

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

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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.¹

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. Specifically, a number of key themes stand out:

¹ Freedom House, "China," (draft) *Freedom of the Press 2014*, May 1 2014, <http://www.freedomhouse.org/sites/default/files/China%20FOTP2014%20draft.pdf>

- **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.”²
- **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.”³ 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.”⁴

² 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/communique-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>

³ 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/>

⁴ “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%EF%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%AE%A1%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-translation/>

- **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).”⁵ 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.⁶ He was later shown handcuffed on state television, expressing regret over the way he had used his microblog account to influence public opinion.⁷ 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.⁸ 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.

⁵ 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/>

⁶ 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

⁷ 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>

⁸ “China,” (draft) *Freedom of the Press 2014*

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.”⁹ While it is difficult to verify their 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

⁹ “Directives from the Ministry of Truth,” *China Digital Times* (web archive), <http://chinadigitaltimes.net/china/directives-from-the-ministry-of-truth/>

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.¹⁰

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 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.¹¹ 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 Reuters¹² and Austin Ramzy who was taking up a post for the *New York Times*.¹³

¹⁰ 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/>

¹¹ 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

¹² 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>

¹³ 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>

- **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.¹⁴
- **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.

¹⁴ Howard W. French, “Bloomber’s folly,” *Columbia Journalism Review*, May 1 2014, http://www.cjr.org/feature/bloombergs_folly.php?page=3

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.¹⁵

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.¹⁶
- More recently, last month the State Administration of Press, Publication, Radio, Film and 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.¹⁷
- 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

¹⁵ Cook, *The Long Shadow of Chinese Censorship*, pg. 41

¹⁶ *Ibid*, pg. 18

¹⁷ 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 U.S. TV shows pulled,” *Reuters*, April 28, 2014, <http://www.reuters.com/article/2014/04/28/us-china-internet-idUSBREA3R0G220140428>

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.¹⁸ 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.¹⁹

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 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.

¹⁸ 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

¹⁹ "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>

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.