

July 28, 2008

The Honorable ROBERT C. BYRD

*President Pro Tempore of the Senate, Washington, D.C. 20510*

The Honorable NANCY PELOSI

*Speaker of the House of Representatives, Washington, D.C. 20515*

DEAR SENATOR BYRD AND SPEAKER PELOSI:

We are pleased to transmit the record of our June 18, 2008 public hearing on “*Access to Information and Media Control in the People’s Republic of China.*” The Floyd D. Spence National Defense Authorization Act (amended by Pub. L. No. 109-108, section 635(a)) provides the basis for this hearing, stating that the Commission shall examine “...the implications of restrictions on speech and access to information in the People's Republic of China for its relations with the United States in the areas of economic and security policy.”

The first panel of the day explored the ways in which the lead-up to the Olympics has affected media control in China over the past year, and considered whether or not the Chinese government is honoring pledges of greater media freedom made while it lobbied for the 2008 Olympics to be held in Beijing. The panel featured two witnesses: Dr. Randolph Kluver, Director of the Institute for Pacific-Asia and Professor in the Department of Communication at Texas A&M University; and Ms. Lucie Morillon, the Washington, D.C. representative for Reporters Without Borders. Both offered qualified opinions that certain aspects of press freedom in China had improved over the past 18 months, with greater latitude for reporting on social issues that do not challenge the autocratic political authority of the ruling Chinese Communist Party (CCP). Both also noted that access to the internet by more Chinese people had increased the availability of information in China despite continuing state efforts to regulate and control internet content. However, there also were significant points of divergence between the two witnesses. Dr. Kluver made a qualified defense of some aspects of Chinese government information control on the grounds that popular Chinese attitudes support some varieties of government censorship. Ms. Morillon cited increased repression directed against both journalists and dissidents as well as continuing efforts to control information on all topics deemed “sensitive” by the CCP.

The second panel considered the ways in which Chinese government-imposed restrictions on information related to ethnic unrest and infectious disease could impact other countries. This panel included Mr. Dan Southerland, a journalist with many years of experience in Asia who currently works for Radio Free Asia; and Colonel Susan Puska (U.S. Army – Retired) of Defense Group, Inc., a former Military Attache in China. Mr. Southerland described severe Chinese government repression directed at China’s Tibetan and Uighur ethnic minorities, as well as vigorous efforts to restrict unofficial information from either entering or leaving the areas in which they live. Such efforts include the jamming of outside sources of information such as Voice of America and Radio Free Asia broadcasts, and strict censorship of any internet content linked to ethnic unrest. Mr. Southerland also provided a critical account of the Chinese government’s efforts to deflect attention away from the repression of ethnic minorities by whipping up nationalistic sentiment among the Han Chinese ethnic majority that rules the country. Colonel Puska’s testimony focused on the issue of infectious disease, touching upon the Severe Acute Respiratory Syndrome (SARS) outbreak of 2003-2004 as well as more recent outbreaks of disease such as avian influenza and the continuing AIDS crisis in many regions of China. She opined that the Chinese government’s reflexive censorship of information related to the SARS outbreak had “placed Party control of information above public health” and served

inadvertently to facilitate the spread of the disease both within China itself and beyond China's borders. She also noted that the censorship of information related to infectious diseases leaves an information vacuum that becomes filled by inaccurate rumors and ineffective folk remedies, further complicating efforts to contain disease outbreaks.

A third panel examined the state of internet control in China, and the role played in China's government internet censorship by U.S. companies. This panel included Mr. Xiao Qiang, Director of the Chinese Internet Project at the University of California, Berkeley; and Dr. Ron Deibert, Director of the Citizen Lab at the University of Toronto, who was also speaking on behalf of the Open Net Initiative, a non-governmental organization dedicated to fighting efforts by states around the world to censor the internet. Mr. Xiao's testimony described intensive Chinese government efforts to regulate and censor publicly-available internet content, to include issuing constant directives on "sensitive" or "prohibited" content to the operators of internet portals, as well as making businesses and other institutions "self-censoring" by holding them responsible for content that appears on their websites. However, Mr. Xiao also called the Chinese internet a "contested space" in which the increasing number of internet users and rapidly proliferating number of websites complicate attempts to censor it. He also noted the phenomenon of "information cascade," in which news reports, commentary, or video can be rapidly passed throughout cyberspace by individual users, thereby making centralized censorship more difficult to sustain. Dr. Deibert provided a technical analysis of the various means used by internet censors to block or derail attempts to search for internet content, as well as a description of the efforts of the Citizen Lab to proliferate free software intended to penetrate government-imposed internet censorship firewalls. He also described the Citizen Lab's research into the extent of cooperation by U.S. companies with China's internet censorship efforts. He presented the Lab's resulting conclusions that Google, Microsoft, and Yahoo! extensively censor content on their Chinese-language search engines, and that over the past two years at least two of the three firms have become less transparent with regard to their internet filtering practices in China.

The next panel focused on the phenomenon of militant Chinese nationalism and its linkages to nationalist propaganda in the state media and educational systems. The two witnesses for this panel were Dr. Peter Gries, Professor of Political Science at the University of Oklahoma; and

Dr. Perry Link, Professor of Chinese Literature at Princeton University. Both men agreed that the angry Chinese nationalism recently on display surrounding the Olympic Torch relay is not entirely a creation of government propaganda but is, rather, a spontaneously-occurring phenomenon that has been fostered and inflamed by pervasive government propaganda. Both witnesses also agreed that the CCP intensified nationalist themes in education and the media starting in the 1990-1991 timeframe in order to provide an ideological buttress for the Party's tattered legitimacy in the wake of the Tiananmen Square massacre. Dr. Gries also emphasized that popular Chinese nationalism could be slipping beyond the control of the CCP propaganda apparatus, and that nationalism easily could become a double-edged sword for the government: on the one hand, it allows the CCP to harness nationalist sentiment in support of the government, but on the other, it can lead to xenophobic unrest that may run contrary to the government's own desire for social stability and international engagement. In response to the potential challenges posed by Chinese nationalism, Dr. Link recommended continued dialogue – restrained and dignified – with the Chinese government and public.

The hearing's final panel considered the question of whether certain forms of government-imposed information control could represent a violation of China's commitments as a member of the World Trade Organization (WTO). The witness for this panel was Mr. Gilbert Kaplan, an

attorney with the law firm of King & Spalding LLP, speaking on behalf of the California First Amendment Coalition (CFAC). CFAC has petitioned the U.S. Trade Representative to bring a case against China on the grounds that some aspects of government censorship violate China's signatory commitments under the General Agreements on Tariffs and Trade, and the General Agreement on Trade and Services. Mr. Kaplan supported these assertions, stating that the Chinese government's restrictions on trade in financial services sector information – which force Western firms such as Reuters, Dow Jones, and Bloomberg to work through a subsidiary of the state news agency Xinhua – prevent the dissemination of objective financial services information, and in effect require foreign firms to conduct all business through a domestic Chinese competitor. He further maintained that state-imposed restrictions on public access to the internet-based goods and services offered by foreign firms also represent an unfair trade practice that violates China's WTO commitments. Because a competing viewpoint was not presented at the hearing, the Commission plans to conduct further research on this issue among others prior to publication of its annual report.

The prepared statements of the hearing witnesses can be found on the Commission's website at [www.uscc.gov](http://www.uscc.gov), and the complete hearing transcript also will be made available on the website. Members of the Commission are available to provide more detailed briefings. We hope the information from this hearing will be helpful as the Congress continues its assessment of U.S.-China relations. The Commission will examine these issues in greater depth, together with the other issues enumerated in its statutory mandate, in its 2008 Annual Report that will be submitted to Congress in November 2008.

Sincerely yours,



Larry M. Wortzel  
Chairman



Carolyn Bartholomew  
Vice Chairman

cc: Members of Congress and Congressional Staff