's."

Authorities also place pressure on private service providers to bring raucous user bases to heel. This has been of limited success, because companies like Tencent and Sina are hopelessly conflicted; they must follow government orders, but also must attract and keep users in order to survive. The government repeatedly reminds private companies of its authority; in April, it announced^{xxiii} a campaign to "sweep out pornography" and "strike at rumors." Later that month, the government fined Sina and suspended^{xxiv} the company's online publication license (a move that does not affect Weibo). Worrisome for Tencent, on May 6 state-run Xinhua ran a Chinese-language article^{xxv} with the partial title, "Weixin, how much longer can I love you?"

The destabilizing power of media in China

If any media outlet in China could exercise a destabilizing influence, it is likely social media, which has demonstrated the power to bring regional protests to national attention, crystallize areas of public controversy, and break news that China's propaganda apparatus wants silenced.

That does not mean that social media will inevitably destabilize the Communist party. Paradoxically, Chinese social media can legitimately be seen as exercising both a potentially destabilizing and a potentially stabilizing influence. It is potentially stabilizing because it acts as a check on the worst instances of the most blatant corruption, arguably acting as a moderating influence on officials who fear online backlash that could derail their careers. It also allows authorities to monitor on-the-ground sentiment, altering policies on the fly to avoid citizen backlash. Chinese state media has reported^{xxvi} that over two million people monitor online activity on behalf of the government, not to censor, but to gather public opinion.

Authorities will continue to manage this potentially volatile force closely, attempting to give citizens enough outlets to air grievances that the accumulation of dissent does not reach a tipping point. But authorities run the constant risk of misestimating the threshold. They also have difficulty controlling the reaction to extremely fast-moving news — unpredictable by definition — that can potentially crystallize into criticism.

Recommendations for the United States

In the absence of institutionalized democratic means to transmit public opinion to policy-makers, Chinese officials have few alternatives to monitoring online opinion to gauge public sentiment. In fact, it may be one reason they have not shut down platforms like Weibo, despite social media's ability to be a thorn in their side. Although online chatter is surely skewed toward the salacious, the controversial, and the extreme, it is nonetheless the best tool available to gauge Chinese on-the-ground sentiment. It can, on occasion, even force the Chinese government to respond by felling corrupt officials or instituting policy changes.

Because of social media's function as both a bellwether and an important part of the Chinese government calculus, the United States should also work to monitor Chinese online discussions in a rigorous, systematic way. (It must also employ its own "humans in the loop" to provide context and analysis for any findings.) Although such chatter largely limits itself to the anodyne, even the trivial, the Chinese social web remains a contested space, one in which certain individuals retain the power to undermine the official narrative. Should a major upheaval occur, however probable or improbable, the Internet is a strong candidate to provide the spark, because of its capacity to knit together Chinese citizens from different regions and different walks of life.

U.S. government entities and individual officials should also increase the amount of direct engagement with Chinese web users on native Chinese Internet platforms. To be sure, many

U.S. "soft power" victories on the Chinese web have germinated from purely domestic events that bore no initial relationship to China. Web users in China regularly track, and comment upon, the conduct of U.S. officials and compare it with government behavior at home. (For example, in May 2012, over 20,000 Chinese web users shared details of the asset disclosures of high U.S. officials, which formed an unflattering contrast to Chinese officials' opaque finances.^{xxvii}) But targeted, thoughtful, direct engagement on Chinese social media — even in the English language — allows the United States to showcase its comparative transparency. This engagement need not be explicitly political to provide that

implicit contrast.

ⁱ Securities and Exchange Commission, preliminary Form F-1 Registration Statement of Weibo Corporation, p. 7

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^{iv} Patrick Boehler, 2014. "Almost all Weibo messages are generated by just 5 per cent of users," *South China Morning Post* (April 10)(updated) [<http://www.scmp.com/news/china-insider/article/1469338/weibo-less-active-expected-says-new-study>]

^v Tencent release re: fourth-quarter 2013 and annual 2013 results, March 19, 2014, p. 1 [<http://www.tencent.com/en-us/content/ir/news/2014/attachments/20140319.pdf>]

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PANEL III QUESTION AND ANSWER

HEARING CO-CHAIR WORTZEL: Thank you very much, all three of you.

Commissioner Talent, you have the first question.

COMMISSIONER TALENT: Thank you, Mr. Chairman.

Three questions. I'll just state them and you guys can answer if you would. Go into a little more detail--Mr. Wertime, you did this to some extent--but how this works for the average Chinese citizen. So there's pollution in my town; I want to go on Weibo and complain about it or something. I do, and it's an offensive--what do they call it--tweets? I mean that's what we would call it; right?

So what happens? My tweet just disappears? And then do they have a way--am I sitting there thinking, oh, they may track this back to me and do something to me? I mean is there anonymity at all and protection or do people have a sense, boy, if I do this once a week, I may get a knock on the door? So if you would go a little more detail, I'd like some transparency on that.

You, all three of you, I think, discussed how foreign companies, and I presume some American companies, actively take part in some of this censorship. Could you describe the mechanics of how that works?

It's one thing to sell somebody something that is used to censor. It's another thing and they get a phone call from the government saying wipe off this kind of thing or--I'd like to know a little bit more about that.

And second or third, Mr. Wertime, you mentioned direct engagement by American government officials on Chinese social media. Could you just give an example of the kind of thing you're talking about? You know, recommending to members of Congress that when something happens in China, they tweet out to Chinese people; is that what you mean?

MR. WERTIME: Commissioner Talent, thank you for your questions.

In terms of your first question about how it actually looks from the standpoint of a Chinese netizen, the answer is that it really depends on how influential that user is. Roughly speaking, you can describe a sliding scale between somebody who has no online influence and can have a lot more of a free hand in what they write, and somebody who has a great deal of online influence and has to worry about serious repercussions for anything they write, and they even have their post held for review before it's published.

So from the standpoint of what we might call a grassroots netizen, the truth is that it's highly unlikely that they will actually be punished in any material way. It's even unlikely that their tweet would be deleted simply because it criticizes the government, and the reason for that is that China's government tends to focus on spikes in chatter where it thinks that opinion is coalescing together and might create some kind of movement that could hit the streets.

If it's one individual, for example, complaining about pollution, they may not be worried. Now if that individual were to gain a large following, and people start to share what they've written, then, now they become a threat to the Communist Party's--I wouldn't say monopoly--but

desired monopoly.

COMMISSIONER TALENT: Would it depend on, like if they went on and said, hey, our local Party leader is a bum, I mean if they named the average individual, would that, or an actual name of an individual, would that tend to be more controversial?

MS. HALGAND: According of the number of followers they have, then the messages are deleted more often.

MS. COOK: I would add to that that some of the censorship is centralized, some of it is very decentralized, so that's one of the problems once you get a mechanism like this going, like you had people in Chongqing who were sent to labor camps--this is fairly extreme--because they criticized Bo Xilai on their microblogs.

So in that case, if you were just criticizing and making fun of an official's name because he was particularly sensitive, particularly ruthless, particularly powerful, you could get sent to a labor camp, but that was a bit of an extreme situation.

In other cases, I would just add timing has to do with it, too. Sometimes you'll see where there's quite a bit of chatter, and initially there will be no problem, and then either there's like a clampdown while the government is deciding what to do, and then once they decide, they might lift it because they've already decided, and they've already got their propaganda and kind of push apparatus in place so they might loosen it.

Or in other cases, they'll just clamp down on it and, even retroactive, some of the censors of Weibo will all of a sudden go back and start deleting posts from like a week ago on a particular topic.

So those are some of the types of dynamics that you see in these very in-depth studies of how the censorship works.

MS. HALGAND: I just would like to add that there's a clear intention to know who are the Weibo users because now it's required for new accounts to give your real name and also sometimes your real phone numbers. That's a new rule.

COMMISSIONER TALENT: So they want to find out.

MS. HALGAND: They want to know; they want to be sure to be able to know who is the person who writes that, yes. It's now an obligation to give your real name when you open an Weibo account.

MR. WERTIME: In terms of real time registration, that's something that the government has been pushing for some time. It took some time for them to get compliance from the private Internet companies that operate these platforms like Sina Corp, for example.

But even as that started to be implemented, from what I observed, I don't think it had the chilling effect that the government had hoped that it would because I think Chinese Internet users understood that if the government really wanted to find them they could, in particular, if they weren't using a VPN based on their IP address, even if they had an anonymous handle or they hadn't registered.

And in terms of also how, for example, corrupt officials are treated when they're called out by name, the interesting thing is that the way in which the government censors is obviously

very ad hoc and unpredictable, but it can even be a window into whether that official is going to keep his or her job.

So one example, in August of 2012, a provincial safety chief named Yang Dacai was pictured smiling at the scene of an accident even though he was in charge of transportation safety, and everyone online quickly went after him, and the fact that there was no censorship indicated to a lot of us that that meant that his career would be over, and it quickly was.

So there are times when you can get away with it, but, of course, it's a gamble from the standpoint of a Chinese Internet user, and I did just want to engage your question about engagement.

COMMISSIONER TALENT: Yeah, I know my time is up, but if you could briefly address that on engagement and also how foreign companies--I'm really interested in--so there are foreign companies, American companies--so foreign companies get orders to censor this or turn the name of this person over so we can arrest him, and they just go ahead do that?

MS. COOK: Well, first, I would say that one of the very strategic and effective things the Chinese government has done is actually really marginalized a lot of U.S. companies in the Internet sphere.

So even before Google effectively withdrew from the Chinese market, I mean Baidu has like huge, huge, huge market access. So then in that case, for instance, or Yahoo even now has withdrawn, you know, it's closed its Chinese search engine and some of its services just because they weren't financially very viable.

But essentially, a lot of it is done via self-censorship; it's not necessarily that you get a phone call. It's just that you kind of know what might press the buttons.

Something more recent actually is Apple and the issue of mobile phone applications because since 2011, there have been a series of different incidents of Apple removing from the app store that's accessible to Chinese users a variety of different applications ranging from dissident bookstores overseas, overseas Chinese media reporting on sensitive issues, various applications that have been created to try to, for instance, give Chinese users access to censored information, deleted posts from the microblogging sphere.

And the people and the app developers in this case have repeatedly said that the process with Apple is very opaque. They get a very general statement saying the content on your application has been identified as being, quote, "illegal." But there is no appeal process. There is nothing they can do about it.

So that's actually I think as technology develops, and for instance, an app, a company whose applications are very popular in China, are relatively popular in China, the way that works.

Android is a bit different. It's not a centralized store. So actually one of the ways some people have tried to get around these blocks from Apple has been to try to create Android apps because actually those platforms are very popular in China, and it would be a lot more of a whack-a-mole kind of effort by the Chinese authority. It's not as centralized to actually take apps down.

HEARING CO-CHAIR WORTZEL: Commissioner Talent, if I could, when it rotates to

me, I'll follow up on the engagement part.

MS. HALGAND: But--

HEARING CO-CHAIR WORTZEL: I'll get to it. You'll get it. Commissioner Fiedler.

COMMISSIONER FIEDLER: Do we know how many Chinese journalists, some of whom may not be real journalists, work for Chinese media organizations in the United States?

MS. HALGAND: I don't know the number right now. I guess it could be easy to find out, but I don't know the number.

COMMISSIONER FIEDLER: Do you know of any action by the United States government in denying visas to Chinese journalists in a reciprocity retaliation on behalf of U.S. journalists?

MS. COOK: I don't know of any cases of that happening. It's been part of this debate in response to the Chinese government's restrictions or efforts to restrict visas for U.S. journalists.

To be honest, I would say actually in the press freedom community, there's a bit of a mixed sentiment about this. I think Freedom House's sense is that the journalists aren't necessarily the ones making the decisions. I think if we deny visas to people, it should really be looking at the Chinese officials.

The visa issue is one of those things that is actually closely dictated by the Ministry of Foreign Affairs. When you see violent assaults against journalists in the provinces, that could be local officials. It's easy to have deniability, but the denial of a visa or delay of a visa for The New York Times or Reuters, that's strictly the Ministry of Foreign Affairs.

So that's where I think the U.S. government could, recognizing that, use some of those pressures either to delay accreditation for perhaps some kind of a Chinese diplomat coming or if there's a Chinese official who actually works in the propaganda apparatus who's coming to the United States, maybe even for personal reasons, perhaps to consider that.

COMMISSIONER FIEDLER: So you're suggesting the meaningful people then.

MS. COOK: The people actually making the decisions because I think, one, there's a matter of principle that some people in the press freedom community are uncomfortable with even if these are journalists for state-run media, they're still journalists, and then that kind of quid pro quo, you know, it would still be a restriction. But they're not the decision-makers.

COMMISSIONER FIEDLER: Yeah.

MS. COOK: The other thing I would say is actually to be honest when Vice President Biden went to China and raised in very high level meetings this issue of the visas, it did actually resolve it for many of them. There were still a couple whose visas were denied and who were pushed out, but it was not the several dozen that it looked like it was going to be in December, early December.

COMMISSIONER FIEDLER: What effect do you believe Chinese action on U.S. journalists has had on continued reporting about the financial fortunes of Party leadership?

MS. COOK: Well, first, you have the--I guess it can depend on the outlet, for instance. So certainly there's been a lot of news reporting about Bloomberg.

COMMISSIONER FIEDLER: Bloomberg has pulled their story.

MS. COOK: They pretty much pulled it. So there's at least one story out there that we haven't, don't know.

COMMISSIONER FIEDLER: I haven't read a lot. I haven't read a lot of stories subsequently. There may have been one New York Times story.

MS. COOK: Right. Well, first of all, I think part of the issue is that these are stories that take a long time to write. You're investigating the filings from Hong Kong and things like that so that's one of the reasons why the journalists at Bloomberg after working on the story like this for a year were very disappointed.

COMMISSIONER FIEDLER: Some of us may argue it took them 15 years to write the story in the first instance.

MS. COOK: Right, yeah. I guess what I would say is a number of them have actually moved to other outlets like The New York Times.

I think it's been more that it just--I think what's extraordinary in the Bloomberg case is actually how public some of this has become because behind the scenes these are actually conversations that almost every U.S. news outlet faces, whether it's trying to get journalists visas or having a Chinese language Web site they want accessible in China.

It's just in the Bloomberg--and then sometimes small nuances of what stories to cover or not. There was an academic study about the coverage of, for instance, the Falun Gong issue, and you could see very dramatically that most major news media in the United States are not covering this.

COMMISSIONER FIEDLER: I got you.

MS. COOK: That's one of the things.

COMMISSIONER FIEDLER: I have another quick question before my time runs out. Does anybody know anything about Chinese companies exporting computer surveillance technology to other countries?

MS. HALGAND: It's a very important point actually because that's one real concern of this Chinese model, that China is exporting its model to Vietnam, to other regional countries, to say that they are exporting concrete technology I don't have concrete proof, but we can see that really it's the same approach which is used in Vietnam, for example.

MS. COOK: I would just add to that, there have been reports of some countries approaching the Chinese for help. There were reports about Iran, and report about Zambia. These are very difficult things to track. What you will get sometimes is actually quite laudatory reports in those countries' media about, hey, we're getting help from the Chinese.

But also I would say it's not only technology. There are other kinds of trainings in these types of quote, "media management" so these other types of techniques that also in our multi-country reports we see this mimicking effect of this type of 50 Cent Party, the propaganda dimension, things that actually are very effective and much cheaper.

When we're thinking about how the Chinese model gets exported, a lot of times it can

take that form. It doesn't necessarily have to be the hardware. It can also be legislation or other tactics like that.

COMMISSIONER FIEDLER: Thank you.

HEARING CO-CHAIR WORTZEL: Commissioner Wessel.

COMMISSIONER WESSEL: Thank you. Thank you all for being here today.

Question, and it may be too early because our press cycles are somewhat short, the 25th anniversary of Tiananmen is approximately three weeks away. Maybe the failure to see many stories on the upcoming 25th is a result of that it's going to be more contemporaneous. I somewhat doubt that though.

It seems to me from the chatter, since we all talk to reporters, that the appetite for U.S. media outlets to talk about Tiananmen and all the associated issues, many of which we're dealing with here today, and you deal with everyday, seem to be diminished.

Can you comment on that? Do you think the self-censorship, the visa issues, et cetera, are having an impact 25 years later? What should we have learned from our experiences? That's the first question.

The second question is, and I'm sure there are some different views on Snowden's activities, what impact do you think that may have had on China's views about how to control the Internet and what it views as appropriate and where the U.S. government, maybe doesn't have clean hands?

I've seen somewhat of a chilling effect, if you will, on the bilateral dialogue about those issues over the last year. Do you see that as well, and how do the Chinese view that? So, please, on both questions, and whoever wants to take the first crack.

MR. WERTIME: In terms of interest in Tiananmen and the 25th anniversary, I can only speak for my own organization, but we certainly take the upcoming 25th anniversary seriously. We do think that there is reader interest or there will be. I think you're absolutely right, that it's not quite contemporaneous enough yet, but just speaking for my own organization, we're busy commissioning stories on that front.

I will say in terms of what one finds online in the lead up to that day and on that day obviously tends to be very limited. I was tracking Internet chatter two years ago and then one year ago on June 4. Obviously direct references are deleted almost immediately. It would appear that the censors are working overtime during those days. You will see very oblique references, "let's remember that day" or "I can't sleep the night before this day," but then nothing further.

The only exception perhaps last year was that a photograph that showed the famous image of the "tank man" but was photoshopped to show a giant yellow rubber duck instead of the tank for whatever reason went viral, and I think the reason is probably that humor is sometimes the best weapon against authoritarianism.

And it's hard to as a censor know what to do with that so there was a little bit of a delay, and very briefly, as to your question about the reaction to the Snowden related revelations, one thing that you see in China is the sense of, 'well, we get hacked all the time'. Censorship is

again a fact of life there.

But broadly speaking, and this goes back to my engagement point, which I'm happy to go more into, I think the more that we adhere to the, practice what you preach model, what we wish China to become, the more effect that that has, and often it's not so much what we say to China or our direct engagement with China that gets picked up on the Chinese Internet, but rather what we're doing when we as a country are not necessarily aware that anyone is looking or when we're having an internal debate.

Or, the government is being transparent, but it's not to make a point. It's just part of reporting requirements. It's those kinds of instances that I think are particularly powerful.

MS. COOK: I actually don't have much to add regarding the first question, only to say that in the lead up, there have been some arrests of activists and a prominent journalist, and I think that's actually gotten quite a bit of coverage in major U.S. papers. So I don't know that I've ever seen the self-censorship manifested there.

On the other hand, in places like Hong Kong, that's one of the topics for which over the years self-censorship can manifest.

Regarding Snowden, I think you see a few things. One, I don't know so much in terms of the actual attitudes of the Chinese government, but their ability to use it as a way to defend their own restrictions, both diplomatically and to their own people.

I think one of the impacts it does actually have is that they're even more skeptical than they were perhaps before about actually buying U.S. companies' software to assist in things like surveillance so maybe that's perhaps a plus if you think about it from that perspective.

I think they were already moving in the direction of homegrown technologies for that. There were a couple of censorship directives around the time when this was coming up, not to report on the Snowden situation in China, and I think part of it was the concern, and the response from some of the netizens was, well, look at what our government does. Maybe there is a certain awareness of surveillance and they didn't want to trigger the kind of public debate in China that Snowden's revelations triggered here in the United States.

HEARING CO-CHAIR WORTZEL: I want to, if I could, follow up with Mr. Wertime on Commissioner Talent's question and have you spend a minute or so talking about the practical means of engagement. And I just think of loads of problems for a member of Congress or a Senator. Do you do it in Chinese? Who do you hire to do that for you? What IP address are you using and what kind of cyber warfare is going to go back against that?

I want to make a short comment that if you have access to the Open Source Center or some other part--the government actually does a pretty good job of sentiment tracking. I read it everyday.

And then I would like to ask how either Chinese netizens or Americans can really identify a use of ringers who appear to be journalists or commentators in the Chinese press, but are really Party approved opinion leaders, sometimes from the General Political Department of the People's Liberation Army who are meant to shape either public opinion in China or international opinion on issues? How do you figure out who's real and who's somebody planted by the Party?

Mr. Wertime, I'll start with you.

MR. WERTIME: Thank you for your questions. I'll start with a comment about sentiment tracking. Certainly I'm not here to criticize anybody. It's more a statement of what I think is important, where the emphasis should lie in moving forward. Certainly I'm aware that that exists.

Just by way of reference, there was a recent report in the Beijing News that said the Chinese government employed either directly or via some kind of contractual relationship, contractors, two million people in China who track sentiment. Now, there's no way to verify that, but that's a scary number, and I doubt that we have two million people--

HEARING CO-CHAIR WORTZEL: No, I don't think so.

MR. WERTIME: --and we probably shouldn't practically speaking. Just to give a sense, though, of how I think the Chinese government has a very detailed and granular view of that information. And the more that we as the United States can approach that, the better. Of course, there are a lot of constraints there.

And in terms of engagement, I certainly agree that it is difficult to operationalize. There's a question of language. Do you engage individual users? Does that risk getting them in trouble? Does English work? And it does, but it may not have exactly the same impact. And what should the topics be?

So it's a tremendously subtle thing to try to actually pull off. What I'm more emphasizing is that overall the costs are relatively low of trying something like this because at the end of the day the government can express displeasure, and it can censor, which is what it does to Chinese netizens all the time.

But the upside, is quite significant, and we do see examples of, again, going back to my earlier comment, things that happen in the United States that have no superficial relationship to China going viral.

One example is in May 2012, over 20,000 Chinese Web users shared details of the asset disclosures of high U.S. officials, which was in no way directed at China. So I think it's very easy to say just go on Chinese social media and be yourself, but I do think that there's a soft power win there potentially, and I do think that the costs are relatively low.

HEARING CO-CHAIR WORTZEL: Can any of you address this whole problem of the planted journalists who really aren't journalists? How do you find them?

MR. WERTIME: Well, I think none of us is certain, but I will say that it's widely understood that there is a large group called the so-called "50 Cent Party" in China, and these are people that are essentially paid to post pro-government reports.

I think there are a lot of journalists that work for large state-run media organizations that are either personally more interested in advancing their careers or promoting the Party line than they are in practicing good journalism. And then there are many people who are chomping at the bit to do real journalism but sometimes can't because of the institutions that they find themselves in.

And so at what point that becomes someone who's more just masquerading as a

journalist, hard to say.

HEARING CO-CHAIR WORTZEL: I mean, for instance, there's a guy by the name of Yin Zhuo,

who repeatedly appears in the international articles commenting on national security issues, advertises himself sometimes as a rear admiral in the Chinese Navy, sometimes as a major general in the Chinese Army. When you look into his background, he's a graduate of the General Political Department's Political College. You know that guy is a ringer.

MS. COOK: I would say that's where, you know, due diligence is who you use as interviewees comes in. In terms of engagement, it is very subtle because it's off the record, I've had conversations with Chinese journalists, either currently or previously working for state-run news outlets, and actually when you get them talking off the record, you can really influence them, and they'll be thoughtful, especially on these elements of how things actually work in the United States.

So even saying from a Freedom House perspective, it's not that all content on the Internet should be okay. Clearly, there is content that is legitimately detrimental to public safety, to national security, but how you actually exercise those restrictions in a way that's not arbitrary and that's transparent, that often gets them thinking. It gets them a lot more curious about things like that.

So, I would be careful what I would tell any journalist like that, HEARING CO-CHAIR WORTZEL: Thank you.

Commissioner Tobin.

COMMISSIONER TOBIN: Thank you. And thank you all, not just for being here, but for the, what I'm certain, must be frustrating, difficult and yet important work. We were just saying earlier, it is so refreshing for us to see this dedication to freedom of the speech, not just in this country.

I wanted to go a little bit further both in Ms. Cook's testimony and Ms. Halgand's testimony. Near the end you discussed things that we might do, and as I'm sure you know, this hearing is being held because over time we put together a report, and let me start with Ms. Cook.

You said any policy responses by the United States should take this into consideration as their starting point. You want us to be more effective in identifying points of leverage or loopholes that take advantage of weaknesses with the censorship apparatus.

Are there specifics that you're speaking about there?

MS. COOK: I think, part of it is there are some cases, very specific things, for instance, the support for circumvention tools, the support for efforts like China Digital Times actually of getting information out about the censorship apparatus, about recirculating deleted Weibo posts and things like that.

In other cases, for instance, of Vice President Biden going and actually raising this at very high levels. So my point was more, on the part of the administration than Congress.

But in terms of an approach where, like I said, the starting point is that they're not going

to change voluntarily so then what do we do about it? One example that relates to one of the previous questions is the U.S. embassies and consulates tweeting the air pollution markers, and that was actually very interesting because it did get them--they tweeted it on Twitter, and then it got brought into the firewall by some of these very influential opinion leaders, including a couple who then had faced some pressures, but that actually had a very important impact on I think both people's familiarity with these particular particles and things like that, but I would say in terms of public sentiment towards the United States of saying, thank goodness, if it weren't for the U.S., we wouldn't even know about this.

COMMISSIONER TOBIN: Right.

MS. COOK: And it really touches on something that obviously is a real, life and health issue for so many Chinese people.

So those would be, some examples when I think about what has actually been done in the last few years, effective action that has yielded real results and opened space and provided assistance.

One last point related to the circumvention tools that David mentioned is that in moments of crisis, you see these spikes. So it's more evident in 2012, we got some data from some of the circumvention tool developers, including ones like UltraSurf that were designed by Falun Gong practitioners and who get some of their funding from the U.S., that really show spikes when Wang Lijun left to go the U.S. Embassy and a discussion of Bo Xilai, and then again the Chen Guangcheng incident.

So you really see that in these moments of political crisis, and that's not just in China, that's in other countries around the world. That's when, this question of jumping the firewall comes in.

COMMISSIONER TOBIN: I see.

MS. COOK: So even if strategically perhaps the United States wants to support these efforts, it's a little bit difficult financially to regularly fund some of those kinds of tools and things like that--having some sense of what do we do in a moment of crisis, a political crisis, because that's when Chinese netizens are really going to be actively looking for information, and it might be a combination of whether it's circumvention tools to jump the firewall or an injection of funds for applications that recirculate things that have been deleted on Sina Weibo.

But we're looking at a situation where at some point in the coming years, there are going to be various periods of political turmoil and crisis that can really be a tipping point when Chinese people are asking for information.

So those would be, a couple of ideas in terms of looking at the current dynamics and how the U.S. might want to respond.

COMMISSIONER TOBIN: That's excellent, and then if you're brainstorming with your colleagues, and I say this to all of you, we'll be working on this over the summer, and please let us know.

Ms. Halgand, did you have anything to say--it looked like you did--in addition to her remarks?

MS. HALGAND: I think it's really crucial that Congress continue to support the development of circumvention tools, but also news media, which are really addressing Chinese people--I'm thinking of Voice of America. It's playing a really important role. When I'm invited on Voice of America for TV shows, there's Chinese people in China who are calling.

So it's really important, and also I think that it's very important also to not only talk on the human rights perspective but to really approach this issue as an economic issue.

COMMISSIONER TOBIN: I see.

MS. HALGAND: And because the interest of U.S. companies are at stake, I really encourage Congress to continue this way of working to monitor carefully if China is complying with the World Trade Organization rules and to make sure that all trade agreements between China and the U.S. are also following these rules, and I think the economic aspect should be crucial in the U.S. and administration practice.

COMMISSIONER TOBIN: Monitor and communicate probably too; right?

MS. HALGAND: Yes.

COMMISSIONER TOBIN: Thank you. You answered my specifics about your final points, too. Thank you, all.

HEARING CO-CHAIR WORTZEL: Thank you.

Commissioner Bartholomew.

HEARING CO-CHAIR BARTHOLOMEW: Thanks very much and thank you for testifying today, and I want to commend our staff for finding new voices and bringing some younger people into the mix on all of the conversations that we have. It's really interesting.

I have two specific questions. Ms. Cook, you mentioned the difference between Apple and the Android which is, that Apple because of iTunes has more control. It's opaque, but it has more control over what is or what isn't being used.

And I found myself wondering whether that might have an impact on sales for Apple? If people are interested enough in China that they are interested in accessing material that they might not be able to access through a different platform, whether there would be more of a desire to have an Android device, than an Apple device? Is there any evidence of that?

MS. COOK: It's hard to tell. I would say part of it is that a lot of times these applications get taken down very quickly or they get taken down exactly when they're starting to gain a larger following. So if you've only got 500 downloads from within China, the Chinese government might not notice.

And I do doubt, to Apple's credit, that they would proactively restrict these if nobody was asking them to. But as it starts to gain momentum, then you have a situation where it pops up on the radar.

I don't know that that would be a factor in what people choose. I think often it's more a pricing issues, and so I think that's why a lot of the type of smartphones that use Android platforms are just more prevalent in China.

And I think the issue with Apple versus Android, it's more this question of centralization,

not so much control, just centralization, that is one place that you go to, whereas, with the others, it may be multiple stores.

HEARING CO-CHAIR BARTHOLOMEW: Just an observation as somebody who spent many years working for northern California, that whenever we have discussions where the people who brought to all of us this concept of bringing all information in the world to everybody are privy or participating in a process that is actively shutting down information, it feels like it's a betrayal of what Silicon Valley is supposed to be about and where its roots are.

Mr. Wertime--I keep wanting to call you Wer-time because of Ms. Halgand--I want to understand, you were talking about people in China accessing asset disclosure information from U.S. officials and then posting it.

When I hear that, I think that that's a very political act that people did because it both says look at the fact that U.S. government officials have to present all of this information about their net worth, and Chinese government officials do not, and also it demonstrates in many cases the relative paucity of U.S. government officials.

Do you see it as a political act or was it more kind of like an Us Weekly kind of thing of just putting celebrity type information out there?

MR. WERTIME: It was definitely a political act. As you probably know, there's a big movement in China for asset disclosure by officials, one of the reasons that Xu Zhiyong was unfortunately sentenced to prison, and I think what's significant about that is, first of all, how porous the Internet can be even with the existence of censorship.

Somebody need only find the image that shows that disclosure, and then share it online, and once it's been shared, you know, a couple thousand times, the cat is out of the bag, and censors have a tough time cleaning up all traces of it.

The other thing is that I think what made that powerful is that it was done with no intention of saying or showing anything to China. It's just something that we do, and whether it's a convention speech or a presidential debate, whether it's then Ambassador Gary Locke buying his own coffee, these moments have a way of, having the biggest impact.

Now to some extent that, raised the question, well, why engage directly? But I think to me it shows the power that we have in the United States to affect the dialogue over there, and I think to speak to some of the, basic desires and aspirations that they have there in China.

HEARING CO-CHAIR BARTHOLOMEW: Great. Thank you.

HEARING CO-CHAIR WORTZEL: Commissioner Slane.

COMMISSIONER SLANE: Thank you all for taking the time to testify. It's been really helpful.

I keep hearing anecdotally that Chinese computer geeks are always one step ahead of the firewall, and that the censors keep playing catch-up, and ultimately it's a losing battle. Is there truth to that?

MR. WERTIME: I know I spoke a little bit about the cat-and-mouse game between censors and Chinese netizens, and I think that broadly speaking, that's correct.

From the standpoint of Chinese authorities, I think their interest is that that population of geeks who really know how to stay ahead is small enough that they don't drive the dialogue.

Chinese authorities know that some folks there use a VPN to jump the Great Firewall and go on Twitter and read The New York Times. So really that's one reason that they target these spikes in chatter, and that's one reason that they go after these big opinion leaders, colloquially called "Big Vs" in Chinese, because these are the moments and these are the people that can turn something small into a national conversation.

But what it I think it does show, and you're absolutely right that the censors have to constantly work just to play catch-up, this is something that is ongoing, and I think again it reflects the latent power of this platform, that you have a lot of people who are on the sidelines most of the time. They're just logging in and reading. They're not writing.

But when a crisis happens, for example, then all of this reservoir of goodwill that we're discussing, and these sort of long-held complaints come out into the open, and it can drive everything from there.

MS. COOK: I would just echo David's point. I would add I did an interview recently with someone who works on the mouse side, and he described, at least from the technical side, three stages of the restrictions on the firewall and the Chinese government's response to efforts to break holes in it.

The first he said was a stage in which it was clearly being done by state actors because all of a sudden, it would be like a free-for-all from the mouse's side, on the weekends or after 6 p.m.

Then there was the stage where it went to actually academics, and that was where you have this fellow, this foreign professor, Fang Binxing-- --who Chinese netizens abhor and, in fact, initiated--if we're talking about visas--initiated a petition on the White House Web site urging the U.S. government not to grant this fellow a visa, where he was organizing graduate students and others, and so then there was a sense of more motivation, people who were smarter, at least educationally perhaps, a little bit closer to some of the mice working on the other side.

The third, it sounded like was something along the lines of kind of a movement towards the private sector, and actually in some cases even people who were educated at U.S. educational institutions now being on that side, and he said then it really even more becomes sometimes a resource issue of IP addresses and things like that.

On the one hand, they don't try to control everything as much as they try to control. There's a lot that goes on within the firewall. There is this constant sense of trying to respond because of their level of insecurity, and the sense that if they let these things get out of hand, it could really cause some trouble for the regime.

There's constant innovation. So you see these ups and downs, and I think some of the chilling effect we've seen recently, over the last six months, from this crackdown that began in August is perhaps a lull for the netizens, and then we'll see what happens afterwards.

MR. WERTIME: And one thing to add about the way that censorship works in China that I think is significant is that a lot of it is actually done in-house so estimates of the ranks of

Chinese official government censors range, I think, from 20,000 to 50,000.

But Harvard researchers were actually setting up their own mock Web site in China, I think it was last year or the year before, and they were given a great deal of leeway in how to censor their own users.

And they spoke with one source who advised them to hire two or three in-house censors for every 50,000 users. So you do the math, you get a picture of there's this also very large contingent of in-house censors that are employed by these private companies.

And so that leads also to what Sarah described as innovation, in a way, as each company is left to figure out its own methods and come up with its own list of keywords, for example, that it wishes to ban.

HEARING CO-CHAIR WORTZEL: We have enough time that we can at least go for a few extra questions and maybe a second round.

You have collectively a really good job of describing the ways that the Communist Party and the Foreign Ministry, but really it's the Propaganda Department, intimidate U.S. reporters and news bureaus to get them to not cover certain things or to maybe slant their coverage in China.

And we've had these complaints when we visited China from many U.S. reporters who don't want to say anything publicly, but, the very fact that you're saying this here today supports what they wanted to come out.

I want to shift the conversation to Hong Kong. It appears that if stories appear in the American press, so far the reporters and bureaus in Hong Kong seem to have been able to operate. But can those reporters then travel into China? Or if the stories of, for instance, The New York Times publishes a story that originates in Hong Kong, is that story somehow blocked out in China?

How much influence does the Party Propaganda Department have today in Hong Kong?

MS. COOK: Well, I would differentiate the local media from foreign media that have bureaus there. My sense is that for the foreign media that have bureaus there, there's less of a problem. I don't know the details of U.S. journalists who are based in Hong Kong traveling in and out of China.

A few years back, there were some changes in regulations that made, various layers of approval from the Beijing Liaison Office and made it a little bit more difficult than it may have been previously, which may have contributed to the fact that more--as well as the general interest in China itself--and the accessibility, especially around the Olympics, major media started moving their head bureaus into China rather than in Hong Kong.

In terms of a story coming out of Hong Kong by a major U.S. newspaper and whether it would be blocked out in China, I don't see them reacting to that any differently from an article that would be based out of China or in the United States, I mean if there was an article here, critical about Xi Jinping's visit or meeting with Barack Obama that they didn't like. Yeah, in general, of course, they are much stricter with the Chinese language than English language.

In terms of the local Hong Kong media, that's a very different story. First of all, in

general, like Freedom House, we assess Hong Kong separately. Hong Kong was actually rated free back in 2005, 2006, and then it dropped to partly free around 2008, and now it's fallen farther, so on a scale of zero to a hundred, I believe Hong Kong--with zero being the best--Hong Kong slipped from like a 20 something, which is in the free, to something like 35.

Hong Kong, I think, also was a very important model about how to co-opt on media ownership to get them to do the bidding of the authorities, but what we've seen in Hong Kong over the last couple of years is more heavy-handedness where Beijing Liaison Office officials will pick up the phone and call newsrooms. Especially around the period of the chief executive elections last year, they were actually being very specific about internal Hong Kong politics and who different newspapers were supporting or not.

And then we've had this issue of these horrific physical attacks on media owners, journalists and so forth, even in cases where there have been prosecutions, the concern is that hasn't really moved all the way up.

They target the triads or whoever it is, but the pattern of who's being targeted is very clearly those critical of the central authorities, and it never works its way back up to that in terms of the local investigations.

HEARING CO-CHAIR WORTZEL: Ms. Halgand, your head is moving up and down a couple times. Do you want to add anything to that?

MS. HALGAND: No. I want to add a few comments on what Sarah said. I think I mentioned earlier that it's clear that China is exporting its model, and we're seeing that really clearly in Hong Kong, that the Chinese attitude is playing a more and more important role in Hong Kong, which is very concerning.

And if I may, I wanted to go back to the point on the companies when you, Senator Talent and Commissioner, asked us about the companies. I think it's a really important point.

We say that it's not so much about the American or foreign companies, but mostly Chinese companies like Sina, Baidu, Tencent, while they are playing a crucial and essential role in the censorship and monitoring of the Internet, and I cannot highlight that point as much as I would like. But what is interesting is that these Chinese companies have interests in the U.S.

HEARING CO-CHAIR WORTZEL: So should a Baidu IPO listing be affected by that?

MS. HALGAND: Sina is right now launching an IPO here in the U.S. So maybe approaching this issue on an economic point of view could be a very fruitful way to weigh on this debate.

HEARING CO-CHAIR BARTHOLOMEW: Thank you, again.

I want to go back to this issue. Obviously, we know that there is a threshold or the point at which people can take a conversation and turn it into some sort of collective action is where it becomes really threatening to the Party's hold on power.

But, Mr. Wertime, a couple of times, you've talked about something small turning into a national conversation, and I wondered if you were speaking in the hypothetical there or if there are examples where something small has turned into a national conversation in China, and then is there any evidence that any of that national conversation has taken the next step towards

some sort of move to action?

MR. WERTIME: As to your final question, I think that's where the Chinese government has mostly been successful at stepping in and ensuring that what happens online, in effect, stays online.

In 2011, I believe it was, there was actually a run on iodized salt in one Chinese province because of rumors that had spread that that could help defend against Fukushima radiation, and the Chinese government blocked that.

But that, was partly perpetuated by online chatter. A lot of times you'll have protests, in particular the sort of NIMBY, not in my backyard, environmental protests. Recently, in a city in Hangzhou Province, there was such a protest about a planned trash incinerator.

And these protests would normally, be localized news and may not even reach us, but because of the Internet, they spread very quickly, and they become national news.

But even, for example, that asset disclosure example or a comment by, a candidate for president can very quickly be shared by tens of thousands or hundreds of thousands of users, and this was particularly true before the crackdown, and you also had examples of users who generated their own debate or discussion.

There's a particularly colorful user named--"Pretending to be in New York" is his handle name--and he mused at one point what would happen if China had elections? Here's my take on an electoral map and whether the Kuomintang or the CCP would win a given province? That was obviously very popular.

So I do think we have examples of small kernels ballooning into something bigger, to mix metaphors, but where it usually stops is on the Internet, and that's where the Chinese government really focuses its energies.

MS. HALGAND: I wanted to add some cases that I described more precisely in my written testimony, but to show how Internet has been really providing mobilization tools to Chinese people, to give you one idea to show you how really the Internet, even with this huge blackout, is crucial.

I'm thinking of Wukan. Wukan is a small village, and, in 2012, the villagers of Wukan started to report on social network their land expropriation scandals, and even though the subject, the word Wukan was very quickly blocked on Internet, there was a huge news blackout offline and online, still the information circulated, and because of the pressure, the local authorities were forced to negotiate with the villagers.

So you can see that it's very encouraging in a way because you can see that even with the most sophisticated censorship tools, the Internet is still used as a mobilization tool by the villagers.

MR. WERTIME: And if I may, just maybe one other example which I think is particularly powerful, to show that sometimes even when these online discussions don't reach the street, they can have a real world effect. I think the PM2.5 example is a perfect one because it also shows the porousness between these platforms and the U.S.'s potential role.

But another example is in April 2013, rather February 2013, a rights lawyer, Yu Jianrong,

decided to start inviting Web users to take pictures of luxury vehicles bearing People's Liberation Army license plates, and he said let's crowdsource this, and there were obviously a lot of examples, and by April of that year, the People's Liberation Army had banned luxury vehicles over a certain RMB threshold from bearing those plates.

So we do see examples where it truly does start with the initiative of one person, but they're able to tap into something larger, and it has a real world impact.

HEARING CO-CHAIR WORTZEL: I think Commissioner Tobin wanted to ask a final question?

COMMISSIONER TOBIN: Yes, I wanted to talk about the directive that came down from Beijing. It had to do with credentialing new journalists, and in reading that, from our perspective, of course, it's shocking.

Did you, Mr. Wertime, see anything on the Net where people were speaking up about that? That's one question.

The other thing is do you think, can that be effective, and those people that have credentials, are they going to end up at the state media? What are your thoughts on that?

MR. WERTIME: I think I can probably best speak to the first question. Unfortunately, I did not see anything, but that's partly because I wasn't looking, and this is one of the reasons that I think the crackdown has had such an effect, there's really two kinds of ways to get information from China's social media and social Web.

The first is when a discussion develops just intrinsic to the platform that becomes so big that you can't ignore it; you can't miss it as an observer.

Then the other example would be something like this where it hasn't reached a critical mass, and so in order to find what people are saying, you have to actually go in and affirmatively search for that term.

And that's where it gets, much more difficult, from the standpoint of a journalist because you don't then have a sense of what are the truly resonant issues. You only know what you're going in and choosing to see, and you run the risk that you're sort of cherry-picking sentiment. So that's a very long way of saying I haven't looked, but I think that again shows why the crackdown has been significant in keeping discussion below a certain threshold.

COMMISSIONER TOBIN: Do you have any thoughts on that, Ms. Cook, because it's credentialing and is it going to work?

MS. COOK: I would say the credentialing of Chinese journalists is pretty tightly controlled anyway.

COMMISSIONER TOBIN: Okay.

MS. COOK: I think it's more of a question of whether it sometimes demonstrates more the insecurities of the regime.

COMMISSIONER TOBIN: Yes.

MS. COOK: Because Chinese journalists, especially those working for state media, as disillusioned as they may be with some of the Marxist journalist studies and things like that,

that's just part of what they go through.

I would note I think there is a big difference in looking at incidents that happened before August 2013 and after August 2013.

That was when there was this proactive attempt at a crackdown, new criminalization of so-called online rumors, and it's had a very real chilling effect.

And actually for this other study, one of the things, and it's part of an effort to try to regain control over public opinion, part of what's happened is more people shifting from Weibo, which is a public platform, to WeChat, which is a much more closed circuit, which makes it much harder for us to monitor unless you're part of these actual closed groups.

It actually apparently makes it a bit harder on a macro level for the Chinese government to monitor, some people think. So in terms of actually mobilizing, for instance, for groups of activists like lawyers, it's actually quite an effective way for them to organize and communicate, but I would just add one of the things we've been doing with this study is Weibo actually publishes the most influential users and the most influential media.

So we've been comparing what the list was in like 2012 and early 2014. The most influential users, for instance, three of the ones that are relatively more politically engaged, including Charles Xue, who has now been silenced; a number of other ones have dropped down quite a bit.

In the media, it's very interesting because, just as an example, back in 2012, the most influential media was Caijing, which is a financial relative that pushes the boundaries of journalism. Now it's People's Daily.

And actually in the top 25, in 2012, CCTV wasn't even really on there. My sense-- now there's a number of different CCTVs, a number of different Xinhua-- but Sina's own like finance, like feed or something like that on different news topics. So it seems like that was one strategy to try to regain influence in terms of the media outlets that are driving some of the conversation online to move away from these relatively more aggressive commercial ones to the more tightly controlled state media.

I wouldn't underestimate the impact at least on the surface that this crackdown since August 2013 had had on the conversation online.

COMMISSIONER TOBIN: Thank you.

HEARING CO-CHAIR BARTHOLOMEW: Ms. Cook, can I get clarification though? This list that you're talking about of most influential media is based on whose data?

MS. COOK: There are questions of whether this reflects the real influence or it's somehow been manipulated? It's by Sina itself. They say that their formula is based on a combination of how many followers they have, but also how often things are retweeted.

Now, there are ways to manipulate this, and one of the things I would say is in some cases, it's been like with Caijing, I don't know how much its overall influence score has dropped, it's just that other state and Party media have gained better scores. So it may be a way of kind of them trying to tweak the system, including--you could say in some cases, it might be with so-called "zombie followers" who are retweeting to raise their score and things like that.

It could be that Sina is manipulating the actual rankings themselves. They've been known to do that with hot topics. In this case, I think it might be less likely. It might be some other form of manipulation. It's a more sophisticated way of trying to gain dominance and dominate the voice and squeeze out the more critical voices using various different types of tactics that you see manifesting in that listing.

HEARING CO-CHAIR BARTHOLOMEW: If I'm Sina, and I know I'm going to have a whole bunch of issues with the Chinese government, it probably wouldn't be that big of deal to determine that the People's Daily had grown in influence.

MS. COOK: Absolutely. I That can also tell you something. I think it's just a matter of them paying more attention to this and starting to really think about. Because one of the manifestations over the last year has not just been the criminalization, it's also been the increase in sometimes very aggressive and insulting use of these 50 Cent Party members.

So some of the influential bloggers like the legal professor who had a million followers left because he just couldn't take the insults anymore. It was just so vulgar, he just didn't want to be part of that platform. So there's different ways that they're using to weed people out.

HEARING CO-CHAIR WORTZEL: Well, thank you, all, very, very much. This has been all that we hoped for, very informative. You've done a great job, and I thank the audience and our staff for putting together a great hearing.

[Whereupon, at 3:19 p.m., the hearing was adjourned.]