

# DIGITAL AUTHORITARIANISM AND THE GLOBAL THREAT TO FREE SPEECH

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## HEARING BEFORE THE CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA ONE HUNDRED FIFTEENTH CONGRESS SECOND SESSION

APRIL 26, 2018

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## **DIGITAL AUTHORITARIANISM AND THE GLOBAL THREAT TO FREE SPEECH**

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**THURSDAY, APRIL 26, 2018**

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

The hearing was convened, pursuant to notice, at 10:03 a.m., in room 301, Russell Senate Office Building, Hon. Senator Marco Rubio, Chairman, presiding.

Present: Representative Smith, Cochairman, and Senator Steve Daines.

Also Present: Sarah Cook, Senior Research Analyst for East Asia and Editor, China Media Bulletin, Freedom House; Clive Hamilton, Professor of Public Ethics, Charles Sturt University, Canberra, and author, "Silent Invasion, China's Influence in Australia"; Katrina Lantos Swett, President, Lantos Foundation for Human Rights & Justice.

### **OPENING STATEMENT OF HON. MARCO RUBIO, A U.S. SENATOR FROM FLORIDA; CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Chairman RUBIO. Welcome to the Congressional-Executive Commission on China. The title of this hearing is "Digital Authoritarianism and the Global Threat to Free Speech."

We will have one panel testifying today. It will feature Sarah Cook, who is the senior research analyst for East Asia and editor of the China Media Bulletin, Freedom House; Clive Hamilton, who is a professor of public ethics at Charles Sturt University in Canberra, and author of "Silent Invasion: China's Influence in Australia"; and Dr. Katrina Lantos Swett, president, Lantos Foundation for Human Rights & Justice.

I want to thank all of you for being here.

I understand that Professor Hamilton has a speaking engagement at the State Department immediately following this hearing, so once the testimony has concluded, commissioners will take a few minutes to ask him any questions they have and then we will return to the rest of the Q & A.

The topic, of course, of today's hearing is freedom of expression and China's pervasive and unrelenting efforts to stifle speech at home and now increasingly abroad. And so it's timely and it's important.

We have long known of the Chinese Communist Party's massive censorship regime and suppression of free speech and expression within its own borders. The Commission's political prisoner data-

base testifies to the human toll of the Chinese Communist Party's repression in this regard. But now the party is increasingly exporting its authoritarianism abroad, trying to suppress speech, stifle free inquiry, and seeking to control narratives around the world.

America and other like-minded nations must contend with this long arm of China and the growing threat it poses to our open democratic systems.

With the conclusion of last month's 2018 National People's Congress, the Chinese president and Communist Party general secretary emerged newly empowered and emboldened, no longer tethered by term limits, and overseeing a noteworthy expansion of Communist Party control over every aspect of China. These institutional developments reinforce his directives to Chinese media outlets to exhibit absolute loyalty to the party and his declaration in 2016 that all media must be surnamed "Party" and convey positive news about China in conformity with the party's ideology.

China's vast censorship regime is without parallel. Freedom House's 2017 "Freedom on the Net" report named China the world's worst abuser of internet freedom for the third consecutive year. And the Commission's most recent annual report noted "the increased tension and criminal prosecution of citizen journalists who are a key source of information on labor protests, petitioning the government for redress of grievances, and other rights defense efforts."

These detentions hinder the ability of those of us outside of China to know what is happening inside the world's most populous nation. Foreign journalists face restrictions and harassment, including physical abuse, physical and online surveillance, denying or threatening to deny reporters' visas, restricting their access to certain areas of the country, and harassment of sources and news assistants.

Restrictions on expression are not limited to journalists. A State Department travel advisory that was issued in January of this year warned of the following: "Security personnel have detained and/or deported U.S. citizens for sending private electronic messages critical of the Chinese government." The latter point underscores China's surveillance efforts, which feature prominently in any discussion of government censorship or curbs on free expression.

The Xinjiang-Uyghur Autonomous Region is an incubator of sorts where authorities have pursued invasive and involuntary collection of personal data that includes DNA and fingerprints from individuals. And it has all been implemented—the widespread use of facial recognition systems—all set against the backdrop of the detention of thousands of Muslims in political re-education centers.

Nationwide, the Chinese government is in the process of implementing a social credit system which, if successful, will track and compile data on every Chinese citizen and possibly even rank them based on their behavior, including their online speech. In fact, there was an open-source report yesterday about an individual, the first one banned from traveling because of his "score" or profile.

Made possible by the massive collection of citizens' data and a growing network of hundreds of thousands of surveillance cameras, as well as voice and facial recognition capabilities, experts antici-

pate the system will be used to punish those viewed insufficiently loyal to the Communist Party.

Any discussion of censorship and surveillance invariably turns to technology. Foreign technology firms, many of them household names here in America, are clamoring, begging to have access to the vast Chinese market or, for those already there, are increasingly willing to make Faustian bargains in pursuit of their bottom line.

Consider, for example, Apple. In February, it transferred its cloud data in China to servers inside of China that are run by a state-owned Chinese firm in order to comply with last year's cybersecurity law. And yet, we see its CEO at international forums basically touting the great partnership with China and thanking them for their openness while sometimes being critical of our own country. And when this sort of compliance to these sorts of laws leads to complicity and rights abuses, it cannot simply be business as usual.

Look beyond China. It seems that not a week goes by without some story of China's long arm threatening free and open society, as Professor Hamilton can no doubt attest.

A key element in the Chinese government's long-arm efforts is focused on information technology and the internet and internet governance or sovereignty. They assert national control of the internet and social media platforms, not only in recent domestic cyber legislation and development plans, but also at international gatherings.

Additionally, there are growing examples of attempts by the Chinese government to guide, buy, or coerce political influence and control discussion of what they deem sensitive topics.

China's Great Firewall, grave rights violations in ethnic minority regions, arrests of citizen journalists and rights lawyers, suppression of speech—these are the familiar markings of an authoritarian one-party state. But to the extent that the same authoritarian impulses animate the Chinese government and Party's efforts abroad, including inside the United States, it directly threatens our most deeply held values and our national interests.

So I look forward to today's testimony. I regret that a previously scheduled witness, Mr. Roy Jones, an American worker who was fired from his job at Marriott for inadvertently "liking" a tweet posted by a pro-Tibet group, is unable to join us.

His story, which has now been well documented, is a painful and poignant reminder of the Chinese Communist Party's long arm, of their ability to coerce and get witting or unwitting cooperation from American corporations and companies who are interested in protecting their market status in China, even if it means firing an American worker the way Marriott did because he "liked" a tweet or a post about Tibet.

There are very real costs involved if we fail to confront China's pernicious authoritarianism at home and increasingly, abroad. And if we fail to address it, Americans here at home and those of us who love democracy and freedom around the world, including many of our allies in Europe and Australia and the Asia-Pacific region, could find ourselves living in a world where we work somewhere or live somewhere where we cannot speak freely without losing our job or some other benefit, because who we work for or who controls

us is not ourselves but a foreign government that uses the leverage of access to its market in order to reach here and impact one of our most cherished principles.

At this time, I would like to recognize the Cochairman for his comments.

**STATEMENT OF HON. CHRISTOPHER SMITH, A U.S. REPRESENTATIVE FROM NEW JERSEY; COCHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Cochairman SMITH. Thank you very much, Chairman Rubio, and thank you for your leadership and a very powerful statement and for convening this extremely important and timely hearing.

China, as we all know, has the world's largest number of internet users as well as the most sophisticated and aggressive internet censorship and control regime.

I would remind my colleagues that back on February 15, 2006, I convened a hearing, the beginning of a series of hearings. This one was called "The Internet in China: Tool for Freedom or Suppression?" Well, the jury's in—it's not a tool for freedom, it's a tool for suppression.

Yes, some people are able to communicate and bypass some of the regulators, the people who are ubiquitous in trying to uncover and to, unfortunately, hurt the human rights movement there. But it has become, especially under Xi Jinping, a tool for massive suppression.

The Chinese government spends \$10 billion on maintaining and improving their censorship apparatus. The U.S. Government has an annual internet freedom budget of \$55 million. And Congress still has little idea as to how this money is being spent. And I know Ms. Lantos Swett is shaking her head because we and she have raised this issue so many times in the past.

Over the past year or so, Chinese companies were ordered to close websites that hosted discussions on the military, history, and international affairs, and crack down on illegal VPNs. Apple was forced to remove VPNs from China's app store.

New regulations were announced restricting anonymity online. And the Chinese government rolled out impressive new censorship technologies censoring photos in one-to-one WeChat discussions and disrupting WhatsApp.

Beijing has also deployed facial—as you pointed out, Mr. Chairman—and voice recognition, artificial intelligence and other surveillance technologies throughout the country but particularly targeting the Uyghur ethnic minority where between 500,000 and a million Uyghurs have been detained arbitrarily.

The Chinese government and the Communist Party's attempt to enforce and export a digital authoritarianism poses a direct threat to Chinese rights defenders and ethnic minorities and poses a direct challenge to the interests of the United States and the free international community.

The U.S. must recognize that we are engaged in a battle of ideas and a revitalized dictatorship—online, in the marketplace, and elsewhere—and we need to up our competitive strategies and our game to meet this very, very serious challenge.



The administration's national security strategy says quite clearly that the Chinese government and the Communist Party, along with Russia, seek to "challenge American power, influence and interests, attempting to erode American security and prosperity. They are determined to make economies less free and less fair, to grow their militaries and to control information and data to repress their societies and expand their influence. The Chinese government and Communist Party are using economic inducements and penalties, influence operations, and implied military threats to persuade other states to heed their political and security agenda. China gathers and exploits data on an unrivaled scale and spreads features of its authoritarian system, including corruption and the use of surveillance."

The Chinese government and the Communist Party want to shape a world that is antithetical to U.S. values and interests and to export their economic, political and censorship models globally.

In response, the U.S. and like-minded allies must stand resolutely for freedom of religion, fairer and freer trade, labor rights, an end to the coercive population control programs, freedom of navigation, the rule of law and freedom of expression, including on-line.

A coherent and engaged internet freedom strategy must be a critical part of the U.S. diplomatic toolbox. This strategy should have at its core a commitment to protect fundamental freedoms, privacy, and promote the free flow of news and information. But it is not a matter of just having a strategy—it should be the right one. The Bush and Obama administrations pursued cyber diplomacy, yet internet freedom has declined around the world, privacy is increasingly under threat, and the free flow of information has become more endangered.

The right strategy must start with some humility. Cyberspace is a place to spread democratic ideals and a place where criminals, extremists, corporations, traffickers, and governments exploit vulnerabilities with impunity. Online communication can convey our highest ideals and our worst fears. It can shine a light on repression and be the source of hatred, manipulation, fake news, coercion, and conflict. It can bring people together or it can push us apart.

Despite all of this, I agree with the NSS's conclusion which says, "The internet is an American invention and it should reflect our values as it continues to transform the future for all nations and all generations. A strong, defensible cyber infrastructure fosters economic growth, protects our liberties and advances our national security."

Central to a revitalized U.S. internet freedom strategy should be a priority to open gaping holes in China's Great Firewall. As we remember with Radio Free Europe years ago, it was not sound-proof. I remember those ads when I was a kid growing up. Well, the Great Chinese Firewall can be penetrated, but it has to be a very focused and aggressive and smart strategy.

I am not confident that the policy of the Broadcasting Board of Governors or the State Department has met that test at all. I think there are certain goals we should prioritize in our internet freedom strategy, which would include, one, China's netizens require easy,

reliable, and free access to uncensored information through anticensorship technologies so that anybody can freely access information regardless of their technical ability. Reliable solutions should work all the time, regardless of intensified crackdowns or major events like Party congresses or the June 4th anniversary of Tiananmen Square.

Solutions should also present difficult choices for the Chinese authorities. If the authorities want to disrupt these solutions, then they must disrupt many online services which they would normally be hesitant and unlikely to block.

Access to solutions should also come at no cost to Chinese netizens. The Chinese authorities often block access to payment providers, so even if Chinese can afford a circumvention solution, they cannot get past the censorship by their payment provider.

Holistic anticensorship solutions should be encouraged, including not just technical circumvention but also distribution of those tools—getting around Google Play being blocked and censorship in the Apple app store—helping others share anticensorship tools as well as content through messaging apps, social networks, and QR codes.

These are just a few examples. I could say to my colleagues that in years past, I introduced the Global Online Freedom Act. We're going to be reintroducing that shortly, updated and hopefully responsive. Unfortunately, it has been sent to several committees. While we have gotten it out of the Foreign Affairs Committee, in the past, Ways and Means and Financial Services on the House side have been reluctant because of the pressure coming from the industries that weren't for it.

I would note parenthetically as well that Google used to be against it and then midstream a couple of years ago came out in favor of it. So there is hope that we'll get some support there. But above all, I think we just need to pass that or something like it in the very near future.

I yield back and I thank you.

Chairman RUBIO. Thank you.

Let us begin with the panelists.

Ms. Cook, if you want to begin with your testimony.

**STATEMENT OF SARAH COOK, SENIOR RESEARCH ANALYST  
FOR EAST ASIA AND EDITOR, CHINA MEDIA BULLETIN,  
FREEDOM HOUSE**

Ms. COOK. Chairman Rubio, Cochairman Smith, thank you for inviting me. And it's really an honor to testify before you today.

The number of internet users in China reached an estimated 772 million people as of the end of 2017. This figure puts the issues we are discussing today in perspective. They affect a group more than double the size of the population of the United States.

Alongside this increased access to internet services, China's ruling Communist Party has developed a robust apparatus of censorship, manipulation, and surveillance. Although this system has long been the most multilayered and sophisticated control apparatus in the world, recent years have seen new waves of tightening.

Over the past year and particularly since a new cybersecurity law came into effect last June, online censorship and surveillance

have expanded dramatically alongside increasing arrests of Chinese citizens, particularly for content shared on the mobile instant messaging platform WeChat.

Technical and regulatory innovation and experimentation is constantly under way. It is thus worth considering what the costs are of this tightening for various actors inside and outside China.

Well, for Chinese netizens, the space for ordinary Chinese to obtain and share information on a wide range of political and even apolitical topics has noticeably shrunk. The risk of punishment for even facetious comments deemed unacceptable to the authorities has risen. These shifts affect hundreds of millions of users in China.

For target populations, like activists or members of religious and ethnic minorities, the consequences are especially dire. Numerous lawyers, bloggers, Tibetan monks, Uyghur Muslims, Christians, and Falun Gong practitioners have been jailed for sharing, downloading, or accessing information online or via their mobile phones.

For Chinese tech companies—well, Chinese technology companies try to serve their customers, but they are also required to monitor and delete massive amounts of user-generated content in an ever-changing and arbitrary regulatory environment.

Over the past month, popular applications providing news or enabling the sharing of humorous content to tens of millions of users have been suspended or shut down for failing to “rectify” their content sufficiently. These apps are now planning to hire thousands more internal censors.

For foreign tech firms, as you know, many of the world’s top technology and social media companies are restricted from providing services to Chinese users. Foreign companies that do operate in China or work with Chinese firms are forced to comply with censorship demands.

LinkedIn restricts users from accessing profiles or posts by people outside China that contain politically sensitive information. Apple removed more than 600 applications from its mobile phone store that enabled Chinese users to access blocked websites.

But foreign companies are also increasingly at risk of being complicit in politicized arrests or violations of user privacy. It’s not only Apple that has transferred users’ data to servers in China under data localization provisions in the cybersecurity law. Evernote is another U.S. company that has done so, in its case not with a company that is owned by the government, but with Tencent, which has been known to pass information to police in the past.

Airbnb China recently alerted its hosts that it “may disclose your information to Chinese government agencies without further notice to you.”

And one of the biggest investors in the artificial intelligence firm SenseTime, which provides facial recognition to local police and at least one prison in China, is none other than U.S. chipmaker Qualcomm.

Now for the Communist Party. Now, the Communist Party is leading the drive for increased internet controls to protect its hold on power, shield itself from criticism, and stop organized political

opposition. But this project also comes with costs for the party in terms of legitimacy and even the effectiveness of censorship efforts.

A new academic study found that after Instagram was blocked in 2014, users were more motivated to seek out tools to circumvent censorship and reach the platform. But along the way, they encountered a wide array of censored content they might not otherwise have seen.

More broadly, with each announcement of new restrictions that negatively affect millions of users, signs of public backlash are evident. The constitutional changes enacted last month that removed term limits for President Xi Jinping are a case in point. The sheer scale of censorship points to a sizeable contingent of Chinese citizens who disagreed with the move, and much of the dissent emerged in the form of ridicule aimed directly at Xi.

The situation provoked many Chinese citizens who might otherwise consider themselves apolitical to begin expressing their worries about China's direction and looking for ways around censorship.

Despite these costs and periodic concessions to public outcry, it is hard to imagine any voluntary loosening of restrictions in the coming years. On the contrary, we are likely to see more tightening, more government demands for companies' cooperation, and more arrests of innocent users.

The international community should be ready to respond to these trends. There are recommendations specifically for the U.S. Government included in my written testimony. But despite the Chinese government's ever-escalating efforts to censor and monitor internet use, steps by the United States and others can have a real impact.

And I would like to conclude with a quotation from an anonymous Chinese reader of our China Media Bulletin. "I am a lower-class worker in Chinese society and I don't speak English. An independent Chinese media like you that does in-depth reports about the situation in China gives me a better understanding of China's current situation and future development. I think the flow of information and freedom of speech are very important to China's future development. Birds in cages long to fly. Even if we can't fly out now, hearing the chirping of birds outside can still give us hope and faith."

Thank you.

Chairman RUBIO. Thank you. Mr. Hamilton, thank you for being here.

Mr. HAMILTON. Thanks, Chairman Rubio, Cochairman Smith—

Chairman RUBIO. Can you press the button for the microphone, please? Thank you.

Mr. HAMILTON. This one?

Chairman RUBIO. There we go.

**STATEMENT OF CLIVE HAMILTON, PROFESSOR OF PUBLIC ETHICS, CHARLES STURT UNIVERSITY, CANBERRA, AND AUTHOR, "SILENT INVASION: CHINA'S INFLUENCE IN AUSTRALIA"**

Mr. HAMILTON. Thanks, Chairman Rubio and Cochairman Smith. I very much appreciate the opportunity to testify before the Commission.

Australia, as perhaps you know, is at the forefront of Beijing's influence and interference efforts, with a view to breaking Australia away from the American alliance. If it can achieve that—so what happens in Australia is of crucial importance to us all.

Last November, as the finished manuscript of my book "Silent Invasion" was about to go to the typesetter, my publisher, Allen & Unwin, notified me that it was pulling the book. The CEO wrote saying that, based on advice it had received, the company was reacting to "potential threats to the book and the company from possible action by Beijing." He went on to write, "The most serious of these threats was the very high chance of a vexatious defamation action against Allen & Unwin and possibly against you personally as well."

The company's defamation lawyer had pointed out that it would not be possible to make further textual changes to the book that would protect the company from vexatious legal actions by Beijing's proxies in Australia, legal actions that would tie up the company in expensive legal action for months or even longer. The company had been spooked by recent defamation actions taken against major news organizations by so-called "whales," a reference, I believe, to legal action taken by Chau Chak Wing, a Chinese-Australian billionaire resident in Guangdong, and Huang Xiangmo, a wealthy Chinese citizen residing in Sydney.

Australia's domestic intelligence agency, ASIO, has warned the major political parties that they should not accept donations from these men because of their suspected links to the Chinese Communist Party.

The defamation actions launched by these billionaires have had a chilling effect on reporting by news outlets in Australia and now on the book publishing industry. And I note that an editorial in *The People's Daily* a couple of months ago in effect endorsed the use of lawfare abroad, another instance of the Chinese Communist Party exploiting the institutions of democracy to undermine democracy.

Allen & Unwin's decision to drop "Silent Invasion" was a deeply worrying affirmation of the argument of the book. No actual threats were made to the publisher, which, in a way, is more disturbing. The shadow cast by Beijing over Australia is now dark enough to frighten a respected publisher out of publishing a book critical of the Chinese Communist Party.

The shadow has also frightened off the rest of the publishing industry. Even though the spiking of the book attracted headlines around the world, none of the major publishers showed any interest in publishing what would be "Silent Invasion."

I worry about the message that has now been sent to China scholars in Australia. The message is: If you write a book critical of the Chinese Communist Party, you will have trouble finding a publisher. Already, China scholars have told me that they censor themselves in order not to jeopardize their visas to do research in China and so protect their careers.

Recently, we have seen major Western publishers compromise academic freedom by censoring their publications at the insistence of Beijing. They did so to maintain access to the Chinese market. In the "Silent Invasion" case, the fear was not about what the CCP

could do in China—cut off access to markets—but what the CCP could do in Australia—sponsor legal actions.

The spiking of “Silent Invasion” represents perhaps the starkest attack on academic freedom in Australia in recent times. It attracted intense media interest and strong support from the public. However, throughout the saga, one sector remained silent: the universities.

No representative organization or prominent vice chancellor, that is, president of the university, made any kind of statement supporting me, a professor apparently being targeted by a powerful foreign state because of his work. Yet three months later, in March of this year, in a submission to a parliamentary inquiry into the proposed new foreign interference laws, Universities Australia, the peak body representing universities in Australia, complained about the threat posed by the new laws to academic freedom. These are laws designed explicitly to prevent foreign powers from suppressing free speech in my country.

Australian universities are now so closely tied into monetary flows and research links with China that they have forgotten the founding principles of the Western university and none more so, I might add, than the University of Sydney.

In my written statement I’ve outlined Beijing’s attempts to intimidate me and punish those associated with “Silent Invasion’s” launch, notably Mr. John Hu, a prominent Chinese-Australian citizen who helped the Sydney launch of the book. The condemnations of me and my book are but a small part of a much larger strategy to emerge in recent times. Beijing is ramping up its rhetoric against Australia in a calibrated campaign of psychological warfare.

Last week, the PLA navy challenged three Australian warships sailing through the South China Sea simply for being there, for being in open international waters. Beijing has scaled up its threats of economic harm unless Australia changes its anti-China policy. This psychological warfare is but stage one, with real punishments to follow, if needed.

So, for Australia, this is what pushback feels like, at least in its early stages. When Australia stands up for its independence and democratic values and tells Beijing it will no longer tolerate interference in our domestic affairs, we expect it to react.

For some in Australia, a mere expression of displeasure by the CCP is enough for them to buckle at the knees. There is no shortage of Beijing sympathizers and appeasers among Australia’s elite, calling on Australian politicians, scholars, and commentators to tone down their rhetoric, as if the current strain in the relationship between the two nations were our fault rather than due to Beijing’s campaign of subversion, cyber intrusion and harassment on the high seas. Former Prime Minister Kevin Rudd has recently joined in this blame-shifting with his criticisms of the Turnbull government for standing up to Beijing.

The next two years in Australia are vital. At present, the political will exists to respond to the CCP’s influence and interference operations, notably through the new foreign interference legislation now before Parliament.

The CCP is mobilizing its proxies. And some among the elites are fighting back on its behalf. Business leaders are saying we must do nothing to upset Beijing. Elements of the Australian Labor Party, now in opposition, are attempting to have the proposed new laws blocked. And Beijing-friendly intellectuals and commentators are writing articles and open letters saying that there is no problem and that the criticisms of the CCP are in fact driven by racism.

So the situation hangs in the balance. If we fail now to put up defenses against the CCP's subversion, then the opportunity will probably not arise again because the influence in the party will have penetrated too deeply.

Thank you.

Chairman RUBIO. Thank you. Dr. Lantos Swett, thank you for being here.

**STATEMENT OF KATRINA LANTOS SWETT, PRESIDENT,  
LANTOS FOUNDATION FOR HUMAN RIGHTS & JUSTICE**

Ms. LANTOS SWETT. Thank you. Good morning. I want to thank Senator Rubio and Congressman Smith for the invitation to participate in this hearing. And I want to commend you both for convening a hearing on such an important topic.

I would ask that my full testimony, including relevant correspondence between the Internet Freedom Coalition that I am part of, and the State Department, BBG, and members of Congress, be included as part of the hearing record.

The French have a wonderful saying, "Plus ça change, plus c'est la même chose," the more things change, the more they remain the same. I could not help but think of this phrase as I prepared my remarks for today's hearing.

Over 10 years ago, my late father, Tom Lantos, then chairman of the House Foreign Affairs Committee, held a hearing that crystallized the sad truth about the devastating moral compromises so many major companies and countries, including, at times, our own, are willing to make in order to appease the Chinese government and gain access to its vast markets.

And I think perhaps that, Congressman Smith, you might have been at that hearing with my father.

At that time, the chief executive of Yahoo, Jerry Yang, was in my father's crosshairs that day over his company's cooperation in giving up the identity of a dissident journalist, Shi Tao, to the Chinese authorities. After Yahoo disclosed his identity to the government, Mr. Shi was sentenced to prison for 10 years for the crime of engaging in pro-democracy activities.

As these high-tech billionaires and technological whiz kids sat before him, my father, who came to this country as a penniless Holocaust survivor from Hungary, said, "While technologically and financially you are giants, morally you are pygmies."

On that memorable occasion, Jerry Yang felt so "called out" by my father's words that he actually turned around and publicly bowed in apology to Mr. Shi's weeping mother, who was seated behind him. It was a dramatic moment, to be sure, but most of the episodes of cowardly kowtowing and quiet collaboration with the bullies, the censors, and the persecutors within the Chinese Communist Party occur without public comment or scrutiny.

Furthermore, as today's hearing demonstrates, China is not content with censoring and controlling its own citizens. It is using the immense power of its financial resources to reach every corner of the world in an effort to intimidate businesses, universities, publishers, hotel chains, religious institutions, human rights and democracy activists, and even governments.

It pains me to have to say this, but right now, China is succeeding in this effort to a shocking degree. Even more shocking, later in my remarks I will expose why I feel our government is doing far too little in the way of internet freedom to truly help the people of China and those imprisoned in other repressive regimes around the world.

One of my fellow witnesses this morning, Mr. Hamilton, has had personal experience with the long arm of the Chinese government and their intimidation, and his testimony is a cautionary and chilling tale.

Just as my father did back in 2007, we must use the power of public naming and shaming to try and restrain the worst impulses of businesses, other organizations, individuals, and even our own government agencies who seem all too willing to sell their precious birthright of free speech and democracy for a mess of Chinese potage.

To be clear, I think we all recognize that the internet is not an unalloyed good when it comes to spreading ideas and expanding the borders of freedom and democracy. As Shakespeare memorably penned, "The web of our life is of a mingled yarn, good and ill together."

It is analogous to our intricate system of modern transportation. While we recognize that it contributes to pollution, congestion, disrupts the environment and, of course, makes possible terrible accidents involving injuries and fatalities, nonetheless, it is the indispensable circulatory system that makes possible our modern world of travel and commerce.

Similarly, the internet, despite its ability to spread hate, disrupt elections, and propagate fake news, is indispensable to our modern system of global communication. And as such, it is central to freedom of expression everywhere in the world.

That is why there was so much enthusiasm and energy eight years ago when then Secretary of State Hillary Clinton delivered a landmark speech on internet freedom. I was sitting in the audience that day and felt the surge of optimism as our nation's top diplomat laid out a robust vision of America's central role in tearing down what Secretary Clinton referred to as "the Berlin Wall of our digital age."

Remember, I am the daughter of the only member of Congress who personally experienced the horrors of living under fascism of the right, the Nazis, and the totalitarianism of the left, the Communists. It is in my DNA to resist these authoritarian efforts to control free, uncensored access to knowledge. And I'm pretty sure, Senator Rubio and Congressman Smith, that it is in your DNA, too.

The year after that speech, the Lantos Foundation played a leading role in redirecting a good part of our government's spending on internet freedom to the BBG. Prior to that, almost all funding was



inside the State Department, and frankly, it led to situations where China was able to deftly use the U.S.'s efforts to open the internet and circumvent their "Great Firewall" as a diplomatic bargaining tool.

Clearly, as a human rights organization, we believe that access to the internet is a modern human right that should not be bargained away, so we sought a "safer" home for the funding and felt the BBG had enough independence to play a leading role in opening the internet across the globe.

In the early years of this adjustment in the way our government funded anti-censorship tools, internet freedom initiatives were not perfect, but our government was funding a number of technologies to provide open access and we were moving in the right direction.

Today, it pains me to sit before you and express my deep disappointment and frustration with the actual results and the current commitment of our country's internet freedom policy. I have heard it said that if China herself had been in charge of America's internet freedom policy, it could hardly have been more favorable to China's interests. That is an extraordinarily harsh assessment, perhaps harsher than I myself would subscribe to, but let me tell you why I think it is not far off the mark.

Perhaps the single most stunning example of the lengths to which China will go to create an information prison is the "Great Firewall," a massive government censorship apparatus that has been estimated to cost billions of dollars annually and to employ some 2 million people to police the internet use of its citizens. For this reason, many of us have long believed that firewall circumvention technologies must be a key component of any effective internet freedom strategy.

Since 2011, the Lantos Foundation, as part of a broad internet freedom coalition, has urged Congress to direct the State Department through DRL and the BBG to provide robust funding to field-tested, scalable circumvention technologies. Recognizing that these technologies have the potential to provide safe and uncensored access to the internet for literally hundreds of millions of people in China and in other closed societies, Congress has responded.

In every recent appropriations bill, Congress has included language directing that not less than \$50 million be spent to fund internet freedom programs, including, specifically, firewall circumvention technology. This simply has not happened. Call it willful ignorance, call it bureaucratic intransigence and obfuscation, call it what you will, but, in my view, both the State Department and the BBG have failed to faithfully implement the clearly expressed intent of Congress, that significant resources be dedicated to these large-scale firewall circumvention technologies, the ones China fears most.

They have funded freedom festivals and training and small-scale technologies that are more directed to driving traffic to their own platforms, in the case of the BBG, than giving free, unfettered access to the vast world of the internet for the hundreds of millions of people trapped behind the digital curtain. They fund privacy and security apps that are very important for safety while on the net, but they forget that many cannot even access the internet.

Meanwhile, some of the most effective, proven technologies, the ones China fears the most, technologies that provide unfettered access to all, have received only modest funding and have had curious barriers placed in their paths, making it difficult, if not impossible to qualify for different grant proposals.

The cost to U.S. interests of these failures at the BBG and DRL were on vivid display during January of this year when protests broke out in Iran. Hundreds of thousands of Iranians took to the streets to protest economic hardship and the oppressive rule of the theocratic dictators. Among other repressive responses to this popular uprising, the Iranian government acted to block access to the internet. Sadly, because the BBG had earlier cut off all funding to some of the most effective circumvention technologies, our ability to help provide access to the outside world for those brave Iranians was greatly limited.

Only a single U.S. government-funded large-scale circumvention technology was available at this moment of crisis. I consider this an inexcusable dereliction of duty. Certainly, the single for-profit vendor who was funded at the time did valuable work, but how many more people could have been helped had the BBG done the job Congress directed them to do?

I confess I am baffled by the failure of both the State Department and the BBG to faithfully execute the directives that Congress has given them. When I have met with representatives at both agencies, they reassure me of their deep commitment to the goal of broadening access to internet freedom and of the intensity of their efforts to do so. The rhetoric is pleasant enough, but their words are not matched by their deeds.

When our coalition has attempted to drill down and get real facts about where they are directing their resources and why they are not funding proven technologies, we are most often met with obfuscation, opacity, and unfulfilled promises.

During the midst of the Iranian protests, I met with the top leadership at the BBG and they personally pledged to me at that time that within three to four weeks at most, funding would be granted for technologies that could make access available to vastly increased numbers of users around the world. More than three months have passed since those meetings, and not only has no funding been approved, but the latest indications are that no funding will be approved. In fact, they just now issued a letter saying they will be issuing no funding at this time.

I have reluctantly come to the conclusion that the bureaucrats at DRL and the BBG are relying on what they think is Congress's inadequate attention span and limited expertise to get away with this pattern of ignoring your clearly expressed intent. What arrogance!

I am hoping and praying that you will prove them wrong.

This issue, internet firewall circumvention, desperately needs champions in Congress. We need leaders who will be vigilant and vigorous in demanding accountability from the agencies responsible for executing our government's internet freedom policies, leaders who will not be beguiled by soothing words and, rather than accept heartfelt protestations of good intentions, will demand results.

Above all, we need leaders who know that we must not pacify the oppressors but instead fortify and strengthen the brave dissidents and ordinary Chinese citizens who are risking everything in their pursuit of freedom.

In other words, we need leaders who are not moral pygmies, but rather moral giants. I know that both of you are that kind of leader. And the Lantos Foundation, along with our internet freedom coalition partners, stands ready to assist you in any way possible.

Thank you.

Chairman RUBIO. Thank you all for being here. As promised, we are going to start with Professor Hamilton.

Let me just set the stage briefly because people watch this issue and I think it's important to understand this context so they understand why it is that we are focusing on this issue.

You know, 25, 30 years ago as China began to emerge as a participant in the global economy, the widespread conventional wisdom was that the more prosperous they became, the more they would behave like a democracy and be open to some of the ideas and notions of the West and certainly of freedom of expression and the like.

But they knew that history, too. They knew, they understood that as nations became more prosperous, their people demanded more political liberties, and so they have figured out a way to craft a system, given the sheer volume and size of their economy, to basically have a Communist Party at the center of their daily lives, a central, powerful government that—by the way, they link back to its thousands of years of history as part of their values and their success—but allowing free market activity, though not identical to ours.

In essence, if you are a prosperous Chinese corporation, you may be independently owned, but when the government comes calling, you're going to do what they tell you, even if you don't want to do it, or you will be charged with corruption or you won't be in business for long.

In that context, they view the world, they view these things like notions of freedom of expression and speech not just as a threat. Their number-one priority, above everything else, is to maintain the Communist Party in charge. They view all these principles in the West and all these things that we're talking about as threats to that.

But broader than that, they don't view it as their rules. They didn't write these rules, so why should they follow them? And they're trying to redraw all the global order along the principles that they argue for. And you start to see that exercise itself. They are beginning now to link their economic influence and power to their political gains and goals.

And we hear your story, Professor Hamilton, and we start thinking, boy, that's far-fetched, it sounds like a movie. We really aren't that far from that happening here in the United States if you start to think about it. Perhaps it's already happened, just not—and we certainly know that an individual working for the Marriott hotel was fired because he “liked” a tweet, which he says he did by mistake, by the way; but he was fired for that. We wish he could have testified here today.

That said, a couple things I would point to. And the first is, just to be abundantly clear, you had an opportunity to publish a book and ran into impediments because publishers came to you and basically said I know we have a contract, but we're not going to go forward because, number one, they are going to get really rich billionaires acting as agents of the Chinese government to sue us and tie us up in courts here in Australia. And number two, we're worried about what it might imply to our access as a company, beyond your book, to that 1 billion-plus population market that they have.

And you have seen that play out now in academia as well where you have university presses and even others here in the United States where you have speeches canceled because universities have a program over there and they feel that they are going to pull the plug on that and/or on the lucrative business of attracting Chinese students to travel and study here at exorbitant tuition rates. All those things are threatened, they feel those things are threatened, if they publish a book or they invite a speaker on campus.

That is clearly what you have experienced and what we've seen replicated here. Is that an accurate description?

Mr. HAMILTON. Yes, indeed, Senator, it is. I would point out that, as I said in my testimony, the disturbing thing about the spiking of "Silent Invasion" was not that Allen & Unwin felt that its market in China would be threatened, because it doesn't have a market in China, but that the CCP would interfere in Australian domestic politics through the use of the legal system to stop Australians hearing from another Australian about a concern, a threat to our democratic values. That was the most disturbing aspect of it.

And as I have tried to stress in my statement to the Commission, universities are exceptionally important because intellectuals, academic scholars, they set the tone, they are the experts on whom we rely for information about China and the meaning of what's happening.

And now that in Australian universities, as in universities around the world, but particularly in Australian universities—because the number of Chinese students at Australian universities is proportionately five times higher than in the United States, and so the financial dependency is very heavy indeed. And money can buy silence. Money can buy compliance.

And one thing that has disturbed me tremendously in the writing of this book and even more so since publication is the way in which the defenders of fundamental democratic rights, particularly the right to free speech, can be bought off. I mean, of course, they don't see it that way. They have all sorts of excuses and arguments about, We have to balance the various interests of the university.

As I've said to those who have argued this to me, who've tried to persuade me not to criticize their university too heavily in my book, I said, well, no, it is not a question of trading off academic freedom against income from China. You know, academic freedom trumps other factors. You are not a commercial enterprise, and even if you were we would expect you to have an attachment to basic democratic values.

And yet the commercialization of universities in Australia has been so strong and they have become so heavily dependent, not only on money from Chinese students but from a whole network of

research and other relationships with Chinese universities, that the senior executives of those institutions are always worrying about what might happen on their campuses that could jeopardize that relationship. And I think this is deeply concerning for the future of the Western university if we are going to maintain that unique institution.

Chairman RUBIO. Well, again, I am certainly not an expert on the Australian laws, but I do know we come from a common-law tradition, so there is probably something similar to what I am about to cite.

And your case, as you outline it, is something that I hope we will examine in Federal law here in the United States because I think it falls within the context of something called intentional interference with a business agreement or intentional interference with a contractual relation. The elements of it—I have pulled them up here just to make sure—here are the elements, and I think you fulfill every single one of them.

- The existence of a contractual relationship or a beneficial business relationship between two parties—that could be a job with a company or, in your case, a contract with a publisher.

- Knowledge of that relationship by a third party—obviously, the Chinese government and/or its agents where it had knowledge.

- Intent of the third party—in this case, the Chinese government and others—to induce a party to the relationship to breach the relationship.

- The lack of any privilege on the part of the third party to induce such a breach. In essence, there is no privilege for them to be able to do that. It's not like they are violating a contract with them, they are simply doing it because they want to silence your voice.

- The contractual relationship is breached and damage to the party against whom the breach occurs.

I mean, it seems to me as if—I don't know if there is a similar statute under Australian law—but it seems to me that the case you've described fits these criteria. And it would be interesting to examine—I confess I haven't done so before this hearing today—how such a scenario, if it played out in the United States, whether it's an employee that worked somewhere and is fired because of that interference or whether it's a book deal or a speech for compensation or the like—if in fact there is evidence and someone can go to court and prove that actions on behalf of a government and/or its agents caused a breach in that sort of contract, whether there shouldn't be a cause of action and damages. And if you cannot collect against the Chinese government, then collect against the party that you had the contract with and who violated it out of fear.

And again, I think some of the things that get people's attention is when suddenly there is a civil cause of action for this. And this is going to require a lot more work and I have got to think about it, but we cannot allow this to continue as far as our laws here are concerned.

And I for one intend to look at and see whether or not there are changes to be made in Federal law so that if what happened to you happens to someone here, whether it's a book deal or employment at Marriott, and then is fired by interference, that person now has

a cause of action to pursue against the employer or the book contractor if they can't collect against the Chinese government, and maybe both.

Mr. HAMILTON. Well, it could be a very powerful counter-use of the legal system to resist this kind of intimidation.

There have been cases in Australia where Australians of Taiwanese heritage have been fired from their jobs because when their bosses asked them if they supported Taiwanese independence they said yes—and they were fired. And this is clearly contrary to employment law in Australia. You can't fire someone for their political opinions. And yet, the situation is such that no one has taken it upon themselves to defend these people. So it's clearly contrary to employment law.

The difficulty in the case of my book is that one would need to be able to demonstrate in a court of law that a litigant against Allen & Unwin who might be mentioned in the book was acting on behalf of a foreign power for political reasons rather than out of a genuine concern for the damage to their reputation.

I suspect that if the new foreign interference law is passed in Parliament—and it should be, although, I mean, it is likely to be, albeit with some amendments—then we will find that the intelligence agencies in collaboration with the Australian Federal Police, the enforcement body that would be responsible for enforcing the laws, would be able to—sorry, the intelligence agency ASIO would be able to provide its secret intelligence information establishing those links between a litigant and the Chinese Communist Party, which would be a basis under the new foreign interference laws for a prosecution. And those acts of foreign interference, which are there defined, carry very heavy penalties indeed.

And so many of us are looking forward, not only to the passage of the legislation, but the first prosecutions under the new laws because we feel as though that will be a watershed in which the intelligence agencies and the law enforcement agencies come together to make an example of Beijing's proxies attempting to undermine the democratic rights of Australians, including the right to free speech by publishing a book like this.

Chairman RUBIO. Well, my final point before I turn it over to the Cochair—and I thank you for being here. I really want what you've said here today to be heard by the State Department.

Two final points. One, it's amazing what people admit to and/or what you can find under subpoena or what they admit to when they're under oath and facing perjury. And so, again, that's why I think the legal system is created—for protecting people.

The other is something you mentioned, how one of the reactions now has been to cite this as xenophobic measures and the like.

It's interesting. I didn't get there, but I just did an interview a few minutes ago with a major news outlet talking about Confucius Institutes. And one of the questions in there was, isn't this just scaremongering? As if to imply this is anticommunist scaremongering, and perhaps you can see how that could be extended. It is one of the arguments that some of the schools that continue to fight us on Confucius Institutes are making.

It's an absurd one since this Commission every year publishes long lists of Chinese citizens who are detained, since much of the

information that we get about what's happening are abuses against Chinese citizens.

And then as far as scaremongering is concerned, I think if there has been a positive development on this front, it is that just in the last six to eight months there is a growing awareness across the whole of government about the scale and the scope of what we are up against here.

And it has not yet—and we are going to get to Dr. Lantos Swett in a moment—but it has not yet potentially translated all the way there, but we are on our way there. And we are going to make it a part—and we are going to talk about that in a moment.

But thank you for being here.

I want to go to the Cochair.

Cochairman SMITH. Thank you, Mr. Chairman, very much.

I will just first direct my questions and then later on go to our other two distinguished witnesses.

Let me just say, Professor Hamilton, thank you for your very clear testimony and your leadership. I mean, it is so absolutely needed. You are rare and it's so great to have your voice here at this Commission today.

You know, the shameful complicity and the cowardice of many in our academic community, some of the biggest and most prestigious universities, not just in this country, but around the world, is not new.

I would remind my colleagues that back in 1979, a guy by the name of Steven Mosher, who was with Stanford, spent a full year, went to Guangdong, published a book called "Broken Earth"—and I have read it because I was elected along with Frank Wolf, who is here today—in 1980, the same year Ronald Reagan got elected. And it had a profound impact in exposing the barbarity of the one-child-per-couple policy, forced abortion.

And for anyone who does not think that the consequences have been lifelong, the Washington Post just did a piece a few days ago called "Too Many Men" and pointed out that there are the missing girls, that we have raised in this Commission over and over again. Last year, we documented some 62 million missing females exterminated through sex-selection abortion in part because of the child/boy preference coupled with a child limitation imposed by the government.

But Mosher broke that story and Stanford, to its everlasting shame, threw him out of the university. The Wall Street Journal did a piece called "Stanford Morality"—immorality is what it really was—and they defended Steven Mosher and said, how could they?

Now, the Chinese government threatened Stanford and said if, in the future, people want to come here and do their work, they might find it a lot harder to have access. But where is, as you said, Professor, the academic freedom, the idea of robust inquiry so that you leave no stone unturned in telling the unfettered truth?

Stanford brought shame to itself and we're seeing the consequences of what they and so many others, including some in the human rights community, have done over the years in disregarding that issue, but also being willing, as the good chairman said, you know, the Confucius Centers. We have a GAO report that will be coming out soon. We have had a number of hearings on it, both in

the Commission and in my Subcommittee on Human Rights. NYU and others who all have a presence in China get huge amounts of money from the government. If you think that doesn't stifle free speech and academic inquiry, I'll sell you the Brooklyn Bridge.

And I know you would think that.

So maybe you can—my belief is that this is still getting worse. You know, that goes back to 1979 with Stanford. 1980, 1981, 1982, we have seen this grow. And now it's even worse. All over Europe, Confucius Centers are all over Africa. I just had a hearing on that, myself and my Africa, Global Health, and Global Human Rights Committee. It's happening everywhere. They want to transform the world. And what they want as their vision is a totalitarian dictatorship where the people serve the government and not the other way around and they do so with huge amounts of repression.

So if you could respond to that, how it's getting worse. It has not gotten better, it's only gotten worse.

Mr. HAMILTON. Well, thank you, Congressman. It is indeed getting worse and it's getting worse because of the growing confidence of the People's Republic of China and the Chinese Communist Party rulers there and President Xi Jinping's determination to see the fulfillment of his China dream, the great rejuvenation of the Chinese people, which has a benign interpretation, but I think those of us who understand the more hawkish attitudes of the dominant factions within the Chinese Communist Party see that as effectively a blueprint for global domination.

I think now we can say with reasonable confidence that in their quiet moments the CCP leaders envisage that the PRC in 20 or 30 years' time will be the dominant global power. And when that happens, we should all be afraid because they have no respect for basic democratic rights that we cherish so much.

But as you have indicated, Congressman, and which I strongly endorse and have detailed in "Silent Invasion," they can only get away with it if they have collaborators in Western countries like the United States and Australia, if they can buy off substantial segments of the elite who are willing to forgo essential democratic rights, such as free speech, in pursuit of other objectives.

And as I indicated, one of the things that has disturbed me most in the process of writing this book, and then watching subsequently after it has come out, is the truly tenuous commitment of some of my nation's leaders to the concept of free speech. It seems to be a tradeable commodity for those people.

And it's only when some of us are willing to take a risk. And, you know, in the case of, I think, all of us, it is often a personal risk to our own security and our own employment to say, no, we believe that free speech and other democratic rights come before all else.

And it has been—it was Senator Rubio who alluded to this—very disturbing to see the way in which some Australian opinionmakers, including some of my own academic colleagues, have turned on me and people like me as being motivated by xenophobia. I actually have a very good record on antiracism over the decades in Australia. I come from the political left, which makes it more difficult for them.



But I tell you what—this book was launched in Sydney by Chinese Australians, a group of Chinese Australians, the Australian Values Alliance, who came to my country to escape the clutches of Beijing. They went to Australia to enjoy the privileges and freedom of a democratic nation.

But they live in fear because they know that the Chinese Communist Party has its agents all across Australian society who will punish them, which happened to Mr. John Hu, whom I mentioned, the Chinese Australian who helped launch this book, who, a week after he helped organize that launch event, arrived in Shanghai with his 80-year-old mother in order to scatter his father's ashes because he grew up in Shanghai. He was detained at the airport and put on the next plane back to Australia. And when he asked why, they said, You know why you are being detained; you're getting off lightly. If we allowed you into the country and then detained you, then you would really be in trouble.

This doesn't send a new message to Chinese Australians. This is a message they all understand. If they step out of line, if they criticize the Chinese Communist Party or act in a way which the party perceives as against its interests, they will be punished. And that is a tragedy.

Cochairman SMITH. I do know you have to go. But I'll just conclude with this comment. You know, the concern that we have is not just with universities, as you would expect, organizations. I mean, Chairman Rubio and I and this Commission fought very hard with the ABA when Teng Biao, his manuscript, which originally was going to be published by the American Bar Association, they reneged on that.

We raised it repeatedly. We asked them to come and testify, to hold them to account. They did, however, allow Gao Zhisheng's manuscript to be published, so that's a good thing. But why does it take pressure with a group like the ABA that should be walking point and not backpedaling because of pressure?

The other point is that the business community in this country has always been easy pickings. I'll never forget—and this has bipartisan complicity written all over it. Under Bush Sr., we had the problem where they thought that MFN was okay for the People's Republic of China. We had Tiananmen Square, of course.

And then Bill Clinton talked tough and said, Let's do an executive order, lays out markers. And then one year later—Mr. Wolf, who's here with us today, and I worked very hard on this—one year later, he completely reneged, he ripped up his executive order and gave MFN in May of 1994 with no human rights conditionality. And the Chinese looked at us and said, They care more about profits than they do about human rights. And that was a game-changer in the negative for the world, but especially for the Chinese people.

We have been trying ever since—ever since—to do our best to reclaim all of that lost ground, which subsequent presidents—Obama, Bush W.—did not, in my opinion, in any way faithfully promote the human rights of the people of China. This Commission will continue to try.

I'm looking forward to reading your book. I haven't read it yet. But I thank you so much for your contribution and for your leadership.

Mr. HAMILTON. Thank you.

Chairman RUBIO. Thank you. Thank you for being here. We appreciate it very much.

Dr. Lantos Swett, I will start with you on this one. And I think your testimony is very compelling.

I, too, am concerned about the lack of more progress on breaking down internet firewalls. And I did want to share with you—we received late last night a letter from the CEO and director of the Broadcasting Board of Governors, Mr. Lansing, and here's what he cites—and I wanted to give you a chance to respond. Because I don't know if you have even seen the letter.

Ms. LANTOS SWETT. I have not.

Chairman RUBIO. It says, "In fiscal year 2017, Congress appropriated \$50.5 million to promote internet freedom globally."

And then "BBG receives approximately a quarter of these funds, \$15 million. The law makes clear that BBG funds should be available for tools and techniques to securely develop and distribute BBG digital content, facilitate audience access to such content on websites that are censored and coordinate the distribution of BBG digital content to targeted regional audiences and to promote and distribute such tools and techniques, including digital security techniques. To meet our statutory mandate, our annual appropriations act requires that BBG's primary goal in funding these technologies is to secure safe and secure access to BBG content."

And it goes on to say "a significant secondary benefit is that once users reach a BBG platform, they then have means to access the internet writ large."

So I just wanted to give you a chance to respond to that. The fundamental argument he is making is they only get \$15 million and it is primarily supposed to be to open up access to BBG content, not to the internet at large.

Ms. LANTOS SWETT. Well, it's my understanding that that provision was added into only the most recent appropriations bill. That is new language that was inserted, it is my understanding, through the intense lobbying efforts of BBG. And while I have no objection to the BBG wanting to promote access to their content, I think that it is a very flimsy excuse for not funding technologies that enable vast numbers of people to access the internet freely.

I know of a number of other, sort of circumvention tool providers who would be quite happy to structure their technologies so that the first place they land is a BBG landing page. And then from there, they are able to go into the wide internet.

But I think—and this is the bottom line—they are spending not \$15 million on firewall circumvention technologies, they are spending a small fraction of that, it is my understanding, and this is where I hope that your Commission and that you as individual leaders in Congress can drill down and compel them to give you the answers. Because our internet freedom coalition gets, you know, frankly, blocked and diverted and stymied and sort of pushed off when we try to drill down and get the actual answers.

But it is my understanding that of that \$15 million, less than \$3 million is actually being given in grants to vendors who are doing the work that Congress wants to see done. They are expending it in a variety of ways, as I indicated in my testimony, for small-scale research and development, small-scale tools, VPNs, which are important, but do not have the ability to resist the large-scale attacks launched by China or other repressive regimes.

And at the end of the day, the numbers simply aren't there. And it is more than a little disingenuous for BBG to come back and say, Well, we are required by law only to promote our content, when that is a new provision in the law inserted there by the BBG. You know, it's sort of a different version of the person who throws themselves on the mercy of the court as an orphan when they are being charged with the murder of their parents.

BBG sought that provision in the latest appropriations bill. It has not been there previously.

I don't have a huge objection to the notion of wanting to encourage people to access BBG content, but I am a little troubled by the idea that we use internet freedom dollars that Congress has appropriated to force them to read only the material produced by the BBG. It somehow doesn't sit right with this notion of free access. And I think, you know, I don't want to pick a fight with the BBG. I love much of what the BBG does.

As I mentioned, my father, you know, grew up first suffering under the depredations of the Nazis during the Holocaust, and then experienced what it was to live under communism. Radio Free Europe, Radio Free Asia, Voice of America, Radio Martí, these are valuable services. I want the BBG to continue doing that.

But it is also a reality that increasingly people are seeking out information digitally on the internet. They are not restricted and nor should they be restricted to, sort of, the information that we are providing through those mechanisms.

So I would say—and again, you know, some of my language I know is tough, but I feel so passionate about this because we've been so frustrated and so stymied for so long and there is no good explanation as to why that should be the case. So be very careful when they show you numbers or when they come back with a seemingly very reasonable response. Compel them to provide the actual facts behind the matter.

And I would really encourage you and your staffs—talk to the developers of these circumvention technologies. Find out from them, What is the problem? What are you being told? Why are you being cut off from funding?

Right now, BBG is funding one technology, to the best of my knowledge. It happens to be a commercial technology, not one developed by dissidents, not one being offered free of charge, but a commercial technology.

There should be—you know, let a thousand flowers bloom, was that Mao's phrase? If we were doing what we should be doing, if we were offering on an annual basis not \$15 million, but \$30 million or \$50 million, as Congress has indicated, as funding for this kind of technology, you wouldn't have a handful of five or six or seven developers, most of whom are on the verge of shutting down because they have no funding. These are dissidents who are pro-

viding this at no financial benefit to themselves in order to help their brethren and their sisters left behind in China. And they cannot stay alive as their funding is cut off.

If we were doing 20 or 30 or 40 or 50 million dollars of grant funding for these kinds of groups, we wouldn't have five, four of which are struggling to stay alive. We'd have 25 or 30 or more—and that's what we want.

Chairman RUBIO. Well, just a couple of points. One, to the broader issue of BBG and the like, we have to understand these entities were—the world has changed much since they were created.

The one I am most familiar with, of course, are the Martí, TV and Radio. And these were set up in a time when we had limited—three major networks and a handful of local, state, and national newspapers. Today, you literally are overwhelmed with news. I mean, there's just so much content.

And so one of the things I have begun to argue—this is among our top priorities. I happen to be both on the Subcommittee on Appropriations that deals with this budget and on the Foreign Relations Committee. So I'm all over this. And it's a big priority on two fronts. The first is the question of whether or not we should continue to be primarily content providers and producers versus access providers and producers. And I do think I want us to become more access producers.

Now, as far as whether or not we can deal with that language that they fought to get in there, it's very simple, that could just be the splash page that you go up—the BBG site could just be the site that comes up when you go on and then you could go from there.

But the notion that you have argued, that what we want to be able to do is have multiple technologies, as many as possible available, so that people all over the world—this is not just China—people all over the world will be able to circumvent government censorship to get accurate news and information—and to connect with one another. To have access to social media that allows them to connect with one another is invaluable.

I have often said that the Castro regime in Cuba has been able to hold on despite embargoes and the Cold War and everything else. The one thing they cannot survive is an open and free internet. Because once Cubans are able to talk to each other, they are able to organize action and also it lowers barriers of entry to free enterprise and the like. And so I'm a big believer in that and to continue to move in that direction, but we are dealing here with entrenched bureaucracies.

And I would add one more point. In terms of the State Department, I do not believe it is helpful when we have someone as our acting secretary of state in the Bureau of East Asian and Pacific Affairs and now the nominee—which I hope will not continue—who I think is unfriendly to these efforts, and not just this effort, but the broader efforts that we're discussing here today. And that's another matter which is a top priority of ours and that we are working on as well. So you have my commitment on that to make this thing work.

Ms. LANTOS SWETT. Thank you.

Chairman RUBIO. Congressman.

Cochairman SMITH. Thank you very much, Mr. Chairman. Thank you. I'll be very brief. And I thank you again.

Let me just ask you, if I could, on an issue, Dr. Lantos Swett—I know the Lantos Foundation recently joined the Uyghur community in protesting in front of the Chinese embassy to ask about information about family members in the Autonomous Region who have disappeared and many are believed to be in re-education camps or even worse. Among those family members are the relatives of six Radio Free Asia journalists based in Washington and family members of Rebiya Kadeer. I'm wondering, did you get any response back from the embassy from that?

Ms. LANTOS SWETT. No, we did not get any response back from the embassy, but I must tell you it was a very moving experience for me. We stood there in the rain with over a hundred members of the Uyghur community. And what was most heartbreaking was person after person came to me with pictures of their relatives, their uncles, their aunts, their parents, their spouses, their children. It was truly heartbreaking.

And I think this is—and I want to commend you, Congressman Smith, and you, Senator Rubio, because I know you have written about this yourselves—this is the most massive incarceration of a minority population in the modern era, you know, certainly since the Second World War. It is staggering. It is absolutely staggering. And it just passes by.

And if I may, it speaks to, I think, a broader problem that I as a human rights activist feel we are dealing with when we are contending with China, and that is that everybody gives China a pass. China does things that are so outrageous and does them on such a scale and the world sort of “tsks” and moves on, moves on to the deals, moves on to the business, moves on to the commerce.

And it is wrong. It is morally wrong, but it is also dangerous because—and I think you referenced this, Senator Rubio, as did you, Congressman—they are very consciously trying to say to a whole lot of other countries out there, We have a different model, we have another way and we are ready and we are loaded to challenge the United States as the model for the world going forward, and we are going to use our incredible, sort of, economic might and every tool at our disposal to put this alternate model out there.

You know, I mentioned that my father was a Holocaust survivor from Hungary. It wasn't that long ago that Hungary—Hungary, a country in the very center of Europe—spoke about wanting to pursue a model of illiberal democracy.

Well, that's a pretty disturbing kind of language to hear from the heart of Europe. And we could look at lots of other examples.

If we do not confront China on the ways in which it is trampling the international standards related to human rights and democracy and free access to information, to say nothing of the way in which they may be abusing the international financial and economic system—if we do not challenge them, they will continue down this road of saying to a very troubled and very chaotic world, we have another way, we have a way that, yeah, maybe it can lead to greater prosperity, yes, maybe it can achieve the laudable goal of bringing large numbers of people out of poverty, but at a price. And it is a price we should not be willing to pay.

I referenced that biblical story of selling a birthright for a mess of pottage. Our birthright, our values, our profound commitment to our fundamental freedoms, they are what make our society worth defending. They are for us individually what make life worth living.

And what a shame it would be, and what a shameful thing it would be were we to not be vigilant in standing up against this effort to, as I say, sell our precious human rights birthright for a mess of economic pottage.

Cochairman SMITH. Last year, a Chinese student's commencement speech at the University of Maryland—she praised the fresh air of free speech found in the United States and was praising that, and that went viral. She and her parents in China, however, were subsequently targets of harassment.

How can our universities do a much better job in protecting these students? Because self-censorship, it seems to me, will become, has already become, the norm. I think it becomes even more so where everybody just, you know, gags themselves because why deal with all of that consequence?

And then, obviously, the messages of the dictatorship become even more profound in the hearts and minds of their own people. So they do not come here and get liberated and find a whole new—I mean, I know a number of people studying in Europe right now who tell me that the government, you know, feels they own these Chinese students. They monitor them, they keep track of them, and at any university anywhere in Europe, same way here. What should our universities do to say, hey, you are free, at least when you are here, and to push back with the Chinese government on how they are mistreating their students who happen to be Chinese?

Ms. COOK. Well, I would actually say I think one of the first things would actually be for the U.S. government to take action. A lot of this intimidation comes directly from Chinese diplomatic missions. These Chinese embassy officials have also been known to intimidate Chinese journalists here, intimidate advertisers, people who advertise in the Chinese community with media that are considered critical of the Chinese government. And that may go to Senator Rubio's question earlier about, you know, third-party interference and certain contractual agreements.

I only know about this anecdotally, but I certainly know that it has happened, where people, advertisers, have been pressured by Chinese officials to withdraw advertising from critical news outlets. There was at least one case I wrote about in testimony I'd given to the USCC last year where an RCN executive was threatened by Chinese officials. I believe he was actually of Indian origin and there was some kind of pressure applied to him when he was trying to arrange for New Tang Dynasty Television to be aired in the Washington, DC area. Again, I don't know if that was before there was a contract or after a contract.

But, you know, in conversations with other democracy activists here in the United States, it just seems like the Chinese embassy and consular officials are becoming more arrogant and more aggressive. And so I think that's something to perhaps take up with the State Department when these incidents happen.

If you were to declare just one Chinese official persona non grata for these kinds of violations and, you know—and today when the Chinese government has talked about, Do not interfere in our internal affairs, but here they are interfering in our internal affairs—or some other kind of diplomatic demarche, I think that would send a very strong signal. And that's something that I think the U.S. government is wholly in the right position to do, and I think that that would actually counter some of the pressure on Chinese students.

For universities there are a number of different things. I mean, one of the challenges is that often, for example, for Chinese student associations, the charters in Chinese are very different than what it says in English. And so, you know, there are university administrators who may not be aware of certain things that are happening in the Chinese student community. With more media coverage of this, I think they should be more aware.

And there would be various—you know, I'm not an expert on student affairs—but various steps that could be taken to make sure Chinese students know about counseling services, about legal services, about other forms of support at a university so that when something like this happens, the students feel that there is someone at the university they can go and talk to about this.

And then for the university to be equipped to also know with regard to, whether it is members of Congress who are aware of this or whether it's others within the State Department or the U.S. Government, of who they should turn to, because a lot of these universities themselves don't know.

But to the extent that the universities are made aware of what would be the best ways for them, who they should contact and any strong diplomatic response that can come from the U.S. Government to this interference, and then for students to know that they have a resource at the universities.

I would just, you know, if it's all right to comment on this issue, on the circumvention tools and some experiences we've had disseminating the China Media Bulletin in Chinese. We actually work with a number of tools who help, you know, post it on their landing pages. And it's quite effective in terms of informing Chinese readers, who are coming to these pages, of these options. And I know that a lot of the content from BBG, in some cases because it is especially popular, is also on those landing pages.

But one of the challenges that happens in this realm, you know, and I would say it would happen in China, but also in places like Iran, there's a certain dynamism as certain events unfold and as authorities shift their resources to blocking certain tools, to removing VPNs.

And so one recommendation I would urge considering is that, besides a certain amount of set funding for a diversity of tools, because that allows more flexibility in response, that if one tool gets blocked and users go somewhere else, it is supported, but some type of rapid response fund for emergency moments, for moments of political crisis.

I have seen from the tool developers, it spikes. I mean, and in China, you know, it can range from—you know, it does not have to be mass protests like you saw in Iran. In China, it was when

Bo Xilai's chief of police fled to the U.S. embassy—a spike. Chen Guangcheng fled to the U.S. embassy—a spike. Things like this example with regard to Instagram. Instagram gets blocked during the protests in Hong Kong—a spike, people want to access beyond.

And so some kind of rapid response that would allow a quick stream of funding to be released to the tools that can demonstrate that, look, we are getting more demand, we are getting more requests from China or from Iran. I think that might be a way to also be able to respond quickly to the dynamism.

And it has so much, you know, it has so many implications. It is not just about people being able to access information; this is how people post information, this is how they post videos.

And these tools developers, it's not just about the number of users, it is also about the bandwidth they are able to supply. If they are only able to supply people with enough to read a couple of news articles, that's not really enough. If you have a YouTube video of something, a policeman beating up a protester, you can't upload that if you don't have enough bandwidth, if your circumvention tool developer doesn't have enough bandwidth. And those kinds of videos become so important, both internationally, but also domestically.

And so I think that's where, again, at these particularly critical political moments, that's when we should be better set up to be able to infuse the tools that can demonstrate that they are in demand in order to meet the supply. Because otherwise, I know from some of the developers with regard to what happened in Iran, they could have helped millions more people, but they just didn't have enough money and, therefore, not enough bandwidth.

Ms. LANTOS SWETT. If I can just—I think that's a really excellent suggestion, that idea of sort of an emergency fund that can be rapidly deployed as situations arise.

But I did want to respond to one part of your question, Congressman Smith, because, of course, at the end of the day, we cannot entirely protect, we can't basically protect people in China or in any other country where they are being brutally repressed. And we know that the progress of freedom requires courage, it requires people in extraordinarily difficult circumstances who are willing to put their safety, their well-being on the line.

What is inspiring to me again and again and again is how many people in societies are willing to do that, but they are not willing to do it if it appears hopeless. And that is one reason why countries like China are so eager to create this information prison, to cut people off from the knowledge of what their fellow citizens are doing, of what's happening outside, of the criticism of their government, of what's happened in the past, of all of that information, because that sort of knowledge is where people find the courage and the strength to say no, I will not put up with this. I am going to take a stand. I am willing to take this risk.

They are inspired when they know about, you know, the story of Liu Xiaobo or Chen Guangcheng or Gao Zhisheng, some of the other extraordinary people who are sacrificing so much. And that's why information, as you said, Senator Rubio, the free sharing of information among people within a country as well as with those outside, is the thing they fear the most.



So we can't protect them, but we can give them enough access to what is really happening that they are strengthened and emboldened.

You know, when the Universal Declaration of Human Rights was adopted, Eleanor Roosevelt had a wonderful phrase. And I won't be able to quote it perfectly, but she said that she hoped that through a curious grapevine, news of this document, this extraordinary document that laid out this breathtaking bill of rights for all people everywhere simply by virtue of being human, that through a curious grapevine it would find its way through walls and barbed wire to people in imprisoned nations.

I love that notion of a curious grapevine and the internet is a great big curious grapevine. And we need to open it up for those who do not have free access to it.

Cochairman SMITH. I thank you both for that answer.

And, you know, I'll never forget—very briefly—when Frank Wolf, who was here earlier, and I, were in Perm Camp 35 in the 1980s, filled to overflowing with political prisoners, they all knew the Helsinki Final Act and could quote it verbatim. There they are being tortured, abused, starving, I mean, they had almost no—they were all gaunt beyond words, and yet they can quote different—so it gave hope, just like you said with the Universal Declaration.

So, you know, it says in the Bible without hope the people perish, and I think hopefully we can bring some hope and some tangible assistance to these individuals. Thank you.

Ms. LANTOS SWETT. Thank you.

Cochairman SMITH. Appreciate it.

Chairman RUBIO. Senator Daines.

Senator DAINES. Chairman Rubio, thank you. And thanks for holding this important hearing. And thanks to the witnesses for coming here today and providing perspective and expertise on a very important topic.

You know, I spent more than half a decade working in China. In fact, I had two children born in Hong Kong. I've led CODELs to China the last three years, just came back three weeks ago in fact. I've had a chance to travel across the country. I have taken delegations to Ürümqi and seen the prominent Uyghur-Muslim population. I have visited Tibet with a group, seen the Buddhist monks. In fact, just recently we were in Dandong there on the Yalu River in a part of China that doesn't get a lot of attention, visits, and to see what is going on, certainly on the North Korean border.

It's critically important, I believe, that we, as a nation that was founded on freedom and the rule of law, are clear-eyed about the challenges and the opportunities that China brings, especially in its relationship with the United States, a relationship I see as perhaps the most important and consequential relationship between any two countries in the 21st century.

Ms. Cook, in your testimony, you highlight the recent developments where the Chinese government removed Bibles from e-commerce websites in China. I was very aware of that when that happened, saw that. And while the sale or distribution of Bibles has always been restricted in China, I think this serves as yet another example of the hollowness of the claims the government is making of respecting religious freedom.

You indicate that the removal of President Xi's term limits and other actions have resulted in some level of increased dissent. Have you seen any other similar responses to the removal of Bibles from e-commerce sites from the Christian community in China?

And the second part of that question is, what are the prospects that this restriction might cause Chinese Christians, who have otherwise been apolitical, to become more engaged?

Ms. COOK. Thank you, Senator. I have to admit I haven't had an opportunity to look closely at the particular reaction to that beyond, I think, some of the comments by people in the United States who are in regular touch with Christians there.

But another research report that I wrote that was published last year was actually about religious revival, repression, and resistance in China. And in general, what we found across religious groups, including in the Christian community, is that it is precisely these kinds of actions by the government to believers, places of worship and leaders of Christians who, you know, don't necessarily belong to the underground church movement, but are, you know, worshipping at or leading state-approved churches, that does bring a backlash, that actually begins to blur the line more between the underground church movement and the state-sanctioned church movement.

And one of the things that you see is that, in general, as the Chinese government, in terms of various regulatory moves, squeezes the space for the spread of Christianity and other religions as well, more people are seeking out alternative opportunities. So, for example, with regard to leadership training, they limit the number of people who can go study at seminaries, so you have people actually studying through radio station opportunities based out of Hong Kong, through online courses.

And so I think something like this restriction on being able to purchase Bibles may very well, though I haven't had a chance to see specific data, have the exact effect of this Instagram example from 2014 where a new academic study found that when there were protests happening in Hong Kong, the Chinese government blocked Instagram and more people jumped the firewall to seek out information, to seek out the platform and came across all kinds of other uncensored information.

And my sense would be that, actually, this can have a counterproductive effect for the Chinese government, because instead of Christians purchasing Bibles on the Alibaba platform and other e-commerce platforms that are above ground, now you'll have more people seeking out circumvention tools, seeking out other ways of obtaining Bibles that will encourage them to maybe look more broadly at other forms of information.

Senator DAINES. I think one of the other statistics that might be surprising to many in the United States is, if you look at the top 10 internet companies in the world, five of them are now Chinese. Look at the top six internet companies in the world, three of them are Chinese.

The U.S. still is number one, measured by revenues, but we've got Chinese internet companies now that are exceeding market caps of \$500 billion. We've got Amazon and Google Alphabet,

there's one and two, but then you get to JD.com, Alibaba, Tencent. And it's, I think, pretty eye-opening.

So when we see this censorship of Bibles in e-commerce, these aren't just small backwater companies, these are huge, leading, top-five companies in the world related to e-commerce and can have a profound impact, certainly on not only China, but, frankly, extending their influence around the world.

Ms. COOK. Absolutely.

Senator DAINES. I want to shift gears to Dr. Lantos Swett.

In your testimony, you raised the fact that China is not satisfied with simply censoring its own population, but also is seeking to influence speech and actions abroad, whether it's the self-censorship of scholars, foreign publishers, businesses, or sometimes academic journals related to doing work in or about China.

What are the long-term effects of such actions? And what could be done to maintain academic integrity and the principle of free expression in the face of such pressures?

Ms. LANTOS SWETT. Well, I think the long-term implications are obviously very, very disturbing. And I think that we have to do a better job of sort of shining a very unflattering light on those institutions that are increasingly compromising their own commitment to, as Mr. Hamilton said, the founding principles of the Western university in order to ease their access to China, whether it's access for their scholars, whether it's access to their wealthy, full-tuition-paying students, whether it's access to business opportunities.

At the moment, these insidious, sort of, infiltrations of Chinese censorship influences into some of our most cherished institutions are not yet widespread, but it is spreading.

And I think, you know, frankly, it's something that the Congress needs to think about. I don't know whether this would be appropriate and within the brief of this Commission, but I think it would be fascinating to have a hearing with some of the university presidents whose universities have major programs that involve China and ask them some of the tough questions about the compromises they have been making.

I think it was before you joined us, Congressman Daines, but Clive Hamilton spoke about what he was more fearful of, which is the self-censorship, not the obvious, evident, seen hand of China, but the decision by institutions and organizations to preemptively censor themselves, to preemptively make decisions that avoid the issue ever arising because they think that that sort of hides it from public scrutiny. I think in many ways he's right, that that is almost the graver threat.

I did want to say one thing, if I may, about the issue of religious freedom in China. I previously had the great privilege of serving as the chair of the U.S. Commission on International Religious Freedom. And obviously, China is a world-class abuser of religious freedom rights.

And I agree with Sarah that their efforts in that regard run the risk of backfiring, but I also think there, too, we have an area where our government has not spoken out assertively, proactively enough about the importance of defending religious freedom in China. The reality is that so often when it comes to human rights

causes, the most significant weapon we have to wield is the voice of our top leadership. It still has an influence.

And I am concerned that this administration does not seem to have a particularly active sense of the role that defending human rights and defending fundamental freedoms should play in a whole-of-government approach to advancing our interests, whether it be in relation to China or other countries.

So we need to lean forward, we need to understand that when we play from our strengths, we win. And what are our greatest strengths? It is not our economic might, it is not our military might. They are indispensable, they are awe-inspiring, but they are not our greatest strength. Because guess what? Other countries, other adversaries, if you will, of ours have great economic strength, have great military might.

What has distinguished us, what has made us extraordinary in the world was the way that we grew from values, profound values. And that's where our strength came from. And I would like to see us remember that and integrate these principles and these tools in a whole-of-government approach in every aspect of our foreign policy.

Senator DAINES. Thank you, Dr. Lantos Swett.

Thank you, Mr. Chairman.

Chairman RUBIO. Well, I thank you both for being here. I appreciate the time you have given us. I think this has been an informative hearing. I think from it we take a number of ideas, particularly the expansion and ensuring that we can get in there and figure out, number one, is \$15 million enough? And number two, is the \$15 million, why isn't all of it, if it's not, being spent on broader access to additional tools that are constantly being reinvented as governments figure out how to block those? And number three, the ability and contingencies to surge up if, for example, what happened in Iran were to happen again. It is a time where we know there will be high demand by people to find out in the news what's actually going on. And there may be times where we might be able to surge access.

I would also say that, in some particular parts of the world, and this probably applies a lot less to China, but just since we are talking about that concept, you know, one of the things, there are places where the internet itself is nonexistent or denied to people. And I know for a fact that satellite technology is used in remote parts of the world and in other places to provide people content, access to the internet. Why can't that be used to apply access to a free internet, for example, on the island of Cuba where the government doesn't want them to have access to the internet?

And so in that case, it isn't just—what is blocking internet access is not just the firewall, it is the fact that it literally does not exist, and when it does it is very expensive. So there is a lot to work on in terms of the information flow.

And then just in terms of the long arm—I mean, one of the functions of this Commission is to raise awareness. I still think that what we have discussed here today has been reported, but the vast majority of people are just largely unaware of what is happening. And if we take what happened in Australia, we can begin to see the edges of it occurring here.

We are so used to living in a world where we had all the leverage and all the influence, that the notion that it somehow has been turned back on us, and it isn't just attacking our economic interests but our basic fundamental principles, is just lost on people. And we cannot allow that to continue.

And we need to look for creative ways to go about it. Some real good suggestions here, some of which we have already begun to work on, some of which the authorities already exist under Global Magnitsky to go after individuals responsible for these sorts of activities, but then also potentially causes of action against people who lose contracts or are fired because of interference by a foreign government, not just China. And I think companies like Marriott and others would be, I think, very reticent or be more careful about how they would approach this.

As I close, I wanted to read from something here that was in our opening memo because I thought it was stark in comparison to the apology that Congressman Lantos was able to get years ago. I have it here in the notes. And it goes back to—this is a statement from the chief of Marriott, Arne Sorenson. And this has to do—when the Chinese authorities blocked Marriott International's websites and apps for a week in China because they listed Tibet, Hong Kong, Macau, and Taiwan as separate countries in a customer survey. They demanded an apology and they demanded that they seriously deal with the people responsible. And it was as a result of some of this that we saw some of these actions.

But Marriott issued a formal apology, unlike the one issued to the mother of that gentleman who was jailed. They issued a formal apology. Here is what Marriott's chief, Arne Sorenson, said. "We don't support anyone who subverts the sovereignty and territorial integrity of China and we do not intend in any way to encourage or incite any such people or groups. We recognize the severity of the situation and sincerely apologize."

Well, again, I would say to you that there are people living in Taiwan who have a very different, a strong difference of opinion with Mr. Sorenson and with the Communist Party about sovereignty and territorial integrity. And so this is an American company benefiting from the freedom and the opportunities in this nation, who come up here and lobby for tax cuts and deregulation, everything that benefits them, basically openly apologizing and firing an American in order to be able to continue to operate in that marketplace.

We see this trend repeated over and over and over and over again. And when I read about the CEO of Apple at an internet conference, an internet freedom conference in China talking about, on the one hand, attacking a rival for selling off data and information and on the other hand turning over the entire cloud in China to a government server, the hypocrisy is unbelievable. Unbelievable.

And yet, somehow, they get away with this. They are held up as these heroes. And we need to continue to call that out and shame it for what it is. You cannot be representing yourself here in this country as a defender of freedom and openness and yet complicit and accomplices of repressive regimes under the guise of, We have to follow their laws because their markets require it. It goes to show that the bottom line and the ability to look good in front of

shareholders and return profits is more important than the supposed universal values that these companies have no problem tout-ing here at home where they have the freedom to do so without retri-bution—and all we can do is talk about it.

We are going to continue to do that. We are not going to allow what happened in Australia to happen here. I promise you that. And we are going to help Australia deal with it as well.

So I thank you, because what you have provided us here today is invaluable. And I am grateful for the time you have given us, for your insight. We look forward to continuing to work with you.

The record for the hearing will remain open for 48 hours.

Dr. Lantos Swett, the totality of your prepared statement will be entered into our record without objection.

And with that, the hearing is adjourned.

[Whereupon, at 11:51 a.m. the hearing was concluded.]

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

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PREPARED STATEMENTS

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**Escalating Chinese Government Internet Controls:  
Risks and Responses**

**Written Testimony by Sarah Cook**

*Senior Research Analyst for East Asia and China Media Bulletin Director*

Congressional-Executive Commission on China  
Digital Authoritarianism and the Global Threat to Free Speech  
April 26, 2018

Chairman Rubio, Co-Chairman Smith, and members of the commission, it is an honor to testify before you today. I have divided my comments into four parts:

- I. A brief overview of internet controls in China and their recent evolution
- II. Analysis of the costs these controls impose on Chinese and international actors
- III. Recommendations for steps the U.S. government can take to support freedom of expression and access to information in China
- IV. Concluding thoughts based on Freedom House experience of how such measures can have a real-world impact

**Internet Control Strategies in China**

The number of internet users in China has grown exponentially over the past 15 years, reaching an estimated 772 million people as of the end of 2017, and about 97.5 percent of users connect via mobile phones.<sup>1</sup> Although such connectivity engenders many benefits, it also personalizes censorship and surveillance practices to an unprecedented degree. These figures help put the issues we are discussing today in perspective – they do not affect only a small contingent of people, but rather a group more than double the size of the population of the United States.

Alongside this increased access to internet services, China's ruling Communist Party has developed a robust apparatus of controls built upon three pillars: censorship, manipulation, and surveillance.

- **Censorship** seeks to restrict users' access to information that the party-state deems undesirable either by blocking websites or forcing deletion of sites, articles, social media accounts, and individual posts.
- **Manipulation** aims to insert the party's perspective into online public debate and news consumption. This is achieved by dictating the headlines on popular news sites or aggregator apps or by paying commentators to distract netizens from government criticism.
- **Surveillance** and restrictions on anonymity serve to monitor communications, track the true identity of users even when they use pseudonyms, and facilitate arrest and imprisonment of those who cross the party's "red lines." It also encourages self-censorship among online journalists, bloggers, and ordinary users.

The Chinese authorities often claim that the content being targeted for censorship, monitoring, or punishment involves violence, pornography, or other information that might be recognized internationally as legitimately restricted. However, time and again, from individual incidents to broad research studies, it is evident that massive amounts of information vital to the public interest are systematically restricted. Freedom House analysis of leaked censorship and propaganda directives issued from 2015 through 2017 found that CCP manipulation not only targets coverage of the "usual suspect" topics of official wrongdoing, historic crimes, and human rights violations against ethnic and religious minorities. Restrictions also routinely encompass areas like public health and safety, foreign affairs, the economy, and the censorship system itself.<sup>2</sup>

Although China has long been home to the most multi-layered and sophisticated internet control apparatus in the world, recent years have seen new waves of tightening in areas of free expression or dissemination channels that were previously tolerated. For the past three years, China has thus been the worst abuser of internet freedom among 65 countries assessed in Freedom House's annual *Freedom on the Net* report.<sup>3</sup>

Over the past year alone and particularly since a new Cybersecurity Law came into effect in June 2017, online censorship and surveillance have expanded dramatically alongside increasing arrests of Chinese citizens, particularly for content shared on the popular instant

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<sup>2</sup> Sarah Cook, "Chinese Journalism, Interrupted," *Foreign Policy*, January 6, 2016, <http://foreignpolicy.com/2016/01/06/chinese-journalism-interrupted-what-government-censored-in-2015/>; Sarah Cook, "All the News Unfit to Print: What Beijing Quashed in 2016," *Foreign Policy*, December 16, 2016, <http://foreignpolicy.com/2016/12/16/all-the-news-unfit-to-print-what-beijing-quashed-in-2016/>; Sarah Cook, "The News China Didn't Want Reported in 2017," *The Diplomat*, January 27, 2018, <https://thediplomat.com/2018/01/the-news-china-didnt-want-reported-in-2017/>.

<sup>3</sup> Freedom House, *Freedom on the Net 2017*, November 2017, <https://freedomhouse.org/report/freedom-net/freedom-net-2017>.

messaging platform WeChat. Technical and regulatory innovation and experimentation is constantly underway. Additions to the censorship and surveillance toolbox from the past year include: large-scale shuttering of social media accounts rather than just deleting posts and particularly influential accounts, developing the ability to automatically scan images for subversive text rather than relying solely on human censors, forcing the removal of hundreds of mobile phone apps that enable users to reach blocked websites, and requiring residents of Xinjiang to install an app on their mobile phones that sends copies of their photos and other files back to the authorities.<sup>4</sup>

### **What are the costs of this tightening for various actors and individuals inside and outside China?**

**For Chinese netizens** – The space for ordinary Chinese to obtain and share information on a wide range of both political and apolitical topics has noticeably shrunk, while the risks of punishment for even facetious comments deemed unacceptable to the authorities have risen. These shifts have affected hundreds of millions of users in China. Although not all may be aware of the full set of changes, many have been forced to alter their online habits due to increasing censorship and real-name registration requirements. For target populations like activists, religious believers, or members of ethnic minorities, the consequences have been more dire. Lawyers, bloggers, and website administrators who have for years been publishing information about human rights abuses, protests, or worker strikes have been imprisoned and tortured. Numerous Tibetan monks, Uighur Muslims, and Falun Gong practitioners have been jailed for expressing birthday greetings to the Dalai Lama in WeChat, viewing videos about Islam on their phones, or downloading information from blocked websites about rights abuses to share with fellow citizens.<sup>5</sup> Christians recently discovered that they will no longer be able to purchase Bibles via e-commerce websites.<sup>6</sup>

**For Chinese society** – On a daily basis, vital information on health, public safety, and the judicial system is kept from the Chinese public, while people's ability to discuss the current and future direction of their country has been severely constrained. This was especially evident in the run-up to the 19th Party Congress in October and constitutional changes last

<sup>4</sup> Freedom House, *China Media Bulletin*, No. 121, September 11, 2017, <https://freedomhouse.org/china-media/china-media-bulletin-party-congress-censorship-vpn-crackdown-surveillance-upgrades-no-121>; Freedom House, *China Media Bulletin*, No. 127, March 23, 2018, <https://freedomhouse.org/china-media/china-media-bulletin-risks-of-xis-power-grab-npc-censorship-xinjiang-reprisals-issue-no-127>.

<sup>5</sup> Sarah Cook, *The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping*, Freedom House, February 28, 2017, <https://freedomhouse.org/report/china-religious-freedom>.

<sup>6</sup> James Griffiths, "Bibles pulled from online stores as China increases control of religion," CNN, April 5, 2018, <https://www.cnn.com/2018/04/05/asia/china-bible-online-christianity-intl/index.html>.

month. As the country underwent some of the most significant political events in its recent history, deletion of social media posts and accounts spiked. The vast majority of Chinese citizens were not only shut out of the conversation, but also risked severe punishment should they even try to take part from afar.

**For Chinese tech companies** – Chinese technology companies operate between a rock and a hard place. On the one hand, they try to innovate and serve customers in a competitive domestic market. At the same time, they are required to monitor and delete massive amounts of user-generated content in an ever-changing and arbitrary regulatory environment. In just the past month, several extremely popular applications providing news or enabling the sharing of humorous content to tens of millions of users have been suspended or shut down for failing to “rectify” their content sufficiently. One such live-streaming app Kuaishou is now seeking to hire 3,000 more internal censors alongside an existing team of 2,000 to monitor user content.<sup>7</sup> As Chinese tech firms come under increased pressure to cleanse their networks and communities of “harmful” information, recent weeks have also featured a spate of new cases involving users punished or interrogated by police for communications that were ostensibly shared privately with friends. Many of these cases involved Tencent’s WeChat platform.<sup>8</sup>

**For Foreign tech firms** – Many of the world’s top technology and social media companies are banned or extremely constrained in their ability to provide services to Chinese internet users. Notably, the websites of Facebook and Twitter are blocked, while restrictions on Google have expanded from its search engine to its email client, translation services and more. Foreign companies that do operate in China or work with Chinese firms are increasingly forced to comply with censorship demands. LinkedIn restricts users in China from accessing profiles or posts by people based outside the country that are deemed to contain politically sensitive information.<sup>9</sup> Earlier this year, Apple removed more than 600 applications from its mobile store that facilitated Chinese users’ ability to access blocked websites.<sup>10</sup>

<sup>7</sup> Emma Lee, “Kuaishou is hiring more people to filter content after crackdown on “vulgar” content,” *Technode*, April 8, 2018, <https://technode.com/2018/04/08/kuaishou-content-patrols/>.

<sup>8</sup> Sarah Cook, “China’s Ever-Expanding Surveillance State,” *Diplomat*, April 25, 2018, <https://thediplomat.com/2018/04/chinas-ever-expanding-surveillance-state/>.

<sup>9</sup> Paul Mozur and Vinu Goel, “To Reach China, LinkedIn Plays by Local Rules,” *New York Times*, October 5, 2014, <https://www.nytimes.com/2014/10/06/technology/to-reach-china-linkedin-plays-by-local-rules.html>.

<sup>10</sup> Letter from Cynthia C. Hogan, Apple Vice President for Public Policy in the Americas to Senators Patrick Leahy and Ted Cruz, November 21, 2017, <https://www.leahy.senate.gov/imo/media/doc/Apple%2011212017.pdf>.

Foreign companies operating in China also increasingly risk accusations of complicity in politicized arrests or violations of user privacy. Last year's Cybersecurity Law stipulates that foreign companies must store Chinese users' cloud data on servers located in China. To meet this requirement, Apple announced in January that iCloud data would be transferred to servers run by Guizhou on the Cloud Big Data (GCBD), which is owned by the provincial government.<sup>11</sup> Apple and GCBD now both have access to iCloud data, including photos and other content. In February, the U.S.-based note-taking app company Evernote similarly announced that Chinese users' data would be transferred to Tencent Cloud by mid-2018 to comply with data localization rules in the Cybersecurity Law.<sup>12</sup> Airbnb recently alerted its hosts that starting on March 30, "Airbnb China may disclose your information to Chinese government agencies without further notice to you."<sup>13</sup> And one of the biggest investors in the artificial intelligence (AI) firm SenseTime, which provides facial recognition technologies to some local police and at least one prison in China, is U.S. chipmaker Qualcomm.<sup>14</sup>

**For the Chinese Communist Party** – The CCP is leading the drive for increased internet controls, in large part in order to protect its hold on power and shield itself from criticism and organized political opposition. Yet this project does not come without its own costs for the party, be it in terms of legitimacy or in trying to discourage users from exploring content beyond the Great Firewall. An academic study published this month found that after Instagram was blocked in 2014, users were more motivated to seek out tools to circumvent censorship and reach the platform, encountering a much wider array of otherwise censored content along the way. The authors conclude that such sudden censorship "can politicize previously apolitical citizens, and can accumulate collective action potential that it often seeks to suppress."<sup>15</sup> Indeed, even as censors work vigorously to scrub voices of dissent from the internet, with each monthly announcement of new restrictions that negatively affect millions of users, signs of public backlash are evident.

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<sup>11</sup> BBC, "Apple: Chinese firm to operate China iCloud accounts," January 10, 2018, <http://www.bbc.com/news/business-42631386>.

<sup>12</sup> Freedom House, *China Media Bulletin*, No. 126, February 27, 2018, <https://freedomhouse.org/china-media/china-media-bulletin-resisting-beijings-influence-new-year-gala-metoo-in-china-issue-no-126#a4>.

<sup>13</sup> Twitter post by Bill Bishop with screenshot of Airbnb notice, March 28, 2018, <https://twitter.com/niubi/status/978945772971614209>.

<sup>14</sup> Reuters, "Qualcomm invests in Chinese AI facial recognition startup SenseTime," November 14, 2017, <https://www.reuters.com/article/us-sensetime-fundraising-qualcomm/qualcomm-invests-in-chinese-ai-facial-recognition-startup-sensetime-idUSKBN1DF0HE>.

<sup>15</sup> William R. Hobbs and Margaret E. Roberts, "How Sudden Censorship Can Increase Access to Information," April 2, 2018, <https://www.cambridge.org/core/journals/american-political-science-review/article/how-sudden-censorship-can-increase-access-to-information/A913C96E2058A602F611DFEAC43506DB>.

The constitutional changes enacted last month that removed term limits for President Xi Jinping are a case in point. The sheer scale of the censorship and the content deleted points to a sizeable contingent of Chinese citizens who disagreed with the move. On February 25, when the pending change was first announced, data from Hong Kong University's Weiboscope project showed a spike in deletions on the popular Sina Weibo microblogging platform.<sup>16</sup> Much of the dissent emerged in the form of ridicule aimed directly at Xi. The combined weight of the term-limit announcement and the related censorship provoked concerns and resentment among a wide swath of Chinese citizens who might otherwise consider themselves apolitical. These people began expressing their worries about China's direction to acquaintances and looking for ways around censorship. Numerous foreign and Chinese observers noted the stunned reaction of many ordinary people to the news, using words like "shock," "betrayal," and "regression."<sup>17</sup> A statement by overseas students describes how "even the least politically savvy people among our friends started to express their doubt, disapproval, and anger on social media."<sup>18</sup>

A 2015 Freedom House report on the first two years of Xi's rule noted his early steps to dispense with various "survival strategies" and adaptations made by the party in the aftermath of prodemocracy protests and their violent suppression in 1989.<sup>19</sup> Political scientists have credited those very strategies for the CCP's political longevity to date. Among them were forms of "containment" in which the party sought to limit both the scope of its repression and the blame for any abuses. For example, by decentralizing and diversifying policymaking via more collective leadership within the CCP, the party was able to blame shortcomings and even systemic abuses on lower-level officials or individual scapegoats, preserving its overall legitimacy. As Xi amasses personal power and the party increases control over state agencies as part of a government shake-up, however, the space for such plausible deniability shrinks. If (or perhaps when) a serious crisis erupts—in the economy, the environment, public health, or security—Xi and the party as a whole are more likely to be blamed by the public. Similarly, as the scope of repression and censorship expand to affect more and more people, the number of those feeling disillusioned, disempowered, or resentful toward the party is also likely to increase.

<sup>16</sup> Weiboscope, Hong Kong University, accessed April 24, 2018, <http://weiboscope.jmshku.hk/>.

<sup>17</sup> Joanna Chiu, "Chinese grumble about 'emperor' as congress fetes Xi," Agence-France Presse, March 6, 2018, <https://sg.news.yahoo.com/chinese-grumble-emperor-congress-fetes-xi-064458540.html>.

<sup>18</sup> Xi's Not My President, "The Future Lasts Forever," Medium, March 12, 2018, <https://medium.com/@xisnotmypresident/the-future-lasts-forever-566b2cd7dfb7>.

<sup>19</sup> Sarah Cook, *The Politburo's Predicament: Confronting the Limitations of Chinese Communist Party Repression*, Freedom House, January 2015, [https://freedomhouse.org/sites/default/files/12222014\\_FH\\_ChinaReport2014\\_FINAL.pdf](https://freedomhouse.org/sites/default/files/12222014_FH_ChinaReport2014_FINAL.pdf).

Despite these costs and periodic Chinese government or tech company concessions to public outcries, it is hard to image any voluntary loosening of restrictions in the coming years. On the contrary, we are likely to see more tightening, more government demands for companies' cooperation, and more arrests of innocent users.

Meanwhile, as China's global influence rises, the impact of CCP censorship, propaganda and the nuanced contestation surrounding it is also being felt beyond the borders of Mainland China.<sup>20</sup> Alongside increased pressure on overseas media to self-censor, the Chinese government has also invested billions of dollars over the past decade to expand state media entities and state-affiliated educational institutes to dozens of countries around the world, actively attempting to influence global information flows and public discourse, particularly about China and how it is governed. Similar trends are affecting academia, the technology sector, and the performing arts, entertainment, and literary worlds.

In the realm of surveillance, there are initial signs that some advanced technology and innovations are being shared with other undemocratic governments. On April 13, Reuters reported that Yitu, a Chinese artificial intelligence firm, recently opened its first international office in Singapore, and is preparing a bid for a government surveillance project that will include facial recognition software deployed in public spaces.<sup>21</sup> Last week, *Nikkei* reported that Yitu had supplied "wearable cameras with artificial intelligence-powered facial-recognition technology to a local law enforcement agency" in Malaysia.<sup>22</sup> Both countries are rated only Partly Free in Freedom House's global assessment of political rights and civil liberties, and their governments have a long track record of suppressing political opposition and peaceful protesters.<sup>23</sup>

## Recommendations

The U.S. government and international community should be ready to respond to recent events and future trends. Earlier this week, as part of our *China Media Bulletin* project,

<sup>20</sup> Sarah Cook, *The Long Shadow of Chinese Censorship: How the Communist Party's Media Restrictions Affect News Outlets Around the World*, The Center for International Media Assistance, National Endowment for Democracy, October 22, 2013, <http://www.cima.ned.org/wp-content/uploads/2015/02/CIMA-China-Sarah%20Cook.pdf>.

<sup>21</sup> Aradhana Aravindan and John Geddie, 'Singapore to test facial recognition on lampposts, stoking privacy fears,' Reuters, April 13, 2018, <https://www.reuters.com/article/us-singapore-surveillance/singapore-to-test-facial-recognition-on-lampposts-stoking-privacy-fears-idUSKBN1HK0RV>.

<sup>22</sup> CK Tan, "Malaysian police adopt Chinese AI surveillance technology," *Nikkei*, April 18, 2018, <https://asia.nikkei.com/Business/Companies/Chinas-startup-supplies-AI-backed-wearable-cameras-to-Malaysian-police>.

<sup>23</sup> Freedom House, *Freedom in the World 2018*, January 2018, <https://freedomhouse.org/report/freedom-world/freedom-world-2018>.

Freedom House launched a new resource section, which includes a comprehensive set of recommendations for the Chinese government, foreign governments, and societal actors like tech firms, media companies, philanthropists, and educators on how to support and advance free expression in China.<sup>24</sup> The following are a few select recommendations most relevant to the U.S. government:

#### **Public Policy and Diplomacy**

- **Bilateral engagement:**
  - Consistently raise the issues of press freedom and internet freedom in China publicly and in private meetings with Chinese counterparts, including at the highest levels. Stress that universal rights like free expression apply to China;
  - Note the negative impact of certain policies or laws on foreign companies and China's World Trade Organization commitments;
  - Urge the release of imprisoned journalists and free expression activists (see [here](#) for sample list);
  - Highlight the harm done to Chinese citizens when reporting on topics of public concern—like health, safety, and corruption—is constrained.
- **Responding to violations:**
  - React with strong and immediate diplomatic action (press statements, phone calls, meetings, letters) to any violations of media freedom or free expression involving U.S. citizens or media outlets, including detentions in China, violence against journalists, restrictions on media access, blocking of websites, and efforts by Chinese diplomats to interfere with press freedom within the United States.
  - Press allies to take similar actions.
- **Targeted sanctions:**
  - Impose targeted sanctions, such as travel bans and asset freezes, on individual Chinese officials involved in serious abuses against those who have exercised their right to free expression.
- **Role of the business community:**
  - Press companies doing business in China to do no harm, whether it be turning private citizen data over to the Chinese government or providing surveillance or law enforcement equipment used by Chinese authorities to violate individual rights.

#### **Funding**

- **Countering censorship:**

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<sup>24</sup> Freedom House, "China Media Bulletin Resources: Recommendations for policymakers, media, donors, and others," accessed April 24, 2018, <https://freedomhouse.org/content/china-media-bulletin-recommendations-policymakers-and-media>.



- Support groups that develop and disseminate tools to enable Chinese users on a large scale to access blocked websites, including from mobile phones.
- Create an emergency fund that can be activated quickly during moments of crisis or political turmoil to rapidly enhance the server capacity of circumvention tools facing increased demand from China as periodically happens when the number of Chinese people seeking uncensored information spikes.
- Support efforts to monitor, preserve, and recirculate censored content within China, including news articles and social media posts that have been deleted by censors.
- **Overseas Chinese media:**
  - Support independent or critically minded diaspora Chinese media and other offshore initiatives that aim to provide uncensored news and diverse political analysis to readers, viewers, and internet users inside and outside China. Such support can take the form of trainings, cybersecurity protections, or other forms of capacity building that are typically provided to independent media within foreign countries.
  - Ensure that such outlets are eligible for funding aimed at media freedom inside China, or consider allocating dedicated resources for these outlets.
- **Awareness raising:**
  - Support research and outreach initiatives that inform Chinese audiences about the censorship and surveillance apparatus, imprisoned journalists and online activists, the regime's human rights record overall, and how democratic institutions function. Existing studies and surveys have shown that netizen awareness of censorship often yields a greater desire to access uncensored information, assist a jailed activist, or take steps to protect personal communications.

## Conclusion

Despite the Chinese government's ever escalating efforts to censor and monitor citizens' access to information, steps like those cited above by the United States and other international actors can have a real-world impact, a dynamic Freedom House has observed repeatedly in our work. I have personally interviewed several prisoners who were the subject of rescue campaigns and testified to better treatment, less torture in custody, and sometimes early release thanks to international pressure.

In addition, as part of the *China Media Bulletin* project, we have been working with partners who run circumvention tools like GreatFire's FreeBrowser or overseas Chinese outlets who gain traffic via tools like FreeGate and Ultrasurf. These channels garner millions of

impressions each month and bring tens of thousands of readers from inside China to the bulletin, many of whom stay on the page for long periods to read the content or subscribe to the newsletter directly. This is just one example of the eagerness with which a notable contingent of Chinese people are actively seeking out uncensored, credible information about their country and the media controls in place.

Earlier this year, we conducted a survey among Chinese readers of the bulletin. The impact on their own behavior of gaining a better understanding of censorship and surveillance in China was palpable. Significantly, 55 percent of Chinese respondents reported being more careful when using Chinese social media applications after reading the bulletin and over 45 percent reported making a greater effort to seek out uncensored information. In addition, 18 percent of Chinese readers reported deciding to take some action to support free expression or an individual activist.

From that perspective, I would like to conclude with a quotation from one of those readers as a testament to the importance of international support for free expression and access to information in China.

*I am a lower class worker in Chinese society and I don't speak English. An independent Chinese media like you, that does in-depth reports about the situation in China, gives me a better understanding of China's current situation and future development. And it also helped my personal life and work. On a macro scale, China is the largest authoritarian country in the world, the Chinese Communist Party oppresses its citizens, blocks information flows, and also threatens the existing world order. I think the flow of information and freedom of speech are very important to China's future development. Birds in cages long to fly, even if we can't fly out now, hearing the chirping of birds outside can still give us hope and faith!*

## PREPARED STATEMENT OF CLIVE HAMILTON

My background is not in China studies but in politics and public policy. I decided to write “Silent Invasion: China’s Influence in Australia” in 2016 when it became obvious from newspaper reports that interference by the Chinese Communist Party in Australian politics is a serious issue that demands greater public awareness. Conversations with China experts soon established that the threat is more serious and deep-rooted than I had realised. Nevertheless, the scale and nature of the threat is one lay people need to understand. Since publication of “Silent Invasion” on February 26th of this year, it has become clear to me that many Australians have had an intuition that something is wrong and want it explained to them.

When I formulated the idea of the book, Allen & Unwin, a highly respected independent publisher that had published eight previous books by me, could immediately see its importance and commercial appeal and we soon signed a contract. However, last November, as the finished manuscript was about to go to typesetting, Allen & Unwin notified me that it would not proceed with publication. The CEO wrote saying that, based on advice it had received, the company was reacting to “potential threats to the book and the company from possible action by Beijing.” He went on to write: “The most serious of these threats was the very high chance of a vexatious defamation action against Allen & Unwin, and possibly against you personally as well.”

The company’s defamation lawyer had pointed out that it would not be possible to make textual changes to the book that would protect the company from vexatious legal actions by Beijing’s proxies in Australia, legal actions that would tie up the company in expensive legal action for months or longer. Compared to those of the United States, Australia’s defamation laws favor the litigant.<sup>1</sup>

Allen & Unwin believed that in addition to punitive legal actions, Beijing may retaliate by shutting down the company’s website with denial-of-service cyberattacks and by blocking access to printeries in China, where many books are printed.

Why was Allen & Unwin so nervous? The company had been spooked by recent (and still current) defamation actions taken against major news organisations by “whales,” a reference, I believe, to legal action taken by Chau Chak Wing, a Chinese-Australian billionaire resident in Guangdong, and Huang Xiangmo, a wealthy Chinese citizen residing in Sydney. (Both are discussed in “Silent Invasion.”) Australia’s domestic intelligence agency, the Australian Security Intelligence Organisation (ASIO), has warned the major political parties that they should not accept donations from these men because of their suspected links to the Chinese Communist Party.<sup>2</sup>

Chau Chak Wing claims that he was defamed in a 2016 story published in the Sydney Morning Herald and again in 2017 in a “Four Corners” television documentary program produced by the ABC and Fairfax (publisher of the Sydney Morning Herald). In their defense against Chau Chak Wing’s statement of claim, the ABC and Fairfax Media told the court there are reasonable grounds to believe that Chau Chak Wing “betrayed his country, Australia, in order to serve the interests of a foreign power, China, and the Chinese Communist Party by engaging in espionage on their behalf.”<sup>3</sup>

Huang Xiangmo was for several years the president of the Australian Council for the Promotion of Peaceful Reunification of China, the peak United Front body in Australia, and in 2017 was at the center of the political scandal that led to the resignation of Senator Sam Dastyari. The Prime Minister has described Mr. Huang as “an agent of a foreign country.”<sup>4</sup> He took legal action against the Herald-Sun newspaper (a News Corp outlet).

It is difficult to know whether the defamation actions launched by these billionaires had political motives, but there is little doubt that they have had a chilling effect on reporting by news outlets in Australia, and now on the book publishing industry. It’s worth noting that in December 2017 an editorial in the People’s Daily in effect endorsed the use of lawfare abroad, another instance of the Chinese Communist Party exploiting the institutions of democracy to undermine democracy.

Allen & Unwin’s decision to drop “Silent Invasion” citing fear of reprisals from Beijing was a spectacular vindication of the argument of the book. No actual threats were made to the publisher, which in a way is more disturbing. The shadow cast

<sup>1</sup> Australian journalists hold important information about the activities and Communist Party links of agents of influence in Australia that cannot be published without significant legal risk.

<sup>2</sup> Nick McKenzie, Chris Uhlmann, Richard Baker, Daniel Flitton, “ASIO warns parties that taking China cash could compromise Australia,” Sydney Morning Herald, June 5, 2017.

<sup>3</sup> Clive Hamilton, “Silent Invasion,” p. 78.

<sup>4</sup> Peter Hartcher, “Icebreakers: How Beijing seeks to influence the West,” Sydney Morning Herald, December 5, 2018.

by Beijing over Australia is now dark enough to frighten a respected publisher out of publishing a book critical of the Chinese Communist Party. (It's worth remembering that for all the opprobrium heaped upon it, Allen & Unwin is a victim too.)

My dismay was compounded as I realised that the shadow and Allen & Unwin's fear of it had frightened off the rest of the publishing industry. Big publishers like Penguin, HarperCollins, and Hachette did not come knocking on my door, even though the spiking of the book had attracted headlines around the world.

I worry about the message that has now been sent to China scholars: "If you write a book critical of the CCP you will have trouble finding a publisher, so censor yourself or play safe and write about Ming dynasty architecture." China scholars have told me that they censor themselves in order not to jeopardise their visas to do research in China, and so protect their careers.<sup>5</sup>

Two independent publishers did express strong interest in "Silent Invasion" but pulled out, citing the same fear of payback. One was Melbourne University Press, the nation's most prominent university publisher, a company of the University of Melbourne, by some measures Australia's top-ranked university. Its Board took the unusual step of overruling its chief executive on a publishing decision. Sources close to MUP have told me that a factor in the Board's decision was the anxiety of senior university executives about the potential impact of publication on the university's lucrative revenue flows from Chinese students.

Clearly, the situation is dire when a university press will not publish a scholarly book about the Chinese Communist Party for fear of punishment by the Party. Along with other instances of universities sacrificing intellectual freedom to ingratiate themselves with Beijing (detailed in the media and in my book), it is no exaggeration to say that Australian universities now tiptoe over eggshells to avoid any action that may offend Party bosses in China.

If not for the courage and commitment to free speech of Sandy Grant, the principal of Hardie Grant, "Silent Invasion" may well have gone unpublished, which would have been a comprehensive victory for the Chinese Communist Party.<sup>6</sup>

# # # # #

Recently, we have seen major Western publishers (Cambridge University Press and Springer) compromise academic freedom by censoring their publications at the insistence of Beijing. (CUP reversed its decision after an outcry.) They did so to maintain access to the Chinese market. In the "Silent Invasion" case the fear was not about what the CCP could do in China (cut off access to markets) but what the CCP could do in Australia (sponsor legal actions). As I detail in the book, the tentacles of the Party now reach into all of the important institutions in Australia.

The spiking of "Silent Invasion" represents perhaps the starkest attack on academic freedom in recent Australian history. It attracted intense media interest and strong support from the public. As I searched for a publisher, some members of Parliament proposed publishing the manuscript in Hansard, both as a statement in defence of free speech and to give it legal protection under the laws of parliamentary privilege.

However, throughout the saga one sector maintained a studied silence—the universities. No representative organisation (notably, Universities Australia and the Group of Eight) or prominent vice-chancellor made any kind of statement supporting me, a professor apparently being targeted by a powerful foreign state because of his work. Yet three months later, in a submission to a parliamentary inquiry into the proposed new foreign interference laws, Universities Australia bleated about the threat posed by the new laws to academic freedom. These are laws designed explicitly to prevent foreign powers from suppressing free speech, yet the universities were concerned about how they might harm the well-being of their international students and jeopardize their research collaborations. These collaborations presumably include the plethora of research links that Australian universities have with Chinese scientists doing military-related research in universities linked to the People's Liberation Army, a phenomenon uncovered by my researcher Alex Joske and detailed in newspaper articles by us and reprised in "Silent Invasion." Australian universities are now so closely tied into monetary flows and links with China that they have forgotten the founding principles of the Western university.

The University of Sydney, for example, last year enrolled 25,000 international students, the majority from China. Numbers had doubled over four years and last year

<sup>5</sup>Phila Sui, "What's the 'dirty secret' of Western academics who self-censor work on China?," South China Morning Post, April 21, 2018.

<sup>6</sup>In 1987 Sandy Grant was the publisher at Heinemann who defied the British government to publish "Spycatcher," an expose of MI6, by Peter Wright. In the celebrated court case, won by the publisher, Heinemann's barrister was a young Malcolm Turnbull.

generated Australian \$752 million (US \$570 million) in revenue.<sup>7</sup> The University of Sydney's Vice-Chancellor, Dr. Michael Spence, has claimed there is no evidence for Chinese government interference on his campus and labeled the mounting warnings by the government, based largely on ASIO reports, as "Sinophobic blatherings."<sup>8</sup> Chau Chak Wing last year donated \$15 million to the university, which will be used for a building named after Chau at the university's front gates.

# # # # #

Publication of "Silent Invasion" has prompted an intense and at times rancorous debate within the community of China scholars in Australia. Some 50 "China scholars" (many of whom have no expertise in PRC politics) have signed an open letter in which they characterise expressions of concern about PRC influence as "the creation of a racialised narrative of a vast official Chinese conspiracy."<sup>9</sup> They reject the proposed foreign interference laws because they "see no evidence ... that China is exporting its political system to Australia." Although no one has said that the CCP is exporting its Leninist party governing system to Australia, the evidence from a range of sources that the CCP is extending the operations of its influence and propaganda system to Australia is now overwhelming.<sup>10</sup>

There are none so blind as those who will not see. But why will they not see what Beijing is doing in Australia? One can only speculate. For the most part, I don't believe they have been captured or are agents of any kind. They express their genuine convictions. They see Communist Party rule through rose-tinted glasses because they believe that, for all its faults, "the Party has lifted 600 million people out of poverty,"<sup>11</sup> or that the first priority must be to shield people of Chinese heritage in Australia from xenophobia, or that Australia's institutions are too robust to be influenced in the ways suggested. For some, China is still seen through the lenses of a romantic Maoism; for others a visceral anti-Americanism makes them welcome a global challenger.

The Global Times, the CCP's nationalistic tabloid, warmly welcomed the intervention of these China scholars as proof that the debate over CCP influence in Australia is only "fanning the flames" of racial animosity.<sup>12</sup>

Those who signed the open letter divided themselves sharply from many other China scholars, some of whom composed a rival letter rejecting their substantive claims. Those in the second group "strongly believe that an open debate on the activities of the Chinese Communist Party (CCP) in this country is essential to intellectual freedom, democratic rights, and national security."<sup>13</sup> They reject claims the debate is characterised by racism and note that it is led by a number of Chinese-Australian scholars. The letter then describes the kinds of subversive activities practiced in Australia by the CCP.

Predictably, the Global Times wrote that those who signed the second letter are only stirring up trouble by supporting the government's foreign interference legislation.

# # # # #

<sup>7</sup> Matt Wade, "Degrees of risk: inside Sydney's extraordinary international student boom," Sydney Morning Herald, March 2, 2018. Compared to last year, enrollments from China at Australian universities have surged by 18 percent in 2018, totaling 173,000 (Tim Dodd, "Chinese defy warnings and flock to Australian universities," The Australian, April 18, 2018).

<sup>8</sup> Andrew Clark, "Sydney Uni's Michael Spence lashes government over 'Sinophobic blatherings,'" Australian Financial Review, January 28, 2018.

<sup>9</sup> <https://www.policyforum.net/an-open-letter-from-concerned-scholars-of-china-and-the-chinese-diaspora/>. The organizer of the letter was Dr. David Brophy, a lecturer at the University of Sydney, who had just written a scathing review of "Silent Invasion." He denounced it as a "McCarthyist manifesto" and a "paranoid tome" that adds to "our all-too-rich library of Asian invasion fantasies." Many of his arguments and expressions were reproduced in the letter.

<sup>10</sup> This claim is all the more extraordinary when made by David Brophy, whose work concentrates on the Uyghurs of Xinjiang, including their brutal suppression. His writings suggest that his anti-Americanism overwhelms his judgement.

<sup>11</sup> This claim, propagated by the CCP, is often repeated by elites, notably former prime minister Paul Keating, perhaps the foremost Australian apologist for CCP rule. Yet, as I write in "Silent Invasion," the Communist Party did not lift 600 million people out of poverty; it kept 600 million people in poverty. It was only when the CCP lifted its foot off the neck of the Chinese people and permitted basic economic rights—the rights to own property, to set up a business, to move one's residence, to work for whoever one liked—that the Chinese people could lift themselves out of poverty.

<sup>12</sup> <https://m.huanqiu.com/r/MV8wXzExNzA5NjE0XzEzOF8xNTIyMjY3MjAw?pcurl=http%3A%2F%2Fworld.huanqiu.com%2Fexclusive%2F2018-03%2F11709614.html>.

<sup>13</sup> <https://www.policyforum.net/chinas-influence-australia-maintaining-debate/>.

In March, the Australian Values Alliance, a group of Chinese-Australians opposed to Communist Party interference in Australia, organised a launch event for “Silent Invasion” at NSW Parliament House in Sydney. (It’s not clear how those accusing me of stoking anti-China sentiment explain away the enthusiastic support for the book from some segments of the Chinese-Australian community.) The organisers’ WeChat messages were censored from Beijing. A week after the launch one of the group’s leaders, John Hu, was deported from China when he arrived at Shanghai airport with his 80-year-old mother to scatter the ashes of his father.<sup>14</sup> He was told he was getting off lightly; it would be much worse for him if he were allowed in and then taken into custody. The message to Chinese Australians was unambiguous.

A Ministry of Foreign Affairs spokeswoman was asked by a Global Times journalist whether “Silent Invasion” was guilty of “inventing stories for malicious sensationalism, condemning the author for poisoning Australia-China relations for achieving fame.”<sup>15</sup> She duly trashed the book as “slander” and “good for nothing.” The Embassy in Canberra issued a similar spray, calling the book “racist bigotry” and a “malicious anti-China mentality.”<sup>16</sup>

The condemnations of me and my book are but a small part of a much larger strategy to emerge in recent times. Beijing is ramping up its rhetoric against Australia in a calibrated campaign of psychological warfare. Beijing knows that it cannot bully the United States—in the current environment the consequences would be unpredictable and probably counterproductive—so it is instead pressuring its allies. Last week the PLA Navy challenged three Australian warships sailing through the South China Sea, simply for being there. It has scaled up its threats of economic harm unless Australia changes its “anti-China” path. This psychological warfare is only Stage 1, with real punishment to follow if needed.

Yet there is no shortage of Beijing sympathisers and appeasers among Australia’s elite, calling on Australian politicians, scholars and commentators to “tone down the rhetoric,”<sup>17</sup> as if the current strain in the relationship were our fault rather than Beijing’s campaign of subversion, cyber intrusions and harassment on the high seas. Former Prime Minister Kevin Rudd has recently echoed this view. This self-criticism (reminiscent of the self-abasement sessions of the Cultural Revolution) looks like the 21st century’s version of kowtowing. When China’s Foreign Ministry calls for a return to “mutual trust,” it means a return to compliance.

My New Zealand counterpart Professor Anne-Marie Brady has faced a harder time, as she is virtually alone in exposing CCP influence operations in that nation. In recent months both her office at the University of Canterbury and her home have been burgled, with the thieves ignoring valuables in favor of laptops and a passport.<sup>18</sup> The government has asked its intelligence service to investigate.

Exposés of United Front work, including Brady’s and my own, highlight something essential to understand about the CCP’s foreign influence and interference strategies. Their secretiveness and subtlety lend them a high level of deniability. Beijing’s strident and at times hysterical public commentary can obscure this fact. Shining a light on its tactics and activities makes it uncomfortable and liable to react with fury.

# # # # #

As a coda to this statement, it might be worth adding that after the Allen & Unwin story broke in November and reinforced by news of the Anne-Marie Brady

<sup>14</sup> <http://www.abc.net.au/news/2018-03-21/australian-outspoken-about-communist-party-denied-entry-to-china/9573830>.

<sup>15</sup> Bill Birtles, “China cites Australian critics to trash Clive Hamilton’s controversial new book”, ABC News online, March 2, 2018.

<sup>16</sup> Phila Sui, “What’s the ‘dirty secret’ of Western academics who self-censor work on China?”, South China Morning Post, April 21, 2018.

<sup>17</sup> Perhaps the leading exponent is mining billionaire Andrew Forrest, who seems to be on a one-man mission to “broker peace” using his top-level contacts in the Chinese Communist Party (see Michael Smith, “China ramps up anti-Australia talk as tensions surface,” Australian Financial Review, April 21–22, 2018). It’s not clear which element of Australian society he has appointed himself to acting for. In 2013 John Garnaut pointed out that Forrest had been targeted as a potential agent of influence by a PLA Liaison Department operation. An innocent abroad, Forrest’s key contact in Beijing turned out to be a lieutenant general in the PLA (“Chinese military woos big business,” Sydney Morning Herald, May 23, 2013).

<sup>18</sup> Philip Matthews, “PM to follow up break-in at house of academic studying China’s power,” Stuff Politics, February 20, 2018. Australia’s foremost expert on United Front activity, Gerry Groot, has suggested that the burglaries may have been the work of triads acting on Beijing’s instructions (Martin McKenzie-Murray, “Inside China’s ‘united front,’” The Saturday Paper, March 3, 2018). The Communist Party’s use of criminal gangs is well known in Hong Kong and Taiwan.

burglaries in February, I have had to take extensive measures to step up my personal security. The measures have been based on advice from top-level law enforcement and surveillance experts. The following are among the concerns and measures taken:

- A suspicious stranger arrived outside my office building and sat for some hours using what a surveillance expert later suggested may have been a “sniffer” phone, a device capable of picking up Wi-Fi and mobile transmissions. She also entered the building before suspicions were aroused.
- This incident and one or two others led to the installation of CCTV cameras and a permanent “lock-down” of the office building.
- Malware was found in “every nook and cranny” of my computers, requiring a scrubbing of hard drives, reinstallation of operating systems and adoption of advanced cyber protections.
- People believed to be Chinese students were confronted after they were caught checking the contents of my unmarked pigeon-hole in a secure area of the National Library of Australia.
- I have been provided with countersurveillance advice by experts, and security guards have been provided at my public appearances.

I do not seek sympathy. But I am a citizen of a democratic nation that prizes free speech. It offends me that as a result of exercising my right to free speech by writing a book, it has been necessary to take these steps to protect myself from an authoritarian foreign power.

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PREPARED STATEMENT OF KATRINA LANTOS SWETT

Good morning. I want to thank Senator Rubio and Congressman Smith for the invitation to participate in this hearing and I want to commend you both for convening a hearing on such an important topic. I would ask that my full testimony, including relevant correspondence between the Internet Freedom Coalition and the State Department, BBG, and Members of Congress be included as part of the hearing record.

The French have a wonderful saying, “Plus ça change, plus c’est la même chose”; the more things change, the more they remain the same. I could not help but think of this phrase as I prepared my remarks for today’s hearing.

Over ten years ago, my late father, Tom Lantos, then Chairman of the House Foreign Affairs Committee, held a hearing that crystallized the sad truth about the devastating moral compromises so many major companies and countries, including at times, our own, are willing to make in order to appease the Chinese government and gain access to its vast markets.

The Chief Executive of Yahoo, Jerry Yang, was in my father’s crosshairs that day over his company’s cooperation in giving up the identity of a dissident journalist, Shi Tao, to the Chinese authorities. After Yahoo disclosed his identity to the government, Mr. Shi was sentenced to prison for 10 years for the crime of engaging in pro-democracy activities. As these high tech billionaires and technological whiz kids sat before him, my father, who came to this country as a penniless Holocaust survivor from Hungary, said, “While technologically and financially you are giants, morally you are pygmies.”

On that memorable occasion, Jerry Yang felt so “called out” by my father’s words that he actually turned around and publicly bowed in apology to Mr. Shi’s weeping mother, who was seated behind him. It was a dramatic moment, to be sure, but most episodes of cowardly kowtowing and quiet collaboration with the bullies, the censors, and the persecutors of the Chinese Communist Party occur without public comment or scrutiny. Furthermore, as today’s hearing demonstrates, China is not content with censoring and controlling its own citizens. It is using the immense power of its financial resources to reach every corner of the world in an effort to intimidate businesses, universities, publishers, hotel chains, religious institutions, human rights democracy activists, and even governments. It pains me to have to say this, but right now, China is succeeding in this effort to a shocking degree. Even more shocking, later in my remarks I will expose why I feel our government is doing far too little in the way of Internet freedom to truly help the people of China and other repressed regimes around the world.

Two of my fellow witnesses this morning have had personal experiences with the long arm of Chinese government intimidation and their testimony is a cautionary and chilling tale. Just as my father did back in 2007, we must use the power of public naming and shaming to try and restrain the worst impulses of businesses, other organizations, individuals, and even our own government agencies who seem

all too willing to sell their precious birthright of free speech and democracy for a mess of Chinese pottage.

To be clear, I think we all recognize that the Internet is not an unalloyed good when it comes to spreading ideas and expanding the borders of freedom and democracy. As Shakespeare so memorably penned, “The web of our life is of a mingled yarn, good and ill together.” It is analogous to our intricate system of modern transportation. While we recognize that it contributes to pollution, congestion, disrupts the environment, and of course, makes possible terrible accidents involving injuries and fatalities; nonetheless, it is the indispensable circulatory system that makes possible our modern world of travel and commerce. Similarly, the Internet, despite its ability to spread hate, disrupt elections, and propagate fake news, is indispensable to our modern system of global communication. And as such, it is central to freedom of expression everywhere in the world.

That is why there was so much enthusiasm and energy eight years ago when then Secretary of State Hillary Clinton delivered a landmark speech on Internet freedom. I was sitting in the audience that day and felt the surge of optimism as our nation’s top diplomat laid out a robust vision of America’s central role in tearing down what Secretary Clinton referred to as “the Berlin Wall of our digital age.” Remember, I am the daughter of the only member of Congress who personally experienced the horrors of living under fascism of the right, the Nazis, and the totalitarianism of the left, the Communists. It is in my DNA to resist these authoritarian efforts to control free, uncensored access to knowledge and I’m pretty sure, Senator Rubio and Congressman Smith, that it is in your DNA too.

The year after that speech, the Lantos Foundation played a leading role in redirecting a good part of our government’s spending on Internet freedom to the BBG. Prior to that, almost all funding was inside the State Department, and frankly, it led to situations where China was able to deftly use the U.S.’s efforts to open the Internet and circumvent their “Great Firewall” as a diplomatic bargaining tool. Clearly, as a human rights organization, we believe that access to the Internet is a modern human right that should not be bargained away, so we sought a “safer” home for the funding and felt the BBG had enough independence to play a leading role in opening the Internet across the globe.

In the early years of this adjustment in the way our government funded anti-censorship tools, Internet freedom initiatives were not perfect, but our government was funding a number of technologies to provide open access and we were moving in the right direction. Today, it pains me to have to sit before you and express my deep disappointment and frustration with the actual results and current commitment of our country’s Internet freedom policy. I’ve heard it said that if China herself had been in charge of America’s Internet freedom policy, it could hardly have been more favorable to China’s interests. That is an extraordinarily harsh assessment, perhaps harsher than I myself would subscribe to, but let me tell you why I think it is not far off the mark.

Perhaps the single most stunning example of the lengths to which China will go to create an information prison is the “Great Firewall,” a massive government censorship apparatus that has been estimated to cost billions of dollars annually and to employ some two million people to police the Internet use of its citizens (Foreign Policy Magazine, July 2017). For this reason, many of us have long believed that firewall circumvention technologies must be a key component of any effective Internet freedom strategy. Since 2011 the Lantos Foundation, as part of a broad Internet freedom coalition, has urged Congress to direct the State Department through DRL and the BBG to provide robust funding to field-tested, scalable circumvention technologies. Recognizing that these technologies have the potential to provide safe and uncensored access to the Internet for literally hundreds of millions of people in China and in other closed societies around the world, Congress has responded. In every recent appropriation bill, Congress has included language directing that not less than \$50 million be spent to fund Internet freedom programs including specifically, firewall circumvention technology. This simply has not happened. Call it willful ignorance, call it bureaucratic intransigence and obfuscation, call it what you will, but in my view, both the State Department and the BBG have failed to faithfully implement the clearly expressed intent of Congress, that significant resources be dedicated to these large-scale firewall circumvention technologies that China most fears. They have funded freedom festivals and trainings and small-scale technologies that are more directed to driving traffic to their own platforms (in the case of the BBG) than giving free, unfettered access to the vast world of the Internet for the hundreds of millions of people trapped behind the digital curtain. They fund privacy and security apps that are very important for safety while on the Internet, but they forget that many cannot even access the Internet. Meanwhile, some of the most effective, proven technologies, the ones China fears the most, technologies that pro-



vide unfettered access to all, have received only modest funding and have had curious barriers placed in their paths, making it difficult, if not impossible to qualify for the different grant proposals.

The cost to U.S. interests of these failures at BBG and DRL were on vivid display during January of this year when protests broke out in Iran. Hundreds of thousands of Iranians took to the streets to protest economic hardship and the oppressive rule of the theocratic dictators. Among other repressive responses to this popular uprising, the Iranian government acted to block access to the Internet. Sadly, because the BBG had earlier cut off all funding to some of the most effective circumvention technologies, our ability to help provide access to the outside world for those brave Iranians was greatly limited. Only a single U.S. government-funded large-scale circumvention technology was available at this moment of crisis. I consider this an inexcusable dereliction of duty.

I confess—I am baffled by the failure of both the State Department and the BBG to faithfully execute the directives that Congress has given them. When I have met with representatives at both agencies, they reassured me of their deep commitment to the goal of broadening access to Internet freedom and of the intensity of their efforts to do so. The rhetoric is pleasant enough, but their words are not matched by their deeds. When our coalition has attempted to drill down and get real facts about where they are directing their resources and why they are not funding proven technologies, we are most often met with obfuscation, opacity, and unfulfilled promises. During the midst of the Iranian protests, I met with the top leadership at the BBG and they personally pledged to me that within three to four weeks at the most, funding would be granted for technologies that could make access available to vastly increased numbers of users around the world. More than three months have passed since those meetings, and not only has no funding been approved, but the latest indications are that no additional funding will be granted for the foreseeable future. To say that our Internet freedom coalition is frustrated by this pattern would be an understatement.

I have reluctantly come to the conclusion that the bureaucrats at DRL and the BBG are relying on what they think is Congress's inadequate attention span and limited expertise to get away with this pattern of ignoring Congress's clearly expressed intent when it comes to funding robust firewall circumvention technologies. What arrogance! I am hoping and praying that you will prove them wrong.

This issue, Internet firewall circumvention, desperately needs champions in the Congress. We need leaders who will be vigilant and vigorous in demanding accountability from the agencies responsible for executing our government's Internet freedom policies; leaders who will not be beguiled by soothing words, and rather than accept heartfelt protestations of good intentions, will demand results. Above all, we need leaders who know that we must not pacify the oppressors but instead fortify and strengthen the brave dissidents and ordinary Chinese citizens who are risking everything in their pursuit of freedom. In other words, we need leaders who are not moral pygmies, but rather moral giants. I know that both of you are the kind of leaders we need. The Lantos Foundation, along with our Internet freedom coalition partners, stand ready to assist you in any way possible.

Thank you.

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PREPARED STATEMENT OF HON. CHRISTOPHER SMITH

China has the world's largest number of internet users as well as the world's most sophisticated and aggressive internet censorship and control regime. The Chinese government, under the leadership of Xi Jinping, views digital controls as necessary for its political stability and control of core digital technologies as necessary for its economic future.

The Chinese government spends \$10 billion on maintaining and improving their censorship apparatus. The U.S. government has an annual internet freedom budget of \$55 million and Congress still has little idea how this money is spent.

Over the past year or so, Chinese companies were ordered to close websites that hosted discussions on the military, history, and international affairs, and crack down on "illegal" VPNs (in response, Apple was forced to remove VPNs from the China app store). New regulations were announced restricting anonymity online and the Chinese government rolled out impressive new censorship technologies, censoring photos in one-to-one WeChat discussions and disrupting WhatsApp. Beijing has also deployed facial and voice recognition, artificial intelligence, and other surveillance technologies throughout the country, but particularly targeting the Uyghur ethnic minority, where between 500,000 and 1 million Uyghurs have been detained arbitrarily.

The Chinese government and Communist Party's attempts to enforce and export a digital authoritarianism pose a direct threat to Chinese rights defenders and ethnic minorities and pose a direct challenge to the interests of the U.S. and the international community.

The U.S. must recognize that we are engaged in a battle of ideas with a revitalized authoritarianism—online, in the marketplace, and elsewhere—and we need to up our “competitive game” to meet the challenge.

The Administration's National Security Strategy (NSS) says quite clearly that the Chinese government and Communist Party (along with Russia) seek to “challenge American power, influence, and interests, attempting to erode American security and prosperity. They are determined to make economies less free and less fair, to grow their militaries, and to control information and data to repress their societies and expand their influence.”

The NSS also states that “China is using economic inducements and penalties, influence operations, and implied military threats to persuade other states to heed its political and security agenda. . . . China gathers and exploits data on an unrivaled scale and spreads features of its authoritarian system, including corruption and the use of surveillance.”

The Chinese government and Communist Party want to shape a world antithetical to U.S. values and interests and to export their economic, political, and censorship models globally.

In response, the U.S. and like-minded allies must stand resolutely for freedom of religion, fairer and freer trade, labor rights, freedom of navigation, the rule of law and freedom of expression—including online.

A coherent and engaged internet freedom strategy must be a critical part of the U.S. diplomatic toolbox. This strategy should have at its core a commitment to protect fundamental freedoms and privacy, and promote the free flow of news and information.

But it is not a matter of just having a strategy—it should be the right one. The Bush and Obama Administrations pursued cyber diplomacy, yet internet freedom has declined around the world, privacy is increasingly under threat, and the free flow of information has become more endangered.

The right strategy must start with some humility. Cyberspace is a place to spread democratic ideals and a place where criminals, extremists, corporations, traffickers, and governments exploit vulnerabilities with impunity. Online communication can convey our highest ideals and our worst fears. It can shine a light on repression and be the source of hatred, manipulation, fake news, coercion, and conflict. It can bring people together or push us apart.

Despite all this, I agree with the NSS's conclusion which says, “The Internet is an American invention, and it should reflect our values as it continues to transform the future for all nations and all generations. A strong, defensible cyber infrastructure fosters economic growth, protects our liberties, and advances our national security.”

Central to a revitalized U.S. internet freedom strategy should be a priority to open gaping holes in China's Great Firewall. I'm just not confident that this is the policy of the Broadcasting Board of Governors or the State Department right now.

I think there are certain goals we should prioritize in our internet freedom strategy regarding China:

- (1) China's netizens require easy, reliable, and free access to uncensored information through anti-censorship technologies, so that anybody can freely access information regardless of their technical ability. Reliable solutions should work all the time, regardless of intensified crackdowns or major events (Party Congress, June 4th anniversary) taking place in-country.
- (2) Solutions should also present difficult choices for the Chinese authorities. If the authorities want to disrupt these solutions, then they must disrupt many online services which they would normally be hesitant and unlikely to block.
- (3) Access to solutions should also come at no cost to Chinese netizens. The Chinese authorities often block access to payment providers, so even if Chinese can afford a circumvention solution, they cannot get past censorship by their payment provider.
- (4) Holistic anti-censorship solutions should be encouraged, including not just technical circumvention but also distribution of those tools (getting around Google Play being blocked, and censorship in the Apple App Store) as well as helping users share anti-censorship tools, as well as content, through messaging apps, social networks, and QR codes.

These are just a few starting principles. I am open to a conversation about these goals with experts and allies. But given the stakes and possible outcomes, moving quickly to fund and distribute anti-censorship technologies should be a priority.

The future safety and prosperity of our grandchildren—in the U.S. and China alike—may very well depend on “open, interoperable communications online, with minimal barriers to the global exchange of information, data, ideas, and services.”

## SUBMISSIONS FOR THE RECORD

LETTERS SUBMITTED BY KATRINA LANTOS SWETT



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[www.lantosfoundation.org](http://www.lantosfoundation.org)

March 9, 2011

The Honorable Mitch McConnell  
361 A Russell Senate Office Building  
Washington, D.C. 20510-1702

Dear Senator McConnell:

We write about a matter increasingly central to the peaceful pursuit of American interests, including the free exercise of political expression and religious faith: the effort to tear down the Internet firewalls on which closed society regimes increasingly rely to isolate their people and maintain their control.

These matters were eloquently endorsed as essential goals of American policy by Secretary Clinton's recent speech on the subject.

As such, we are concerned by recent State Department actions that, after a delay of more than sixteen months, do not adhere to the clear intent of the \$30 million Internet freedom appropriation of the FY 10 Appropriations Act. That standard was set forth in a January 20, 2010 letter sent to Secretary Clinton by Senators Brownback, Casey, Kaufman, Kyl, and Specter with which we fully agree and cite:

*The FY 10 Consolidated Appropriations Act requires as a matter of law that the Internet Freedom funds be awarded to applicants who currently and demonstrably are able to expand Internet access to "large numbers of users living in closed societies that have acutely hostile Internet environments." The intent of the language is clear: funds should facilitate immediate and order-of-magnitude scale-ups of proven, field-tested protocols that facilitate access to the Internet by pro-democracy demonstrators in Iran, China, and elsewhere...*

That long delays have occurred, and that the performance standards established by Congress and the law for Internet firewall circumvention have been thwarted, has been made all the more serious by events in Egypt, Tunisia, Iran, China, Cuba, and other closed societies, where the hunger for the free exchange of ideas and the use of the web to do so has sharply escalated.

For the above reasons and, independently in the interest of effective administration and Congressional oversight of the government's efforts to circumvent closed society Internet firewalls, we also write to address an overriding question: *Which government agency is best suited to manage this function?*

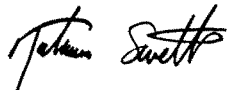
In that regard, we cite the Conference Report for the Foreign Affairs Reform and Restructuring Act of 1999, covering its decision to sunset the United States Information Agency. In so doing, the Conference Report described the imperative need to separate the government's policy making and information dissemination functions and to assign them to different agencies. Congress thus created the Board of Broadcasting Governors to assume the information dissemination function while properly leaving policy making and public diplomacy responsibilities to the State Department, and we believe that this policy should be implemented in the present circumstance. We further believe that the current arrangement which makes the State Department responsible for digital information dissemination while the BBG is responsible for radio wave information dissemination impairs efficiency, accountability, and oversight. Today's bifurcation of responsibility between overlapping modes of information transmission should be ended. For these reasons, we hope that the USIA policy precedent will be implemented at Congress's first opportunity; the fact that the Department has not complied with the FY 10 mandate and earlier Internet freedom appropriations makes this implementation critical.

That said, we wish to associate ourselves with Secretary Clinton's two major Internet freedom addresses and to note that there are Internet freedom policy initiatives beside firewall circumvention that the United States should pursue and that the State Department is best equipped to pursue. We would encourage Congress to work with senior State Department officials to achieve rapid support for other major initiatives to advance Internet freedom in the world's closed societies.

We commend the House and Senate for their leadership actions taken in calling for the transfer of FY 10 Internet freedom funds from the State Department to the BBG. In particular, we applaud the Senate Appropriations Committee's recent decision in the FY 11 Continuing Resolution which provided that "not less than \$15,000,000" of the FY 10 Internet freedom appropriation "shall be" transferred from the State Department to the BBG. Particularly because the State Department can – *and already has* – transferred prior Internet freedom appropriations to BBG as an act of policy discretion, we hope that Congress will call upon the Department to transfer these funds immediately without waiting for further negotiations. Prompt action will empower millions of citizens in closed societies to have uncensored access beyond the "digital curtain" they currently live behind.

We stand ready to discuss this urgent matter with you at your earliest convenience.

Sincerely,



Katrina Lantos Swett  
*President, Lantos Foundation*

Ammar Abdulhamid (Syria)  
*Founder and Executive Director, Tharwa Project*

Aung Kyaw Oo (Burma)  
*Director, Free Burma Federation*

Frank Calzón (Cuba)  
*Executive Director, Center for a Free Cuba*

Ambassador James Cason (Cuba)  
*President, Center for a Free Cuba*

Amir Abbas Fakhraei (Iran)  
*Secretary General, Confederation of Iranian Students*  
*President, Iranian Freedom Institute*

Abolfazl Eslami (Iran)  
*Iranian Defected Diplomat, Board Member of Green Embassy Campaign*

Fang Zheng (China)  
*Student, 1989 Tiananmen Democracy Movement*

Feng Congde (China)  
*Founder, 64memo.com*

Angel De Fana (Cuba)  
*Director, Plantados (Planted Until Freedom and Democracy in Cuba)*

Bob Fu (China)  
*President, China Aid*

Hu Ping (China)  
*Editor in Chief, Beijing Spring*

Huang Liping (China)  
*Director, Foundation for China in the 21<sup>st</sup> Century*

Rebiya Kadeer (Uyghur)  
*President, World Uyghur Congress*

Saghar Erica Kasraie (Iran)  
*Spokesperson, Confederation of Iranian Students*

Sam Kim, Esq. (Korea)  
*Executive Director, Korean Church Coalition for North Korea Freedom*

Lin Muchen (China)  
*President, Chinese Democracy Education Foundation*

Huber Matos (Cuba)  
*Center for a Free Cuba*

Wong Min (China)  
*General Secretary, Alliance for a Democratic China*

Dr. Binh Nguyen (Vietnam)  
*President, International Federation for the Protection of Prisoners of Conscience  
Committee to Support the Non-Violent Movement for Human Rights in Vietnam*

Dr. Nguyen Dinh Thang (Vietnam)  
*Executive Director, Boat People SOS*

Helen Ngo (Vietnam)  
*Chair, Committee for Religious Freedom in Vietnam*

Richard Saisomorn (Laos)  
*President, Laotian New Generation Democracy Movement*

Yang Kuanxing (China)  
*Editor in Chief, Yibao E-Magazine; Charter 08 Co-Author*

Yan Jiaqi (China)  
*Former President, Federation for a Democratic China; Charter 08 Original Signatory  
#1 on the Chinese government's Tiananmen 21 wanted list*

Dr. Yang Jianli (China)  
*President, Initiatives for China; Charter 08 Signatory  
Fellow, Harvard Kennedy School of Government*

Zhang Xiaogang (China)  
*Director, Initiatives for China; Charter 08 Original Signatory*

Chai Ling (China)  
*President, Janzabar, Inc  
Tiananmen 21 wanted list*

Zhou Fengsuo (China)  
*Co-founder, Humanitarian China  
Tiananmen 21 wanted list*

Zhang Qianjin (China)  
*Pastor, San Francisco Bay Area Reformed Church*

Zhou Jian (China)  
*President, Independent Federation of Chinese Students and Scholars*

Wang Youcai (China)  
*Co-President, China Democratic Party*

**Congress of the United States**

Washington, DC 20510

April 10, 2013

Strategy and Budget Committee  
Broadcasting Board of Governors  
330 Independence Avenue, S.W.  
Washington, D.C. 20237

Attention: Committee Members Meehan and Ashe

To the Committee:

As senior Members of the Senate and House Appropriations Committees, we write to express our concern with the Board's anti-Internet censorship determinations. Specifically, we believe that the current fiscal year's post-sequester allocation of less than 2% of the BBG budget for this function represents a underinvestment in one of the most cost-effective means of satisfying BBG statutory obligations and peacefully advancing United States national interests. In our view, one that is repeatedly confirmed by the expressions and actions of the world's closed society regimes, the BBG's failure to adequately support field tested Internet firewall circumvention systems or invest in anti-Internet censorship research and development, will allow closed society regimes to enhance their security and isolate hundreds of millions of people from each other and the outside world.

The BBG's failure in this regard also ignores the repeated views of Congress, first expressed in report language of the State, Foreign Operations, and Related Programs Appropriations Act of 2008, that "ensuring the freedom of Internet communication in dictatorships and autocracies throughout the world is a high and critical national interest priority of the United States."

Further, we agree with the statement on the BBG website that "[y]ounger demographics, the availability of new technologies, and increased competition are collectively driving significant changes in audience behavior and media consumption." In sum, we believe that the Internet is the ultimate instrument of freedom, and thus believe that the BBG should vigorously challenge efforts of closed society regimes to use the Internet to deny it. We also understand that the development of firewall circumvention systems provoke asymmetric expenditures on the part of regimes seeking to maintain Internet firewall systems, which is yet a further basis of our concern on the Board's seeming low priority as it relates to Internet circumvention.

For these reasons, we believe the BBG budget for anti-Internet censorship activities should be no less than 10% of its overall budget, divided equally between expanded operational support for what previous Appropriations Acts have defined as



“field tested programs that provide unmonitored and uncensored access to the Internet for large numbers of users living in closed societies with acutely hostile Internet environments,” and for research and development purposes.

We also note that past BBG funding decisions, and comments by Board Members and senior BBG staff, indicate that modest increases in anti-Internet censorship allocations could permit breakthrough Internet freedom developments before the end of the current fiscal year. Specifically, we note that such developments could include safe and unmonitored town hall meetings with the participation of large numbers of Iranians inside and outside the country, and comparably safe participation in worship services by house church members in China. We further note indications that increased support might also allow participation in those events via mobile device technology. If true, these developments could be of a historic character and would satisfy the congressionally expressed view that “the [Appropriations] Committee supports [BBG] efforts to counter Internet censorship imposed by China and Iran.” They would also fulfill the President’s 2012 Nowruz pledge to challenge “the electronic curtain that is cutting the Iranian people off from the world,” and his pledge to advance “a basic freedom for the Iranian people: the freedom to connect with one another and the rest of the world.” In addition, they would give meaning to Secretary Clinton’s finding that “connection technologies like the internet and social networking sites should enhance individuals’ ability to worship as they see fit, come together with people of their own faith, and learn more about the beliefs of others.”

We await an expression from the Board of its readiness to rapidly and significantly increase its anti-Internet censorship allocation so as to bring its operations into line with 21st century technologies and imperatives.

Thank you for your consideration of this request.



Congressman Frank Wolf



Senator Roy Blunt

cc: Richard Lobo, Director of the International Broadcasting Bureau  
 Jeffrey Trimble, Deputy Director of the International Broadcasting Bureau  
 Libby Liu, Chair, The Open Technology Fund  
 Andres Mendes, Director of the Office of Technology, Services and Innovation



June 5, 2013

Chairwoman Barbara Mikulski  
Senate Appropriations Committee  
503 Hart SOB  
Washington, DC 20510

Chairman Harold Rogers  
House Appropriations Committee  
2406 Rayburn HOB  
Washington, DC 20515

Ranking Member Richard Shelby  
Senate Appropriations Committee  
304 RSOB  
Washington, DC 20510

Ranking Member Nita Lowey  
House Appropriations Committee  
2365 Rayburn HOB  
Washington, DC 20515

Dear Senate and House Appropriations Committee Members,

We write in strong support of the Internet freedom initiatives described in the attached April 10 letter sent by Senator Roy Blunt and Congressman Frank Wolf to the Board of Broadcasting Governors [BBG]. The Wolf-Blunt letter calls for peacefully advancing the interests of freedom throughout the world by modestly readjusting BBG budget priorities to provide greater support for programs permitting closed society residents to circumvent the Internet firewalls of their regimes.

The BBG's current allocation of less than 2% of its budget to anti-Internet censorship activities represents a significant underinvestment of its resources – all the more so because we know that existing firewall circumvention systems have achieved field tested success despite the lack of support they have thus far received. That such systems lack servers or sufficient numbers of dynamic IP addresses to allow their scalable designs to rapidly serve tens of millions of closed society residents is for us a matter calling for immediate remediation – as the Wolf-Blunt letter does.

In taking this position, we are pleased to associate ourselves with the words of former Secretary of State Clinton, who noted that "connection technologies like the internet and social networking sites should enhance individuals' ability to worship as they see fit, come together with people of their own faith, and learn more about the beliefs of others." We likewise identify ourselves with the goal announced last April by President Obama, when he noted that "[t]he United States will continue to draw attention to the electronic

curtain that is cutting the Iranian people off from the world,” and when he spoke of the need to “advance a basic freedom for the Iranian people: the freedom to connect with one another and with their fellow human beings.” The goals set forth by the President and former Secretary Clinton are rapidly achievable, and we urge you to do so by adopting the modest yet far reaching steps called for in the Blunt-Wolf letter.

As occurred when the Berlin Wall came down, we believe that a comparable chance to make history can occur by permitting the bypass of the Internet firewalls on which the world’s dictatorships rely to isolate their people and, by their open admission, remain in power. The fact that this can be done without computer hacking like that now practiced against the United States by agencies of closed society regimes only makes the case for the Blunt-Wolf letter all the stronger.

We respectfully and urgently request your support for the letter’s recommendations.

Very truly yours,



Katrina Lantos Swett  
*President, Lantos Foundation for Human Rights and Justice*

Dr. Yang Jianli  
*President, Citizen Power for China/Initiatives for China*

Hu Ping  
*Editor, Beijing Spring*

Sheng Xue  
*President, Federation for a Democratic China*

Zhang Xiaogang  
*Editor, China-E-Weekly*

Bob Fu  
*Chairman, China Aid Association*

Fengsuo Zhou  
*Past President, Chinese Democracy Education Foundation*

Ammar Abdulhamid  
*President, Tharwa Foundation*

Ambassador James Cason  
*President, Center for a Free Cuba*

Angel De Fana  
*Director, Plantados Until Freedom and Democracy in Cuba*

Dr. Congde Feng  
*Founder, Dr. Sun Academy*

Chen Guangcheng  
*Chinese Human Rights Advocate*

Sam Kim  
*Executive Director, Korean Church Coalition for North Korea Freedom*

Binh Nguyen  
*Senior Advisor, Human Rights for Vietnam*

Huber Matos  
*President, Cuba Independiente y Democrática*

Richard Saisomorn  
*President, Laotian New Generation Democracy Movement (LNGDM)*

Alim A. Seytoff  
*President, Uyghur American Association*

Hadi Ghaemi  
*Executive Director, International Campaign for Human Rights in Iran*

CC:

House Appropriations Committee Members

Congressman C.W. Bill Young, Florida  
 Congressman Frank R. Wolf, Virginia  
 Congressman Jack Kingston, Georgia  
 Congressman Rodney P. Frelinghuysen, New Jersey  
 Congressman Tom Latham, Iowa  
 Congressman Robert B. Aderholt, Alabama  
 Congresswoman Kay Granger, Texas  
 Congressman Michael K. Simpson, Idaho  
 Congressman John Abney Culberson, Texas  
 Congressman Ander Crenshaw, Florida  
 Congressman John R. Carter, Texas  
 Congressman Rodney Alexander, Louisiana  
 Congressman Ken Calvert, California  
 Congressman Jo Bonner, Alabama  
 Congressman Tom Cole, Oklahoma  
 Congressman Mario Diaz-Balart, Florida  
 Congressman Charles W. Dent, Pennsylvania  
 Congressman Tom Graves, Georgia  
 Congressman Kevin Yoder, Kansas  
 Congressman Steve Womack, Arkansas  
 Congressman Alan Nunnelee, Mississippi  
 Congressman Jeff Fortenberry, Nebraska  
 Congressman Tom Rooney, Florida  
 Congressman Chuck Fleischmann, Tennessee  
 Congresswoman Jaime Herrera Beutler, Washington  
 Congressman David Joyce, Ohio  
 Congressman David Valadao, California  
 Congressman Andy Harris, MD, Maryland  
 Congresswoman Marcy Kaptur, Ohio  
 Congressman Peter J. Visclosky, Indiana  
 Congressman José E. Serrano, New York  
 Congresswoman Rosa L. DeLauro, Connecticut  
 Congressman James P. Moran, Virginia  
 Congressman Ed Pastor, Arizona  
 Congressman David E. Price, North Carolina  
 Congresswoman Lucille Roybal-Allard, California  
 Congressman Sam Farr, California  
 Congressman Chaka Fattah, Pennsylvania

Congressman Sanford D. Bishop, Jr., Georgia  
 Congresswoman Barbara Lee, California  
 Congressman Adam B. Schiff, California  
 Congressman Michael M. Honda, California  
 Congresswoman Betty McCollum, Minnesota  
 Congressman Tim Ryan, Ohio  
 Congresswoman Debbie Wasserman Schultz, Florida  
 Congressman Henry Cuellar, Texas  
 Congresswoman Chellie Pingree, Maine  
 Congressman Mike Quigley, Illinois  
 Congressman Bill Owens, New York

Senate Appropriation Committee Members

Senator Patrick J. Leahy, Vermont  
 Senator Tom Harkin, Iowa  
 Senator Patty Murray, Washington  
 Senator Dianne Feinstein, California  
 Senator Richard J. Durbin, Illinois  
 Senator Tim Johnson, South Dakota  
 Senator Mary L. Landrieu, Louisiana  
 Senator Jack Reed, Rhode Island  
 Senator Frank R. Lautenberg, New Jersey  
 Senator Mark Pryor, Arkansas  
 Senator Jon Tester, Montana  
 Senator Tom Udall, New Mexico  
 Senator Jeanne Shaheen, New Hampshire  
 Senator Jeff Merkley, Oregon  
 Senator Mark Begich, Alaska  
 Senator Thad Cochran, Mississippi  
 Senator Mitch McConnell, Kentucky  
 Senator Lamar Alexander, Tennessee  
 Senator Susan Collins, Maine  
 Senator Lisa Murkowski, Alaska  
 Senator Lindsey Graham, South Carolina  
 Senator Mark Kirk, Illinois  
 Senator Dan Coats, Indiana  
 Senator Roy Blunt, Missouri  
 Senator Jerry Moran, Kansas  
 Senator John Hoeven, North Dakota  
 Senator Mike Johanns, Nebraska  
 Senator John Boozman, Arkansas

United States Senate  
WASHINGTON, DC 20510

April 9, 2014

Broadcasting Board of Governors  
330 Independence Avenue, S.W.  
Washington, D.C. 20237

Dear Chairman Shell and Members of the Board:

We write to follow up on an April 10, 2013, letter to your Strategy and Budget Committee regarding internet firewall circumvention priorities at the Broadcasting Board of Governors (BBG). As signers to the original letter and additional members of Congress who have become stakeholders in this matter, we emphasize the critical need for the BBG to act quickly on the clear directives provided by Congress in PL113-76, the *Consolidated Appropriations Act of 2014*.


As you know, PL 113-76, states that "... up to \$41,734,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which *not less than* [emphasis added] \$25,500,000 shall be available to expand unrestricted access to programs funded under this heading and other information on the Internet through the development and use of circumvention and secure communication technologies..."

Further, the accompanying report language requires the BBG to detail amounts planned for firewall circumvention in FY2014, as well as to prepare a required spend plan. As noted in the report, the required plan would specifically outline the Board's use of funds to promote internet freedom globally. We urge the Board to quickly fulfill the requirements of PL 113-76 and take priority action offering the best prospect for major closed society firewall circumvention breakthroughs to take place before the end of 2014. As an indication of the time-sensitive action the Omnibus Act intended to achieve, we request a response from the Board indicating the BBG's timeline for implementing the law in this matter and notice if, for any reason, the Board would delay issuing firewall circumvention grants later than July 15, 2014.

With respect to Congressional intent for use of funds, we strongly recommend that, of the allocation provided to the Board in support of internet circumvention technologies, no less than \$20 million should be dedicated to support for scalable, field-tested operational systems, and no less than \$5.5 million allotted to firewall circumvention research and development. Our view is in part based on the acknowledgement by senior Board officials that a grant of \$20,000,000 would be very likely to allow historic breakthroughs to take place this year. If additional funds are needed to achieve these breakthroughs, we note the Omnibus Act's "not less than \$25.5 million" allocation for that purpose. The Omnibus expressly dedicates "not less than" \$25.5 million to support of internet firewall circumvention. Those funds shall not be used for broadcast activities, and we expect Board compliance with this policy.

The BBG's statutory mandate is to provide free and uncensored information to individuals living in closed societies. Congress has clearly made this issue a priority. Amnesty International U.S.A., the Lantos Foundation, the U.S. Conference of Catholic Bishops, the Southern Baptist Ethics and Religious Liberty Commission, and the Religious Action Center for Reform Judaism have all written to Congress to clearly indicate their strong support. We urge you to take action on this critical matter and look forward to continuing to work with the Board to expand the free flow of information world-wide.

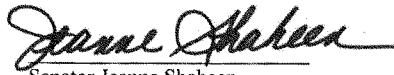
Sincerely,



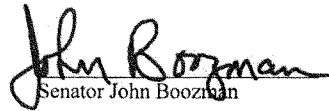
Senator Roy Blunt



Congressman Frank Wolf



Senator Jeanne Shaheen



Senator John Boozman

**CHINAaid**  
对华援助协会



June 8, 2016

Speaker Paul Ryan  
United States House of Representatives  
1233 Longworth House Building  
Washington, DC 20515

Minority Leader Nancy Pelosi  
United States House of Representatives  
233 Cannon House Office Building  
Washington, DC 20515

Congresswoman Kay Granger  
Chairwoman  
State and Foreign Operations Subcommittee  
1026 Longworth House Office Building  
Washington, DC 20515

Congresswoman Nita Lowey  
Ranking Member  
State and Foreign Operations Subcommittee  
2365 Rayburn House Office Building  
Washington, DC 20515

Majority Leader Mitch McConnell  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20515

Minority Leader Harry Reid  
United States Senate  
522 Hart Senate Office Building  
Washington, DC 20515

Senator Lindsey Graham  
Chairman  
State and Foreign Operations Subcommittee  
290 Russell Senate Office Building  
Washington, DC 20515

Senator Patrick Leahy  
Ranking Member  
State and Foreign Operations Subcommittee  
437 Russell Senate Office Building  
Washington, DC 20515

Dear Esteemed Members of Congress,

Today's closed society regimes openly acknowledge that Internet firewalls are the equivalent of the Berlin Wall and its barbed wire borders. It is currently within the power of the United States Congress, working through the Broadcasting Board of Governors (BBG) and the State Department's Economic Support Fund (ESF), to tear down the 21<sup>st</sup> Century's Berlin Wall and rapidly change the lives of millions of people.

Leaders of authoritarian governments use cyber walls to isolate their people, limit free press, and deny political, cultural, and religious freedom. Furthermore, Internet controls are increasingly being used as a barrier to trade. Indeed, the United States Trade Representative recently labeled China's Internet restrictions a trade barrier that keeps US firms out of Chinese markets, providing a multibillion dollar protectionist advantage for Chinese companies.



In the near future this can change and *tens of millions of people could begin to have daily censorship-free access to the Internet without additional dollars being spent*. It is a matter of acting quickly to mandate that already approved BBG and State Department funds are allocated to support existing, field-tested Internet firewall and censorship circumvention technology. It should be noted that such technologies are currently being used by hundreds of thousands of individuals in China, Iran, Vietnam, and elsewhere to defeat efforts by their leaders to limit their freedom. However, lack of allocated funding for this technology means that only hundreds of thousands, rather than tens of millions, are able to take advantage of these vital freedom tools each day.

Please consider these facts:

- Key Members of Congress have called on the BBG to allocate “no less than 10% of its overall budget” for anti-Internet censorship activities;
- The BBG has admitted that fewer and fewer individuals access programming via shortwave radio, instead opting for the Internet. Estimated smartphone use in China and Russia is 58% and 48% respectively;
- Because radio broadcasts are increasingly accessed using Internet platforms, it is critical to the BBG’s core mission to increase its allocated spending for anti-Internet censorship activities so that BBG programming can reach its intended audience; and yet
- The BBG’s FY17 budget submission continues a baffling pattern of decreases in proposed spending for anti-Internet censorship activities:
  - FY15: \$17.5M out of \$737M (2.4%)
  - FY16: \$15M out of \$749M ((2.0%)
  - FY17 (proposed): \$12.5M out of \$777M (1.6%);
- The BBG and State Department spending allocations for anti-Internet censorship activities have failed to reflect Congress’ declaration that “ensuring the freedom of Internet communication in dictatorships and autocracies throughout the world is a high and critical national interest priority of the United States”;
- BBG and State Department spending has also failed to honor the repeated expressed intent of Congress, most recently in the “Consolidated Appropriations Act of 2016”, that “no less than \$50,500,000 shall be made available for programs to promote Internet freedom globally.”
  - Out of the funds that the State Department spends on “Internet Freedom,” it is estimated that less than \$3 million was spent on Internet firewall and censorship circumvention technology.
  - In FY17, the BBG is only requesting \$12.5 million for its “Internet Freedom” and “Anti-Censorship” activities, and less than this amount is proposed for actual Internet firewall and censorship circumvention technology.

It is very important that spending for Internet Freedom be directed towards the proven field tested Internet firewall and censorship circumvention technology that is responsible for the actual opening of the Internet in closed societies. We are confident this allocation of funds can be achieved without compromising any of the vital operations the BBG or the State Department are currently engaged in. This conclusion is supported by a GAO study which found that nearly 20% of the BBG budget is spent for “inefficient and duplicative” purposes, mainly from overlapping language services between various networks.

We believe the historic expansion of uncensored access to the Internet in fulfillment of the intent of the US Congress is within reach. The following mandate added to the FY 17 State/Foreign Operations Appropriations Act would ensure the needed mandatory funding without spending additional dollars or compromising current programming. We recommend that Congress include language in FY 17 State/Foreign Operations Appropriations Act mandating that:

- No less than 10% (\$77 million) of the BBG's requested budget should be allocated for the express purpose of supporting Internet firewall & censorship circumvention activities; and
- The State Department shall transfer from the Economic Support Fund (ESF) no less than \$38.5 million to support the BBG in fulfillment of this mandate; and
- No less than \$20 million of the mandated (\$77 million) sum should be let as contracts by the BBG in FY 2017 to increase the system capacity and blocking resilience of existing field tested Internet firewall & censorship circumvention systems to achieve order of magnitude increases in closed society Internet access during calendar year 2017.

Mandatory yearly budget allocations at these levels have the very real potential to provide safe uncensored access to the Internet in closed societies for 25 million users per day. These estimates are confirmed by senior technology staff at the BBG as well as the developers of the most successful censorship circumvention software currently contracting with the BBG.

In recognition of and respect for America's historic role in expanding freedom and with a profound hope that America will continue to fulfill this role in the future, we earnestly ask that you act without delay to take the steps necessary to dismantle the Berlin Wall of the 21<sup>st</sup> Century.

We look forward to meeting with you and other Congressional leaders to discuss this and the related work needed to bring about this crucial change.

Respectfully,




**Katrina Lantos Swett**  
*President, Lantos Foundation for Human Rights and Justice*



**Bob Fu**  
*Chairman, China Aid*



**Randel Everett**  
*President, 21st Century Wilberforce Initiative*

**Honorable Frank Wolf**  
*Former Member of Congress; Distinguished Sr. Fellow, 21st Century Wilberforce Initiative*

## Co-Signing Organizations:



**Ayaan Hirsi Ali**  
*Founder, AHA Foundation*



**Chai Ling**  
*Founder, All Girls Allowed*



**Dr. Rene Maciel**  
*President, Baptist University of the Americas*



**Chen Guangcheng**  
*Founder and Executive Director, Chen Guangcheng Foundation*

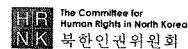
**Zhang Mingxuan**  
*President, China House Church Alliance*

**Chinese Christian Citizen Journalist Association**  
*(Name withheld for security purposes)*

**Chinese Christian Human Rights Lawyers Association**  
*(Name withheld for security purposes)*



**Mervyn Thomas**  
*CEO, Christian Solidarity Worldwide*



**Greg Scarlatoiu**  
*Executive Director, Committee for Human Rights in North Korea (HRNK)*



**Dr. Robert Cochran**  
*Executive Director, District of Columbia Baptist Convention*



**James C. Denison, Ph.D**  
*President, Denison Forum on Truth and Culture*



**Dr. Blair Blackburn**  
*President, East Texas Baptist University*



**Dr. Russell Moore**  
*President, Ethics and Religious Liberty Commission of the Southern Baptist Convention*



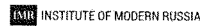
**Dr. Andy Davis**  
*Pastor, First Baptist Church, Belton, TX*



**Paul Rusesabagina**  
*Founder, Hotel Rwanda Rusesabagina Foundation*



**Dr. Yang Jianli**  
*President, Initiatives for China*



**Pavel Khodorkovskiy**  
*President, Institute of Modern Russia*



**Rebiya Kadeer**  
*President, International Uyghur Human Rights and Democracy Foundation;  
President, World Uyghur Congress*



**Irshad Manji**  
*Founder, Moral Courage Project*



**Dr. Yang Sen-Hong**  
*President, Taiwan Association for China Human Rights*



**Omer Kanat**  
*Vice-President, Uyghur American Association*



**Alim A. Seytoff, Esq**  
*Director, Uyghur Human Rights Project*



**Dr. Bruce Webb**  
*Pastor, The Woodlands First Baptist Church, Houston, Texas*

## Co-Signing Individuals:

**Mort Abramowitz**  
*Senior Fellow, The Century Foundation*

**Dr. George Bullard**  
*General Secretary, North American Baptist Fellowship*

**Lisa Colacurcio**  
*Advisor, Impact Investments*

**Rabbi Abraham Cooper**  
*Associate Dean of the Simon Wiesenthal Center*

**Dr. Nicholas N. Eberstadt**  
*Henry Wendt Chair in Political Economy at the American Enterprise Institute*

**Getaneh Getaneh**  
*Founder, Watch & Pray Ministries*

**Katharine Gorka**  
*President, Council on Global Security*

**Dr. Rick Grant**  
*Pastor, First Baptist Church, Benton, AR*

**Kevin Jessip**  
*President, Global Strategic Alliance, Inc.*

**Dr. Byron Johnson**  
*Distinguished Professor of the Social Sciences, Baylor University*

**Dr. Douglas Johnston**  
*President, International Center for Religion & Diplomacy*

**Ambassador Winston Lord**

*Former Assistant Secretary for East Asia, Department of State; former U.S. Ambassador to China; former President of the Council on Foreign Relations; former Chairman of the National Endowment for Democracy*

**David S. Maxwell**

*Associate Director of the Center for Security Studies and the Security Studies Program, Georgetown University; Colonel, U.S. Army (Ret.)*

**Kevin McCann**

*General Counsel of StrataScale, Inc. and Counsel to SHI International Corp.*

**Faith McDonnell**

*Director, Religious Liberty Program, Institute on Religion and Democracy*

**Rabbi Ralph Mecklenburger**

*Beth-El Congregation, Fort Worth, TX*

**Andrew Natsios**

*Former Administrator of USAID; Director of the Scowcroft Institute of International Affairs; Executive Professor, The Bush School of Government & Public Service, Texas A&M University*

**Rev. Brian O'Connell**

*President & CEO, REACT Services*

**Dr. Timothy Shah**

*Associate Director, Religious Freedom Project, Berkley Center for Religion, Peace & World Affairs*

**Dr. Gregory Stanton**

*Founding President, Genocide Watch*

**Joan Trew**

*CRS, GRI, SRES, Fort Worth, TX*

**Dr. Darin Wood**

*Pastor, First Baptist Church, Midland, TX*

CC:

**U.S. House of Representatives,  
Committee on Appropriations, State and  
Foreign Operations Subcommittee  
Members:**

Congressman Mario Diaz-Balart  
Congressman Charlie Dent  
Congressman Ander Crenshaw  
Congressman Tom Rooney  
Congressman Jeff Fortenberry  
Congressman Chris Stewart  
Congresswoman Barbara Lee  
Congressman C.A. Dutch Ruppersberger  
Congresswoman Debbie Wasserman Schultz  
Congressman José Serrano

**U.S. Senate, Committee on  
Appropriations, State and Foreign  
Operations Subcommittee Members:**

Senator Mark Kirk  
Senator Roy Blunt  
Senator John Boozman  
Senator Jerry Moran  
Senator James Lankford  
Senator Steve Daines  
Senator Barbara Mikulski  
Senator Richard Durbin  
Senator Jeanne Shaheen  
Senator Christopher Coons  
Senator Jeff Merkley  
Senator Chris Murphy

CHINAaid  
对华援助协会



August 22, 2016

Chairman Jeff Shell  
Broadcasting Board of Governors  
330 Independence Avenue, SW  
Washington, DC 20237

Dear Chairman Shell,

I appreciated the opportunity to speak with you last week. I was encouraged by our fruitful discussion about the central importance of expanding Internet freedom globally.

With the close of the fiscal year approaching, it has come to our attention that the BBG may have a budgetary surplus and will soon decide how to distribute these surplus funds to its various projects and activities. Considering our shared conviction that a free Internet is fundamental to the fulfillment of the BBG's mission, we strongly urge the BBG to use any excess funds to further its support of Internet freedom technology.

As you are well aware, the mission of the BBG is "to inform, engage, and connect people around the world in support of freedom and democracy." While this mission was effectively advanced by ensuring the free flow of radio transmissions in the 20<sup>th</sup> Century, 21<sup>st</sup> Century communication norms demand that the BBG's mission include robust support for free access to news and information through independent online sources. Without uncensored access to the Internet, the BBG's mission to inform and engage people is compromised. Authoritarian countries, such as Russia and China, have long restricted access to the free and open Internet. By allocating supplemental year end funds to further the BBG's Internet Freedom initiatives, you will be advancing your entire mission by enabling increased access to internal programming and to other, independent news sources.

The BBG should also use this opportunity to double down on its revitalized commitment to strengthen Internet freedom. Establishing the Office of Internet Freedom last December was an important step, and we look forward to working with Dr. Nnake Nweke to help ensure the success of the Office's mission. However, the fact remains that authoritarian countries around the world are outpacing the United States in their efforts to control the flow of information. Allocating surplus budget funds to the BBG's AIC account will be a good next step to help strengthen America's ability to counter the ever-evolving efforts of authoritarian regimes to block the free flow of information.

To give one related example, China recently launched the world's first quantum communications satellite. Though this satellite is experimental, it gives that country an advantage when it comes to pioneering new forms of encrypted communication. Likewise, China is investing massive sums in



Internet surveillance and censorship activity; the last confirmed budget, in 2003, was \$800 million – it is undoubtedly much larger today. Clearly, China will pursue its anti-Internet freedom initiatives with increasingly sophisticated technologies.

This is why the BBG's renewed focus on Internet freedom must be matched with increased funding for internet freedom technology, including a substantial portion for successful, field tested initiatives to counter authoritarian censorship. Given the magnitude of the challenge, the \$12.5 million allocated for Internet freedom activities is clearly not enough.

Countries such as Russia and China are determined to restrict the free flow of information to their respective citizens, but their propaganda can only work if they are successful in controlling the whole message. The BBG plays a vital role in ensuring that citizens in these countries are exposed to real and independent news, and we applaud you for your indispensable work. A key component of ensuring your continued success in this mission will be increasing the resources dedicated to the battle for freedom and human rights, which is being fought out on the Internet.

For these reasons, and for the reasons outlined in our enclosed June 8 letter to Congress, we respectfully request that the BBG budgetary surplus be allocated to the AIC account to support field tested technologies that will provide secure and free access to the Internet for millions of people living in closed societies. We are heartened by your strong support for this cause and look forward to your response.

Sincerely,



Katrina Lantos Swett  
*President, Lantos Foundation for Human Rights and Justice*

*On behalf of members of the Internet Freedom Coalition*

Internet Freedom Coalition Co-Chairs:

Randel Everett  
*President, 21<sup>st</sup> Century Wilberforce Initiative*

Bob Fu  
*Chairman, China Aid*

Katrina Lantos Swett  
*President, Lantos Foundation for Human Rights and Justice*

Enclosure: Internet Freedom Coalition Letter



February 22, 2017

Congressman Harold Rogers  
Chairman  
State and Foreign Operations Subcommittee  
2406 Rayburn House Office Building  
Washington, DC 20515

Senator Lindsey Graham  
Chairman  
State and Foreign Operations Subcommittee  
290 Russell Senate Office Building  
Washington, DC 20515

Congresswoman Nita Lowey  
Ranking Member  
State and Foreign Operations Subcommittee  
2365 Rayburn House Office Building  
Washington, DC 20515

Senator Patrick Leahy  
Ranking Member  
State and Foreign Operations Subcommittee  
437 Russell Senate Office Building  
Washington, DC 20515

Dear Esteemed Members of Congress:

Today's closed society regimes openly acknowledge that Internet firewalls are the equivalent of the Berlin Wall. It is currently within the power of the United States Congress, working through the Broadcasting Board of Governors (BBG), to tear down the 21<sup>st</sup> Century's Berlin Wall and rapidly change the lives of millions of people.

Leaders of authoritarian governments use cyber walls to isolate their people, limit free press, and deny political, cultural, and religious freedom. Furthermore, Internet controls are increasingly being used as a barrier to trade. Indeed, the United States Trade Representative recently labeled China's Internet restrictions a trade barrier that keeps US firms out of Chinese markets, providing a multibillion dollar protectionist advantage for Chinese companies.

In the near future this can change and ***tens of millions of people could begin to have daily censorship free access to the Internet without additional dollars being spent.*** It is a matter of acting quickly to mandate the already approved BBG funds be allocated to support existing, field-tested Internet firewall and censorship circumvention technology. It shall be noted that hundreds of thousands of individuals in China, Iran, Vietnam, and elsewhere are currently using such technologies. However, lack of allocated funding means that only hundreds of thousands, rather than tens of millions, are able to take advantage of these vital freedom tools each day.

Please consider these facts:

- Key Members of Congress have called on the BBG to allocate “no less than 10% of its overall budget” for anti-Internet censorship activities;
- The BBG’s FY17 budget submission continues a pattern of decreases in proposed spending for anti-Internet censorship activities:
  - FY15: \$17.5M out of \$737M (2.4%)
  - FY16: \$15M out of \$749M (2.0%)
  - FY17 (proposed): \$12.5M out of \$777M (1.6%);
- The BBG spending allocations for anti-Internet censorship activities have failed to reflect Congress’ declaration that “ensuring the freedom of Internet communication in dictatorships and autocracies throughout the world is a high and critical national interest priority of the United States.”

We believe the historic expansion of uncensored access to the Internet in fulfillment of the intent of the US Congress is within reach. The following mandate added to the FY 17 State/Foreign Operations Appropriations Act will ensure the needed funding without spending additional dollars or compromising current programing:

- No less than 5% (\$38 million) of the BBG’s requested budget shall be allocated for the express purpose of supporting Internet firewall & censorship circumvention activities; and
- No less than \$25 million of the mandated (\$38 million) sum shall be let as contracts by the BBG in FY 2017 to increase the system capacity of existing field tested Internet firewall & censorship circumvention systems;
- The BBG shall hold a competition open to systems able to demonstrate an ability to achieve rapid, historic levels of closed society access to the Internet within the first months of the new Presidential appointee.

Mandatory yearly budget allocations at these levels have the very real potential to provide safe uncensored access to the Internet for 25 million users in closed societies per day. These estimates are confirmed by senior technology staff at the BBG as well as the developers of the most successful censorship circumvention software currently contracting with the BBG.

In recognition of America’s historic role in expanding freedom, we earnestly ask that you act without delay to take the steps necessary to dismantle the Berlin Wall of the 21<sup>st</sup> Century.

We look forward to meeting with you and other Congressional leaders to discuss these and the related work needed to bring about this crucial change.

Respectfully,



Randel Everett  
President  
21<sup>st</sup> Century Wilberforce Initiative



Katrina Lantos Swett  
President  
Lantos Foundation for Human  
Rights and Justice



August 7, 2017

John F. Lansing  
 CEO of the Board of Broadcasting Governors  
 330 Independence Avenue, SW  
 Washington, DC 20237

Dear Mr. Lansing,

We are part of a broad coalition of over 40 organizations who have previously advocated for a greater focus on Internet firewall circumvention technologies. With the recent news of increased global restrictions on Internet freedom, those of us signed have become increasingly concerned that the BBG is pursuing policies that could result in an ill-timed gap of access to currently used Internet firewall circumvention technologies.

We are aware that late last year, Congress passed and President Obama signed a new law that substantially restructures the Broadcasting Board of Governors. This bi-partisan reform is aimed at streamlining BBG operations and empowering the agency responsible for our nation's crucially important civilian broadcasting operations, to more effectively fulfill its important mission in the digital age.

As part of an updated 21<sup>st</sup> century mission, Congress has repeatedly urged the BBG to allocate an appropriate percentage of its funding to Internet freedom initiatives including firewall circumvention technologies. For some time this Congressional directive has been part of appropriations bills, most recently, the Consolidated Appropriations Act of 2016 which called for "no less than \$50,500,000 " to be made available for programs to promote Internet freedom globally. In addition, over the years, key leaders in Congress have reached out to the BBG to underscore the importance of adequate resources being directed to these purposes.

Despite this clear congressional intent, the BBG has failed to allocate more than \$17.5 million dollars (FY 2015) towards Internet freedom efforts and its most recent budget proposal lowered that paltry amount even further to \$12.5 million for FY 2017. This pattern of ignoring Congress' guidance for nearly a decade is concerning to say the least.

Most recently, our coalition has learned that the BBG is also making questionable decisions about how to award the meager Internet freedom grants they are presently making. In the current cycle it appears that the BBG is not seeking proposals for technologies that include dynamic firewall circumvention. It is our understanding that instead it is primarily requesting grants that utilize significantly less effective Web Proxy and VPN technologies. This at a time when it has been widely and credibly reported that China is moving aggressively to shut down all VPN networks in the country. We are baffled and troubled by the decision to focus almost exclusively on Web Proxy and VPN technologies when there are other technologies that have received previous BBG and State Department funding and have proven to be much more effective.

China is tightening the censorship noose around Internet freedom and it is vital that our government pursue an “all of the above” strategy to support a range of technologies and strategies that enable citizens in closed societies to freely and safely access the Internet.

Our coalition is requesting that the BBG pursue an independent, outside review of their budgeting and contracting process at the BBG in order to clarify how funding decisions are being made and to determine whether there are any institutional biases or patterns that might be leading to the flawed outcomes recounted above. Some of the questions that such an inquiry could answer include; who are the parties involved in the grant process; what criteria are being employed to determine how grants are awarded; what measures are in place to ensure compliance with Congressional intent; what evaluative procedures are used to assess the effectiveness of the work of different grantees. It is unrealistic to expect that BBG could properly answer these questions about its own performance. The GAO could conduct such an inquiry, or perhaps an organization like the congressionally chartered National Academy of Public Administration (NAPA), which has experience with such inquiries and might bring a fresher perspective to the issues. In the interim, the BBG should continue to fund existing firewall circumvention grants, which have a proven track record of results.

The work of the BBG and its various broadcasting entities remains vitally important. As just one example, Radio Free Asia and its Mandarin service has done an outstanding job of bringing uncensored news and perspectives to literally tens of millions of listeners in China. Nonetheless, the BBG must adapt to a new century and a new world in which growing numbers of people turn to the Internet as the most important source for unfiltered and uncensored information. As repressive societies seek to wall off their citizens behind so-called “great firewalls,” it is up to the United States to help tear down these “Berlin Walls” of the 21<sup>st</sup> century by making unfettered access to the Internet a reality for millions around the world. With the right priorities and practices, the BBG can make this hopeful vision a reality and we believe an objective review of the Agency will help it to achieve this noble goal.

Sincerely,



Dr. Katrina Lantos Swett  
*President, Lantos Foundation for Human Rights and Justice*



Dr. Randel Everett  
*President, 21st Century Wilberforce Initiative*

**CHINAaid**  
对华援助协会

Bob Fu  
*Chairman, China Aid*

The Chen Guangcheng Foundation

Chen Guangcheng  
*Founder and Executive Director, Chen Guangcheng Foundation*

**Initiatives for**  
**CHINA**

Dr. Yang Jianli  
*President, Initiatives for China*



Dr. Yang Sen-Hong  
*President, Taiwan Association for China Human Rights*



Dr. Russell Moore  
*President, Ethics and Religious Liberty Commission of the Southern Baptist Convention*

Jubilee Campaign USA

Sue Taylor  
*Church of Scientology National Affairs Office*

Dr. Elijah Brown  
*General Secretary, North American Baptist Fellowship*

Fang Zheng  
*President, China Democracy Education Fund*

Zhou Fengsuo  
*Founder and President, Humanitarian China*

Hu Ping  
*Editor in Chief, Beijing Spring Magazine*



April 30, 2018

Senator Marco Rubio  
Chairman, Congressional Executive Commission on China  
Washington, DC 20515

Congressman Christopher Smith  
Co-Chairman, Congressional Executive Commission on China  
Washington, DC 20515

Dear Senator Rubio and Congressman Smith,

I would like to thank you for the opportunity to respond to a letter written by John Lansing, CEO of the Broadcasting Board of Governors, in response to my prewritten remarks for last Thursday's hearing. While the broadcast reach of the BBG may have extended under the leadership of Mr. Lansing, I must say that I found his rebuttal to be lacking in any tangible engagement or proof on the BBG's part when it comes to the mission of true Internet Freedom.

Mr. Lansing spends the bulk of his response providing data on audience share and page views for BBG services and reciting what he understands to be the BBG's Congressional mandate. Audience share has virtually nothing to do with Internet Freedom efforts, and page view numbers are almost irrelevant unless there is irrefutable proof that those page views were in fact generated inside the country in question. For instance, when he states that views of the VOA Persian service tripled to 1.2 million views during the early 2018 protests, can he tell you how many of those views were from inside Iran and how many were generated outside from the diaspora? The same question could be applied to the VOA Mandarin traffic he quotes during the announcement of the removal of Presidential term limits – were those hits inside China or in the international diaspora?

Furthermore, Mr. Lansing proudly states that "30,000 new Iranian users to our internet circumvention tools were added every day, fueling this digital audience growth." First and foremost, his statement makes clear that his biggest point of pride is growth of the digital audience – not increased access to the Internet for those in the midst of a national crisis. Second, our data from just one circumvention provider the BBG refuses to fund indicates that their traffic jumped 20 times in 3 days, with daily users escalating from 80,000 to over 2,000,000, and daily requests jumping to over 1 billion before system capacity was overloaded and traffic had to be limited. Between those two scenarios, do you believe it was our government or struggling independent technologies that were actually doing more to further access to the internet in Iran during those critical days? Do you believe that the BBG's 1.2 million page views to VOA Persian (which may or may not have originated in Iran) or the independent technology's 1 billion+ in-country requests to communicate via smartphone and social media had a bigger on the ground impact? Could you even realistically compare the social impact of the two in today's world? With support from our government's Internet Freedom Funds, this tool and several others could have provided access to millions of additional users.

Regarding the claims that the BBG is simply following the Congressional mandate that their funds should be available for "tools and techniques to securely develop and distribute BBG digital content."

6 Dixon Avenue, Suite 100 - Concord, NH 03301 - (603) 226-3636  
[www.lantosfoundation.org](http://www.lantosfoundation.org)

I would like to bring up three key points:

First, I would be curious to know how long the average BBG funded circumvention user actually stays on the BBG landing page before diverting to another site – those numbers have never been addressed publicly by the BBG. And knowing those metrics would be a useful tool to evaluate the efficacy of this language and new direction.

Second, I would like to draw your attention to the evolution of the US government's mandate language regarding Internet Freedom funding. When all IF funds were housed inside the State Department in 2009, the mandate was listed under the "Democracy Promotion" heading and was written to "expand access to information and communications through the Internet, and shall be used for programs that provide unmonitored and uncensored access to the Internet for large numbers of users living in closed societies that have acutely hostile Internet environments." (Public Law 111-117, Dec 16, 2009, 123 Stat. 3363). In 2017, the BBG's Internet Freedom mandate is addressed in the "International Broadcasting Operations" section and reads that these funds are "made available only for tools and techniques to securely develop and distribute BBG digital content; facilitate audience access to such content on Web sites that are censored; coordinate the distribution of BBG digital content to targeted regional audiences." (HR 1625-613).

Third, I find it hard to imagine that Congress suddenly believes its original intent of Internet Freedom funds is truly being met through the international broadcasting operations of the BBG and *only* its websites. Under Mr. Lansing's leadership, the BBG has clearly lobbied to shift toward this more content centered mandate. This shift coincides with efforts to discredit and ultimately defund effective circumvention tools that are struggling to continue their work.

This new focus begs the question of whether or not Congress knowingly intended to condition its delivery of Internet Freedom technologies into closed societies on the premise that a US government funded news source be the required landing page. While it is certainly legitimate to want to encourage page views of important content, we must be sensitive not to engage in actions that we might condemn as propaganda were it done by the Russians or Chinese. I am not in any way calling the BBG's content or journalist's propagandist; in fact our family's love and respect for the United States started with the hope that streamed from Radio Free Europe during the horrors of World War II. But the point remains that true Internet freedom allows the end user to start, browse, and finish anywhere on the Internet, just as we are free to do here in the United States. While the BBG may be interested in upping its page views, I firmly believe that when the US Congress appropriates precious tax dollars to help open the internet, increased page views on a specific site are the last thing it intends.

I thank you again for the opportunity to address these vital issues of Internet Freedom. The Lantos Foundation looks forward to working with you to ensure that our government's spending on this vital 21<sup>st</sup> Century human right is properly directed.

Sincerely,



KATRINA LANTOS SWETT  
President, Lantos Foundation for Human Rights & Justice



LETTER SUBMITTED BY HON. MARCO RUBIO

**United States Senate**

WASHINGTON, DC 20510

July 26, 2018

The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Secretary Pompeo,

We write to express our urgent concern about an alarming situation affecting six U.S.-based journalists with Radio Free Asia's (RFA) Uyghur Service. As you may know, RFA is one of five media networks under the Broadcasting Board of Governors (BBG), the U.S. agency responsible for international media. Its Uyghur-language news service provides roughly 12 million of China's mostly Muslim, Turkic-speaking Uyghur population with trustworthy, accurate news on the deteriorating human rights situation in China's Xinjiang Uyghur Autonomous Region (XUAR).

RFA's Uyghur Service journalists, most of them U.S. citizens and residents of Virginia, have relatives in China—including elderly parents—who have been detained, jailed, or forcibly disappeared in what appears to be an act of direct retaliation against these U.S. journalists for their work in exposing the deteriorating human rights situation in the XUAR. We are deeply concerned that these cases illustrate that a foreign nation is pursuing extreme measures in an attempt to interfere with Radio Free Asia's congressionally mandated mission of bringing free press to closed societies.

Most relatives are believed to be held in re-education centers or camps that began appearing in the XUAR in the spring of 2017, but have greatly expanded since then. Media and think tank reports estimate that hundreds of thousands of individuals—men and women of all ages—have been arbitrarily detained in these facilities that operate much like open-air prisons under the ostensible purpose of rehabilitation. In recent months, reports and first-hand accounts have surfaced about their cramped, over-crowded and gulag-like conditions, and poor medical care.

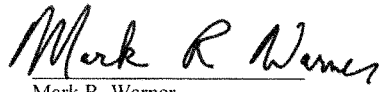
Radio Free Asia's in-depth journalism has provided some of the world's most effective reporting about the XUAR, a region increasingly restricted to outside news organizations, diplomats, and NGOs. RFA's journalists understand that their work carries risks, but they also know that they are providing an important service through their work at RFA. It is an unfortunate irony that these same journalists who have already endured great risk and sacrifice have now become part of the stories that they report on. The fact that they have been targeted while living and working in the United States is even more troubling.

In your capacity as the United States' senior diplomat, we urge you, at every opportunity, to raise this urgent issue in your diplomatic communications with your Chinese counterparts, seek answers as to the whereabouts and well-being of these missing, detained, and jailed relatives, and

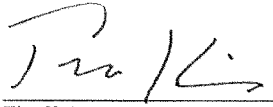
appeal for these individuals to be unconditionally released. We ask you to make clear to the Chinese government that these cases are a priority for the U.S. Government. We also ask that you brief our offices within the next few weeks with an update on their cases, to include specifics about your engagement with the Chinese government to-date, and your plan for future engagement.

Thank you in advance for your consideration, and most of all, for your action.

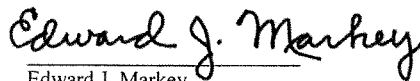
Sincerely,



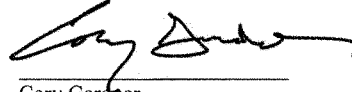
Mark R. Warner  
United States Senator



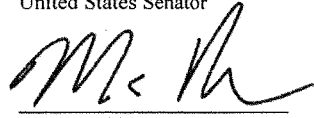
Tim Kaine  
United States Senator



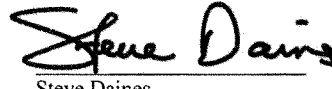
Edward J. Markey  
United States Senator



Cory Gardner  
United States Senator



Marco Rubio  
United States Senator



Steve Daines  
United States Senator

*Witness Biographies***Sarah Cook, Senior Research Analyst for East Asia and Director of the China Media Bulletin, Freedom House**

Sarah Cook is a senior research analyst for East Asia at Freedom House. She directs the China Media Bulletin, a monthly digest in English and Chinese providing news and analysis on media freedom developments related to China. Cook is also the author of several Asian country reports for Freedom House's annual publications, as well as three special reports about China: *The Battle for China's Spirit* (2017), *The Politburo's Predicament* (2015), and *The Long Shadow of Chinese Censorship* (2013). Her comments and writings have appeared on CNN, in the Wall Street Journal, in Foreign Policy, and before the U.S. Congressional-Executive Commission on China. Before joining Freedom House, Ms. Cook co-edited the English translation of "A China More Just," a memoir by prominent rights attorney Gao Zhisheng, and was twice a delegate to the United Nations Human Rights Commission meeting in Geneva for an NGO working on religious freedom in China. She received a B.A. in International Relations from Pomona College, and as a Marshall Scholar, completed Master's degrees in Politics and International Law at the School of Oriental and African Studies in London.

**Clive Hamilton, Professor of Public Ethics, Charles Sturt University (Australia), and author, "Silent Invasion: China's Influence in Australia"**

Clive Hamilton is an Australian public intellectual and author. He founded, and for 14 years directed, Australia's leading progressive think tank, the Australia Institute. He has held a number of visiting academic appointments, including at Yale University, the University of Oxford, and University College London. He is the author of a number of books, including "Requiem for a Species," "Earthmasters," and "Growth Fetish." His controversial book, "Silent Invasion: China's Influence in Australia," was published in February 2018. His articles have appeared in the New York Times, The Guardian, Scientific American, and Nature.

**Katrina Lantos Swett, Ph.D., President, Lantos Foundation for Human Rights & Justice**

Katrina Lantos Swett serves as President of the Lantos Foundation for Human Rights & Justice, established in 2008 to continue the legacy of her father, the late Congressman Tom Lantos, who served as Chairman of the House Foreign Affairs Committee and was a co-founder of the Congressional Human Rights Caucus. Under her leadership, the Lantos Foundation has rapidly become a distinguished and respected voice on key human rights concerns ranging from advancing the rule of law globally and fighting for internet freedom in closed societies to combating the persistent and growing threat of anti-Semitism and Holocaust denial. Dr. Lantos Swett is the former Chair and Vice-Chair of the United States Commission on International Religious Freedom (USCIRF) and teaches Human Rights and American Foreign Policy at Tufts University. She currently serves as Co-Chair of the Board of the Committee for Human Rights in North Korea (HRNK) and the Budapest-based Tom Lantos Institute. Dr. Lantos Swett also serves on the Advisory Board of UN Watch, the annual Anne Frank Award and Lecture, the Warren B. Rudman Center for Justice, Leadership, and Public Policy, and the Brigham Young University Law School. Lantos Swett has a B.A. in political science from Yale University, a J.D. degree from the University of California, Hastings College of the Law, and a Ph.D. in history from the University of Southern Denmark.