

# MEDIA FREEDOM IN CHINA

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## ROUNDTABLE

BEFORE THE

### CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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JUNE 24, 2002

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## **MEDIA FREEDOM IN CHINA**

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**MONDAY, JUNE 24, 2002**

CONGRESSIONAL-EXECUTIVE  
COMMISSION ON CHINA,  
*Washington, DC.*

The roundtable was convened, pursuant to notice, at 2:33 p.m., in room SD-215, Dirksen Senate Office Building, Ira Wolf (Staff Director of the Commission) presiding.

Also present: John Foarde, Deputy Staff Director; Chris Billing, Director of Communications of the Commission; Matt Tuchow, Office of Representative Levin; Karin Finkler, Office of Representative Pitts; Amy Gadsden, U.S. Department of State; and Holly Vineyard, U.S. Department of Commerce.

Mr. WOLF. Let us get started.

I would like to welcome all of you on behalf of the Commission chairman, Senator Baucus, and the Commission co-chairman, Congressman Bereuter, to this seventh staff roundtable on issues of human rights and the rule of law.

Today we will be discussing restrictions on media freedom in China. There are several key enablers of human rights in China, and media freedom is one of those.

We have three distinguished witnesses today—Jim Mann, from the Center for Strategic and International Studies and former Beijing Bureau Chief of the Los Angeles Times; He Qinglian, who is former editor of Shenzhen Legal Daily and author of “China’s Pitfalls”; and Kavita Menon, Asia Program Director for the Committee to Protect Journalists.

Each of you will have 10 minutes for an opening statement. We also welcome any formal statement you want to put in the record. Then the staff will ask some questions, and we hope there will be discussion among the three of you.

As always, we make a full transcript of today’s proceedings. Any written statements will be posted on our Website in the next day or two, and it will take about 5 weeks to post the full transcript of this roundtable.

The roundtable itself will be an important element contributing to the annual report of the Commission which will be sent to the President and to the Congress in October.

Before we start, I just want to mention that between now and the end of the summer we will have three more roundtables. On July 8, we will have a roundtable on village elections; on July 26, a roundtable on the criminal justice system in China; and on August 5, we will have an open forum where any individual or group

is welcome to come and speak for 5 minutes on any issue related to human rights and rule of law in China.

With that, I would like to start with Jim Mann. Please, go ahead.

**STATEMENT OF JAMES MANN, SENIOR WRITER IN RESIDENCE, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC**

Mr. MANN. Good morning, Mr. Wolf. I come here today to offer some thoughts concerning freedom of press and freedom of political expression in China, or more precisely, concerning the lack of such freedom.

I also come to tell you that I worry about the ways in which other interests, the foreign policy interests of the United States Government, the commercial interests of international media corporations, or an unduly narrow focus on the rule of law may unintentionally contribute to continuing restrictions on freedom of the press and on intellectual expression in China.

At the outset, I should tell you that what I have to say reflects only some general and philosophical observations I have reached in thinking about China issues over the past 15 years, first as a correspondent in Beijing in the 1980s, and then in covering American policy toward Asia and writing a history of Sino-American relations in the 1990s from Washington.

The two other witnesses here today, He Qinglian and Kavita Menon, can give you a better sense of the climate in China right now than I can. I do talk from time to time to colleagues in Beijing, but what I have to say reflects my own perspective.

For me, the most important fact is that, despite many changes in China over the past decades, the situation for press freedom in China today is what it has been. That freedom still does not exist.

The human right of freedom of expression included in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights is not a right that the 1.3 billion people in China are allowed to enjoy.

Congress assigned to your Commission the task of monitoring what it called the right to engage in free expression without fear of any prior restraints.

In China, there is no such freedom. The restraints remain in place. To State the obvious, the Chinese Communist Party [CCP] maintains its monopoly on power, and that includes the power over the principal newspapers and television stations.

The Party's tolerance for what can be published varies from season to season. During some periods of so-called liberalization more critical views can be aired, but once the criticisms get too pointed or too threatening they are suppressed.

Among the most sensitive subjects are worker strikes, rural unrest, Falun Gong, allegations of corruption or nepotism by the country's leaders, direct criticism of the Chinese Communist Party, Chinese rule in Tibet and Xinjiang, and, finally, of course, the events of 1989, including the leadership upheavals, the Tiananmen crackdown, or what the Chinese often call simply 6/4.

The record is replete with examples of disciplinary action against those who venture onto these or other sensitive subjects. Just to take a few examples from the last 3 years, Chinese authorities

forced the publication Southern Weekend to stop the presses this March and remove a feature about a scandal in Project Hope, a charity that is under the control of the Communist Youth League.

A magazine called Today's Celebrities closed last year after it carried an article that was considered unflattering to the memory of Deng Xiaoping.

And since you have already held a hearing on the Internet, I presume you are aware of the case of Huang Qi, who was imprisoned in March 2000 after his Website aired information about the events of 1989.

The underlying problem is deep-rooted and fundamental. The China news media are still viewed by the Party, not as independent sources of information or as a check or restraint upon power, but rather as instruments of political and social control.

In January 2001, Jiang Zemin said that the news media in China have a duty "to educate and propagate the spirit of the Party's Central Committee."

This view of the press as an arm of the regime is not merely abstract; it affects daily life, too. To take one recent and relatively benign example, earlier this month when China's soccer team lost to Costa Rica at the World Cup, Communist Party officials instructed the sports editors of major Chinese newspapers not to criticize the team and not to do anything that might arouse popular anger at the team and its defeat.

Now, let me turn immediately to the question I know that at least some of you will ask, which is this: But, really, are things in China not really getting better these days?

I anticipate this question simply because, for more than two decades, the notion that things are getting better in China has been repeatedly used to defuse and to minimize concern in the United States about restraints on freedom of expression and other forms of political repression there.

I would argue, as I did in my book, that the notion that things are getting better is propelled by strong strategic and commercial interests, interests which may be valid in their own sphere, but which have little or nothing to do with political freedom of freedom of expression.

In the late 1970s and in the 1980s, the United States viewed China as a tacit ally against the Soviet Union. In the 1990s, the United States sought to invest in and trade with China, and to use commerce as a means of integrating China into the international community.

I think, if we are talking specifically about freedom of the press, the idea that things are getting better represents a determined effort to put the best face on things and is really a distortion of the truth.

Things have gotten much better in China in some ways, that is, if we are talking about private freedoms. You can wear what you want, you can own what you want, and in private, you can say what you want.

As virtually every American visitor to China quickly finds out, the cab driver at the airport is free to tell you what he thinks, maybe even to tell you he believes Jiang Zemin is an airhead. Things have improved in one other way, too. The Chinese authori-

ties cannot possibly keep information out of the country to the extent that they could before.

The influx over the Internet, the airwaves, and travel across China's borders is far too great for China to be able to prevent its people from knowing that happens outside.

When the people of Taiwan were able to hold a free election and force the Kuomintang, or Nationalist Party, to step down from power in March 2000, the people of China were able to find out about these events. That is a significant change.

But, still, let us keep it in perspective. It is a change that has taken place in spite of, not because of, the efforts of the Chinese leadership, which continues to block Websites, jam radio frequencies, and monitor access to the Internet.

The larger problem is that these changes have no bearing at all on freedom of the press or freedom of expression, if by those words we mean what we usually mean, which is public and political expression, the freedom to criticize the government openly, to express in print or over the airwaves those views which dissent from what the country's leaders are saying. This right still does not exist in China, and all the talk about changes should not deflect us away from that fact.

Now, let me turn to the concerns that I mentioned at the beginning of my statement, ones that I hope you will keep in mind as you do your work.

First, about an over-emphasis on the rule of law. The rule of law is an extremely worthwhile objective in China. However, over the past few years I have heard some Americans speak as though it were the only or the ultimate objective for political reforms in China, or as though it were the sole means of accomplishing political change. I strongly disagree.

The subject in your roundtable today is freedom of the press and freedom of expression. Those political freedoms are at least as important as the rule of law, indeed, in my own personal view, more so.

Frankly, it is possible to imagine a government that incorporates the formalities of the rule of law while doing little or nothing for freedom of expression. In fact, even worse, it is possible to envision a government that uses the rule of law to inhibit freedom of expression.

To take one concrete example, Singapore offers the rule of law in such a way that international companies have perfectly decent access to its court system for commercial disputes, and at the same time the same government uses its laws to punish, or indeed bankrupt, those political opponents who would challenge the existing order or the ruling party.

I hope you will take care not to emphasize the rule of law to the exclusion of freedom of expression. I hope you will not inadvertently encourage China to attempt to follow the political path of Singapore.

I hope that when you pursue the valuable objective of the rule of law in China you will make clear that it is not enough to provide courts, lawyers, and judges exclusively for settling or arbitrating commercial disputes.

If that were to be the sole result, then I think, unfortunately, history may judge that the pursuit of the rule of law in China will have turned out to serve the interests of American business and legal communities, but not the goal of advancing the rights and freedom of expression of ordinary people in China.

Second, concerning the United States Government, I think United States officials need to be careful about unintentionally encouraging restrictions on freedom of expression in China.

What I am referring to, is the tricky question of United States policy toward popular expressions of anti-Americanism in China. On a number of occasions over the past few years there have been outbursts of anti-American sentiment.

We have all seen this, most notably, of course, after the American missile struck the Chinese Embassy in Belgrade in 1999, and after a Chinese pilot shot down the American EP-3 reconnaissance plane last year.

I think the United States Government is certainly right to complain when there is evidence that the Chinese regime is encouraging, or even organizing, such anti-American outbursts, or when the Party newspapers fueled by the regime fuel these sentiments. There were such indications after the Belgrade incident.

Otherwise, however, I believe the United States should not seek suppression of populace Chinese views, including those that are wrong-headed or crazy.

After the EP-3 incident, I heard some Americans express satisfaction, or even gratitude, that the Chinese leadership had reigned in or stopped some of these outbursts.

To me, such attitudes are short-sighted. It harms the cause of freedom of expression in China and it puts the United States Government in the position of asking the Chinese regime to restrict public opinion.

Needless to say, China is full of bright, talented people and if they are permitted the freedom to criticize the United States of America, some of them may ask why they are not permitted the same freedom to criticize their own government and leaders.

Furthermore, these outbursts of anti-Americanism, so long as they are genuine, serve the function of allowing us to see what ordinary Chinese people think.

That, at least, is a step forward from having to listen to the Chinese Government claim for itself the right to say that this or that action hurts the feelings of the Chinese people, an assertion that Chinese leaders make without ever holding the sort of open elections or other processes that would determine the feelings of the Chinese people, and without ever permitting the question of whether the Chinese Government's own actions may hurt the feelings of the Chinese people.

I go on in my written statement to argue that the interests of international media corporations also sometimes hurt the cause of freedom of expression, and maybe I can elaborate on that later on.

[The prepared statement of Mr. Mann appears in the appendix.]

Mr. WOLF. We will have plenty of opportunity to talk further.

Ms. He, we are very pleased that you were able to come today. We will give you 20 minutes since we will use consecutive interpre-

tation. So, please, we welcome you and are looking forward to hearing from you.

**STATEMENT OF HE QINGLIAN, JOURNALIST, PRINCETON UNIVERSITY, PRINCETON, NJ; ACCOMPANIED BY DR. JAY SAILEY, INTERPRETER, SILVER SPRING, MD**

Ms. HE. I am very happy to come here today to be able to talk about control of the media in China. The control of the media since 1989 has been stronger than that in the previous period, but there has been a major difference in the way in which the control has been exercised.

I would like to say in a few words what means have been employed to control the media. There has been a systematic control of the media which has existed since the time of Mao Zedong.

In the time of Mao, there was only one Ministry of Propaganda, which reached from the central government all the way to the lower political divisions of the country. But in the 1980s, a Ministry of Information was established and controlled by the government.

One of the functions of the group was to select and pick out various articles and items of news from all fields. Certain categories of materials were especially up for scrutiny, such as anything to do with the World Trade Organization [WTO] or questions having to do with human rights.

For example, the United States attack on the Chinese Embassy in Belgrade was another item. Also, the EP-3 crisis of last year. In these cases, these items of news, care was taken to make clear what sort of things should be said about them, what sort of things should not be said.

There were specific policies not only about the content, but the headlines and where in the newspaper the item of news should be placed that would make a much more similar recounting of the news in all the different Chinese news media.

Also, there were on-the-spot telephone calls made to the various media sources. For example, if someone in the leadership was opposed to a particular item of news appearing in the newspaper, this fact would be made known to the media people. Also, 2 years ago, intellectuals were forbidden to publish individual articles or books. This policy was enforced through telephone calls to the various media outlets.

It was not allowed to make a written record of these phone conversations, nor was it allowed to have them recorded, nor was it permitted to know who in the leadership was opposed to the propagation of these items.

The fear was that such information might be passed on to international human rights groups and cause embarrassment. When I was working for the Shenzhen Legal Daily, I often received such telephone calls and saw such material across my desk.

Another way in which this was brought about was through an actual censorship process. These people were chosen from the most reliable elements, in the eyes of the government in the media.

Each article in each major newspaper had to be read on a daily basis, and anything that displeased these people had to be clarified.

A report had to be made of this and sent to the Ministry of Propaganda. If the censors felt that a particular item of news was especially unpleasant, then they would notify the newspaper and censure them.

Then there was a system by the Ministry of Propaganda for a monthly criticism of the media. Every month, a report was prepared and sent to all the different media outlets in the country and it was reported that such-and-such a newspaper made such-and-such a kind of error in such-and-such item of news and what the higher-ranking government officials did to resolve this problem.

When the people from the other media outlets saw this, they were supposed to realize what the position of the government was vis-a-vis the media. There was a very good excuse for all this. It was described as “harming the good relationship between the Party and the government.” We should not, therefore, broadcast things that make society look bad.

In a free country, the media is expected to criticize the government. In China, it is exactly the opposite: it is the government that criticizes the media.

This is part of the system of being a party in power, the way in which the Party has done things. The way in which the society is being governed is more and more secretive. Secret police are sent to follow media people about to see what they do.

From 1998 onward, I was under surveillance from the Ministry of Public Security and from January 2000 I realized, in the apartment next to mine, there were 12 people who kept constant surveillance over me. Of course, my telephone wire was tapped. My assistants were also investigated. They entered my files on my computer.

But, even more significant, is a policy which was set out by Jiang Zemin in 1999. This was an effort to use non-political means to deal with political problems.

For example, he did not like our media’s criticism of corruption within the government, but he did not want to use that as the charge against us, that is, explicitly, that we were criticizing the government’s corruption. So, at least there should be the use of some other kind of excuse to criticize us.

For example, at that time I was in charge of several different divisions within the paper. As you know, many Chinese media people like to receive bribes. They said, “You write this item of news because you have been bribed to do so.” So, instead of criticizing us for reporting the news, we are criticized for taking bribes. But my work unit was unable to find any corroborative evidence that I ever took bribes. Other intellectuals were criticized for releasing public secrets, and harming national security, and plotting to overthrow the government. Also, a kind of sexual blackmail. By using these kinds of means, it was possible to destroy a person’s good reputation in China.

Gao Qinrong from Shanxi Province reported an item of corruption in his province. He was brought on a charge of corruption and sentenced to 13 years in jail. Shi Binhai in Beijing reported Chinese economic news to foreign reporters, but he was charged with economic crimes for doing so. Peng Ming was criticized for engaging with prostitutes and sexually blackmailed. So, Chinese intellectuals more and more are saying that these low, mean ways of deal-

ing with people are what the government favors over direct charges.

Many people in the West think that, with the advent of the Internet and the accessibility of things, the media situation will improve. Actually, the real situation is not like this at all.

For example, our access to the Internet is all controlled centrally. The government has invested a vast sum in controlling access to the Internet. If someone were to issue some sort of theory or opinion criticizing the government and put it on the Internet, afterward the government was able to employ some sort of technique to discover who the person was who put it on there.

For example, there was a young man in Sichuan who put some material on the Internet which was supportive of me at night in Sichuan saying that the Chinese Government should not restrict scholars like myself from writing articles and disseminating them. He was arrested and sentenced to 5 years in jail.

His older brother came to Shenzhen to discuss this with me, but there was nothing I could do about it. The company which had printed my book was the Today's China Book Company. They published my well-known works. In this case, the company was put out of business in the year 2000.

Another company which put out one of my books, the editor was fired. He was forbidden from ever becoming involved in media affairs again. More than a dozen different publishing houses were closed as a result of publishing these sensitive books.

There is a government project called the "Golden Shield." The Golden Shield is a special kind of development of high-tech in order to control access to the Internet. The purpose of this project is to control all access into and out of the Internet. This system is proposed to be completed by the year 2008. I think this will make China the greatest police State in the world.

Thank you.

Mr. WOLF. Thank you very much. I would also like to thank Dr. Sailey for helping out today. We appreciate it very much.

The final witness is Kavita Menon from the Committee to Protect Journalists, a group that has done critically important work throughout the world. We are pleased to have you here today also, so please go ahead.

**STATEMENT OF KAVITA MENON, COMMITTEE TO PROTECT JOURNALISTS, NEW YORK, NY**

Ms. MENON. Thank you. Thank you for inviting the Committee to Protect Journalists [CPJ] to participate in this roundtable discussion about media freedom in China.

CPJ has been monitoring press freedom conditions in China and around the world for more than 20 years. The organization was founded in 1981 by a group of American journalists who believed that the strength and influence of the international media could be used to support journalists who were targeted because of their work.

CPJ's board of directors, who remain actively involved in our work, include such leading American journalists as Tom Brokaw of NBC News, Clarence Page of the Chicago Tribune, and Terry Anderson, who was held hostage for nearly 7 years in Lebanon while

working as the chief Middle East correspondent for the Associated Press.

CPJ works primarily by publicizing attacks against the press and petitioning governments to stop press freedom abuses. Without a free press, other human rights remain out of reach. A strong press freedom environment is essential to building a vibrant civil society that helps ensure healthy social, political, and economic development.

I am going to be echoing many of the points you have already heard from my colleagues on the panel, and I apologize for any repetition. We all seem to agree on the central theme, that the Chinese Government does not tolerate press freedom.

All media are censored, and journalists who manage to express critical views risk harassment, dismissal from their jobs, and even imprisonment, this, despite the fact that Article 35 of the Chinese Constitution enshrines the right to freedom of speech and of the press. China has also signed, though not ratified, the International Covenant on Civil and Political Rights which guarantees freedom of expression.

The jailing of journalists is among the most effective tactics employed by repressive regimes to control the media, and China does this more than any other country in the world. According to CPJ's research, China currently holds 35 journalists in prison. A journalist, according to CPJ's definition, is anyone who publishes news or opinion.

These arrests worked to silence critical voices and also send a warning signal to all journalists who dared to express a dissenting view or expose an uncomfortable truth.

Despite statements by senior Communist Party leaders—including Premier Zhu Rongji—calling on the press to expose official corruption, Chinese journalists have told CPJ that such reporting is extremely dangerous. Journalists are not allowed to criticize senior leaders, and reporting about well-connected officials can cost you your job, and possibly your freedom. There are no protections for journalists who do independent investigative reporting.

In November 2001, CPJ honored imprisoned journalist Jiang Weiping with an International Press Freedom Award. Mr. Jiang was arrested on December 5, 2000 after publishing a number of articles for the Hong Kong magazine *Frontline* that revealed corruption scandals in northeastern China. He was sentenced to 8 years in prison on charges including revealing State secrets and endangering national security.

The case of Jiang Weiping has recently become even more complicated with the arrest, in March, of his wife, Li Yanling. CPJ fears that Li Yanling was detained because her husband's case had received significant press attention.

Li Yanling's arrest and Jiang Weiping's prolonged detention underscore the fact that international media attention alone cannot prod the Chinese Government toward reform. Such cases must also be championed by political actors, including the United States.

The United States has clear commercial and political interests in promoting greater transparency and the rule of law in China. Local media there have increasingly played a critical role in exposing cor-

ruption and other abuses of power and deserve the support of the international community for doing so.

If Members of the United States Congress speak out when Chinese journalists are jailed, it may help to secure their release. It is important to note that the arrests of journalists not only violate international law, but also are typically carried out in violation of Chinese laws.

Trials are often secret, and family members, colleagues, and the press are not allowed to attend. Detainees are often held for time periods exceeding legal limits specified in China's criminal procedure law.

Prison visits by family members, which are permitted under the prison law, are frequently denied to imprisoned journalists, as is medical treatment.

The criminal procedure law also stipulates that a court must pronounce judgment within 6 weeks after accepting a case, however, five journalists who were tried in 2001 are still awaiting sentencing.

Of the eight new arrests CPJ documented last year, all were related to online publishing. That means that the new possibilities for free expression that accompanied the advent of the Internet come with the old risks of prosecution.

There are an estimated 57 million people now online in China. With increasing access to the Internet, it has, of course, become much easier to publish independent views and to have such articles circulated widely.

Internet chat rooms are lively forums for political debate, and the sheer speed with which news can travel across the country and around the world has posed a huge challenge for the Chinese Communist Party, which remains determined to control information.

In some cases, the publication of news online has put pressure on traditional media and the government to acknowledge major stories. In July 2001, local officials in Nandan, Guangxi Province, tried to cover up an incident in which a local mine was flooded and at least 80 workers were killed.

Although hired thugs threatened and harassed journalists who came to investigate, reporters managed to post exposés on various online news sites. Nandan residents soon thronged to local Internet cafes to read online reports of the accident, and journalists from around the country came to cover the story.

While government officials had initially said the accounts of the disaster were fabricated, the central government was eventually forced to respond to the news reports and send a team to investigate the situation.

This Spring when massive labor protests erupted in several major cities, activists managed to defy a central news blackout on the demonstrations by transmitting news of their activities via the Internet.

However, precisely because the Internet has the potential to break the Communist Party's monopoly over domestic news, it is seen as a special threat. The Chinese Government has introduced a number of regulations designed to restrict online content and to expand official monitoring of the Web.

These regulations include requiring Website operators and Internet service providers to keep detailed records of content and user identities and to turn these records over to authorities on demand.

American companies have been eagerly eyeing the vast Chinese market, but it is not clear how they could comply with such rules violating basic rights to privacy and free expression.

Traditional media in China are, in many ways, more diverse and active today than at any time in the history of the People's Republic. This is, in part, because publications are more dependent on advertising revenue than on government subsidies, and so must be more responsive to the public.

Still, aggressive local reporting is not always welcome, and CPJ has noticed a growing incidence of violent attacks against journalists. In 2001, CPJ documented its first case of a reporter killed for his work in China. The journalist, Feng Zhaoxia, was an investigative reporter for a provincial newspaper in Xi'an. He was found in a ditch outside the city with his throat cut. CPJ believes he was killed for reporting on local officials' alliances with criminal gangs.

However, the most common threat to local journalists remains bureaucratic interference. All local media are under the control of the Chinese Communist Party. In a back-handed compliment to the growing independence and professionalism among elements of the country's press, the Chinese Government has recently undertaken one of the most severe media crackdowns in recent years, shuttering publications, firing editors and reporters seen as too independent, and issuing new directives listing forbidden topics.

One of the victims of this crackdown is Southern Weekend, a newspaper published in southern Guangdong Province. One of China's most progressive and adventurous newspapers, Southern Weekend has long pushed the boundaries of media control in China by publishing in-depth reports on social problems such as AIDS, crime, and the trafficking of women.

Last Spring, the paper published an article about a criminal gang that killed 28 people in a spree of murder and theft. The author included interviews with gang members and their families, as well as a broad analysis of problems such as poverty and other forms of inequality that may have led to a life of crime.

After the article came out, the Hunan provincial government notified central authorities that Southern Weekend had published a negative portrait of China's socialist struggle.

Soon, the deputy editor-in-chief, front page editor, and another senior editor were demoted. The news section chief and reporter were fired and banned from ever working in journalism again.

Pressure on local media has been particularly intense in the run-up to the 16th Party Congress scheduled for this Fall, when delegates will choose successors to President Jiang Zemin and Premier Zhu Rongji.

CPJ is also worried about the erosion of press freedom in Hong Kong during its fifth year under Chinese rule. Local journalists and press freedom groups have said that reporters and editors increasingly practice self-censorship and avoid topics that could anger Beijing.

CPJ is also monitoring proposed security laws against subversion and sedition in Hong Kong which could have severe consequences for freedom of expression in the territory.

In conclusion, China is too large and unwieldy for perfect control to be possible, but the Communist Party remains unwilling to cede the battle. Hardliners believe that to relinquish control over information would be to relinquish control over power altogether.

Despite its heavy-handed tactics, the Chinese Government has largely succeeded in evading international censure of its media policies. If reform is to come, it will be due largely to the persistence and professionalism of journalists such as Jiang Weiping, the editors of Southern Weekend, and my co-panelist, He Qinglian. They need and fully deserve the world's support and attention.

[The prepared statement of Ms. Menon appears in the appendix.]

Mr. WOLF. Thank you very much.

Let me start out with the first question. Are there elements one can identify in Chinese history, culture, and society that predate the founding of the PRC that lead to restrictions on media freedom, on freedom of expression, or is the point in time of the founding of the PRC a threshold? Is that the critical turning point, or are there elements in history contributing to the government practices with the media.

I would be interested in all of you answering, maybe starting out with Jim.

Mr. MANN. Well, for the full breadth of Chinese history, I am going to defer to He Qinglian. I will point out that under the Kuomintang the Nationalists were fabulously skilled at manipulating and trying to control the press. So, it would be going overboard to talk about a free and open press in China in the 1930s and 1940s.

Having said that, the controls were vastly greater after 1949. There is a specific history within the Chinese Communist Party, specifically Mao Zedong at Yanan, of asserting and laying out the doctrine for control of all intellectual endeavors, including the press.

Mr. WOLF. Ms. He.

Ms. HE. Yes. This tradition existed during the time of the Kuomintang but it was never so fully implemented and exercised as it was under the Communists. For example, one could write critical things, such as the writer Lu Xun was published in the Nationalist period. But in the Communist period, to have published materials directly critical to the government would lead to execution or being jailed. This happened very frequently.

There was a short period of relenting in the 1980s under Deng Xiaoping, but direct criticism of Deng Xiaoping personally was not permitted. The famous Wei Jingsheng, because he criticized Deng Xiaoping, was one of the first people charged with having done damage to the national security.

I talked about an editorial board. This was the case in Mao's period and Deng's period. But these were people who were criticized for political crimes in that period.

There are a number of these people: Fang Lizhi, Liu Binyan, Wang Ruowang. These three people were very well-known. They were criticized as not going along with the Party in the political sphere.

After the events of June 4, 1989, in order to preserve an element of national importance, the government expressed a kind of sympathy, at least an appearance, toward those who wanted to express their lack of sympathy with the government.

The policy then was implemented by Jiang Zemin to use non-political crimes to be applied to journalists who were politically critical. Of all the people who were just mentioned who were imprisoned and so forth, none of them were specifically charged with political crimes.

They were all charged with other sorts of offenses.

Mr. WOLF. Did you want to add anything, Ms. Menon?

Ms. MENON. No. My expertise is really not on China's historical attitude toward the press. I will say briefly that I think that the Communist Party's control of the media is more extensive than any other regime's in the world. I do not know how much of that is traditional.

People always talk about an aversion on the part of some Asian societies to public criticism. I do think cultures change, people change, and there are many Chinese journalists who think that the role—there is even debate, I think, in the Communist Party itself about, what is the role of the media?

I think it is very interesting to hear and to see even in previous eras of comparative liberalization, when even very senior officials talk about the media as the "voice of the people." A lot of journalists make this point, that the role of the press is not to be the voice of the Party, but to be the voice of the people, and what does that mean?

Mr. WOLF. All right. Thank you.

Next is John Foarde, who is the Deputy Staff Director of the Commission.

Mr. FOARDE. First of all, let me thank all three panelists for joining us this afternoon. It has really been a helpful and rich conversation so far. Thanks, also, to Jay Sailey for giving us a hand today.

Jim Mann, let me ask you this. You mentioned in your testimony our statute and what it says about prior restraint. Can you give us a better sense of what the Chinese Government does to restrain free expression before the fact?

We heard quite a lot from you and from the other panelists about what happens after you publish or say something that is deemed unacceptable. But what are the mechanisms and who enforces sort of prior restraint on free expression?

Mr. MANN. I would refer you to what He Qinglian just said, that there is censorship. The articles are submitted beforehand. Second, by my interpretation of prior restraint, which comes less from China than from 8 years covering the Supreme Court, closing down a magazine so that it does not publish is a prior restraint, is it not?

So the lesser publications—not the People's Daily but lesser publications—are closed down when they get too adventurous. That is, in my mind, a prior restraint.

Mr. FOARDE. Let me follow up with another comment that you made that I thought was really interesting about the danger of putting too much stress on the rule of law, or perhaps thinking that making the changes to the legal regime first would end up helping

freedom of expression sort of automatically. I hope I am not misrepresenting what you said.

How can we get at doing something to promote press freedom separately from helping to liberalize the legal regime?

Mr. MANN. Two things. First, it is important to have a definition of the rule of law which is not focused specifically on commercial disputes or arbitration. That is, if the rule of law is to include guarantees of the right to freedom of expression, then I have no complaint with the rule of law.

But without it, if it is focused specifically on getting American companies a fair deal in the Chinese courts, I think that is fine for American companies but I think that is insufficient. That is first of all.

If your general question is, what can we do, my answer would be that the first value is simply in calling attention to the truth and not being sort of diverted by the smaller things, less important things in China that are changing and keeping the focus on the very important ways in which China is not changing. The truth-telling function is extremely important. It was important, for example, in the Helsinki process, and it is important here.

Mr. FOARDE. I have got a few minutes left, so let me pose a question to He Qinglian. Oh. Please, go ahead.

Ms. HE. Let me mention, we were talking about, during the Kuomintang period, the Nationalist government. There were a number of scholars and others who criticized the Nationalist government. These people, when the Communists took over, many of them were thrown into prison simply because at some point in their lives they may have said something critical of the Communists. I have studied this time period and I was very surprised to see how many of these people were dealt with this way.

The Chinese Government uses differing tactics based on the needs of a particular situation. For example, the Constitution says there is freedom of religious belief, but it does not really give people the freedom of religious belief. The Constitution gives people freedom of speech, but in fact they do not have freedom of speech.

Mr. FOARDE. That is very useful. Thank you.

Mr. WOLF. All right. Next is Chris Billing, who is the Director of Communications for the Commission and himself a long-time journalist in Beijing.

Mr. BILLING. Thank you.

Jim, you are going to suggest that American media companies who want a piece of the action in China might be complicit in helping the government there control the free flow of information. I was wondering if you could expound on that a little bit.

Mr. MANN. Sure.

Mr. BILLING. And others of you, too, if you have comments.

Mr. MANN. I am going to just read a couple paragraphs of what I wrote, because I did try and think this out. While large media corporations, of course, often engage in political expression, they have many other interests, including financial ones.

As a result, these large media companies may not always further the cause of freedom of expression for ordinary individuals. So, in the case of China, we can see large media companies lining up to enter the China market. These include huge international concerns

like Rupert Murdoch's News Corporation, AOL Time-Warner, and Disney.

And there are also smaller Asian companies. For example, the leading newspaper corporations of Taiwan have been quietly hoping and laying plans for years now to start publishing copies of their newspapers in China.

In business terms, these companies are doing what other companies are doing. Really, it is no different and they have the same right as anyone else to expand their market, or increase their revenues.

But these companies not only should enjoy the right to publish or broadcast, but they also have a special obligation to help foster freedom of expression and do nothing that harms freedom of expression.

So, what I argued in my statement is that newspapers and broadcast companies should not agree to censorship or to other restrictions on content as a condition for entering the China market.

The computer and other high-tech companies should not assist the Chinese Government in blocking the Internet, and that American entertainment companies and movie studios should not let Chinese authorities use the lure of theme parks or distribution outlets to determine what movies get made, or what is made in these movies.

Finally, the executives of media companies need to be something other than just flatterers for the regime when it is restricting freedom of expression. What I am saying is, these companies need to think about their larger missions and not just the balance sheets.

I think that is an important part of the media scene in China, that you do have these companies rushing to come in and there is a serious issue of what restrictions they accept for themselves. They can play a role in helping freedom of expression or, to the contrary, could harm the cause.

Ms. HE. I would like to add something to that. The control or restraint on the foreign media in China takes the situation of controlling access to information of the media rather than controlling the media itself, so the state carefully scrutinizes any kind of foreign correspondent or reporter who goes out to seek news in China.

So anyone who furnishes to these correspondents information that would be embarrassing to the Chinese Government would certainly be arrested. These take the form of charges such as endangering national security or harming the national interest. Therefore, when Chinese people meet with foreign journalists, either they will not dare to say anything or they will say something that is not true.

Ms. MENON. I just wanted to add a brief comment to Jim Mann's point about the responsibility of media companies in China.

Around the time that AOL Time-Warner announced its joint venture with Chinese computer maker Legend, it was not clear exactly what kind of services that AOL Time-Warner would be providing, but doing some kind of thing on the Internet. The Washington Post obtained an internal memo that was circulating at AOL, kind of posing the different kinds of questions that the company might face.

The memo really posed that question in very stark terms, I think, and said, "What would AOL do if the Chinese Government demanded names, e-mails, or other records relating to political dissidents?" And the company did not have a good answer for that question, and I think that is the question that all companies doing business in China need to grapple with.

Mr. WOLF. Thank you.

Next is Amy Gadsden who represents one of our State Department Commissioners, Assistant Secretary Lorne Craner, from the Bureau of Democracy, Human Rights, and Labor.

Ms. GADSDEN. Thank you to all of the panelists. I have found this very interesting.

I want to switch a little bit and ask you to talk about the consumption of news as opposed to the production of news. How are the Chinese people getting their news in this environment where the media is controlled? In particular, is there an increase, in your opinion, in the Chinese turning to other sources of information on the net and elsewhere?

Mr. MANN. I think I should defer to He Qinglian on that.

Ms. HE. I think the source of news for the great majority of the Chinese people is from government-run sources, such as the print media or TV. People's understanding of what happens abroad comes from government-controlled channels.

After the events of September 11, people had a very confused notion of what happened. This was a result of brainwashing conducted by the Chinese media. Only a very small proportion of people were able to get news from the Internet.

But now, with the increasing control over the Internet, the access to this sort of information is even more restrained. The Daqing matter which was exposed in the western media received no attention in the Chinese Government press.

Ms. GADSDEN. Thank you.

Mr. WOLF. Next is Holly Vineyard, who works for our Commissioner Grant Aldonas, who is Under Secretary of Commerce.

Ms. VINEYARD. Thank you for joining us today.

Ms. He, you mentioned in your testimony that news in China on the WTO gets special scrutiny. I am wondering, what sort of news is not getting reported? Is there any sort of angle that is added that it might be helpful for us to be aware of?

Ms. HE. One of these subjects is criticism of individual Chinese leaders. Also, matters relating to foreign affairs that the government does not wish foreigners to know about, for example, negotiations on China's border with Russia.

When the results of this treaty signed by Jiang Zemin were made public, a lot of items were left out and the Chinese people were totally unaware of this, also, the facts about the affair of September 11, and some of the differing accounts of matters relating to United States-China affairs, and also problems which may be confronting China as a result of its joining the WTO.

These are things that the Chinese Government does not wish to see placed on the Internet. Also, some of the labor actions and some of the agricultural unrest in China, and any kind of popular criticism or dissatisfaction. All of these things fall within the scope of things that the government wishes to limit or reduce access to.

In the past, I received a lot of secret documents relating to these matters and directives from the government. Every couple of months there were a dozen or more different kinds of materials that were not to be discussed at all.

One is not permitted to criticize the national economic policy or to discuss matters relating to Tibet, Taiwan, or Xinjiang, or about the cultural revolution. There were many such regulations.

Ms. VINEYARD. Thank you.

Have you seen any censorship, any of you, about what has been going on with China's WTO implementation?

Ms. HE. Yes. One of the things that was seized from my household was an article relating to the implementation of the World Trade Organization commitments, a thick document of 48 questions relating to things that had to do with the World Trade Organization. This was a very detailed source of information.

The government had prepared the document saying that if any of these 48 different questions should arise, this is how they should be answered.

Mr. MANN. If I could further clarify, this fits precisely in this category that I was talking about of permitting views or the short-sightedness of suppressing views that the United States may not like.

I was fascinated to hear He Qinglian mention WTO on this list of things that were monitored very carefully. I think people in this country might think, well, the Chinese Government was trying to suppress criticisms of entering the WTO. It is not the reverse.

They were worried about people complaining that it was a bad deal for China. That fits precisely in this category of things that I think we need to allow popular expressions of opinion on.

Mr. WOLF. Thank you.

Next is Matt Tuchow, who works for Congressman Sander Levin.

Mr. TUCHOW. My question goes back to the mission of this Commission, which is, in part, to make recommendations on an annual basis to Congress and to the Executive Branch. I am curious what you panelists feel the Commission should recommend in the Fall to Congress and to the Executive Branch.

Mr. Mann has mentioned that sunshine is important, bringing the truth to light. But how would you do that? What sort of specific recommendations would you and would others have us make to the Congress and to the Executive Branch?

Mr. MANN. Well, I feel limited because I am not quite sure what the range of options are for this Commission and what kinds of recommendations you have under consideration.

Beyond simply telling the truth, I think the thrust of my testimony is that, to the extent that you focus on the rule of law, that it be far broader than simply commercial law. But beyond that, since I do not know the general range—

Mr. TUCHOW. It is pretty flexible.

Ms. HE. In the past, the United States has used the issue of human rights to try to persuade the Chinese Government to change its activities. At that time, the Chinese Government represented itself as respecting the views of the Government of the United States.

Not everyone in the Chinese Government wants to improve the human rights record in China. China was influenced by the United States point of view because she had not yet been admitted to the WTO and had not received the most-favored-nation [MFN] status either.

Since the entry into the World Trade Organization and the restriction from most-favored-nation has now been lifted, the Chinese Government is less concerned about how it is perceived in other countries.

I think the United States Government should consider some new sort of policy in this regard because this would be something that would be influential among the Chinese intellectual community. Everyone recognizes that with some input from the United States, the human rights record in China could be improved.

Why has this record become worse in the last couple of years? For the reasons I just stated, that there is no longer such a strong pressure on the Chinese Government. A lot of that has to do with the fact that this most-favored-nation is no longer an issue in China.

I do not really know what sort of instruments could be used to bring the human rights question into more prominence with the Chinese Government at this point. China has often used a kind of policy of warnings and bullying with other countries, for example, threatening to limit trade and using other stratagems like this.

But some of these policies implemented by the Chinese Government have been quite successful, really. Small countries, Finland, for example, has already submitted to some of these irrational demands on the part of the Chinese Government.

Ms. MENON. We would just hope that the United States Congress and every other American political leader should be raising these issues in meetings with Chinese Government officials, should be speaking out whenever possible, really, and just to raise these issues consistently, that press freedom is a fundamental right, and other human rights in China, and monitoring of those human rights depends on ensuring press freedom.

So, when there are serious press freedom violations, especially when a journalist is jailed for his or her work, we would just hope that Congressional representatives, as well as members of the Executive Branch, the President, members of the Administration would raise these cases as priority cases, that these are cases that America and Americans care about. I think that is the most important thing.

Mr. WOLF. Thank you.

Next is Karin Finkler, who works for Congressman Joe Pitts.

Ms. FINKLER. Thank you. I think most of my questions have already been asked.

But I would ask, as a followup to the questions that John and Matt asked, for further specific examples of what Congress can do. There is a lot of funding for democracy-building and rule of law programs.

If there is funding that can be given to groups that help journalists, or train journalists, or things like that, it would be helpful to know about that so when we are talking with the members they

can recommend ideas to different committees and the Administration.

Mr. MANN. That is a very fair question. There are a number of media groups, some working in China. I did not come with a list today. I think that either I or someone else could come up with a list. I do not know who is doing the most productive work.

But the focus of that work certainly needs to be with the Chinese press, with Chinese journalists. The more who can get to this country, as many have in one way or another, or get out, and exposure to the world of the press outside of China, the better.

Ms. FINKLER. I think that the Chinese Government, some parts of it, have been open to outside assistance on rule of law programs. I do not know if there are any specific instances that could be pointed to where the Chinese Government is open to outside interaction on media issues.

Ms. MENON. I think that there are Chinese journalists coming for training in different kinds of training programs. The Chinese Government has been a bit more receptive to that and that does have an effect.

I think the increasing professionalism of journalists in China who see themselves as journalists who have a responsibility to get many different perspectives and to tell a story in an interesting and challenging way, I think that does have its effect.

But you can be the best journalist in the world, and if you are still working under a repressive regime, there is not much you can do. I mean, a lot of Chinese journalists who are brought here through the United States International Visitors Program, a lot of them come to the Committee to Protect Journalists.

It is always very informative and illuminating to hear what they have to say. The point is, most Chinese journalists know much more and think much more critically than they are ever allowed to express publicly. So, again, until there is fundamental reform, those kinds of programs are great and they do have, certainly, a positive effect. But the limits are there.

Ms. FINKLER. Yes. Thank you.

Ms. HE. In the last 20 years, there have been a great many cooperative programs between China and the United States, particularly cooperative events with the Chinese Government.

But please pay attention to the factor that is reality. These programs have resulted primarily in simply supplying a means by which Chinese Government officials can pay for their journeys to the United States. There has been very little resulting help to the development of democracy in China.

In this cooperation, there are a lot of Americans who have recognized a particular problem. Without the support of the Chinese Government, no program could really be successful.

In cases where the government has very strict control over these projects, if one is continuing to do research, for example, from the point of view of the intellectuals in China, there is too great a disparity between reality and the kind of things that are researched in these United States-Chinese Government-sponsored programs.

Mr. WOLF. Thank you.

Just to put the last few questions in context, one purpose of these roundtables is to hear from the experts on the panels. But

another purpose is to create a broader dialog and to tell those people who are interested in these issues that we would like as much input as we can get.

So for the three of you, we would like to hear any further thoughts you have, for example, on ideas on specific things that the Commission might be able to recommend, or ideas on that from anyone else.

Mr. MANN. Can I ask on that, do you plan to have specific recommendations for specific U.S. Government policy actions?

Mr. WOLF. The mandate of the Commission includes, in our annual report, recommendations to the Congress and to the Executive Branch, and recommendations for actions to take. So, yes.

We are going to start another round and continue this discussion. I would like some insight into what happened at Southern Weekend. A year ago, there were very good things to say about the freedom of reporting in Southern Weekend. Now we are in a totally different situation.

Why was Southern Weekend allowed to do the kind of reporting it was doing a year ago, and what happened, what threshold was passed that we are now in a period of significant constraint on what they can do?

Again, I am trying to understand this as an indicator of how the government acts and intervenes and what circumstances make the government alter its policy.

Ms. MENON. I think He Qinglian knows a lot about this case, but I can also talk about it after she is finished.

Ms. HE. Yes. I am quite familiar with the Southern Weekend matter. The government has been allowing us to proceed and has allowed the situation to go on for a number of years.

The former chief editor told me their real purpose was to bring to people's attention mistakes that the government may have committed. In 1999, their chief editor, Jiang Xiping, was dismissed and a number of editors resigned. Qian Gang became the chief editor.

The government was very dissatisfied with what this newspaper had been reporting. Last year, as an excuse, they seized upon two particular articles which were critical. There was a gang of people who had been committing robberies and rapes. The head of that group's particular role in this crime was reported.

But they said that the reason why this group was so vicious, is because they came from a rural, poverty setting.

And in each case, the families had seven or eight children, so these families had no way to provide for such a large number of children. When they went into the cities, they could not find work so they became robbers and rapists.

So this report said there are a lot of people like this Zhang Jun who come from such deep rural poverty. The society that produced someone like that still has not been changed. Until it is, similar groups will continue to arise.

The government considered this to be a serious crime, this kind of reporting and said it was a destruction of the efforts of the Hunan Province over the past 20 years to raise the standard of living of its people. This was very special, this particular case. This meant that a number of people had to be dismissed. A number of

reporters were restricted and placed on probation to see how their attitude might change.

So, Southern Weekend was not officially ceasing its publication, but it was no longer the kind of paper it used to be.

Mr. WOLF. Did you want to add something, Jim?

Mr. MANN. Yes. You asked in your question, what was the line that Southern Weekend crossed. I just wanted to point out something that you probably already realized. The real problem is, no one knows what the lines are. The lines change from time to time, so you can never quite predict what they are going to be.

Mr. WOLF. Thanks. John Foarde.

Mr. FOARDE. Ms. Menon, did you want to step up to that question as well and say something?

Ms. MENON. Yes.

Mr. FOARDE. Please go ahead.

Ms. MENON. I think that that is the important point, that a lot of journalists have said that it is even more unclear now what they can or cannot do, and why. I think it is difficult for international observers to understand. Well, China does not have press freedom, so how can this enterprising, aggressive, and independent-seeming newspaper even exist?

One way is that such newspapers seem to exist in pockets, especially in a place like Guangdong, which is generally a bit more of a freewheeling atmosphere, and I think there are different sensibilities among the provincial Communist Party leaders about what the press should and should not be doing. There is that factor.

There are also some provincial papers that are able to publish very aggressive stories about wrongdoing in other provinces, but not in their own backyards, so they do not make their own sponsors look bad. So, there is sometimes the appearance of great freedom in pushing the boundaries, when really I guess journalists are just exploiting these loopholes.

But there is always this danger lurking that you will expose the wrong guy, you will write something critical about a leader who does have very powerful backing. If you misread the signals, then you are certainly in danger of losing your job, or at the worst, you could be jailed.

Ms. HE. The Southern Weekend frequently reported all sorts of corruption and crime in various provinces of the country. The people in these other provinces in the government were very unhappy about that, including when there were meetings of the different Governors and Party secretaries of the different provinces.

For example, in the Guangdong province, both the Governor and the Party secretary raised this issue: "Why are you people at Southern Weekend so much like Americans? You want to get involved in everything."

Mr. WOLF. Thanks. Chris Billing.

Mr. BILLING. If you read Chinese newspapers they tend to be very optimistic in the sense that they are always talking about, industrial production is up, agricultural output is increasing, nationalities are unified. Meanwhile, Chinese citizens are dealing with rising crime, corruption, and labor unrest and those sorts of issues.

My question is, is the propaganda still effective? Do ordinary citizens still really believe what the government is saying? This question is for anyone who has any comments.

Ms. HE. I think this propaganda is useful to the state. I have met a number of people who are Chinese who came to the United States and got doctorate degrees here, including some Americans who were students of China. They said, "China is great." I said, "Where did you get your information from?" They said, "The People's Daily says that all the time."

I said, "Please pay attention to this. If you take the New York Times, for example, and compare it to the People's Daily, you would reach the conclusion, America is terrible because the New York Times daily criticizes the United States. China must be a heaven in comparison, because that is what it says in the People's Daily. Please make some determinations as to which you think is more reliable." They were left speechless.

Mr. MANN. I would add to that. It is sometimes very counter-productive. China is a rumor culture. Bad news travels by rumor, as of course there is very little fact-checking on the rumors, which sometimes are worse than the reality and sometimes are distorted.

I sometimes tell Chinese friends that in this country, if things are going well, if everything is going great at the Department of Housing and Urban Development—a very random example—you do not read about it in the newspaper. And if you do not read about things in the newspaper, people assume that maybe things are going all right.

In China, of course, people read between the lines. Since all the news is good, people read between the lines and assume that there are bad things going on that they do not know about.

Ms. HE. One more thing. I have a nanny who works in my home. She talks with me quite often about the United States. She hates America. She comes from a farm village in Hunan, has no real understanding of the United States.

I asked her, "Where do you get your information about the United States?" She said, "That is because everything I read says that, both from the newspaper and the television. When I was in primary school and high school, that is what the teacher always said." So do not look down upon the capability of this kind of propaganda to achieve its purpose.

This is presenting a very distorted view of history and unreality to cheat or to deceive the general population.

Mr. WOLF. Amy Gadsden.

Ms. GADSDEN. Two quick questions. The first, for Ms. Menon and Mr. Mann, and the second one for Ms. He.

The first question is, Ms. Menon, you mentioned in your testimony, and I do not know whether you got to say it or not, that recently the New York Times reported that a woman was arrested and that there was a directive that had gone out in a local area where a New York Times journalist had been recently doing some research, that anyone that talked to foreign journalists could be arrested or detained.

In your experience, Mr. Mann, and in your work, Ms. Menon, is that something you are seeing an increase in? I mean, it seems to me that that was something that was very prevalent in the 1980s,

but then in the 1990s as China opened up there was an ability where they were able to talk to Western journalists. But is that still something we should be very mindful of?

And the second question for Ms. He has to do with ownership structures of newspapers. In this case, I am not talking about ownership of Renmin Ribao [the People's Daily] or any of the national papers, but at the local level, at the provincial level, at the county level.

Is there changing in the nature of ownership of media outlets, whether it is publishing companies or newspapers, and does that affect where people are willing to take risks in order to make a profit?

Mr. MANN. Let me take a crack at the first question. I think when you talk about China's treatment of foreign correspondents, that things were getting more relaxed in the 1980s but were tremendously tightened up in the early 1990s. The security monitoring was the heaviest then and has become somewhat looser.

My colleagues in Beijing now say that, generally speaking—and again, things change from season to season—that they are able to travel and they certainly are able to talk to people in China, I think, more than in the early 1980s, anyway.

But that article posits the problem, which is that after they talk to people, some of the people that they talk to, if they say the wrong things, are subject to retaliation. Again, I would not want to compare that. I do not think that it is worse than in 1990 or 1991, but that is still a serious problem.

Ms. MENON. I do think that this harassment of sources is something we are increasingly worried about, certainly. I am not sure how many cases of that we have documented. Most of these cases do not get publicized.

Just finding out about these cases is really difficult, but I definitely have heard more concern among some foreign journalists that there would be retaliation against some of their sources.

I think for a while it seemed like people were very outspoken, not only in the cabs and in informal conversations, but even more open to talking to foreign journalists about pretty controversial subjects and expressing publicly these kinds of frustrations.

There was the sense that, "Oh, if you say this to the New York Times, you would share the New York Times correspondent's immunity from retaliation" because there has not been a lot of harassment of at least the mainstream foreign correspondents.

There was a recent case of a Chinese-born Canadian citizen who was expelled from China. He was reporting for PBS. But, generally speaking, foreign correspondents in China have not faced that kind of harassment. They may be tailed. They are very often detained, especially if they report without a permit.

Reporting without a permit is a really frequent reason for harassing foreign journalists because, of course, it is very difficult to get a permit to report where the stories are. But, yes. I guess, to summarize, we are increasingly worried about harassment of sources.

Mr. MANN. One last thing I would point out. One of the most serious incidents of the year were the strikes up in northeast China, and it was very difficult. We really did not get a good picture be-

cause it was very difficult for the foreign press corps to get access there.

Ms. HE. You were asking about the ownership of the media. All of the newspapers in the country are owned entirely by the State, not by any private group. The chief editors of these newspapers are government officials.

To go back to this Southern Weekend, it is not directly run by the government but it is prepared together with a newspaper which is run by the city government of Guangzhou. The Southern Daily newspaper is the owner or the leader of the Southern Weekend supplement.

All the editors and assistant editors, and so forth are all part of the organization of the mother paper, which is run by the city government.

There is a regulation on the part of the government that deals with the media: No private group is allowed to run a newspaper.

Mr. WOLF. Thank you. Holly Vineyard.

Ms. VINEYARD. Ms. He, thank you for your comment about your nanny. That brings to mind a comment that was recently relayed to me by a United States businessmen based in Beijing. He said that he was concerned that the United States is losing the hearts and minds of the average Chinese people.

I was wondering if the other panelists might comment on that observation, how the media restrictions affect the attitude that the average Chinese person adopts toward the United States, and despite the fact that all the Chinese newspapers are owned by the government, if you have noticed if there are any regions that enjoy greater press freedoms than others.

Ms. MENON. As far as regions go, certainly Guangdong is among the most liberal of the regions in China. It is never an independent press, but it at least has some journalists who are more critical and more willing to take some risks.

I would have to defer to He Qinglian or Jim Mann on the first part of your question, because I do not read Chinese. I do not read the Chinese media. We have a researcher who does all of that. Also, I have never been to China and talked to people about their attitudes about the United States or about their government.

I was listening to everything that Jim Mann said, and He Qinglian also, about the dangers of this kind of propaganda. I think He Qinglian especially emphasized that it is very, very effective. It is surprisingly effective, in some ways.

I think another kind of, I do not know if it is a flip side to that, but another side to that is, I think if there is a disconnect between what people know and what they see reported, locally, at least, there is a general sense of disbelief in anything that authorities say or do.

I think there does seem to be very deep and widespread cynicism among the Chinese public these days. I think that, in that sense, propaganda is not only not effective, but it is counterproductive in that it feeds this sense that everybody is lying, nobody is telling the truth.

If you are constantly reading between the lines to see what is not there, and if rumors are allowed to grow, that is very unhealthy for any society.

Mr. MANN. The question you asked about losing the hearts and the minds of the Chinese people is very complicated. In my experience in China, people in China tend to be very shrewd, and sometimes very cynical and very critical of anybody and everything.

So to give you a couple of stories, I can remember once, again, in the early and mid-1980s, sometimes your ability to travel in China or to report in China had to go in organized tours.

I remember once visiting a factory in China where it was an organized tour of foreign correspondents, and then separately of Chinese correspondents interviewing the same factory officials.

By the time the foreign correspondents were brought in and these people had been questioned by the Chinese press, they were nearly shattered because the Chinese press privately was much more critical than we could ever know to be.

Just as a second story. I was writing a book about American business in China, I was reporting on a joint venture. It took me about 18 months to get permission to just talk to ordinary workers on the factory line.

When I did, I began to ask them, first, about the American company. Well, the American company was exploiting them, it was hiring them for wages that were less than they were in Detroit. I thought I got the picture. Then they switched to the Chinese Government, which was also exploiting. They felt exploited by everybody.

I am not sure that your business friend in Beijing has the whole story on losing the hearts and minds of the Chinese people. People tend to think for themselves. I guess my goal in seeking an end to restrictions on freedom of expression is so they can bring that criticism out into the public where it has some reality testing.

Ms. HE. Please note that it is not only the uneducated people in China who dislike the United States. Many of the people who express anti-American feelings are college-educated people. This includes Chinese students in America who have received higher education.

If there is a little bit of time left, I would like to tell you one short story. There was an official from Shenzhen who came to the United States. I met him one day and he said, "I just came back from the United States. America is wonderful, it is just, but the system does not work very well. In China, nothing works very well, except the system is good." He was not a humorous fellow. I was very surprised. I asked him, "Please explain." He pointed out the matter of President Bush's daughter being pulled aside for illegal drinking.

"This is all over the U.S. media. Everyone is critical. If a news system like that were to exist in China, that would not be reported at all." I understood then. I told him, "I understand, because our system cannot protect the government and its officials."

Nothing is allowed to be broadcast, so no matter what bad thing an official does, it does not appear in the press. Now, this was his understanding of the differences between the systems in the United States and in China.

Thank you.

Mr. WOLF. Thank you. Matt.

Mr. TUCHOW. I have two quick questions. The first one, is whether the panelists believe that this Commission's or our government's speaking out on behalf of specific detained, arrested, or imprisoned individuals will be helpful or harmful to those individuals.

There is in the testimony, I think, an example of an arrested journalist about whom, there was so much press that his wife was arrested or detained, and then she refused to speak to foreigners any more. So, that is my first question.

Then the second one relates to our earlier discussion here about the effectiveness of propaganda in China. I would like to ask you what you feel about the role or the benefit of Radio Free Asia and other groups that the government could support to provide other media information to people in China.

Ms. MENON. I raised the case of Jiang Weiping, the imprisoned journalist whose wife was later arrested. The point I was trying to make, is that press attention, international media attention alone will not do the trick. There has to be political back-up and follow-through as well.

I do think that in every case, if you look at the scattering of political prisoners who have been released over the past 5 or 10 years, all of those political prisoners have been the ones with the highest profile. They have been the ones whose cases have been raised at the highest levels by government officials. International human rights groups and journalists have written about them.

It is the people whose cases are championed. Those are the people who are ultimately released and those are piecemeal victories. That is not reform, but at least, individual by individual, it is important, I think, to raise a voice on behalf of those people and to try to secure their release. I do think it would be extremely helpful for political leaders to raise these cases at every opportunity.

Ms. HE. In relation to this question, I think citing specific names over and over again is a kind of double-edged sword. On the one hand, it places more attention on this individual and on the government's charges against him, and makes the government uneasy because the Chinese Government has always felt it is the government's role here to protect society.

But, on the other hand, it might have some genuine effect in protecting the individual concerned. For example, you cannot treat a well-known journalist whose name has been mentioned specifically by the government the same way you could an unknown factory worker.

I think the advantages outweigh the disadvantages of the U.S. Government raising names of specific persons. At least, it serves to protect them. They would not die unrecognized in a jail somewhere. But you have to beware. In order to ameliorate these people's conditions, there has to be some kind of quid pro quo for the Chinese.

Mr. MANN. Two things. First, there has been a serious debate, and there is a serious debate with arguments on both sides about raising cases of individuals. But it is not the question you asked, actually.

I mean, the debate is, if you focus on specific individuals, are you allowing the Chinese Government to turn those individuals effectively into hostages and bargaining them away for other things, and are you diverting attention away from more systemic change?

The question you asked, is whether it helps those individuals. I think the record of the last 20, 25 years is that it definitely does. It helps those individuals. It helps to protect those individuals. So, I would say without qualification, yes, in answer to your question.

The question is whether, in the process of doing that, are you diverting away from pushing for a systemic change or getting into some kind of hostage negotiation.

And on the question of Radio Free Asia, just very, very briefly, I think it has been extremely valuable in bringing information to China. It is jammed, but it is concentrating on the countries that it can reach. It is obviously not just for China. It is concentrating on bringing information that would otherwise not be out there and it has been extremely valuable.

Mr. WOLF. Thanks.

If you do not mind, let us go to another series of questions.

In the years before 1989, there was a measurable liberalization. Is there a scenario over the next half a dozen years where you can envision political change that would lead to a similar liberalization in the freedom of expression and press freedom?

Mr. MANN. I do not want to venture into sort of soothsaying about China. I do not know what is going to happen. I do think that those changes before 1989 were done with a level of innocence, and in some cases romanticization of the West, that will not occur again.

Furthermore, the political results of 1989—and people in this country sometimes forget this—were to lop off a whole wing of the Party, a whole wing of the leadership which then either ended up outside of the country, or in some cases in jail. I do not see that recurring. I can imagine, the leadership now is once again talking about—talking about—political reform.

But the problem is, first of all, talking never quite reckons into account all the vested interests against it. You think you want political reform as a Chinese leader until you run into tremendous opposition, or you define political reform in such a way that it amounts to nothing.

So, occasionally—and this has been true not just before 1989 but also afterward—you do hear people begin to talk about the importance of allowing the press some kind of restraint, that it has some oversight function. Then, of course, it does not quite happen because you cannot separate out the role of the press from the larger political questions in China.

Mr. WOLF. Thanks. John.

Mr. FOARDE. I have a question for Ms. He, who has excused herself briefly.

Mr. WOLF. All right. Amy.

Ms. GADSDEN. While we are waiting, just a quick question for you, Mr. Mann. The interaction between Chinese journalists and the international journalists based in China, is that growing? Is it having an effect in terms of changing the way Chinese journalists understand their role within the system, even given the restraints that there are within China?

I think you mentioned Taiwan media organizations that are interested in gaining a foothold in China, or Hong Kong-based media organizations that are interested in getting a foothold in China.

Could there possibly be a “tail wagging the dog” effect with that in terms of reforming the media?

Mr. MANN. I think it would be presumptuous of me to talk in detail about interactions between foreign correspondents and Chinese correspondents.

Now, I will say, over a period of 15 years, there is some very slow impact from watching Hong Kong and Taiwan media go into China. When I arrived, there were Hong Kong reporters there, and then Taiwan reporters began to arrive.

To watch Chinese officials be asked questions in Chinese by other than a controlled source and be forced to articulate answers to them, even though the answers may not have been what those reporters wanted, that was, itself, the beginning of a process and had some value, within limits.

Mr. BILLING. He Qinglian, you mentioned that one charge the government uses against journalists it does not like is to accuse them of taking bribes. It seemed to me that, in fact, bribe taking is quite common among Chinese journalists, in the sense that companies can buy news and bribes are quite readily available. I wonder if you can give me a sense if there is a lot of corruption within the media ranks within China.

Ms. HE. Yes. The situation of corruption within the media is very strong. This is a way in which they can increase their income. For example, if you write an article that is very complimentary toward an individual, that is going to result in a good fee.

The price will vary, whether the article appears on the first page or the fifth page. This is open. Everyone knows it. Also, there are individual activities on the part of journalists. A reporter will praise a particular company or particular individual. He is often going to get some compensation for that.

We have a number of reporters on our paper whose income is quite good. That is why the Chinese Government feels every Chinese reporter must be on the take. The People’s Daily, for example, a lot of the people who work for it have their own private automobiles. This would be impossible under their own salary level. Their parking lot is called “the place where the expensive cars are parked.”

Mr. WOLF. Thanks. Holly.

Ms. VINEYARD. Ms. Menon, I noted in your testimony that self-censorship is an increasing problem in Hong Kong. I was wondering if you could talk more about that for a little bit. Also, if you could let us know if there has been any formal censorship of United States media such as we have seen in other Asian countries.

Ms. MENON. About Hong Kong, I think self-censorship got a lot of attention recently when Jasper Becker, from the South China Morning Post, was pretty unceremoniously dismissed from his post.

He said it was very much a case of self-censorship. The South China Morning Post, which is one of the most influential English-language papers in the region, has dramatically changed over the past few years. It is owned by a Malaysian Chinese tycoon who has very substantial business interests in Mainland China.

So, it is not a case of the government in Beijing ordering the Hong Kong officials to discipline the paper in some way or fire such-and-such person, it is really the publisher acting in some

ways because of his political bent to change the nature of the newspaper's coverage.

So, the problem with those kinds of cases is it is very difficult for any monitoring group or anybody who is interested in what is happening politically to understand, well, where does this pressure come from? It is very difficult to document, for example, why a story does not appear.

Is it because of the publisher's business interests? Is it because somebody's political bent is contrary to what was being reported? Are there any overt or subtle pressures being applied? It is very difficult to measure. So, that is why it is particularly worrisome.

I mean, we can document press freedom violations when the government clearly applies pressure, but if publishers in Hong Kong or if journalists in Hong Kong simply are not writing about things because they do not feel the freedom to do so, that is much harder to understand the mechanics of that, and it is always controversial.

In the Jasper Becker case, as an example, he was the Beijing Bureau Chief for the South China Morning Post. I guess the management ended up saying he was not doing a good job. How can you prove exactly what really happened? It ends up being, "he said, she said."

People were alarmed by the case because they felt like the South China Morning Post was a bellwether for whether there is press freedom in Hong Kong. And, certainly, that case did have those kinds of implications, but it is just so complicated that it is very difficult for anybody to take a clear stand and say, this is what is happening here, because everything is happening under the table.

I am sorry. What was the second part of your question?

Ms. VINEYARD. Have you seen any overt censorship of United States media in Hong Kong? Other Asian countries, for instance, will block certain issues of the Wall Street Journal from time to time. I am wondering if you have seen anything like that develop in Hong Kong.

Ms. MENON. I do not think I have noticed any. I mean, I do not think that we have documented any cases like that in Hong Kong, no.

Ms. VINEYARD. Anyone else?

Mr. MANN. There are cases from time to time in China where foreign publications or an issue of foreign publications gets blocked. The Economist had a special section on China 3 or 4 weeks ago, and I noticed that, sure enough, that was restricted in China. In Hong Kong, I do not know that that has happened at all. I do not think it has.

Mr. WOLF. All right. Thanks. Matt.

Mr. TUCHOW. I have two questions, again. The first one, is just for Mr. Mann. It is the question you raised, the bigger question, the one you said I should have asked, which is about hostage negotiation. Does taking up the case of an individual deflect or divert from more systemic changes in the system? I am curious what your answer to that would be.

Then I have a second question, if we have time. That has to do with another theme that we have been talking about today, which is, what space for progress on freedom of speech, or press, or expression in China exists? Is there any way that this government

will see it in its own interests to allow greater freedoms in this respect?

I say that in the context of remembering what I think was a pretty highly publicized case of a fireworks factory where some kids were involved. I believe that there were some local journalists who were involved in reporting on this.

It was initially denied, and then the central government agreed that this had occurred. It was as if the journalists had won the day on this particular issue. I do not know if that portends a trend or a space for freedom of the press. So, it is really those two questions.

Mr. MANN. Well, first, on the whole raising the cases of individuals, I think that the U.S. Government and the Commission should raise, and can raise, both and not get restricted to one at the exclusion of the other and that the record shows that when you raise the cases of individuals, that helps those individuals. You just should not leave that out, because obviously you and I feel that the systemic change is of crucial importance.

The problem comes less from a situation like your Commission faces than for high levels of the U.S. Government when you get into some kind of pre-summit, pre-meeting, pre-something or other situation. That is when this sort of bargaining takes place.

I think just continuing to raise a case and suggesting that the United States would really like to see action on a case often produces some results. I do not know what kind of bargains. To judge a particular bargain, you would have to see what it is the United States is being asked to give up in order to get a particular individual freed.

What was your second question?

Mr. TUCHOW. What space exists for freedoms, and in particular, the example of the fireworks factory?

Mr. MANN. I think there is some space. The example of the fireworks factory raises a very complicated issue about investigative reporting. That is, people in this country or people who visit China come out and say, gee, I saw this great investigative report.

There are times in which investigative reporting, within the limits that it is done, can be good investigative reporting, and yet not only is not against the interests of the government, but the central government likes it. The central government, just apart from issues with the United States, apart from issues internationally.

The central government always has some problems enforcing or carrying out what it wants with localities, with local areas. In some cases where there are abuses at the local level, the central government is quite happy to have investigative reporting to expose those abuses. So, that provides some degree of space for local investigative reporting.

The problem comes, what happens when the investigative reporting starts reaching the national level? We have seen some scandals. There was a huge smuggling scandal, for example, in Fujian Province which started out as a local scandal, and the central government was quite happy to foster the coverage of it. It then began reaching into Beijing, and things got much trickier and people got less interested in the investigations.

Mr. WOLF. We have a few minutes left, so if you have any short, final comments or advice, please go ahead. If anything comes to you later, feel free to send us a note and we will put it in the record for the hearing.

Jim.

Mr. MANN. I do not think so. Thank you.

Mr. WOLF. Ms. He, any final comment?

Ms. HE. I think if the Chinese Communist Party does not change its basic principles, it will be very difficult to change the present situation. This is an influence that the Chinese Communist Party is exerting on the entire world.

The impression they are trying to convey is that China cannot do without the Communist Party, but, in fact, this is true. The reality that we have was manufactured by the Communist Party. It does not permit any voices of disapproval, nor any other competitive forces to be allowed to be created.

There are two things you can notice about this. From the outside, many of these groups that call themselves non-governmental and claim to be so, but the leaders of these groups and also the people who work there are all Party members and Party officials.

For example, organizations within enterprises. Within the enterprise, they represent the government. Toward the government, they claim to be at the same time representing the enterprise. An organization like that could serve no genuine social good.

As I understand it, the understanding of realities within China among people overseas are perhaps 5 years behind the reality within China. Problems that we faced 5 years ago are only now being recognized among foreign people, particularly among those who do research on China, because they think of their own self-interests and they do not want to say anything that would be considered abnormal.

They do not want to say anything that is particularly disadvantageous to the Chinese Government. They may not be able, in the future, then to get a visa. They would not get financial support for the research within the United States, even though they may know that what they are saying is not true.

Mr. WOLF. Well, I guess we are lucky to have you here to help break through that. Thank you.

Ms. Menon, any final comment?

Ms. MENON. I will just say thank you for actually hosting this discussion on press freedom and I look forward to seeing the recommendations that come out of this roundtable.

Mr. WOLF. All right.

Mr. MANN. I guess the last thing I would leave you with is there are occasional times every decade or two when, for whatever reason, usually some disagreement within the leadership, the restrictions on free speech in China go off for a few days, weeks, whatever.

Once you see that, you see the range of opinion, and people say and write what they really think. It is vastly different from all of the palliatives of official programs to bring journalists here and back. It is that first that we should be shooting for. The rest, I am afraid, are really within the limits of the existing structure, and it is a structure that needs to change.

Mr. WOLF. Well, on behalf of all of our bosses, thank you very much. This afternoon's session will provide significant input into the preparation of the Commission's report.

So, thank you all very much.

[Whereupon, at 4:51 p.m. the roundtable was concluded.]

## **A P P E N D I X**

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## PREPARED STATEMENTS

PREPARED STATEMENT OF JAMES MANN<sup>1</sup>

JUNE 24, 2002

To the Commission:

I come here today to offer some thoughts concerning freedom of press and freedom of political expression in China—or more precisely, concerning the lack of such freedom. I also come to tell you I worry about the ways in which other interests—the foreign-policy interests of the United States government, the commercial interests of international media corporations, or an unduly narrow focus on the rule—may unintentionally contribute to the continuing restrictions on freedom of press and intellectual expression in China.

At the outset, I should tell you that what I have to say reflects only some general and philosophical observations I have reached in thinking about China issues over the past 15 years, first as a correspondent in China during the 1980s and then in covering U.S. policy toward Asia and writing a history of modern U.S.-China relations while living in Washington in the 1990s. I do not claim to be closely familiar with the day-to-day situation in China in 2002. Your two other witnesses today, He Qinglian and Kavita Menon, can give you a better sense of the climate in China right now than I can. I do talk from time to time with foreign correspondents now serving in and covering China, but what I have to say reflects exclusively my own perspective.

For me, the most important fact is that despite many changes in over the past decades, the situation for press freedom in China today is what it has been: That freedom still does not exist. The human right of freedom of expression included in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights is not a right that the 1.3 billion people in China are allowed to enjoy. Congress assigned to your Commission the task of monitoring what it called “the right to engage in free expression without fear of any prior restraints.” In China, there is no such freedom. The restraints remain in place.

To state the obvious, the Chinese Communist Party maintains its monopoly on power, and that includes the power over the principal newspapers and television stations. The party’s tolerance for what can be published varies from season to season; during some periods of so-called liberalization, more critical views can be aired. But once the criticisms get too pointed or too threatening, they are suppressed. Among the most sensitive subjects are workers’ strikes; rural unrest; Falun Gong; allegations of corruption or nepotism by the country’s leaders; direct criticism of the Chinese Communist Party; Chinese rule in Tibet and Xinjiang; and, finally, of course, the events of 1989, including the leadership upheavals, the Tiananmen crackdown or what the Chinese often call simply “6-4.”

The record is replete with examples of disciplinary action against those who venture onto these or other sensitive subjects. Just to take a few examples from the last 3 years: Chinese authorities forced the publication Southern Weekend to stop the presses this March and remove a feature about a scandal in Project Hope, a charity that is under the control of the Communist Youth League. A magazine called Today’s Celebrities closed last year after it carried an article that was considered unflattering to the memory of Deng Xiaoping. And since you have already held a hearing on the Internet, I presume you are aware of the case of Huang Qi, who was imprisoned in March, 2000, after his web site aired information about the events of 1989.

The underlying problem is deep-rooted and fundamental. Chinese news media are still viewed by the party not as independent sources of information or as a check or restraint upon power, but rather as instruments of political and social control. In January 2001, Jiang Zemin said that the news media in China have a duty “to educate and propagate the spirit of the Party’s Central Committee.”

This view of the press as an arm of the regime is not merely abstract. It affects daily life, too. To take one recent and relatively benign example: Early this month, when China’s soccer team lost to Costa Rica at the World Cup, Communist Party officials instructed the sports editors of major Chinese newspapers not to criticize

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the team and not to do anything that might arouse popular anger at the team and its defeat.

Now, let me turn immediately to the question I know you will ask: But really, aren't things getting better in China these days?

I anticipate this question simply because for more than two decades, the notion that things are getting better in China has been repeatedly used to defuse and to minimize concern in the United States about restraints on freedom of expression and other forms of political repression there. I would argue—in fact, I did in my book—that the notion that “things are getting better” is propelled by strong strategic and commercial interests, interests which may be valid in their own sphere but which have little or nothing to do with political freedom. In the late 1970s and the 1980s, the United States viewed China as a tacit ally against the Soviet Union, and in the 1990s the United States sought to invest in and trade with China and to use commerce as a means of integrating China into the international community.

I think if we're talking specifically about freedom of the press, the idea that things are getting better represents a determined effort to put the best face on things and is, really, a distortion of the truth.

Things have gotten much better in China in some ways—that is, if we are talking about private freedoms. You can wear what you want, you can own what you want and in private, you can say what you want. As virtually every American visitor to China quickly finds out, the cab driver at the airport is free to tell you what he thinks—maybe even tell you that he believes Jiang Zemin is an airhead.

Things have improved in one other way, too. The Chinese authorities cannot possibly keep information out of China to the extent that they could before. The influx over the Internet and airwaves and the travel across China's borders is far too great for China to be able to prevent its people from knowing what happens outside. For example, when the people of Taiwan were able to hold a free election and force the Kuomintang or Nationalist Party to step down from power in March 2000, the people of China were able to find out about those events. That's a significant change. Still, let's keep it in perspective: It is a change that has taken place in spite of, not because of, the efforts of the Chinese leadership, which continues to block websites, jam radio frequencies and monitor access to the Internet.

The larger problem is that these changes have no bearing at all on freedom of the press or freedom of expression—if by those words, we mean what we usually mean, which is public and political expression, the freedom to criticize the government openly, to express in print or over the airwaves those views which dissent from what the country's leaders are saying. This right—again, a right recognized in the Universal Declaration of Human Rights and the U.N. Convention on Civil and Political Rights—still does not exist in China, and all the talk about changes should not deflect us away from that fact.

Now, let me turn to the concerns I mentioned at the beginning of my statement ones that I hope you will keep in mind as you do your work.

First, about an overemphasis on the rule of law: The rule of law is an extremely worthwhile objective in China. However, over the past few years I have heard some Americans speak as though it were the only or ultimate objective for political reforms in China or as though it were the sole means of accomplishing political change. I strongly disagree.

The subject in your hearing today is freedom of the press and freedom of expression. Those political freedoms are at least as important as the rule of law—indeed, in my own view, more so. And frankly, it is possible to imagine a government that incorporates the formalities of the rule of law while doing little or nothing for freedom of expression. In fact, even worse, it is possible to envision a government that uses the “rule of law” to inhibit freedom of expression. To take one concrete example, Singapore offers the rule of law in such a way that international companies have perfectly decent access to its court system for commercial disputes; at the same time, the same government uses its laws to punish or, indeed, bankrupt those political opponents who would challenge the existing order or the ruling party.

I hope you will take care not to emphasize the rule of law to the exclusion of freedom of expression. I hope you will not inadvertently encourage China to attempt to follow the political path of Singapore. I hope that when you pursue the valuable objective of the rule of law in China, you will make clear that it is not enough to provide courts, lawyers and judges exclusively for settling or arbitrating commercial disputes. If that were to be the sole result, then I think unfortunately history may judge that the pursuit of the rule of law in China will have turned out to serve the interests of the American business and legal communities, but not the goal of advancing the rights and freedom of expression of ordinary people in China.

Second, concerning the U.S. government: I think U.S. officials need to be careful about unintentionally encouraging restrictions on freedom of expression in China.

What I'm referring to is the tricky question of U.S. policy toward popular expressions of anti-Americanism in China. On a number of occasions over the past few years, there have been outbursts of anti-American sentiment—most notably, of course, after an American missile struck the Chinese embassy in Belgrade in 1999 and after a Chinese pilot shot down the American EP-3 reconnaissance plane last year.

I think the U.S. Government is certainly right to complain when there is evidence that the Chinese regime is encouraging or even organizing such anti-American outbursts, or when the party newspapers controlled by the regime fuel these sentiments. There were such indications after the Belgrade incident.

Otherwise, however, I believe the United States should not seek suppression of populist Chinese views, including those that are wrong-headed or crazy. During and after the EP-3 incident, I heard some Americans express satisfaction or even gratitude that the Chinese leadership under Jiang Zemin had “reined in” or stopped some of the outbursts of anti-Americanism on Chinese websites or radio talk shows.

To me, such an attitude is shortsighted. It may help the short-term foreign-policy interest of restoring harmony between the U.S. and Chinese governments. But it harms the cause of freedom of expression in China; it puts the U.S. Government in the position of asking the Chinese regime to restrict public opinion.

Needless to say, China is full of bright, talented people, and if they are permitted the freedom to criticize the United States of America, some of them may ask why they are not permitted the same freedom to criticize their own government and leaders. Furthermore, these outbursts of anti-Americanism—so long as they are genuine—serve the function of allowing us to see what ordinary Chinese people think. That, at least, is a step forward from having to listen to the Chinese government claim for itself the right to say that this or that action “hurts the feelings of the Chinese people”—an assertion that Chinese leaders make without ever holding the sort of open elections, referenda or other processes that would demonstrate the feelings of the Chinese people, and without ever permitting the question of whether the Chinese government's own actions may hurt the feelings of the Chinese people.

Finally, let me add few words of caution about the tension between the goal of freedom of expression in China and the interests of media corporations that seek to operate in China.

This is an old issue, one which has arisen outside of China, too, but which has special relevance to China today. While large media corporations of course often engage in political expression, they have many other interests, including financial ones. As a result, these large media corporations may not always further the cause of freedom of expression for ordinary individuals—and in fact, can sometimes harm that cause.

In the specific case of China, we can see large media companies lining up to enter the China market. These include huge international concerns like Rupert Murdoch's News Corporation, AOL-Time Warner and Disney. They also include smaller Asian companies; for example, the leading newspaper corporations of Taiwan have been quietly hoping and laying plans for many years now to start publishing copies of their newspapers on the Chinese mainland.

In business terms, these companies are doing no more or less than all the other companies who have been entering the China market or planning to do so. They have the same right as any other company to expand their market or to try to increase their revenues.

However, in one respect, these companies are different. They are media companies, which not only should enjoy the right to publish or broadcast, but also, I believe, have a special obligation, a special duty to help foster freedom of expression and to do nothing that harms freedom of expression.

With respect to China, that obligation carries special meaning. It means that newspaper and broadcast companies should not agree to censorship or to other restrictions on content as a condition for entering the China market. It means that computer and other high-technology companies should not assist the Chinese government in blocking the Internet. It means that American entertainment companies and movie studios should not let Chinese authorities use the lure of theme parks or distribution outlets to determine what movies get made or what is in those movies.

And, finally, it means that executives of media companies need to be something other than mere flatterers and mouthpieces for a regime that restricts the freedom of expression their companies enjoy elsewhere. When they seek to enter China, they need to think about their larger missions, not merely their balance sheets—assuming that, as I believe, some of them do have some ideals and goals beyond making money. Those need to espouse the cause of freedom of expression not just for themselves or their media corporations, but for ordinary people in China.

And what can the U.S. Government or your own commission do? I realize there are no easy policy prescriptions that will bring about freedom of expression in China. But one thing is simple: You can tell the truth. You can call attention to the continuing restrictions in China. You can emphasize the major factors about the press and television in China that have not changed, and not merely the lesser things that have changed.

More than two decades ago, one of my predecessors, a Canadian correspondent in China named John Fraser, covered the Democracy Wall movement of 1979–80, one of those brief interludes when the restrictions on freedom of speech in that country were essentially lifted. In a book later on, he wrote something I never forgot: Once you have seen what the people of China do and say when the all political restrictions are off, your opinion of the country and its people will never be the same.

I hope you will do whatever you can to help ensure that some day, the restrictions on freedom of expression will be lifted in China—not just for a season and not just at the whim of some Chinese leader, but in a fashion that endures.

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PREPARED STATEMENT OF KAVITA MENON

JUNE 24, 2002

Thank you for inviting the Committee to Protect Journalists (CPJ) to participate in this roundtable discussion about media freedom in China. CPJ has been monitoring press freedom conditions in China, and around the world, for more than 20 years. The organization was founded in 1981 by a group of American journalists who believed that the strength and influence of the international media could be used to support journalists who are targeted because of their work. CPJ's Board of Directors, who are actively involved in our work, includes such leading American journalists as Tom Brokaw of NBC News, Clarence Page of The Chicago Tribune, and Terry Anderson—who was held hostage for nearly seven years in Lebanon while working as the chief Middle East correspondent for The Associated Press.

CPJ works primarily by publicizing attacks against the press and petitioning governments to stop press freedom abuses. Without a free press, other human rights are likely to remain out of reach. A strong press freedom environment is essential to building a vibrant civil society that, in turn, can help ensure healthy social, political, and economic development.

The Chinese government does not tolerate press freedom. All media are censored, and journalists who manage to express critical views risk harassment, dismissal from their jobs, and even imprisonment. This, despite the fact that Article 35 of the Chinese constitution enshrines the right to freedom of speech and of the press. China has also signed, though not ratified, the International Covenant on Civil and Political Rights, which guarantees freedom of expression.

The jailing of journalists is among the most effective tactics employed by repressive regimes to control the media. And China does this more than any other country in the world. According to CPJ's research, China currently holds 35 journalists in prison. A journalist, according to CPJ's definition, is anyone who publishes news or opinion.

These arrests work to silence critical voices, and also send a warning signal to all journalists who would dare to express a dissenting view or expose an uncomfortable truth.

Despite statements by senior Communist Party leaders, including Premier Zhu Rongji, who have called on the press to expose official corruption, Chinese journalists have told CPJ that such reporting is extremely dangerous. Journalists are not allowed to criticize senior leaders, and reporting about well-connected officials can cost you your job—and possibly your freedom. There are no protections for journalists who do independent, investigative reporting.

In November 2001, CPJ honored imprisoned journalist Jiang Weiping with an International Press Freedom Award. Jiang Weiping was arrested on December 5, 2000, after publishing a number of articles for the Hong Kong magazine *Frontline* (“Qianshao”) that revealed corruption scandals in northeastern China. He was later sentenced to 8 years in prison on charges including “endangering national security” and “revealing state secrets”—a charge frequently used to prosecute journalists and political dissidents.

The case of Jiang Weiping has recently become more complicated with the arrest in March of his wife, Li Yanling. CPJ fears that Li Yanling was detained because her husband's case has received significant press attention. Li herself had avoided contact with foreign journalists and international organizations, including CPJ, pre-

cisely because she did not want to risk further harm to her family. The couple has a young daughter, who is currently staying with relatives.

Li Yanling's arrest and Jiang Weiping's prolonged detention underscore the fact that international media attention alone cannot prod the Chinese government toward reform. Such cases must also be championed by political actors, including the United States.

The U.S. has clear commercial and political interests in promoting greater transparency and the rule of law in China. The local media have increasingly played a critical role in exposing corruption and other abuses of power, and deserve the support of the international community for doing so. If members of the U.S. Congress speak out when Chinese journalists are jailed, it may help to secure their release.

It is important to note that the arrests of journalists not only violate international law, but also are typically carried out in violation of Chinese laws. Trials are often secret, and family members, colleagues, and the press are not allowed to attend. Detainees are often held for time periods exceeding legal limits specified in China's Criminal Procedure Law. Under this law, suspects may only be detained for 2 months while their case is being investigated. Jiang Weiping was held for 9 months before facing trial.

Prison visits by family members, which are permitted under the Prison Law, are frequently denied to imprisoned journalists. In the 18 months since Jiang Weiping has been imprisoned, his wife and daughter have not been allowed to visit or speak with him. For the first month of his detention, his family was not even informed of his whereabouts. Jiang has also been denied medical treatment, also guaranteed under the Prison Law, despite the fact that he suffers from a severe stomach disorder.

The Criminal Procedure Law also stipulates that a court must pronounce judgment within 6 weeks after accepting a case. However, five journalists who were tried in 2001 are still awaiting sentencing. Huang Qi, an Internet publisher charged with subversion, was tried in August 2001, but 10 months later no verdict has been announced. Yang Zili, Zhang Honghai, Xu Wei and Jin Haike, were charged with subversion after they founded the New Youth Study Group (Xin Qingnian Xuehui), which distributed online essays about political and social reform. Though the four were tried in September 2001, they are still awaiting the verdict.

Of the eight new arrests CPJ documented last year, all were related to online publishing. That means that the new possibilities for free expression that accompanied the advent of the Internet come with the old risks of persecution.

There are an estimated 57 million people now online in China. With increasing access to the Internet, it has become much easier to publish independent views, and to have such articles circulated widely. Internet chat rooms are lively forums for political debate. The sheer speed with which news can travel across the country and around the world has posed a huge challenge to the Chinese Communist Party, which remains determined to control information.

In some cases, the publication of news online has put pressure on traditional media and the government to acknowledge major stories. In July 2001, local officials in Nandan, Guangxi Province, tried to cover up an accident in which hundreds of miners were trapped in a flooded mine. Although hired thugs threatened and harassed journalists who came to investigate, reporters managed to post exposés on various online news sites. Nandan residents soon thronged to local Internet cafes to read online reports of the accident, and journalists from around the country came to cover the story. While government officials had initially said accounts of the disaster were "fabricated," the central government eventually responded to the news reports and sent an investigative team, which found that at least 81 miners had been killed. The mine owner and 90 others were arrested for the accident, and for conspiring with local officials to cover it up.

This spring, when massive labor protests erupted in several major cities in China, activists managed to defy a central news blackout on the demonstrations by transmitting news of their activities via the Internet.

However, precisely because the Internet has the potential to break the Communist Party's monopoly over domestic news, it is seen as a special threat. The Chinese government has introduced a number of regulations designed to restrict online content and to expand official monitoring of the Web. These regulations include requiring Web site operators and Internet service providers to keep detailed records of content and user identities, and to turn these records over to authorities on demand. U.S. companies have been eagerly eying the vast Chinese market, but it is not clear how they could comply with such rules violating basic rights to privacy and free expression.

Some local journalists have noted that while the Internet offers new venues for discussion, the technology also allows the government to easily spy on its citizens.

Traditional media in China are in many ways more diverse and active today than at any time in the history of the People's Republic. This is in part because publications now are more dependent on advertising revenue than on government subsidies, and so must be more responsive to the public.

Still, aggressive local reporting is not always welcome, and CPJ has noticed a growing incidence of violent attacks against journalists. In 2001, CPJ documented its first case of a reporter killed for his work in China. The journalist, Feng Zhaoxia, was an investigative reporter for a provincial newspaper in Xi'an. He was found in a ditch outside the city with his throat cut. CPJ believes that he was killed for reporting on local officials' alliances with criminal gangs.

In January 2002, security officials beat three journalists inside the local propaganda bureau offices in Ningyang County, Shandong Province, after they reported on anti-corruption protests by local villagers. And in March, Beijing-based journalist Yang Wei was assaulted by staff members of a property management company that he was investigating. His case actually prompted fellow journalists, government officials, and members of the public to call for greater protections for the local media.

During the last few years, Chinese journalists have repeatedly and openly called for a law to protect their "right to report." But although violent incidents are occasionally covered in the local media, few legal recourses exist for journalists who are victims of physical assault.

The most common threat to local journalists remains bureaucratic interference. All local media are under the control of the Chinese Communist Party. In a backhanded compliment to the growing independence and professionalism among elements of the country's press, the Chinese government has recently undertaken one of the most severe media crackdowns in recent years, shuttering publications, firing editors and reporters seen as too independent, and issuing new directives listing forbidden topics.

One of the victims of this crackdown is Southern Weekend (Nanfang Zhoumo), a popular, hard-hitting newspaper published in southern Guangdong Province. One of China's most progressive and adventurous newspapers, Southern Weekend has long pushed the boundaries of media control in China by publishing in-depth reports on social problems such as AIDS, crime, and the trafficking of women.

Last spring, the paper published an article about a criminal gang that killed 28 people in a spree of murder and theft. The author included interviews with gang members and their families, as well as a broad analysis of problems such as poverty and other forms of inequality that may have led to a life of crime. After the article came out, the Hunan provincial government notified central authorities that Southern Weekend had published a negative portrait of China's socialist struggle. Soon, the deputy editor-in-chief, front-page editor, and a senior editor were demoted. The news section chief and reporter were fired and banned from ever working in journalism again.

Central government authorities had frequently criticized Southern Weekend in the past, and some observers speculated that the crackdown was orchestrated by provincial leaders in Guangdong eager to curry favor with the leadership in Beijing.

Southern Weekend continues to test the limits of official tolerance but is a considerably more tame publication these days. In March, the paper planned to run a front-page story on the misuse of funds by Project Hope, a charity sponsored by a subsidiary of the Communist Youth League. As the issue was at the printer, the editor succumbed to pressure from the local propaganda bureau and decided to replace the story with a less controversial one.

Pressure on local media has been particularly intense in the run-up to the 16th Party Congress scheduled for this fall, when delegates will choose successors to President Jiang Zemin and Premier Zhu Rongji.

The Chinese government also continues to closely monitor and regulate foreign correspondents in the country. In the past year, CPJ has documented several cases of foreign journalists being harassed, detained or physically assaulted for their reporting. Sensitive topics include coverage of the destruction of homes in preparation for the 2008 Olympic Games in Beijing, bombings, and protests by members of the outlawed Falun Gong spiritual group. In June 2002, Canadian journalist Jiang Xueqin was detained for 2 days and then deported after filming labor unrest for the U.S.-based Public Broadcasting Service.

Chinese citizens who speak with foreign correspondents can also face repercussions. AIDS patients, for instance, have been repeatedly warned not to talk to the foreign press. In June, a farmer in Hunan Province who was interviewed by The New York Times about her efforts to wage a campaign against rural lawlessness was detained and charged with malicious slander of officials. A local official told The New York Times that authorities were seeking the arrest of anyone who had spoken with foreign journalists.

It is also difficult for foreign journalists to obtain permission to travel to sensitive areas such as Tibet or Xinjiang, where pro-independence movements are active.

Since the September 11 attacks in New York and Washington, the Chinese government has publicly equated the independence movement in Xinjiang with terrorism—announcing a crackdown on “terrorist, separatist, and illegal religious activities” in the region. Xinjiang’s independence movement is led by ethnic Uighurs, who are mostly Muslim. The policy appears to have serious consequences for the local media. In January 2002, the Xinjiang Party Secretary gave a speech warning that the media could be used for “penetration and sabotage” by separatist groups. CPJ is also researching reports that during recent months authorities in Xinjiang have closed numerous Uighur-language publications, publicly burned thousands of copies of Uighur-language books, magazines and journals that they claim support “separatist activities,” and restricted Internet access in the region.

CPJ is also worried about the erosion of press freedom in Hong Kong during its fifth year under Chinese rule. Local journalists and press freedom groups have said that reporters and editors increasingly practice self-censorship and avoid topics that could anger Beijing. CPJ is also monitoring proposed security laws against subversion and sedition in Hong Kong, which could have severe consequences for free expression in the territory.

In conclusion, China is too large and unwieldy for perfect control to be possible. But the Communist Party remains unwilling to cede the battle. Hardliners believe that to relinquish control over information would be to relinquish control of power altogether.

Despite its heavy-handed tactics, the Chinese government has largely succeeded in evading international censure of its media policies. If reform is to come, it will be due largely to the persistence and professionalism of journalists such as Jiang Weiping, the editors at Southern Weekend, and my co-panelist He Qinglian. They need and fully deserve the world’s support and attention.

