

**EXAMINATION INTO THE ABUSE AND EXTRA-
LEGAL DETENTION OF LEGAL ADVOCATE CHEN
GUANGCHENG AND HIS FAMILY**

HEARING
BEFORE THE
**CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA**
ONE HUNDRED TWELFTH CONGRESS
FIRST SESSION

NOVEMBER 1, 2011

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**EXAMINATION INTO THE ABUSE AND EXTRA-
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TUESDAY, NOVEMBER 1, 2011

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The hearing was convened, pursuant to notice, at 2:33 p.m., in room 2118, Rayburn House Office Building, Representative Chris Smith, presiding.

Also present: Representative Tim Walz.

Also present: Abigail Story; Judy Wright; Kiel Downey; Anna Brettell; and Paul Protic.

OPENING STATEMENT OF HON. CHRIS SMITH, A U.S. REPRESENTATIVE FROM NEW JERSEY; CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Chairman SMITH. The hearing will come to order, and good afternoon to everyone.

As we sit here in this room today, free to meet, free to move, free to speak our minds, we are convening this emergency hearing to examine the plight of an extraordinarily brave man and his equally extraordinary and courageous wife, who in every sense of the word are not free and are at grave risk of additional harm, and even murder.

As we speak, we can only assume that self-taught lawyer Chen Guangcheng, a heroic advocate on behalf of victims of population control abuses, languishes with his wife, Yuan Weijing and six-year-old daughter, locked inside their home in a rural Shangdong province. However, we do not have the luxury of certainty regarding Chen or his family's current whereabouts or medical condition, as Chinese officials have used barbaric methods to prevent all unauthorized persons from contacting or visiting their village.

According to Andrew Jacobs of the New York Times, "Paid thugs repel visitors", and "journalists and European diplomats who have tried to see him have fared little better." In a post on October 18th, Mr. Jacobs reports that the trickle of would-be visitors has become a campaign, Operation Free Chen Guangcheng. According to Peter Ford in today's edition of the Christian Science Monitor, the violence against human rights activists who travel to visit Chen continues to escalate: "About seven or eight men rushed up to me, kicked me to the ground, stole my cell phone, smashed my

ankle, and knocked me out', Liu recalled Tuesday, 'and the police did nothing when I reported what had happened.'

Liu was one of a group of around 40 activists who were attacked and beaten by more than 100 thugs on Sunday afternoon outside the village of Dong Xigu in the Eastern province of Shangdong where Chen has been illegally locked up in his house with his family since being released from jail in September of last year.

"I did not think the situation was so dark,' Liu said. 'There is no law in this area.' The violence marked the second weekend in a row that unidentified thugs had violently broken up efforts by human rights activists and ordinary citizens to visit Chen in a burgeoning campaign to win his freedom."

Chen Guangcheng's only crime that we know was of advocating on behalf of his fellow Chinese citizens, including and especially women and girls who had been victimized by forced abortion and involuntary sterilization. When Chen investigated and intervened with a class action suit on behalf of women in Linyi City who suffered horrific abuse under China's One Child per couple policy, he was arrested, detained, and tortured.

Blinded by a childhood disease, Chen Guangcheng began his legal advocacy career in 1996, educating disabled citizens and farmers about their rights. Decades later when local villagers started coming to him with their stories of forced abortions and forced sterilizations, Chen and his wife Yuan Weijing documented these stories, later building briefs and lawsuits against the officials involved.

Their efforts gained international news media attention in 2005 and it appears that was the straw that broke the camel's back. Officials then began a barbaric campaign against Chen and his family in 2005, and over the years have subjected them to beatings, extra-legal detention, numerous violations of their rights under criminal procedure law, confiscation of their personal belongings, 24-hour surveillance, and invasion of their privacy, discontinuation of all forms of communication, and even denial of education for their six-year-old daughter.

Chen Guangcheng served over four years in prison on trumped up charges and was officially released in September of 2010. However, the abuse he and his wife and his family have faced has only worsened. Concern about Chen's health and well-being is growing worldwide, and numerous activists and journalists have made attempts in the past few months to visit Chen's village, only to face large groups of hired thugs who savagely beat them and steal their belongings.

Enough is enough. The cruelty and extreme violence against Chen and his family brings dishonor to the Government of China, and must end. Chen and his family must be free.

I would like to yield to my good friend and colleague, Mr. Walz, for any comments he may have.

STATEMENT OF HON. TIM WALZ, A U.S. REPRESENTATIVE FROM MINNESOTA; RANKING MEMBER, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Representative WALZ. Thank you, Mr. Smith. Thank you for your passion as an unswerving champion of human rights, both here,

China, and around the world. Also, a thank you to Senator Brown for convening this extremely important hearing. I want to thank each of our witnesses who are here today and truly appreciate your attendance. I very much look forward to hearing your remarks on this important issue.

Today we hold this hearing to recognize and to honor one of China's most high-profile human rights activists. As you heard Mr. Smith say, Chen Guangcheng, as a person, as an activist, stands out as someone who exemplifies profound human courage and an unswerving commitment to justice. Chen not only overcame the hardships of being blinded at a young age, but succeeded in becoming an inspiring legal advocate, one who has touched lives not just in China, but around the world.

In his legal work, Chen exposed China's brutal application of its population policies. He upheld the rights of the disabled and fought on behalf of the victims of discrimination. For his accomplishments, he wasn't rewarded. Rather, the authorities sent him to prison for more than four years. Upon conclusion of his sentence, he was not set free. Rather, he was placed under an illegal form of house arrest that has precluded Chen and his family from the freedoms and livelihood all just systems must protect.

Chen and his family remain under illegal house arrest, and even today the conditions of their detention are shrouded in mystery. Police and violent thugs are stationed night and day around the home to prevent anyone from accessing them. We know that since Chen's release from prison in September of last year he and his wife have reportedly suffered physical and mental abuse at the hands of officials. Chen suffers from a digestive disorder and reportedly has been denied medical treatment. His daughter, now six, has only recently been allowed to attend school, under the watchful eye of law enforcement officers.

Chen explained his circumstances in a videotape released in February of this year, saying, "I've come out of a small jail and entered a bigger one." I followed China closely since, as a young man over two decades ago, I taught high school in Foshan, Guangdong province. I know China has announced notable reforms and advancement in recent years. I applaud the accomplishments of the Chinese people and recognize that some in the Chinese Government advocate for greater rule of law. But we cannot believe China is serious about the rule of law while Chen Guangcheng and his family are being forcefully held and abused.

We cannot believe China is serious about human rights while it flagrantly violates its own laws and international human rights commitments. We urge China today to end this ongoing illegal detention and to free Chen and his family. We urge China to stand on the side of those brave activists that have traveled to Shandong province to inquire about Chen in the face of violent reprisals and shameless threats.

We urge China to embrace Chen and other civil rights activists and make room for these selfless heroes, the leaders that all countries need for a stable society that respects human rights and the rule of law. Finally, let us remind our friends in China that all great nations achieve more through open dialogue and free flow of information than through forced silence.

I thank each of you for being here today to honor this man, his family, and the many other advocates facing uncertain punishments and unwarranted confinement. I thank those of you who are sitting in this room that know that we each share a responsibility to raise Chen's story and to voice our concerns on behalf of Chinese advocates who remain detained in silence.

I yield back to you, Mr. Smith.

Chairman SMITH. Thank you very much, Mr. Walz. Thank you for your advocacy on behalf of human rights, especially in China. I deeply appreciate you being here.

I'd like to now introduce our very distinguished witnesses. But before I do, I ask that, without objection, the statement by our Co-chairman, Senator Sherrod Brown, will be made a part of the record. He couldn't be with us here today, but he has written a very strong opening statement and is with us in spirit.

I'd like to introduce our very distinguished witnesses to this hearing, beginning first with Chai Ling, founder of All Girls Allowed. Chai Ling also serves as the founding president and chief executive officer of Jenzabar, Inc., a higher education software and services provider.

She holds an MBA from Harvard Business School, an MLA in Public Affairs from Princeton University, a B.A. from Peking University. Chai Ling also established the Jenzabar Foundation and serves as one of its board members.

As we all know, Chai Ling was one of the most heroic student leaders during the 1989 Tiananmen Square movement. She was one of the most wanted by the Chinese dictatorship and spoke out so eloquently during those days when so many of us had great hopes that somehow China would matriculate from dictatorship to a democracy. Chai Ling has previously been named Glamour Woman of the Year, and nominated twice for the Nobel Peace Prize. Chai Ling's memoir, "A Heart for Freedom", was published in 2011 and is a very, very riveting statement about her life and the times she lived in, and the main contributions she has made to the movement for human rights in China.

We will then hear from Jerome Cohen, professor at New York University School of Law, a co-director of U.S. Asia Law Institute and Adjunct Senior Fellow for Asia Studies for the Council on Foreign Relations. A professor at NYU School of Law since 1990 and co-director of the Institute, he has served for years as C.V. Starr Senior Fellow and Director of Asia Studies at the Council of Foreign Relations, where he currently is an adjunct senior fellow.

He introduced the teaching of Asian law into the curriculum at Harvard Law School, where he taught from 1964 to 1979. Professor Cohen retired as a partner at Paul, Wiss, Rifkind, Wharton & Garrison at the end of 2000. In his law practice, Professor Cohen represented many companies and individuals in contract negotiations, as well as dispute resolution in various Asian countries. He continues to serve as an arbiter in many Asian legal disputes.

Professor Cohen has published several books on Chinese law, including *The Criminal Process in the People's Republic of China, 1959-1963*, *People's China and International Law*, and *Contract Laws of the People's Republic of China*. He received his B.A. Phi

Beta Kappa from Yale College and graduated from Yale Law School, where he was editor-in-chief of the Yale Law Journal.

Then we'll hear from Sharon Hom. Sharon Hom is the executive director of the Human Rights in China, professor of law, City University of New York School of Law, and is a human rights and media advocacy and strategic policy engagement with NGOs—she leads that—governments, and multi-stakeholder initiatives.

She has testified on a variety of human rights issues before key domestic and international policymakers in the U.S. and in the European Union, and government bodies. She has appeared as a guest and commentator on broadcast programs worldwide, and is frequently interviewed by and quoted in major print media. She was named by Wall Street Journal as one of 2007's "50 Women to Watch" for their impact on business. Let me also point out that she has taught law for 18 years, including training judges, lawyers, and law teachers at eight law schools in China over a 14-year period in the 1980s and 1990s.

She has published extensively on Chinese legal reforms, trade, technology, and international human rights, including chapters in *Gender Equality, Citizenship, and Human Rights: Controversies and Challenges in China and the Nordic Countries* in 2010, and *China's Great Leap: The Beijing Games and Olympian Human Rights Challenges* in 2008.

She is co-author of *Contracting Law*, editor of *Chinese Women Traversing Diaspora: Memoirs, Essays, and Poetry*, and co-editor of *Challenging China: Struggle and Hope in an Era of Change*.

A very, very distinguished panel to provide insights into Chen and his family, and I'd like to now yield to Chai Ling for her comments.

[The prepared statement of Senator Brown appears in the appendix.]

STATEMENT OF CHAI LING, FOUNDER, ALL GIRLS ALLOWED

Ms. CHAI LING. Thank you, Chairman Smith. I'm really honored to be here among all these distinguished witnesses to testify on behalf of Chen Guangcheng. Thank you, Congressman Walz, for your wonderful speech and support for Chen's case, and thank you to all the CECC members for your wonderful reports advocating on behalf of all the voiceless people in China.

Chairman Smith, thank you again, especially for your 30 years of persistent effort to end China's cruel One-Child Policy and massive genocide, in addition to many other human rights abuses. The case of Chen Guangcheng is inexpressively as grievous as you all stated, but today I will try to share the most recent details in the most accurate way possible. I pray one day he could be standing here, telling his own story to all of us.

As you mentioned earlier, Chen Guangcheng is a blind attorney who investigated incidents of forced abortions and forced sterilizations by Linyi municipal authorities. Because of his courageous finding and documentation of late-term abortions and forced sterilizations—130,000 cases took place in 2005 alone—to the media, for this very reason he was arrested and imprisoned for four years and three months, but was finally released in September 2010.

Since his release from prison, Chen has been kept under illegal house arrest and denied medical treatment for serious intestinal problems and deprived of all contact with the outside world. Reporters and activists who have tried to visit him have been rounded up and turned away as recently as two days ago.

Recently, many more activists, including our workers who are partners through Women's Rights in China of All Girls Allowed, tried to visit him because we heard he had possibly been killed. Until last week, we did not know whether he was still even alive. When we tried to visit him in the past couple of weeks, our volunteers in China were blocked and driven away. The five activists were all disabled, and they wanted to visit him on the International Day for the Blind, but they were pushed around and their gifts were taken away by force. Their van was followed by local mobs and was chased away over 100 kilometers before they were let go.

No one had heard about Chen's condition for months. Last week, we finally received word concerning his situation from one of our other partners at ChinaAid, a Midland, Texas-based NGO that focuses on defending the persecuted church in China. According to ChinaAid, in July, a brutal four-hour beating by local authorities almost killed Chen and his wife. It was witnessed by their elementary school-aged daughter. The couple endured a similar brutal beating in February after they had smuggled out a videotape documenting the shocking conditions of their illegal house arrest following Chen's release from prison.

The July beating occurred after a storm knocked out equipment that authorities had installed in Chen's house to cut off all their telecommunication contact with the outside world. When the equipment was disabled, Chen was able to make phone calls on July 25th. The calls were intercepted by authorities.

On July 28, Shuanghou town mayor Zhang Jian led a group of people to Chen's home and beat and tortured the couple for four hours. This is the sequence of events provided by the source from ChinaAid: at 2 p.m., authorities cleared out everyone from Chen's village. At 3 p.m., authorities conducted an exhaustive search of Chen's home and found a phone card in a pile of ashes.

At 4 p.m., authorities started the beating. Chen's screams of pain were heard first while his wife, Yuan Wenjing, was heard shouting angrily, along with their daughter, because of his cries. After a while, Wenjing's screams of pain could be heard as well from then until 8 p.m. The only sounds were screams of pain.

Sometime later, a village doctor was permitted to give Chen some cursory medical treatment. During the four-hour beating, Chen's elderly mother, who lives with them, was prevented from entering their home. When she was finally allowed to go in, neighbors heard her burst into tears and her anguished cries, described as "gut-wrenching" to hear, continued for a long time.

According to the source, Jiang tortured Chen to try to get him to tell how he got the phone card to make the call on July 25 and to reveal where he had hidden it. When Chen and his wife refused to give any details, their house was ransacked until the phone card was found in a pile of ashes. Then the mayor's men viciously beat up Chen and his wife in the presence of their daughter.

The source of the information asked, as a family men themselves with parents and children, how could they inflict such inhumane pain in the eyes or heart of the little girl? Yes, activists in China have been beaten and sent away as well, but many have taken the battle to the Internet and that is why the current case is so extraordinary and important.

Chinese citizens are also speaking out online today, and are particularly outraged by the communal punishment of the whole Chen family. They pressured the government, particularly on China's Twitter, called Sina Weibo. Users are posting photos of themselves in dark glasses to honor Chen, similar to the photos we took just before the hearing.

Authorities have blocked searches for Mr. Chen's name on Weibo, and even deleted some posts by users, though most posts about him and his case can be easily found through other means of searching. The head of China's Internet watchdog last week called for a strengthening of regulations over microblogs so they can serve the works of the Party and the people.

According to the state-run Xinhua News Agency, authorities' apparent decision to allow Mr. Chen's daughter to attend school following weeks of growing online activism is breathing new life into the Internet campaign to free him, despite this online censorship. According to the Wall Street Journal, Mr. Chen's case is a rare example where rights activists and ordinary citizens alike are applying online pressure on the government.

Yet, we know that a similar return to school of the daughter of the missing lawyer Gao Zhisheng only added to the pressures that battered her and did not presage release for her courageous father. Chen's daughter is accompanied by security agents to and from her classes.

In America, we teach our daughters, our children, to honor police and to ask police officers for directions when they are lost. These officers and officials help to keep us safe, to keep the peace. But in China, when a man and his wife are beaten senselessly in front of their own daughter by authorities who should be protecting their rights, how do we respond and what does our response say about our nation's values? Recently in China a two-year-old child was run over by a van in Forshan, a city in China.

The whole world watched the video footage of 18 people who walked by the toddler as she lay in a pool of her own blood, waiting for help, and wanted to know how these people could walk by unaffected, not acting on her behalf, even though they knew what had happened and that that baby needed help. Are we any different? I am not speaking to the leaders here, but speaking to those who are not present today during this hearing. If we do not do what we must do as a Nation, are we different from those 18 bystanders who left Yu-Yu to die? Are we going to be the same people who take no action and watch Chen and his wife and family die?

All Girls Allowed exists to restore life, value, and dignity to women and girls in China and to reveal the injustice of China's One Child policy. Our work is inspired by the love of Jesus to sacrifice and to redeem humanity.

Today, on behalf of All Girls Allowed and of our partner organizations, that is, Women's Rights in China, ChinaAid, and Women's

Rights Without Frontiers, we have four major requests of our nation's leaders. The first, we urge President Obama to urgently demand Chen Guangcheng and his family to be released from house arrest and to be allowed to leave China to another country. We appreciate that Secretary Clinton has mentioned him by name in the past. The gravity of the current matter calls for urgent, immediate action from our Commander-in-Chief.

Second, in addition, we continue to encourage the U.S. Embassy to visit Chen Guangcheng and his family. A newly arrived U.S. Embassy official in Beijing created a weblog account recently. Within days of his first message last week, a simple greeting and introduction of himself, the post was overrun with nearly 2,000 comments, many of which expressed support for Mr. Chen and criticism of the Chinese Government's handling of this case. So there is general support from the people, acting justly on behalf of Chen's case.

Third, we urge the U.S. State Department to work with EU partners to also demand Mr. Chen's immediate release. Fourth, we urge President Obama to deny visa requests to visit America for all those who were, and are, involved in persecuting, torturing, and harassing Chen and his family, including Mayor Jian Jin, effective immediately.

As a nation, when we see evil and we know it is happening clearly before our eyes, will we have the courage to speak out? I say today that what we have been doing is not enough and is not acceptable. We are not asking for our nation to invade China, or even to rescue this poor man from death. But we are asking America to stand and proclaim its very own belief loudly as a testimony of truth and light in this darkness. Continuing to allow this sort of brutality to go on by saying nothing is the same as saying something loud and clear. Silence has been deafening.

As I conclude my testimony, I would like to leave all of you with the command that was given to us and teaches us what to do in this kind of situation. In the Word it says,

For I was hungry and you gave me something to eat; I was thirsty and you gave me something to drink; I was a stranger and you invited me in; I needed clothes, and you clothed me; I was sick, and you looked after me; I was in prison, and you came to visit me. Then the righteous will answer him, Lord, when did we see you hungry and feed or, and were thirsty and give you something to drink? When did we see you a stranger and invite you in, or needing clothes and clothed you? When did we see you sick or in prison and go to visit you? The king will reply, 'Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.—Matthew 25:35–40.

I pray in the name of our Lord and Savior Jesus, we will all take action today for our brother and hero, Chen Guangcheng, to bring him to safety and freedom.

Thank you.

Chairman SMITH. Chai Ling, thank you so much for that very eloquent statement and for your four points which you made so eloquently as well.

Ms. CHAI. Thank you, Chairman Smith.

Chairman SMITH. I do appreciate it; we all do.

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

Chairman SMITH. I'd like to now recognize Professor Cohen and ask him to proceed.

STATEMENT OF JEROME A. COHEN, PROFESSOR, NEW YORK UNIVERSITY SCHOOL OF LAW; CO-DIRECTOR, U.S.-ASIA LAW INSTITUTE; AND ADJUNCT SENIOR FELLOW FOR ASIA STUDIES, COUNCIL ON FOREIGN RELATIONS

Mr. COHEN. Thank you, Mr. Chairman. I'm grateful to you and Mr. Walz and the Commission staff for giving us this opportunity to discuss the case of my dear friends, Chen Guangcheng and Yuan Weijing. I've known them for eight years. Unfortunately, the last six years they have been incommunicado. I want to say at the outset that in China, sometimes in this country, progress toward the rule of law comes from tragedy. Tragic events often wake up the people. It has happened in China; I hope we won't have to wait for tragedy in the case of Mr. Chen and Yuan Weijing.

Now, at the outset I want to address quickly three myths that one often hears in connection with this case. One myth is that cases like Chen's are very rare, these are just minor blips on the radar screen. But that's not accurate. Human rights lawyers, public interest lawyers, criminal defense lawyers, people who take part in the defense of not only rights of speech and association, et cetera, but who are also trying to assert the rights of those involved in environmental problems, forced housing demolition, health problems that they want to take to court to vindicate their rights, all are subject to one kind or other of severe sanction or pressure.

Most recently, Chen was involved, as Chai Ling has reminded us, in an attempt to stop the abuses against not only women who were being forced into sterilization and abortion, but also their families. Tens of thousands of people were illegally being locked up. When I last saw Chen, he was very pale, very nervous, smoking constantly. I had never seen him so anxious: he found it hard to sleep and was depressed about his inability to get the courts in China or the administration in Beijing to do anything about this tragedy.

But there are lots of people like him, and the fact is, events are turning people—lawyers, defenders who never thought of themselves as human rights advocates—into human rights advocates because of the repression that they have confronted. I cite in my opening remarks a number of examples. These are all people I know, so I speak not only from the point of view of a detached observer. I know these people and therefore am involved with their fate.

A second myth that has circulated is that the central government doesn't really know about this. Some say the central government would never tolerate or condone such terrible behavior by local officials. Well, that's just pat. I am glad to see you have circulated an article I wrote in November 2005 in the *Far Eastern Economic Review*. It was an open letter to the then-Minister of Public Security, Zhou Yongkang, asking him, is this the way the government of a civilized country wants to behave? At that point, Chen had not yet been prosecuted, but the family, including him, had been locked up at home.

Well, later there was reportedly a meeting of the central authorities with the provincial and local authorities, and instead of resulting in Chen's release, it resulted in his criminal prosecution, a much more conventional form of repression than the illegal home imprisonment to which they had all been subjected.

It's impossible certainly today to say the central authorities don't know what's going on. This is just what they used to call "one of Pretty Fannie's Ways." We can't take it very seriously. Unfortunately, it's having very serious consequences.

A third myth is that there must be some legal justification for what is being done, even if it is an unpersuasive fig leaf. But the fact is, none has come to light. We have not heard any explanation of this really barbaric treatment of the Chens from any government official. There was an opportunity just the other day to offer an explanation. There was a press conference in Beijing celebrating the release of a white paper that marked all the legislative accomplishments of the Chinese Government.

I have here the October 28 China Daily, the English language newspaper that's very prominent, and you see exactly what they're telling us: 240 laws enacted by the end of August; 706 administrative regulations; 8,600 local regulations. They're telling us of all the laws and regulations that they have promulgated, and it's an impressive accomplishment.

But the problem is, if the police pay no attention, if the local authorities pay no attention, if the hired thugs pay no attention to all these rules, what does it mean? Well, this relates to a question that you have asked: Why are they doing this to the Chens? I think it's clear. It started out as a local attack of vengeance against Chen, who was trying to expose the illegal behavior of the officialdom involving forced abortion and sterilization. He'd been a thorn in their side for a long time with regard to many other official abuses.

Although that had won him considerable recognition abroad—that is how I met him, he was a State Department guest in 2002, visiting New York and Washington—but at home it made him an irritant to local officials. The last straw, as was mentioned, was the birth control violations he was revealing.

But there is a larger motive here. This is not merely local vengeance, this is part of a national strategy of the Communist Party and the central authorities for dealing with the current situation where they're confronted by increasing unrest and increasing domestic and foreign upset about lack of rule of law in China that comes up in many different contexts.

Their new strategy is, on the one hand, to promulgate all these laws, as they have. On the other hand, they're not going to allow the laws to be enforced whenever it's inconvenient. The way to make certain that they will not be enforced is to suppress the only people capable of invoking these legal protections—rights lawyers. If you don't allow the activities of lawyers who know how to apply these increasingly complicated laws, you don't have to worry that you're going to be called to account. You don't have to worry that Party and government autonomy is going to be challenged.

So on the one hand, the Party promulgates the laws. On the other hand, it makes sure in informal as well as formal ways—and the Chen case is one of the most glaring examples—that those capable of using these laws to protect people will not be able to do so. So it's a kind of best-of-both-worlds policy for the Party. It reminds me very much of Shakespeare's *Macbeth*: "They keep the

word of promise to our ears, but break it to our hope.” That’s what we see as the Party’s legal strategy in China today.

The other day at the press conference that released the White Paper, the deputy director of the Legal Affairs Commission of the Standing Committee of the National People’s Congress, which is currently revising the criminal procedure law in a very controversial fashion, was asked by a foreign reporter about the legal basis for what is being done to Chen Guangcheng and his family. He couldn’t answer. Instead, he contented himself with the generality, “There’s always a legal basis for any sanctions we take against individuals in China.”

Apparently the government didn’t have much confidence in this important official’s assertion, because right after the conference this question and the answer were both eliminated from the transcript and from the video broadcast. So the Chinese people could not hear the statement that in China “there’s always a legal basis for any sanctions taken against individuals.”

Well, what can be done? I’m glad you also have asked that question. We’re all concerned about it. I think many people feel frustrated, not only those of us who are observing this from abroad, but large numbers of people in China. I think the case of Ai Weiwei recently demonstrated that foreign pressure can be useful. Ai Weiwei, although still under limited restraint, is now at last out of “residential surveillance” in the public security force’s residence, and that’s as a result of the considerable foreign pressures that were generated by the outrageous mistreatment of him.

I think this hearing today, and similar hearings like it in all the democratic countries, can help to increase awareness and useful pressure. Next year, 2012, there is going to be, as you know, a selection of the new generation of Chinese leaders for the next 10 years. It’s possible—possible, not likely perhaps, but possible—that among them there will be some leaders who will see that the protection of human rights for their own people can become a popular platform for reform. I don’t discount that possibility, even though one has to be cautious in assessing it.

There are, of course, a lot of possibilities for international organizations, foreign governments, NGOs, educational institutions, ordinary people to make their views known in the course of their associations and exchanges with China. We should use those to express our concern for cases like this. The U.S. Government has official human rights dialogues with China, as other governments do, and the two countries also have renewed their official legal experts’ dialogue. I think it’s important that in these dialogues we discuss concrete cases, individual cases, not merely general principles, not merely improving the legislation. The question is practice, not theory.

But the real solution, of course, lies in China. The Chinese people hold the key. Even today many criminal justice specialists in China still claim they don’t know anything about Chen Guangcheng’s case. I think that for some experts that’s simply a defense against their inability to express themselves. I think that for others it’s quite true.

The Chinese Government tries to keep things extremely non-transparent. That is the reason why they don’t allow access to

Chen Guangcheng, why they don't want people to be able to communicate with him. They know if this case becomes more available to the Chinese people there will be increasing pressures for change.

The Internet and social media offer the opportunity. For example, disabled people, who may amount to 8 or 9 percent of the Chinese population, a huge group, could make an impact.

Chen Guangcheng once told me that he thought that in his Linyi City, a population of almost 11 million, roughly 10 percent of the population was disabled in some form. Now, you can see, if that kind of community gets activated by knowledge, this could make a difference. I use in my opening paper the analogy of environmental protests in China. Environmentalists have had a number of successes in China. By arranging for large-scale "strolls," they call it, peaceful walks through their communities, whether in Xiamen, Shanghai, or Dalian, they have had an impact. You can imagine, if the disabled people of China were free to know the truth and express themselves, this could be a peaceful form of support for Chen leading to his release.

So what we're witnessing in China is something that could become another landmark—I hope it will be a landmark without tragedy—in progress toward the rule of law. Chen Guangcheng is an especially unfortunate target for the abuse he is suffering because he was one who always saw the importance of using legal institutions, not defying them by going into the streets. He wanted to alleviate many social grievances, providing an outlet for them by going, according to law, to the county court in his Yinan county.

Yet, he found himself increasingly frustrated by the refusal of the court, under the control of the local authorities who were the ones being sued, to take these cases. One day he said to me in frustration, "What do they want me to do? Do they want me to go into the streets and lead a protest?" He said, "I don't want to do that." It's supremely ironic that they end up convicting him of supposedly interfering with traffic and damaging public property. This was just a pretense.

My hope is that China will move toward the rule of law in practice, as well as theory. I think this will alleviate a lot of the rising social discontent in China. Last year, 2011, some reports claim they may have had almost 180,000 public protests and riots, many of them violent. This would be an incredible statistic.

Every year, as far as we can tell—and it's hard to tell because of the cloak of non-transparency—this number seems to be rising. It seems to me that an enlightened leadership in China would want to increase real harmony by processing these grievances through legal institutions and not persecuting the people who are capable of implementing the protections of the law that should be carried out.

We have seen similar problems in Taiwan in the Chiang Kai-Shek days, and in South Korea in the Park Choon-Hee days. But later and wiser leaders, under increasing pressure, domestic and international, opted for the democratic use of legal institutions. We have seen greater social and political stability in both Taiwan and South Korea since then. So that's my hope for China, too. I look forward to Ms. Hom's statement and to the discussion that will follow.

Thank you very much.

Chairman SMITH. Professor Cohen, thank you so much for your—I think for your law students, it must have been a real treat to hear you lecture, because that was a very, very wide-ranging, but very incisive, commentary, and also a road that the Chinese Government should follow, an enlightened government, as you pointed out. So we thank you on behalf of the Commission for your testimony and for giving us your wise insights.

[The prepared statement of Mr. Cohen appears in the appendix.]
Chairman SMITH. Ms. Hom?

STATEMENT OF SHARON HOM, EXECUTIVE DIRECTOR OF HUMAN RIGHTS IN CHINA; PROFESSOR OF LAW EMERITA, CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW

Ms. HOM. Thank you, Mr. Chairman and Mr. Walz. Thank you for convening this very important and timely hearing and on an urgent situation.

I would like to move my written statement into the record and not use the limited oral time to repeat the information that has already been presented by Chai Ling and Professor Cohen.

Chairman SMITH. Without objection your statement, and all the statements, will be made a part of the record.

Ms. HOM. Thank you.

It's very difficult to follow Professor Cohen, because no one can follow Professor Cohen, who is one of the oldest friends of the Chinese people—and a great inspirations for all of us who work to advance human rights in China.

As already has been documented in the CECC report this year and the U.S. State Department's human rights report for China, human rights violations in China are ongoing, systematic, and quite serious. While the focus of this hearing is on Chen Guangcheng and related implications for rule of law, I want to note the urgent situation of Tibetan monks and nuns who are setting themselves on fire in desperate acts of protest against the crackdowns on their religious and cultural freedoms.

I have been asked to focus on the persecution of Chen and his family and the treatment of those who have attempted to visit him, but I would like to add some highlights to what has already been said—Chen Guangcheng's story is a well-known story internationally, and inside China, especially among the rights defenders community

A blind, self-taught, barefoot lawyer activist, Chen is a vocal advocate for the disabled, land rights activists, and victims of the coercive implementation of China's One-Child Population Policy. His story is the struggle of one principled, committed advocate for social justice who blew the whistle on forced sterilizations and forced abortions in Linyi, and then was subsequently violently targeted by the Chinese authorities.

The ordeal and the abuses that he and his family and his lawyers suffered have been well-documented. Chen also served the full four years and three months of his sentence, despite the fact that back in November 2006, the UN Working Group on Arbitrary Detention, a UN independent body of experts, determined that Chen's detention was arbitrary, and contravened the principles and norms

set forth in the Universal Declaration of Human Rights. The Working Group requested that the Chinese Government take the necessary steps to remedy the situation and bring its actions into conformity with the standards and principles. However, the Chinese authorities failed to release Chen or take any remedial actions in response to the decision of the Working Group.

International expressions of support and concern for Chen Guangcheng and his family have been and continue to be strong. In fact, the United States and the European Union have called for Chen's release throughout his four years and throughout the ordeal of Chen and his family.

Beginning in 2005, numerous independent international human rights experts also expressed concerns and sent urgent appeals and letters of allegations to the Chinese authorities, including the Special Rapporteurs on freedom of expression, on violence against women, on torture, on independence of judges and lawyers, and the Special Representative of the Secretary General on human rights defenders from 2005, 2006 on continued to send numerous requests for information and expressions of concern to the Chinese Government.

Yet, despite all of these strong and ongoing concerns expressed by the international community and the high profile of Chen Guangcheng's case in the media, the local authorities continue to allow thugs and plainclothes police to trample on the rights of Chen and his family. This egregious disregard for the rights of Chinese citizens protected by Chinese and international human rights law is part of the continuing severe crackdown on lawyers, activists, and rights defenders.

Chen's supporters, as Chai Ling has already referenced and widely reported, include activists, writers, bloggers, petitioners, and ordinary Chinese who have just been outraged by reading about or hearing about the persecution of Chen and his family, and who have attempted to visit him to show their solidarity.

Last night, Human Rights in China [HRIC], issued a press bulletin titled, "Dozens of People Beaten While Attempting to Visit Blind Legal Advocate Chen Guangcheng," detailing the most recent abuse of Chen's supporters. Eyewitnesses told us that over the weekend about 37 rights defenders and netizens who attempted to visit Chen were beaten by around 100 unidentified individuals; many of these supporters were seriously injured.

According to rights defender, petitioner, and activist who resisted the One-Child Population Policy, Mao Hengfeng was among those beaten and injured. She, and about 36 of these individuals who attempted to visit Chen, were surrounded about 200 meters away from the village where Chen lives. Our written statement lists the names of those who were injured.

However, Shanghai rights defender Jin Yuehua told HRIC that when she and Shan Yajun tried to videotape the beatings, they were almost hit by a police vehicle with a license plate number that they did note with their cell phones, and another vehicle without a license plate. After they called the emergency hotline, four ambulances arrived but left without helping anyone.

Another netizen, San Long Yong Shi, told HRIC that after dialing the emergency hotline numerous times, several officers did

show up. The officers took Li Yu, Liu Ping, and Shan Yajuan away, and since then their cell phones have been turned off. As of the time of this hearing, we do not have any updates on any contact with them.

According to San Long Yong Shi, more than 20 of the victims went to the Linyi Municipal Public Security Bureau to report and file the case yesterday. They asked the police to guarantee their safety. San Long Yong Shi said that the vice director, Mr. Xia—officer number 078171—met with the group and asked them to report to the plainclothes police and special police officers, and told them to get into the police vehicle. When the group insisted on seeing his police identification before getting into the vehicle, they were told, “If you keep making trouble we will wipe you out.”

However, although thugs may be beating, threatening, and intimidating people, actually the authorities have been unable to shut down the virtual spaces and the online campaigns initiated in support of Chen. Feng Zhenghu’s Free Chen Guangcheng campaign, has generated more than 400 signatures. Once the flood gates of truth are opened, it’s very hard to try to shut it down. The “Travel to Shandong to Visit Chen Guangcheng” campaign has attracted now more than 100 visitors. Another group of netizens are running the virtual campaign of Hei Yanjing, the “dark glasses” campaign, that asks people to express solidarity with Chen, to put on dark glasses, take a photo, and upload it to this Web site. The links are noted in my written testimony. So far, as of yesterday, more than 245 people have taken pictures of themselves in dark sunglasses and submitted it to the Web site.

I want to close with some brief remarks on the role of the international community and specifically reference the recent example of Relativity Media which is filming its new production, “21 and Over”, a feature comedy film, in Linyi. In HRIC’s open letter sent yesterday to Relativity Media and its partners, SAIF and IDG, we expressed our deep concern about their apparent failure to do due diligence before selecting Linyi as a filming location for a comedy film. We pointed out that Linyi is indeed a historic city as proclaimed by Zhang Shaojun, Linyi’s Party secretary. But Linyi has entered into the annals of history for something inglorious. It’s a place where the local authorities are responsible for egregious, ongoing, and widely reported violations against one of the most prominent human rights advocates.

We urged these companies to demonstrate their professed commitment to human rights by concrete action, such as terminating the filming of a comedy in a city of human rights shame. We also urge them to raise these issues with the Linyi Party secretary—who they have publicly said is a good friend—and to raise their human rights concerns about the ongoing persecution of Chen Guangcheng and his family, as well as the violence and intimidation perpetrated against Chen’s supporters. In light of Congress and the administration’s broader concerns with the human rights impacts of U.S.-based companies operating in China, we urge you to closely monitor this situation and we thank the Commission for your ongoing commitment to your critical mandate.

The severity of persecution and suffering endured by Chen and his family and the efforts of the authorities to intimidate his sup-

porters are ongoing, even as we sit here today. The urgent challenge remains to ensure the safety and freedom of Chen, his family, and the respect for human rights for all the people in China.

Yet, with China's economic, political, and soft power influence, strengthened by its position in the current global financial crisis, China continues to dismiss the human rights pressures from the international community. Yet, China cannot dismiss the growing pressure from its own people for accountability and for justice. The courage, persistence, and creativity of netizens and China's supporters are lights in China's darkness. Our collective mission is to stand in solidarity with them.

Thank you for this opportunity to speak. I look forward to your questions, and most importantly to our discussion and exchange about what can be done from here. Thank you.

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

Chairman SMITH. Ms. Hom, thank you so very much for your testimony and for being back before the Congress to provide, again, your very eloquent insights as well, a lifetime of advocacy. The Commission is very much indebted to you today, as well as in the past.

Let me ask a few questions. Do we have current knowledge of Chen and his wife as to their well-being, as well as their whereabouts? Are they totally isolated right now?

Ms. HOM. I think that what has been very clear from all the media reports and from people that we have spoken to who have attempted to visit Chen, is that the information that we're getting report sounds from inside Chen's home. One of the villagers who watched the beatings of the group of 37 who tried to go over the weekend reported that they heard beatings inside Chen's home. Although no one has confirmed or is able to confirm reports of what's actually happening inside, I think these reports should really raise very serious concerns.

Chairman SMITH. Let me ask you, Chai Ling, you had mentioned the importance—you had four points in your testimony and the word "urgent", I think, undergirded each of those points.

Ms. CHAI. Yes.

Chairman SMITH. That the Obama administration and U.S. Embassy work with you and EU partners. My question is, in the assessment of the panel, if you could each look at this, have we, the U.S. Congress, the administration, our ambassador, previous as well as Ambassador Locke, today, done enough to raise the case of Chen? Has there been, to your knowledge, a visit or attempted visit by U.S. Embassy personnel to his home?

Ms. CHAI. If we apply enough pressure collectively, in unity, I believe that Chen Guangcheng can be released to freedom. So because he is suffering this continuous torture and beatings and his health condition continues to deteriorate in isolation, we do believe the time to act is now, and we must act.

Mr. COHEN. There is a rumor that it was possible for an American diplomat, secretly, to get to Chen and his family. I don't know if that's accurate or not. Because of the non-transparency, it's hard to say anything more than what has been said. Many foreign diplomats, journalists, and others have tried to get there, but they've

been treated just as badly as domestic people who, fortunately—a small group, at least—keep trying.

The problem with U.S. Government pressure is it may be, among the various possibilities we've mentioned, the least effective, I would say for two reasons. One, our own well-known violations of human rights in a number of prominent respects deny us the standing we used to have when we tried to preach to foreign governments.

Also, we have, since China's entry into the WTO, as you know, lost our maximum leverage over China concerning its human rights violations. Before China was approved by the Congress for entry into the WTO, every year there would be congressional review of China's human rights record in order for China to continue its most-favored-nation status in the United States. China's WTO entry also required congressional approval. I have been involved in human rights cases, one as recently as the year 2000, where it was China's eagerness to get your approval for entry into the WTO that led to the victim's release. The case of the Dickinson College librarian, Mr. Song Yongyi, was the most recent example.

I was involved with Senator Arlen Specter in that case, and the Chinese well knew—we made it clear—that Congress would be unlikely to approve their WTO entry as long as Mr. Song, a resident of Pennsylvania, which was Mr. Specter's state, remained in illegal captivity.

So the problem since China's WTO entry has been, and that has led to your Commission's establishment, how can public opinion and other governmental and non-government influences be used to stimulate protection for Chinese people whose rights have been abused?

In another case, the case of an American businessman named Xue Feng, who is still locked up in China, every month our then-ambassador, Jon Huntsman, or his deputy, Bob Goldberg, would go to visit Xue, as the U.S.-China bilateral consular agreement permitted. I've never seen more extraordinary, consistent pressure than that. I admired what our diplomats did. But Xue Feng is still there. It may be that overt U.S. intervention, although desirable, is the least effective of various pressures we should employ.

What seems to be more effective is the popular outcry, and that's what we witnessed in the Ai Weiwei case. In that case, the international artistic community, which had previously had only goodwill toward China, came up with 143,000 signatures on a petition to free Ai Weiwei. That made an impression on the Chinese Government, which wants a "soft power" reputation. That's why they've been establishing Confucius institutes in the United States and in many other countries, especially universities.

Well, you don't get soft power when you've mobilized the world's artistic community against you because you've behaved in an indecent way toward one of the world's most prominent artists.

So I think it may be the power of foreign public opinion. It may be the power of organizations, including NGOs and others, that may be even more important than overt U.S. Government concern for concrete cases. The U.S. Government's public concern for concrete cases worked well in the 1990s. Since China's entry into the

WTO in the last 11, 12 years, however, we have not seen that being very effective.

Yet, we have no choice. We can't expect our government not to pay attention to these cases, and we need its help. But I think it is going to also take an improvement in our own official human rights conduct. I think one of the most profound things ever said was by Robert Burns, the Scottish poet who wrote, "Oh, would the Lord, this giftie gie us, to see ourselves as others see us." So it can't be "do as we say, not as we do." It's a complicated question, Mr. Chairman.

Chairman SMITH. Thank you.

Ms. HOM. We have seen over the last 30 years that overt U.S. pressure, by and large, has not been as effective as one would hope. But I do think, notwithstanding that, it is extremely important at the highest level, that the U.S. Government, both Congress and the Administration, continue to send strong messages because those messages actually get broadcasted back in a kind of round-trip translation/media circulation loop. Despite official censorship efforts, these messages get translated into Chinese, disseminated through the Internet and blogosphere, and they do have a ripple effect supporting defenders.

On a pragmatic level, I think that the United States and other Western democracies need to reinstitute a more effective and transparent sharing of information and strategies—the EU is in the middle of a process right now of once again—rethinking its China policy engagement because, frankly, they must know that it's not working to advance concrete progress.

So I think this is a good moment to reach out and try to strategize concretely about how the United States and the European Union can perhaps coordinate effectively, though the EU is in a worse situation than the United States, as the EU is knocking on China's doors for help with its sovereign debt problem. I believe that someone in the Administration was quoted quite recently as saying, "It's hard to be tough with your banker."

I would say that we have to be tough with the banker because the recent Wall Street financial crises have shown, that not being tough with "the banker" will open everyone, the 99 percent of the rest of us, to the risks of corruption, greed, bad behavior, and consequences of a total lack of accountability. I think any exchange for short-term benefits ignores at our peril the longer term picture and the need for a sustainable relationship.

I wanted to also piggyback on what Professor Cohen was saying about soft power. We don't have a lot of leverage outside of China, but we do have one point of leverage—soft power—that seems to be just not used and I don't understand why. It's incomprehensible. Because, to the Chinese regime, cultural soft power is extremely important. Why else would they invest the enormous amount of resources it has invested into its big propaganda campaign—translated into English more benignly as an advertising campaign, or public relations.

One example: The investment in one of the largest multi-media signs in Times Square for Xinhua, China's official news agency—just beneath the Prudential billboard and above the Samsung and Coca-Cola signs. The People's Daily has also moved into the Em-

pire State Building, which they reported widely in the Chinese media. They've invested broadly in expanding the number of Confucius Institutes, along with exerting control over the curriculum, so when Chinese history is taught in the Confucius Institutes you will see black holes for certain periods like the 1989 Democracy Movement, et cetera. These are some of the ways in which China is deploying its soft power and enormous resources to culture, education, and media outlets, including more than 33 foreign media outlets, to promote a positive China story. So why is the international community allowing China this cost-free deployment of soft power without any push-back, without any conditions, without any critical scrutiny?

If you saw a map of how many Confucius Institutes are in this country, you would be shocked. Perhaps not. Many of the Confucius Institutes are hosted at institutions of higher learning, think tanks, or cultural institutions. Perhaps they really ought to report on the funding sources and Chinese Government conditions on their programs, cultural exchanges, and curriculum. I think that would be a useful follow-up.

Chairman SMITH. So let me ask you, with regards to, you mentioned the overt may not work, or has not worked since the 1990s. I would respectfully argue the overt efforts on human rights have never been tried. We have done it in a marginal way. I remember when President Bill Clinton linked most favored nation status to human rights observance and the benchmarks that were laid out in his executive order couldn't have been more ennobling, more comprehensive than they were.

Within weeks of setting out that executive order—and by the way, parenthetically, we had the votes, at least we believed we did, both in the House and the Senate to take away most favored nation status from China because—you know, I was working very closely with the former Speaker of the House Nancy Pelosi, and others. There was a bipartisan consensus that China needed to be held to account on human rights.

In came this executive order, which in a way put a tourniquet on that legislative effort, and then within weeks, and certainly within months, I went halfway through the review period and I was told in China by a deputy foreign minister that—and I had a signature sheet of 100 members, bipartisan members saying, we're with Bill Clinton. He will stand firm. If, by sometime in May, significant progress is not made in human rights, most favored nation status is a goner.

They practically laughed at me in China, believing that there was no way that Clinton would hold firm. Sure enough, in May 1994, late on a Friday afternoon, he literally ripped up the executive order and said, we are de-linking human rights with MFN.

So I would respectfully argue that we have not even tried. They judged us as believing that profits trumped human rights and have behaved accordingly. If there was a reversal on human rights in the most profound of ways, in my opinion, it happened in May of 1994 when Clinton de-linked human rights. It was exacerbated by statements made thereafter that were always lukewarm. So we, in my opinion, have never tried the overt. We have made statements and then we draw back.

My hope is, and I believe this Commission has an opportunity, to assert a more robust effort on human rights, knowing that they may initially be repelled by it—they being the Chinese—knowing that Wei Jinxiang once told me in Beijing, and then right where you're sitting, Professor Cohen, when he testified after being released, having been pummeled almost to death by the dictatorship, that he said, when you are quiet or coddling—these are my words, but he spoke very closely aligned with that—when you kowtow to the dictatorship, they beat us more in the prison. But when you're tough and transparent and predictable, they beat us less.

I would argue, judging by what Chai Ling had said, calling on the Obama Administration to raise these issues in the most profound way as non-negotiable, that these are things we care deeply about. Yes, we care about trade. Where will China—and Tom Lantos used to love to say this.

Where will the Chinese Government find a market for its Christmas toys and all the things that they sell here, including high-tech gadgetry so we don't have to be so worried about the fact that they have \$1.2 trillion worth of our debt because they have to use our markets and that's how they keep their economy thriving, if that's what you want to call it, by exports? So we have real leverage, we just haven't used it.

I would respectfully also say, and you might want to comment on this, when Hu Jintao was here, I had asked Secretary Clinton, what was raised, human rights, behind closed doors, if anything? Was Chen Guangcheng's case raised in a way that is meaningful, not as an asterisk somewhere on page 4 on a set of talking points? We've got to be serious about human rights, and I know you three are. You've spent your whole lives on it.

But I would hope our government, for once, would be serious and hopefully that bipartisan coalition that we've had in the past will re-emerge to say we're really serious about fighting for democracy. You don't have to worry about copyright infringement if they get the human rights piece right. You don't have to worry about exporting revolution or projecting power if they get the human rights piece right. So I do believe this is a peace issue as well.

But I don't think we've even tried. As you said, Professor Cohen, I thought your point was well taken, that somehow it's a myth that the higher echelon, the central authorities don't know. It reminds me of something that was said during World War II. If only the Fuhrer knew what was going on in the gas chambers. Well, the central government does know.

Hu Jintao does know, as does the rest of the ruling elite. And not only do they turn a blind eye, they are part and parcel of the effort to repress. So I don't think we, in all candor and seriousness, and with respect, have ever done the overt. We make a statement and we retreat. I'm hoping that this Commission will be a light. It certainly has very, very professional staff who, when we produce, as we did recently, our report on human rights, it is heavily footnoted, heavily documented, and the Chinese know that we're speaking truth to power as a Commission.

So, I would just, before going to my good friend and colleague, just ask, has the Human Rights Council and the other important human rights apparatuses of the United Nations, the High Com-

missioner for Human Rights, raised the issue of Chen Guangcheng by name? Has Bankai Moon raised it to the Chinese officials?

Ms. HOM. Representative Smith, maybe the adjective we should be using is not overt, but what we should really be focusing on is whether the action is principled, unequivocal, without sending mixed messages, and not behind closed doors. I think we can quibble on “overt,” but I think the real problem is that it’s not unequivocal, transparent, and principled.

I think one problem with mixed messaging can be seen when Secretary Clinton first went to China. The Chinese were listening quite closely to the messages delivered and the official media Chinese headlines declared “U.S. Says Human Rights Not on Table.” I don’t think the United States has fully recovered from that initial message.

I wanted to say something about a practical suggestion for a legislative initiative that might be explored. Last year, the Chinese Communist authorities issued a directive regarding the disclosure of all assets domestically or abroad of Party officials and their families. The problem is, that the assets of most of the high Party officials, and the over 70 million Party members, are often ill-gotten gains that are invested in property, business, et cetera abroad. In fact, some Chinese studies indicate that the United States is one of the top destinations. So this corruption and outflow of money is an interesting problem—one that the Communist Party sees as a problem, too. Wouldn’t this be an interesting example for cross-border enforcement?

Mr. COHEN. On your point, Mr. Chairman, about the Human Rights Council of the United Nations, as distinguished from the Working Group on Arbitrary Detention, the former is, of course, a highly political institution in which many of the participants have their own very serious human rights problems and there’s a kind of alliance of the anti-democratic governments that makes it hard for us to take as effective action as we should.

I am glad that you emphasize the fact that our highest officials haven’t, on a continuous basis, done all that they can on human rights. I think that’s true. I’m also glad that Sharon Hom pointed out the continuing necessity for U.S. Government action. In my own remarks, I was trying merely to point out that we shouldn’t exaggerate the impact that we’ve had when we’ve made overt government interventions.

I think to be really effective such protests have to be accompanied not only by UN organization activities, but also a lot of these more unofficial NGO and spontaneous popular petitions and educational efforts, plus committee hearings like this. I think it’s got to be an overall package. I think then the Chinese Government will be more likely to show a favorable response.

I don’t think—and you’ve said the same thing, I believe—that we have to be so worried about the fact that the Chinese are bankrolling our economy and now negotiating with Europe to participate to a greater extent in Europe’s economy. They’re doing it for self-interest. If there’s a market collapse in Europe, if there’s a collapse in the United States, China’s huge export markets on which its leaders are so dependent for their own political survival will also disappear. So this is self-interest.

Of course, it's harder to influence China's leaders than in the past, not only because of the country's WTO entry. There is greater confidence in China now. Occasionally one thinks there's a certain arrogance that we normally associate with some of the western powers, including ourselves. There's a rising nationalism in China, a greater confidence among the young people. People of 25 often have a different attitude from people who are 45. We have to take account of that also.

But I think we obviously have to continue to use all the pressures we can. Yet, as I said in my opening statement, the real key is in China, and the newest development and the one that is up for grabs, the outcome of which is unclear, is, how effective will be the government's efforts to control blogging, social media, and the Internet?

Some people are very confident China will never, despite all its dictatorial efforts, succeed in controlling them. Other people feel, by and large, the government is going to be able to keep up with the challenges. It's an open question, but what we see now is the possibility for the first time of people expressing themselves much more freely than they have since 1979 when there was a brief period of several months before Deng Xiaoping made his trip to the United States when people were quite free in Beijing, at least.

I was living there then and it was almost frighteningly free from November 1978 to February 1979. But once Deng came back from the United States and once China went to war with Vietnam, and he wanted to moderate the enthusiasm of the Chinese people for things American, we have seen all this repression recur. I think we now are entering a new period, and my hope is that the Internet and the social media will make possible very positive, but peaceful, developments.

Ms. HOM. Can I add a quick comment? On the weibos, the microblogs, that's absolutely right and it's an ongoing battle. But you're talking about bloggers, some with followers of 1 million, 5 million, 10 million followers. So if they, as in the case of Chen Guangcheng's supporters, upload a weibo post, and it gets retweeted, that means even if it's taken down, which they often are, by the time it's taken down, 15 minutes, 20 minutes later, 20 million people might have already read it. This is why I think it's not only impossible to shut it down, even if it is shut down, the information has already been disseminated.

But I did not address, Mr. Chairman, your question about the Human Rights Council. In their urgent appeals and what they call Letters of Allegation, each of the special rapporteurs that I mentioned in my written statement did specifically inquire about Chen Guangcheng's situation. The Working Group on Arbitrary Detention's decision on Chen Guangcheng should be required reading because of its extensive and detailed record on his case.

However, when these human rights mechanisms report to the Human Rights Council, there is, of course, debate. The not-so-rights-respecting countries will protest, but the fact remains that the final reports are part of the public records of the Human Rights Council. One example of how China tries to censor what is in a final human rights report: After China's review before one of the UN treaty bodies, the Committee Against Torture [CAT] in 2008,

the CAT issued its final report. China filed one of the first formal protests and demanded certain language to be taken out of the experts' report. The language they wanted deleted as inappropriate in a UN report was what it referred to as the "so-called 1989 Democracy Movement," and the term "crackdown." But the CAT Committee did not remove the "offending" language.

So in the international arena, these independent experts need to hold the line, and for them to be supported, but it also requires them to speak up. The United States, even as an observer state at the Human Rights Council, did not even sign up during the universal periodic review of China. The U.S. absence and silence was clearly noted.

Ms. CHAI. Yes. Chairman Smith, I just want to echo what you stated earlier, that the U.S. presidential level has lacked a strong, consistent human rights policy toward China. I would absolutely agree with your statement. I even want to take it further. This is not just an issue of the current Obama Administration. It involves the same kind of policy as demonstrated by the Clinton Administration and, together with even the Bush Administration. George W.'s Administration was much more courageous toward China's faith-based movement, but on human rights there wasn't really an improvement. So this is a consistent 22-year U.S.-China policy.

As I was finishing my memoir, "A Heart for Freedom," I went back and tried to understand this relationship. On the night of the June 4 massacre in 1989, I was one of the key student leaders. We were the last 5,000 students. We were told a rumor, saying that if we stayed until 6 a.m. in the morning the United States may intervene to stop China's brutality once and for all and China can be set free, so we waited and risked our lives and eventually the students were given a chance to leave and the majority voted to leave.

So I had to escape for 10 months and finally came to America. I came to find Ambassador Levy, who was U.S. Ambassador at that time in Beijing during the massacre, and I wanted to know from him directly, did the United States have any plan to intervene or do anything to stop what the Chinese leaders were doing through the massacre? He immediately said that rumor was an absolute lie, not at all. Then there was a time I met him around 1994, 1995. I went on and said, "Why?" It was a private meeting. He just said, "It's far away and because they don't care." I was heartbroken.

I believe that one sentence summarized the entire U.S.-China policy in the past 22 years, and that's exactly why Deng Xiaoping believed he could use a massacre against his own people and scare the public away, because when I had researched why he used this massacre to kill his own people, how dare he, why did he have such courage to do that, he said "We, China, is a big fat piece of meat. The United States, the Western countries, they're going to scream and kick for a few years and then they are going to come back because they each want a piece of us. Just wait, let it get its household in order. We can wait them out." And he was right. For the longest time I was devastated when I learned this reality.

That was a reality, I believe—you know, Sharon, you correctly described, and so did Professor Cohen—that after so many U.S. NGOs, human rights organizations, UN organizations, advocated for various dissidents and in persecution situations, most of them

do not end up in freedom or release. China can continue to do whatever they want to do and it's simply because, unfortunately, the U.S. Wall Street is selling souls to China.

The dictatorship wants to maintain the current trade, the current profitability. I have so many friends who do business in China. They do not approve of or support what we are doing because they do not want to rob the chance to make more money. Then you see the American poor people, the middle class, who are losing our jobs to China.

What should the United States have done? It should have done what President Reagan did in 1988 with South Korea. Ambassador Levy's memoir, when I read it, was really moving. He wrote, in 1988 when he was ambassador in South Korea, South Korea was having the same kind of situation with dissidents demonstrating, protesting toward freedom.

The leaders at that time of South Korea were at a crossroads. They could go crack down on the movement or they could go ahead and let them be set free. Ambassador Levy was able to obtain a letter from President Reagan and he went in courageously and warned the leader of South Korea that if they were to take brutal actions, there would be severe consequences.

As a result of that, South Korea was let free and they have freedom today. I believe, if the United States, in 1989, had taken a very different approach, if President Reagan had been in office, we would see a different China and we would have a different U.S.-China relationship.

We cannot rewrite history today, but we can determine how we will act differently tomorrow and we can take different action today. That is why I'm here. I think starting from Chen Guangcheng's case, it is important for us to take a different stand.

Mr. COHEN. I wonder whether I could say a few words just to broaden the discussion about what strategies might work and what might not work for the next couple of years.

First of all, I think it is important to understand there is a quiet struggle under way in Beijing now about how to revise the criminal procedure laws in ways that will either enhance protection of the rights of suspects and defendants or expand the powers of the police and other law enforcement agencies.

Of course, the upper hand is in the hands of the police because it's the Chinese Communist Party Political-Legal Commission that controls all legal institutions, starting with the legislature and including the courts, the police, the prosecutors, the justice bureaus, the legal profession, et cetera.

Now, that commission, until the autumn of 2012, is headed by Zhou Yongkang, who used to be the Minister of Public Security. He's been promoted in recent years to the Standing Committee of the Politburo, and he's the head of the Political-Legal Commission. He's pursued a tough line. I don't think we can expect that the people who are fighting for greater civil liberties, greater protections against the kind of suffering that Chen Guangcheng and many others have endured, are likely to come out of this law reform with very significant progress, but it's going to be a mixed kind of bag. But then China gets a new leadership a year from now and the

question is, will there be any new leaders more likely to be sympathetic to a genuine rule of law in China?

In 1956, no one anticipated what Khrushchev did in introducing de-Stalinization. He had been a running dog of Stalin and people didn't expect that he would make public the abuses of Stalin, the humiliations that even he and others suffered. In 1990, although Gorbachev had gone to law school, nobody realized that, when he became top dog in the Communist Party of the Soviet Union, he would try to engineer the reforms he did. So, we have to be alert to the possibility of change at the top, because China is changing.

The key is the middle class that has been mentioned. The other day, in discussing a potential bursting of the real estate bubble in China, a very good reporter in the Financial Times, Jamil Anderlini, pointed out that a bursting of the real estate bubble would deprive the Party of its strongest support, the strongest support being the middle class that has benefited from the Party's policies. Thus there is a real question in terms of which way the middle class will go.

There have also been signs that the middle class is getting a little restive with the Party policy on which they have depended and which they have supported. Traditionally, in Western Europe and in the United States, we associate the rising middle class with greater demands for human rights.

In China, it hasn't gone that way. Many of us hoped, 25 years ago, 30 years ago, it would go that way. We see until now the middle class is the best supporter of the Communist Party and they have been taken into the Party, and the business elite have been taken in. But it may be, especially if there's an adverse economic turndown in China, that the middle class will become increasingly demanding for the kinds of improvements in the rule of law that we support.

Representative WALZ. Well, thank you all for your incredibly insightful and passionate depiction of what's happening and helping us try and understand what's going on. I couldn't agree more. The Chairman and I were just discussing, I had written on my sheet here at the top, 1994 MFN, and some of the changes I think many of us—my time in China was cut being there in 1989, 1990, and 1991.

I am very interested, coming to this Commission, too, I think the Chairman mentioned something. I certainly associate myself with his remarks on this. But the importance of this Commission. I gravitated to this Commission. I think first and foremost, too, is I have a profound respect for the Chinese people and culture and want to see—I think all of us do—if there is an ability as us as people, and I think this House especially, a representative of the people, get this right.

I think, Mr. Cohen, you hit on something. I think it does trouble a lot of Americans, this idea of lecturing other countries on human rights when we certainly have our past transgressions that are pretty apparent. But I think the difference is, if there's transgressions, I think the spirit of the American people to get this right on human rights is still very strong and I think no matter what's happened in the past to move forward to get there, and I do think it's important to have that, to reach that critical mass of where

people care—and it gets frustrating at a time of economic turmoil. People turn inwards more. People worry about it.

The number-one call to my office is, let's just cut foreign aid and we could balance the budget. It's as simple as that. But there's a deeper belief there, worrying about our own. I think human rights has that ability to show, and I think the quote, Chai Ling, that you mentioned, is we're all in this together, especially on human rights.

So the question I'm going to ask—well, I guess I'm trying to have you help me understand this. You're getting at it. I'm trying to understand where the Chinese people are in this. I say that because I watched a very strange phenomenon after Tiananmen Square of this. I know it's a part of—and don't get me wrong. Having lived in China, and I said I traveled there maybe several dozen times, but every time I go I know less. I'm one trip away from knowing nothing about China, so I don't want to go back. But I watched it afterwards and this quest for stability, preservation, or maintenance is so strong. I watched good people justify that you and your friends went too far, the cultural revolution was still a fresh, open wound, and that.

So my question I guess I'm trying to get to is, is watching the Chinese Government, this latest central committee plenum, focusing heavily on cultural reform, this—and I'm a cultural geographer. Watching them try and change this, Mr. Cohen, you were hitting on this, the middle class and where they feel on this. These are the same people that, in 1990, were seeing positive changes that were saying, the students asked for too much, too fast. We don't think what happened to them was right, but they were upsetting the stability.

Is that the way these folks like Chen are viewed still by the bulk of the Chinese people? Is that at the core of this, why there isn't a larger momentum? I'm just trying to get at this to see where the change is effected from.

Mr. COHEN. Well, you have put your finger on the difference between our situation and the way we handle human rights transgressions and the situation in China. The big difference is a free media. When a New York policeman beats somebody up arbitrarily, that appears in the paper the next day and it starts a political-legal process that often leads to change, even though sometimes it takes a long time. In China, it's the non-transparency that really inhibits that happening. To the extent things become transparent, the Chinese do have to take certain measures.

Now, your question here is very hard for us to answer because of the controls on knowing, what do the Chinese people think? We're not the beneficiaries of all kinds of polls that take the pulse of the Chinese people. There is some social science work being done, a little bit in cooperation with foreign social scientists. But we don't have the access to much data.

Nevertheless, in impressionistic fashion, we get a lot of insight. I think Chinese society is changing fast, and we don't know the direction the dominant groups will take. I think it's up for grabs and I don't think one can assume China, in the next decade, is going to continue this meteoric economic development because I think they're becoming victims of their own success. The fact that there is so much socio-economic change is creating more and more ten-

sion, more and more unresolved problems. People definitely long for the stability and harmony that is associated with Confucius, rightly or wrongly, but that doesn't mean they will get it.

Representative WALZ. Right.

Mr. COHEN. But the fact is, although they remember the "Cultural Revolution" and even the "Great Leap Forward" and all the enormous starvation of the late 1950s and early 1960s, new generations take that less seriously but they take more seriously their immediate frustrations and difficulties. So a lot depends on where the economy goes, to what extent China's leaders pursue the right economic course, to what extent they're hurt by what is taking place abroad in terms of economic and other changes.

There is a lot more openness today than there was, but repression remains heavy. I can understand why the leaders just want to finish their term in a quiet way. The quickest way to assure that is to hit people over the head and keep things quiet, but it accumulates the frustrations. And we have seen in other countries that too-rapid modernization produces change that gets out of control.

Iran could be cited as an example of that in the 1970s, leading to what happened in 1979. The leaders of China are very sophisticated people. They've had people at their central party school and elsewhere studying the transformation of one-party states, what the options are, what's happened in South Korea and Taiwan compared to what's happened in Indonesia, Mexico, and Malaysia and other places. There is ferment in China, a lot more potential possibility for change, but that change could be good and the change could be bad.

Representative WALZ. Just one second, Professor. I'm struggling with this too because I think we're trying to understand that. I guess my concern is, and it's why I'm very appreciative of this Commission, is where else is that happening in our government, are we thinking ahead, are we planning for that, trying to see what that transformation will look like. I am concerned on two levels here.

I'm concerned on the individual level for that child in Mr. Chen's household, making sure that we're doing right and that we're standing up and saying that we will do what's necessary, even if it's economically not beneficial to us to do the right thing. But I'm also seeing what you're getting at: where can we be most effective? Having a Congressman from Minnesota and New Jersey lecturing, if that's the way it's viewed, as being detrimental, I certainly don't want to do that.

But I want to make it very clear that my constituents in Southern Minnesota care about that child because her father spoke out for things that are universally accepted as basic human rights. So that's where we're struggling in the advice you're giving us. I think those are all incredibly important concepts. I'm just not convinced—maybe you can help me with this—that we're thinking the same way, of what this outcome—what's the end game in this, and what can we do to foster that end game to be positive? So, Professor Hom?

Ms. HOM. Thank you. I totally associate with Professor Cohen's comments that China is really fast changing, and in part not only that it is the victim of its own success; it is that those real victims

who paid and are paying the cost of China's economic success are not willing to keep paying those costs, because that economic success miracle was built on the backs of workers and low wages and human rights violations, and that is just all exploding because it is not sustainable.

On the bigger question about, where is this very complex, dynamic picture of the Chinese people heading, I want to say three things as observations as well as suggestions for strategic direction. First, the middle class. What we're actually seeing is that the middle class may be realizing that things are not so good, especially as it is impacted by corruption or too fast and unsustainable growth.

For example, the Shanghai high-speed train crash is very illustrative. Why? Who can afford to take the expensive, high-speed rails? It's the middle class. It's not migrant workers on those expensive high-speed trains. Within seconds and minutes after the crash, photos of people seriously injured were already circulating on the Internet.

But hours later, the official media was still not reporting the seriousness of the crash or the injuries. They weren't reporting the truth. When the middle class, comfortable, thinking they were safe, find themselves hurt, followed by official coverups and lies, directly related to corruption, you can see the growing anger. Similarly, the tragic incident of the two-year-old that Chai Ling raised, generated a diverse weibo discussion also reflected debates on fundamental questions asking: Who are we? What kind of people are we? And not only saying that we can be better than this, some posts actually saying don't blame the Communist Party, don't blame the Cultural Revolution for producing us like this. They said we have to step up, take responsibility, and be the kind of people we should be. I was so encouraged by these fundamental questions that go to the nature of what China's society and people will be, and these questions are being asked by the Chinese people.

Finally, there is an as yet not fully understood role for Hong Kong. As a Hong Kong Chinese, I think Hong Kong has not really been sufficiently strategized. Hong Kong now has over 10 million mainland people going in and out every year. Some of the prominent bloggers, newspaper editors, writers, poets, and activists, mainlanders, are now based in Hong Kong. Why? Because it offers more freedom to operate and the proximity of home in the mainland.

I was back in Hong Kong in June and September. In June, sitting in Victoria Park with over 130,000 people including mainland visitors listening to Ding Ziling, the spokesperson for the Tiananmen Mothers, delivering her audio message, saying what could not be said in Beijing, suggests the power and potential of Hong Kong as a space for mainland students, business people, tourists, visiting scholars, journalists. If you visit Human Rights in China's You Tube channel at www.youtube.com/hrichina, you can view our newly launched series—"Word on the Street," including the first video—"Is Hong Kong the tail that wags the dog?" We got some really interesting answers.

On the question of stability versus human rights, I myself have been challenged by former Chinese colleagues and students who

say in a public setting, perhaps because they have to, demanding that I answer if you have to choose stability or human rights, what would you choose? I say it's not a choice because there's no stability without human rights, just like there's no real effective counterterrorism measures if human rights are violated. But this message now is actually being grasped by ordinary Chinese people.

They're seeing that the Chinese national policy of *weiran*, this control policy, is not producing stability. Invoking stability is actually an excuse for not dealing with the fundamental causes of social unrest—corruption, lack of access to housing, jobs and healthcare, and a safe non-toxic environment. Invoking stability to the hundreds of millions who are suffering from these problems, is just not as persuasive as it was 30 years ago and I think that is encouraging.

Representative WALZ. That's good.

Mr. COHEN. I just wanted to say, that's a wonderful statement Sharon has made. I would only emphasize the profound unhappiness of many, many people in China about corruption, corruption of high officials, of low officials whom they come in daily contact with. I think the most profound feeling that we share with the Chinese is the desire for equal treatment. We can understand that, equal justice under law. There is a profound sense in China that there is not equal justice.

Representative WALZ. Well, I think both of you, those are very profound statements. Chai Ling, I will come to you in just a second on this. I think that is transformative, I think in the long run, of seeing China, of where it will be into the future instead of in this town again, as a lot of false choices. Sharon, as you said, it's either/or, and we know that's not the case. It's either Dragonslayer, or Panda Hugger, whatever it will be. The reality is dealing with it as this relationship becomes more sophisticated over time and becomes more intertwined for us to get it right.

I find it kind of interesting. As a member of Congress, I don't think we can take ourselves too seriously, our influence; every time they do a public approval poll or something it lets us know. But I found it very interesting, after I was appointed to this committee, most of my contacts with friends in China stopped. Do you find that surprising? These were good, long-term, decades-long friendships. I certainly don't pursue it because I don't want to put anybody in a bad position, but I find that interesting. It also reinforces my belief maybe we're doing something here. So I don't know what you think, how that would—a coincidence. Could be they just don't like me, I suppose.

Mr. COHEN. I think the work of this Commission is indispensable. I think the reports that you do, the hearings that you hold, we can't find anywhere else in the U.S. Government or in State governments. The other commission that was created by Congress, of course, deals with other major problems including political and military as well as economic security. Its work, although crucial, does not promote the understanding of China in terms of society, human rights, et cetera, to the same extent as your commission makes possible. So, although you're not a substitute for the ability to deny China access to our market that the Congress used to have, you're doing very important, fundamental work.

Representative WALZ. Chai Ling, if you'd like to follow up. I'm sorry. It's not often we have three wonderful panelists here. I want to bounce as many things off you as I can.

Ms. CHAI. Oh, totally. I have really been enjoying Professor Cohen and Sharon's wonderful insight and report. I am excited when I hear that you were in China from 1988 to 1989 or 1990. I'd love to know what you were doing. But anyway—

Representative WALZ. I would add on that, I was also from Foshan, so the video that made its way around hit me very deeply because I have a lot of friends. I know that's not the people who live there. Good, good people.

Ms. CHAI. Yes.

Representative WALZ. Sorry to interrupt you.

Ms. CHAI. Oh, no. This is great. So I know people who were in China in those years that share a very strong bond. I also understand the emotion you experience when you go back to see the Chinese friends you built at that time. It was a systematic and methodical denial of who they were, what actually happened at Tiananmen, the nature, the spirit of Tiananmen, and that's what happened to me. It was the most lonely and painful experience to see my dear friends' and comrades' betrayal, selling out for business and going back to China to do business and all that, alongside an open attack in the media or through all kinds of situations to defame the spirit of Tiananmen.

That's why it took me 22 years to finish my memoir, because I did not understand why, why this was happening, why all these things I experienced so intimately and so powerfully, so real, so true, and that genuine love, support, and courage all started being denied. Later on when I finally came to Jesus, I understood, even Peter denied Jesus three times. It makes sense. Good people can do the wrong things at the wrong time. Someday they will be restored to be a hero again. I want to share with you the framework I learned when I went back to do the research, how to understand China in a better way, and then I want to go back to say, so in the case what would be better—U.S.-China relationship would help facilitate a free and fair China sooner.

In 1989, the death of Hu Yaobong led to the student movement. Hu Yaobong was the one who was famous for advocating for three reforms. At that time as a young student, I did not understand what he was talking about. He advocated for economic, political, and spiritual reform. So now, looking back, we can see that Xiaoxi Yong, the premier who eventually was sentenced to house imprisonment for his disagreement with Deng Xiaoping's massacre decision, he advocated for two reforms, that is, political and economic. Am I okay? Just a few more minutes? Thank you.

But Deng Xiaoping only wanted one reform, and that is economic reform. That is what China has today. We can see, even though every day we hear a lot of insight and we know the generous statistics that tell us the picture of what this economic reform had led to, especially the massive amount of corruption, supposedly a small amount of people around a number of 5,000 Chinese families control 70 percent of China's wealth and its political power and military power. The middle class divides up this other 27 percent.

A third of the Chinese population, 465 million people, live under \$2 a day. Those extremely poor people are forgotten in the shadow of China's power and wealth, and that's what's happening to China today. That is the singular economic reform that led to a nation in this kind of situation.

The political reform is equivalent to none. There is no freedom in the media, there is no rule of law. When I finished at Princeton, when I finished from Harvard Business School, I thought, wow, we really need to push for political reform. Once we have that, China will be free. For the longest time I lived with this constant frustration, and now I see we need more than that to really free this nation, and that is the true and fundamental spiritual reform. I do not know if Hu Jaobong knew what he was talking about, but that is what China is in search of and hungry for today. But China is achieving spiritual reform, as over 10 percent of China's population are coming to Jesus. That's really a powerful revolution.

In my last page of my book, when I pray and say, "God, where were you on the night of June 4, where were you," I write about how He gave me the answer. He was right there with the students and He's there, right there today with the Chinese people. That is a powerful movement.

Dr. Tim Keller, who leads amazing American churches in the United States visited Beijing. The table was surrounded by people and they said he asked, "What happened to the Tiananmen generation?" The feedback was, a third of those people went to become believers and serve the country, a third went to business for stability and other things, and a third are still confused, trying to figure it out. So that may in a way summarize what is happening to China.

So under today's Chinese society, because of the lack of rule of law, lack of a free media, lack of fundamental spiritual reform and transformation and this massive wealth gap between the rich and poor, and China has also in addition suffering the largest crime against humanity, the largest human rights abuses that are taking place every day under the One-Child Policy. Every day, over 35,000 forced and coerced abortions are taking place. That is, every hour there is a Tiananmen massacre, and it's ongoing. It's not stopping until we do something to stop it. Five hundred women commit suicide every single day.

For every six girls that are scheduled to be born, the sixth girl will never make it. Every sixth boy will grow up and have no wife to marry. Today, China has 37 million single men and they have become a major driver for sex trafficking and domestic civil unrest, and potentially for global war. Those are the base that fuel this nationalism. So that leads me to why we, the United States, need to care. Not only do we need to care, we need to take immediate, urgent, decisive and persistent action because if we do not, China's today and China's past will become our future. We are already losing our liberty piece by piece. We are already hearing in the media and politics, everybody is talking about China as powerful, China controlling our debt.

I guess I want to echo Chairman Smith's words. If we make a quota saying China no longer can sell or buy U.S. Treasury bills, let's see who really has the true power. If we put a tariff on China

exports to the United States, let's see what's going to happen. If we really take a firm stand, like President Reagan did, on democracy, on freedom, to help in China, I believe America would become a much stronger America and China will become a better China as a result of our actions.

I do want to conclude my statement by reminding us of the Frenchman, de Tocqueville, after he studied America in 1831. He left this amazing warning to America, that America is great because America is good. If America ever ceases to be good, America will cease to be great. We are at this very critical juncture now that America will potentially be—and it's already being talked about that America is—in decline. Are we ever going to reverse that trend to see us to be great? I urge you to take action. I also encourage you that someday those people who are denied Tiananmen will come back.

Representative WALZ. Thank you all very much.

Mr. Chairman, thank you again.

Chairman SMITH. Well, thank you very much.

I'd like to now yield to Abigail Story, who is Senior Research Associate and Manager of Special Projects for our Commission for any questions you might have.

Ms. STORY. Thank you, Mr. Chairman, and thank you, Mr. Walz, for your interest in Chen Guangcheng's case specifically, and for your interest in the development of human rights and the rule of law in China.

My question is actually for any of you who choose to take it. I'd like to go back to Chen Guangcheng's case specifically and what's happening to his family—not just to Chen Guangcheng, but also to his wife, Yuan Weijing, and their six-year-old daughter, not to mention their young son who is not able to live with them and is living with his grandparents.

Some people may call this an extreme case similar to that of Gao Zhisheng, the lawyer who has been disappeared since April 2010. Some may call these extreme, but I have to wonder what the other rights defense lawyers in China are thinking when they see these cases all across social media, as we've been talking about these on-line campaigns, they're seeing what's happening not just to Chen, but also to his family. You have to wonder if they're thinking, "What if I take a stand, what will happen to my family?"

My question is, what does this mean for the development of the rule of law in China if China's lawyers are not able to practice freely without fear of the impact on their lives and the lives of their family members?

Mr. COHEN. It's an excellent question and it reminds me that I haven't stressed today one of the more unfortunate aspects that the Chen case demonstrates, which is collective punishment. The rights lawyers, the criminal defense lawyers, and the public interest lawyers are not only themselves suffering and intimidated, but also their families are suffering and often threatened.

One of the reasons for the silence in the months after their release from illegal captivity this year of many of my friends in the human rights area has been veiled and not-so-veiled threats against their spouses and their children, and this is against the

background of past discrimination against family members that gives credibility to those threats.

I mentioned in my report—I didn't because of time in my introduction—the case, for example, of Shanghai's former lawyer Zheng Enchong. This man had no idea of becoming a human rights lawyer. He was just asked by people in Shanghai to give them legal help in trying to overturn the illegal conspiracy between government officials and real estate developers that had led to the forced removal from their homes and destruction of their houses of a lot of people.

But because he undertook that, Mr. Zheng immediately got into a series of difficulties, including three years in prison. He came out in 2006 and he has been really confined to his apartment since then. There's no legal basis for this oppression. Also, his daughter was told, "You've got no future. You can't go to the university you wanted to go to in Shanghai, you might as well leave," and she left. She's been in New York ever since. She didn't know English. She was not one of these people who intended to study abroad. She is struggling to survive financially. Now she can't even have contact with her parents indirectly. For a while she was able to have indirect contact with the family. So this is another example of collective punishment.

We are celebrating this year the 100th anniversary of the overthrow of the Manchu [Qing] Dynasty, the end of the millennial Imperial era. The question is, in the last 100 years, what has been accomplished in the quest for justice in China? Well, one of the immediate consequences of the end of the empire was the abolition of collective punishment. No longer would somebody convicted of a political crime see his children and his parents and his other family members suffer and even be exterminated with him. That was considered inconsistent with the demands of the civilized world that China wanted to enter.

But what we're seeing today is a resurrection in practice, not in law, of collective punishment. That is a sad thing and we have to understand that, if you want to intimidate someone, usually the best way is not to threaten that person, but his loved ones.

Chairman SMITH. Thank you very much, Abigail.

Anything else you would like to add before we conclude the hearing? Ms. Hom?

Ms. HOM. I think that the strategic questions are the kinds of discussions that need to continue. The CECC has done excellent work on reporting and monitoring the rule of law and human rights situation in China, including the preparation of the annual reports. I have been at a number of CEEC hearings, and where I think we need to focus is on talking about strategy in a more nuanced, sophisticated way and not as simple choices, and recognize that there are multiple levels of actions. But one thing I think everyone can do in this room, and Professor Cohen and I will start, is that everyone should go to the virtual campaign Web site for "Dark Glasses Portrait," put on dark sunglasses, take a photo, and post it—

Chairman SMITH. Absolutely.

Ms. Hom [continuing].—And join the more than 242 people who have already done so. Professor Cohen?

Mr. COHEN. It's even good for our eyes.

Ms. HOM. I think that we can each make small gestures and we also need to continue to develop together more sophisticated, long-term strategies. Everyone who has sunglasses should put them on now.

Mr. COHEN. I want to say, Mr. Chairman, we're very grateful for this extended opportunity. We know how valuable time is in the Congress, and we thank you for your organization and intelligent chairing of this session and good questions, and also the able help of the staff. It is all in a good cause. I hope you can convince many of your colleagues to expand their interest in China and the vigor with which they support human rights.

Chairman SMITH. Thank you, Professor.

Ms. CHAI. Yes, Chairman Smith. I just want to thank you again for your consistent fight to improve China's human rights, including ending the one-child policy. I do see that the day for China to be free is near, and so therefore we should continue to preserve with hope and confidence. I do have two strategic suggestions in addition to this very symbolic, important gesture.

One, is tomorrow there will be a hearing on H.R. 2121, China's Democracy Promotion Act. Once that bill is passed—again Chairman Smith has drafted that bill—that would bar all Chinese leaders at all levels who are persecuting its own people on human rights violations, from religious freedom, to One-Child Policy, to taking away property, and all that. So I think that is a very important step. A similar bill worked in Burma very effectively, and in many other countries. I believe this is a very important milestone bill that needs a full court press to move forward to make that happen.

The second one, I do want to echo. Sharon, you suggested a lot of corrupt Chinese officials own assets that are somehow stored in America. Professor Cohen, the law profession has a lot of lawyers in this country. A suggestion has been made that the victims of Chinese human rights abuses can take action through a legal statute in this country to go after those officials and even potentially seize their properties in this country. I encourage—I'm not in the legal profession myself, but I encourage other expertise on that front to take action as well. I believe if we all take action in this way, in addition to the social media, we'll see a change. Thank you very much again.

Chairman SMITH. Thank you so much.

I'll just conclude by—I will actually be sitting on this side of the dais tomorrow. I'll be joining Chai Ling before the Judiciary Committee as a witness on behalf of H.R. 2121, a bill that I've introduced. And for the record, it was patterned after the Belarus Democracy Act, which I authored in 2004, to hold Lukashenko's barbaric regime in Belarus to account using every tool we could possibly think of, including denying visas to those people who are complicit in human rights abuse.

The idea behind this bill, for those who are part of the forced abortion policy, the torture regime, and all of the crushing of political parties, as well as those who seek a labor party, obviously the apparatus in China has crushed independent trade unions comprehensively. Those who are part of that human rights abuse crime

or crimes, the President would be empowered, through the Secretary of State, to deny a visa to that individual and lists would be promulgated that would contain the names of people who have been part of those crimes. Being on that list means you don't come to the United States of America. Of course there would be a waiver if it was in the national interest or for the purposes of promoting human rights, but we would hope that waiver would be used sparingly.

Very importantly, Lamar Smith, chairman of the full Judiciary Committee, is one of our very distinguished co-sponsors. It's a bipartisan bill. Our hope is, like with the Belarus Democracy Act but on a much grander scale—this is China—the legislation will move, will be enacted, and will be used in a very calibrated and focused and targeted way to hold to account those who commit these heinous crimes. So thank you, Chai Ling, for bringing that up. Again, thank you to our very distinguished witnesses for your extraordinary work.

The hearing is adjourned.

[Whereupon, at 4:47 p.m. the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF CHAI LING

NOVEMBER 1, 2011

Members of the Committee, Chairman Smith, I thank you for your 30 years of persistent effort to try to end China's cruel One Child Policy and massive gendercide, in addition to many other human right abuses. The case of Chen Guangcheng is inexpressively grievous, but today I will try to share the most recent details in the most accurate way possible. I pray one day he could be standing here telling his story himself before all of you.

Chen Guangcheng is a blind attorney who investigated incidents of forced abortions and forced sterilizations by Linyi Municipal Authorities. He revealed his findings and documentations of late-term abortions and forced sterilizations (130,000 in 2005 alone) to the media.

For this, he was arrested and imprisoned for four years and three months, finally released in September 2010.

Since his release from prison, Chen has been kept under illegal house arrest, denied medical treatment for serious intestinal problems and deprived of all contact with the outside world. Reporters and activists who have tried to visit him have been roughed up and turned away. Recently, many more activists, including workers sent by our All Girls Allowed's partner Women's Rights In China, tried to visit him because we heard he had possibly been killed. Until last week, we did not know if he was even alive. When we tried to visit him in the past few weeks, we were blocked and sent away. The 5 activists we sent were disabled but wanted to visit him on the International Day for the Blind. They were pushed around and their gifts were taken by force. Then their van was followed by the local mobs and chased over 100 km.

No one had heard about Chen's condition for months. Last week, we finally received word concerning his situation from our partners at ChinaAid—a Midland, TX based NGO that focuses on defending the persecuted faithful in China. In July, a brutal four-hour beating by local authorities almost killed Chen and his wife. It was witnessed by their elementary school-age daughter.

The couple endured a similarly brutal beating in February after they had smuggled out a videotape documenting the shocking conditions of their illegal house arrest following Chen's release from prison.

The July beating occurred after a storm knocked out equipment that authorities had installed in Chen's house to cut off all their telecommunications contact with the outside world. With the equipment disabled, Chen was able to make phone calls on July 25, but the calls were intercepted by authorities. On July 28, Shuanghou town mayor Zhang Jian led a group of people to Chen's home and beat and tortured the couple for four hours.

This is the sequence of events, provided by the source of ChinaAid.

At 2 p.m.—the authorities cleared out everyone from Chen's village.

At 3 p.m.—the authorities conducted an exhaustive search of Chen's home and found a phone card in a pile of ashes.

At 4 p.m.—the authorities started the beating. Chen's screams of pain were heard first, while his wife Yuan Weijing was heard shouting angrily along with their daughter Kesi's cries. After a while, Weijing's screams of pain could also be heard. From then until 8 p.m., the only sounds were screams of pain.

Some time later, a village doctor was permitted to give Chen some cursory medical treatment.

During the four-hour beating, Chen's elderly mother, who lives with them, was prevented from entering their home. When she was finally allowed to go in, neighbors heard her burst into tears, and her anguished cries—described as “gut-wrenching to hear”—continued for a long time.

According to the source, Zhang tortured Chen to try to get him to tell how he got the phone card to make the calls on July 25 and to reveal where he had hidden it. When Chen and his wife refused to give any details, their house was ransacked until the phone card was found in a pile of ashes.

Then the mayor's men viciously beat up Chen and his wife in the presence of their daughter Kesi. The source of the information asked: “As family men themselves with parents and children, how could they inflict such inhuman pain on a little girl?”

Yes, activists in China have been beaten and sent away, but many have taken the battle to the Internet. Chinese citizens are also speaking up online: particularly galled by the “communal punishment” of the whole Chen family. They pressured the government, particularly on the Chinese Twitter, called Sina Weibo. Users are posting photos of themselves in dark glasses to honor Chen. Authorities have blocked searches for Mr. Chen’s name on Weibo and even deleted some posts by users, though most posts about him and his case can be easily found through other means of searching. The head of China’s Internet watchdog last week called for a strengthening of regulations over microblogs so they can “serve the works of the party and the people,” according to the state-run Xinhua news agency.

The authorities’ apparent decision to allow Mr. Chen’s daughter to attend school following weeks of growing online activism is breathing new life into the Internet campaign to free him despite this online censorship. According to the Wall Street Journal, “Mr. Chen’s case is a rare example where rights activists and ordinary citizens alike are applying online pressure on the government.”

Yet we know that a similar return to school for the daughter of missing lawyer Gao Zhisheng “only added to the pressures that battered her and did not presage release for her courageous father.” Chen’s daughter is accompanied by security agents to and from her classes.

In America, we teach our children to honor police officers and to ask police officers for directions when they are lost. These officials help to keep us safe, to keep the peace.

In China, when a man and his wife are beaten senseless in front of their child by authorities who should be protecting their rights, how ought we respond? And what does our response say about our own nation’s values?

Recently a two year old child was run over by a van in Foshan, a city in China. The whole world watched video footage of 18 people who walked by the toddler as she lay in a pool of her own blood, waiting for help. I want to know how these people could walk by unaffected, not acting on her behalf, even though they knew what had happened and that the baby needed help.

Are we any different? If we do not do what we can do as a nation, we are no different from these 18 passersby who left Yue Yue to die.

As you know, All Girls Allowed exists to restore life, value and dignity to women and girls in China and to reveal the injustice of China’s One-Child Policy. Our work is inspired by the love of Jesus to sacrifice to redeem humanity. Today, on behalf of All Girls Allowed and our partner organizations: Women’s Rights in China, ChinaAid and Women’s Rights Without Frontiers, we have 4 major asks of our nation’s leaders.

(1) We urge President Obama to urgently demand Chen Guangcheng and his family to be released from house arrest and to be allowed to leave China to another country. We appreciate that Secretary Clinton has mentioned him by name in the past. The gravity of the matter calls for a urgent act from our Commander in Chief.

(2) In addition, we continue to encourage the US Embassy to visit Chen Guangcheng and his family.

A newly arrived U.S. Embassy official in Beijing created a Weibo account recently. Within days of his first message last week, a simple greeting and introduction of himself, the post was overrun with nearly 2,000 comments, many of which expressed support for Mr. Chen and criticized the Chinese government’s handling of the case. So there is general support from the people on acting justly for Chen’s case.

(3) We urge US State Department to work with EU partners to also demand his immediate release.

(4) We urge President Obama to deny visa requests to visit America for all who were and are involved persecuting, torturing and harassing Chen and his family, including Mayor Zhang Jian, effective immediately.

As a nation, when we see evil and we know it is happening clearly before our eyes, will we have the courage to speak up? I say today that what we’ve been doing is not enough, nor acceptable. We are not asking for our nation to invade China or even to rescue this poor man from death, but we are asking that America would stand and proclaim its own beliefs, loudly, as a testimony of truth and light in this darkness. Continuing to allow this sort of brutality to go on but saying nothing is saying something loud and clear, and the silence has been deafening.

As I am concluding the testimony, I would like to leave with you all a command that was given to us and teach us what to do in this kind of situation:

³⁵“For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, ³⁶I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.”

³⁷Then the righteous will answer him, “Lord, when did we see you hungry and feed you, or thirsty and give you something to drink? ³⁸When did we see you a stranger and invite you in, or needing clothes and clothe you? ³⁹When did we see you sick or in prison and go to visit you?”

⁴⁰The King will reply, “Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.” (Matthew 25: 35–40)

I pray, in the name of our Lord and savior Jesus, we will take an action to our brother and hero Chen Guangcheng today to bring him to freedom!

A LIST OF CHEN GUANGCHENG’S PERSECUTORS

Ma Kun, newly appointed Deputy Mayor of Linfen City, used to work on family planning in Fennan County

Zhen Zhijie, Fennan Police Department Committee for Discipline Inspection Chairman

Yang Xigang, Captain, Fennan Police State Security Department. Chief State Security personnel responsible for Chen Guangcheng

Liu Changjie, Deputy head of Fennan Police Department

Xi Yunbo, Deputy head of Fennan Police Department, 610 Office (Falungong) Chairman

Du Xiliang, Deputy head of Fennan Police Department

Xi Kelong, 110 (Emergency number) Captain, Fennan Police Department

Ma Chenglong, Fennan Police Department State Security Captain

Zhang Jian, Mayor, Shuanghou Town, Fennan City

Yu Mingjiang, Deputy CCP Commissar, Shuanghou Town

Zhang Changguo, Shuanghou Police Department head

Liu Ruichang, Shuanghou Police Department

Li Xianqiang, Shuanghou Justice Department Deputy Chief

Yan Yufeng, Shuanghou government

Han Fengyan, Shuanghou government

Yi Jikao, Shuanghou Family Planning Commission official

Zhang Shenghe, Shuanghou Family Planning Commission official, one of three people who physically assaulted Chen in his home on February 8th

Zhi Yunguang, Gao Zhen [. . .], [. . .] Shancheng, three guards/thugs

Zhao Wei, Li Xianli, two guards

PREPARED STATEMENT OF JEROME A. COHEN

NOVEMBER 1, 2011

WILL THE PERSECUTION OF CHEN GUANGCHENG BECOME A TURNING POINT IN THE STRUGGLE AGAINST LAWLESSNESS IN CHINA?

Mr. Chairman, I am delighted that the Commission is holding this emergency hearing and welcome the opportunity to make brief introductory remarks about the plight of my dear friends, the blind layman-lawyer Chen Guangcheng and his wife Yuan Weijing. Their story may have significance for all of China’s 1.3 billion people and surely deserves to be better known in their country as well as in the outside world.

In China, as in the United States, progress toward human rights and the rule of law sometimes results from individual—often tragic—events. Chen and his family have already endured years of persecution, harassment and violent abuse, and I hope concern for them will stimulate progress before tragedy occurs.

At the outset, let me dispose of three myths. One is that instances of persecution and abuse of lawyers and legal activists are rare in China and only occur when a few heroic dissidents openly invoke the law to confront injustice rather than resort to the more patient, less confrontational methods on which many other dissatisfied Chinese rely.

Yet we know that China’s activist lawyers and non-professional advocates have long been under a widespread, systematic official assault, which intensified earlier this year and silenced many formerly outspoken voices. A large number of lawyers have been attacked for representing not only those clients who oppose government suppression of religion, speech and association but also those who seek to challenge arbitrary residential evictions, environmental pollution, food and drug contamination, official corruption, discrimination against the sick or disabled or, as in Chen’s last efforts, forced abortion and sterilization.

Many public interest and criminal defense lawyers never consider themselves “human rights” lawyers until the local judicial bureau threatens to take away their

license to practice law, the police detain them in jail or at home, the authorities “suggest” that they leave the country or officially-sponsored thugs kidnap and beat them. Both Shanghai lawyer Zheng Enchong, who has been illegally confined at home for the past five years since his completion of a three-year prison term, and Beijing advocate Ni Yulan, whose legs were irreparably broken during a previous detention and who is again being prosecuted, inadvertently became “rights advocates” when they came into conflict with the police while representing clients challenging the forced demolition of their homes.

I can tell you many such stories, and it should be remembered that Chinese and foreign observers only see those cases that slip through the Chinese government’s elaborate censorship apparatus. As is the case with Chen, authorities spare no expense or coercion to isolate some lawyers from contact with the outside world and to keep abuse of these lawyers and their clients from public view.

A second myth is that Chen’s punishment is merely another example of local government run amok, neither approved nor condoned by the central government and Communist Party leadership.

Many law enforcement abuses in China are indeed local in origin, and Chen’s case started out that way. It soon came to the attention of the country’s central leaders, however, as a result of the publicity he generated on the Internet and in foreign media. To make certain that the leaders knew about it, I published an essay in the *Far Eastern Economic Review* in November 2005, after the Linyi county authorities had begun their first illegal “home imprisonment” of Chen and his family, but before any formal criminal process was commenced. In it, I described the case and openly asked then Minister of Public Security Zhou Yongkang whether he would endorse the unlawful, uncivilized actions of the local police.

Subsequently, representatives of the Ministry reportedly met with local and provincial officials to discuss the situation, and soon afterward the local authorities launched a criminal prosecution against Chen, a more conventional type of repression. I am confident that Zhou Yongkang, now in an even more powerful position as both a member of the Politburo Standing Committee and head of the Party’s Central Political-Legal Commission, has been aware of Chen’s persecution for many years.

A third myth is that there must be some purported legal justification for the suffering that the Chen household has endured since his release from prison on September 9, 2010. Governments, even the Chinese government, normally like to maintain some veneer of plausible legitimacy for their misconduct, however thin it might be. The Chinese law enforcement agencies, in justifying many of their tactics, have taken advantage of every exception, ambiguity and gap in the current Criminal Procedure Law. Yet no such justification has come to my knowledge in this case, which seems to have exceeded the bounds of police ingenuity.

Chen was not sentenced to a deprivation of political rights that would extend beyond his prison sentence and might be proffered, though wrongly, in support of his home imprisonment. There is no indication that he has been subjected to the notorious “residential surveillance,” a severe house arrest measure that might be expanded in the forthcoming revision of the Criminal Procedure Law, and even that criminal sanction would have expired after six months. Undoubtedly, the violent abuse of Chen and his wife by officials and their hired thugs cannot find any justification in Chinese law.

When, at an October 28 Beijing press conference, a foreign reporter asked deputy director Li Fei of the Legal Affairs Commission of the National People’s Congress Standing Committee to state the legal basis for Chen’s home imprisonment, he declined to answer. He merely offered the unpersuasive generality that “in our country the freedom of a citizen is adequately protected, and the use of any compulsory measures is based on law.” Apparently, the Chinese government did not want its people to hear even this empty assertion of its lawful conduct, as the question and its answer were eliminated from both the transcript and the video broadcast of the press conference. Ironically, the purpose of the press conference was to celebrate the issuance of a government White Paper entitled “A Socialist System of Laws with Chinese Characteristics”, which lauded and documented China’s development of “a comparatively complete legal system to protect and ensure human rights.” The reporter’s question rained on this parade.

Chen Guangcheng never saw himself as a “troublemaker” bent on damaging social stability and harmony. Indeed, he wanted to improve stability and harmony by using legal institutions to process social grievances in an orderly way as prescribed by law. His only mistake was to accept the law as it was written, as a true believer in the power and promise of China’s legal reforms. One day, when he was especially frustrated by the county court’s refusal to accept the lawsuits he brought on behalf of impoverished pro bono “clients”, he asked me: “What do the authorities want me

to do? Lead a protest in the streets? I don't want to do that." Yet, in a cruel twist, he was ultimately convicted on bogus charges of interfering with traffic and supposedly damaging public property.

What is the motivation for Chen's persecution? Of course, it reflects the vengeful embarrassment of local officials at having their illegal attempts to comply with the strict demands of the one child policy exposed to the central government and the world. Yet Chen's persecution must also be seen as part of a broader, national strategy where the Party seeks to have its cake and eat it too.

On the one hand, it strives to attain legitimacy at home and "soft power" abroad by constructing and promoting a "socialist legal system" that protects citizens' rights and creates restraints on law enforcement's powers to punish. On the other hand, it makes certain that those rights and restraints are never fully realized by crushing the lawyers and law advocates who are the only group capable of converting those paper promises into "living law."

If this group, including "barefoot lawyers" like Chen, can be effectively squelched, the Party's image of social stability and harmony can prevail, at least for now. In the long run, however, many who share Chen's frustration with the courts, but who lack his faith in the law, will truly take their grievances to the streets. This is likely to produce more instability and conflict for a country that is already plagued by an estimated 180,000 riots and public protests per year.

Can anything be done to free Chen and other rule of law advocates from their nightmare of intimidation? As the recent release of artist Ai Weiwei demonstrates, it is possible that a combination of domestic and foreign pressures can improve the situation, especially after the Party installs a new generation of leaders one year from now. In the interim, enhanced publicity is indispensable. Today's Commission hearing and dozens like it in democratic countries can inspire the expression of much greater foreign concern by international organizations, governments, NGOs, scholars, bar associations and ordinary people. Certainly, the official human rights dialogues and more informal exchanges that the United States and other democratic countries maintain with China should deal with individual cases of abuse as well as legislative improvements.

Nevertheless, greater transparency in China remains the key. Even many Chinese specialists in criminal justice continue to claim—six years after Chen became well-known overseas—that they have never heard of him. This is why the efforts of Chinese activists to employ the Internet and social media to expose this case to the people are so crucial, and this is why the government refuses to permit access to and communication with Chen, at great cost to its reputation. There is a chance that Chen's cause could become a monumental and significant struggle for freedom and justice in China.

Mr. Chairman, many thanks for your patient attention. I have appended to this introductory statement a number of short essays that I have published about the Chen case. I also suggest that the forthcoming report of the New York-based Committee to Support Chinese Lawyers entitled "Legal Advocacy and the 2011 Crack-down in China: Adversity, Repression and Resilience" be included in the record.

I very much look forward to the remarks of my colleagues on the panel and to the questions and comments of the Commission.

**“Examination into the Abuse and Extralegal Detention of
Legal Advocate Chen Guangcheng and His Family”**

Congressional-Executive Commission on China

**Testimony of Sharon Hom
Executive Director, Human Rights in China
November 1, 2011**

Mr. Chairman, Commission members, thank you for convening this timely hearing and bringing international attention to the urgent situation of Chen Guangcheng and his family. As documented extensively again this year in the U.S. Congressional-Executive Commission on China’s *2011 Annual Report* and the U.S. Department of State’s *2010 Human Rights Report*, human rights violations in China remain serious, systematic, and widespread.¹

Today I have been asked to focus on the persecution of Chen and his family, and the treatment of those who have attempted to visit him.

Chen Guangcheng’s Story

Chen Guangcheng’s story has attracted wide attention inside and outside China. A blind, self-taught “barefoot lawyer” and activist, he has been a vocal advocate for the disabled, farmers, rural communities, and other disadvantaged groups since the late 1990s.² Chen’s story is the struggle of one principled committed advocate for social justice violently targeted by the Chinese authorities.

For three months after Chen was taken into custody in March 2006, his status and whereabouts were not disclosed, and his lawyers had no access to him. In June 2006, Chen was charged with “intentional damage of property and organizing people to block traffic,” and in August 2006 was convicted and sentenced to four years and three months in prison. His lawyers were not allowed to appear at his trial. Chen lodged an appeal of the conviction. On October 31, 2006, the court overturned the verdict and ordered a new trial by the Yinan County People’s Court in Shandong Province. On November 29, 2006, Chen was again found guilty of the same charges and given the same sentence. Chen appealed the verdict, but his appeal was rejected on January 9, 2007, as reports of harassment of Chen’s lawyers during the trials continued to surface.³

¹ U.S. Congressional-Executive Commission on China, *2011 Annual Report* (2011), <http://www.cecc.gov/pages/annualRpt/annualRpt11/AR2011final.pdf>; U.S. Department of State, *2010 Human Rights Report: China (includes Tibet, Hong Kong, and Macau)* (2011), <http://www.state.gov/g/drl/rls/hrrpt/2010/eap/154382.htm>.

² Human Rights in China, “About the Individual: Chen Guangcheng,” <http://www.ir2008.org/02/about.php>.

³ Members of Chen’s legal team were variously harassed, prevented from meeting Chen, prevented from attending the hearings, and even assaulted and detained. Members of that legal team include Li Jinsong (李劲松), Xu Zhiyong (许志永), Li Subin (李苏宾), Li Kechang (李克昌), Cheng Hai (程海), Meng Xianming (孟宪明), Li Fangping (李方平), Zhang Lihui (张立辉), Yang Zaixin (杨在新), and Zhang Jiankang (张鉴康).

Chen served the full four years and three months of his sentence. Yet, back in November 2006, an independent United Nations body, the **Working Group on Arbitrary Detention** (UNWGAD), had determined that Chen's detention was arbitrary, as it contravened the principles and norms set forth in the *Universal Declaration of Human Rights*. The UNWGAD requested that the Chinese government take the necessary steps to remedy the situation and bring it in conformity with standards and principles set forth in the *Universal Declaration of Human Rights*.⁴ The Chinese authorities failed to release Chen or take any remedial steps.

In addition to enduring Chen's absence, Chen's family suffered in other ways throughout his ordeal, particularly in the lead-up to his trial. His mother and three-year-old son were kidnapped from their home in Beijing by Linyi authorities. Chen's brother, **Chen Guangjun** (陈光军), testified that he was coerced into giving false information to the police. Chen's other brothers and cousins were detained, threatened, and intimidated by the authorities. Chen's wife, **Yuan Weijing** (袁伟静), was consistently physically and verbally harassed, put under surveillance, barred from seeing her husband, and was even prevented from seeking medical care.

Following Chen's release on September 9, 2010, Chen and his family have been subjected to the most draconian forms of surveillance, abuse, and restrictions on their most basic freedoms. All of these restrictions on Chen and his family lack any basis in law. Under Chinese law, an individual may be subjected to further restrictions on his or her freedoms following completion of a prison sentence—for example, deprivation of political rights may be imposed.⁵ In Chen's case, he was not legally subject to any further restrictions upon his freedoms following his release.

It is important to note that Chen Guangcheng's situation reflects the fate of countless other human rights defenders in China subject to extra-legal measures, including being restrained under constant surveillance within closed premises—in their homes, temporary residences such as boarding houses or hotels (also known as "black jails"), or other undisclosed locations—where they are not permitted to leave. As distinguished from formal sentences of imprisonment, in which authorities officially charge and detain individuals pursuant to cited criminal laws and procedures, Chinese government officials have articulated no specific legal basis for these detentions. As a result, extra-judicially detained rights defenders are left entirely outside the

⁴ The United Nations Working Group on Arbitrary Detention, "Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Opinions Adopted by the Working Group on Arbitrary Detention," U.N. Doc. A/HRC/7/4/Add.1, Opinion No. 47/2006 (2008), http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/7/4/Add.1.

⁵ Under the *Criminal Law of the People's Republic of China*, in addition to imprisonment, courts imposing punishment on convicted criminal defendants may also order an additional sentence of "deprivation of political rights" for a period following the completion of a prison term. Pursuant to relevant regulations, individuals serving a sentence of "deprivation of political rights" face a number of severe restrictions on their rights to freedom of opinion, expression, association, and assembly. Among other things, individuals under deprivation of political rights "shall not organize or participate in any gatherings, marches, demonstrations, or form associations," "shall not accept interviews or give speeches," and "shall not issue, publish, or distribute discussions, books, or recordings that are detrimental to the state's honor and interests or that otherwise endanger society domestically or abroad." *Gonganjiguan dui beiguanzhi, boduo zhengzhi quanli, huanxing, jiashi, baowaijiuyizufan de jianduguanli guiding* [公安机关对被管制、剥夺政治权利、缓刑、假释、保外就医罪犯的监督管理规定] {Regulations on the Supervision and Administration by Public Security Organs of Criminals Who Have Been Put Under Surveillance, Deprived of Political Rights, Given Reprieve, Given Parole, or Released on Bail for Medical Treatment}, issued by the Ministry of Public Security [公安部], promulgated and effective February 21, 1995, Art. 12.

protection of the law, without any recourse to procedures to challenge their detention, under circumstances that could permit serious rights violations – including the use of torture or other ill-treatment.

International Support and Concern

International expressions of concern and support for Chen Guangcheng and his family have been strong. In fact, governments including the U.S. and the EU had called for Chen's release throughout his four years, three months' imprisonment.⁶ Beginning in 2005, numerous independent human rights experts have also expressed concerns and sent urgent appeals to the Chinese authorities regarding reports of deterioration of Chen's health and abusive treatment in prison, and of his family's mistreatment, including:

- On September 19, 2005, a joint urgent appeal from the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on violence against women, the Special Representative of the Secretary-General on human rights defenders, and the UNWGAD⁷;
- On October 31, 2005, a joint letter of allegation from the Special Rapporteur on torture, the Special Rapporteur on violence against women, and the Special Representative of the Secretary-General on human rights defenders⁸;
- On April 7, 2006 a joint urgent appeal from the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture, the Special Representative of the Secretary-General on human rights defenders, and the UNWGAD⁹;
- On July 14, 2006, a joint urgent appeal from the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture, and the Special Representative of the Secretary-General on human rights defenders¹⁰;

⁶In October 2007, 34 members of the U.S. Congress urged President Hu Jintao to release Chen, and on September 7, 2006, the EU Parliament passed a resolution calling for the release of Chen Guangcheng and other human rights defenders. See U.S. Representative Trent Franks AZ, District 2, "Congressman Franks and 33 Members of Congress Call on China to Respect Human Rights: Urge the Release of Pro-Life Advocate Chen Guangcheng," October 3, 2007, http://www.house.gov/list/press/az02_franks/chenguangcheng.html; *European Parliament Resolution on EU-China Relations*, 2005/2161 (INI) (September 7, 2006), art. 61, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0346+0+DOC+XML+V0//EN>.

⁷United Nations Commission on Human Rights, "Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Ambeyil igabo: Addendum: Summary of Cases Transmitted to Governments and Replies Received," U.N. Doc E/CN.4/2006/55/Add.1, paras. 171-2 (2006), http://ap.ohchr.org/documents/dpage_e.aspx?si=E/CN.4/2006/55/Add.1

⁸United Nations Commission on Human Rights, "Report of the Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy: Situations in Specific Countries or Territories," U.N. Doc A/HRC/4/25/Add.1, para. 78, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/4/25/Add.1

⁹Ibid.

¹⁰Ibid, para. 81.

- On December 1, 2006, a joint allegation letter from the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on the independence of judges and lawyers, and the Special Representative of the Secretary-General on human rights defenders¹¹; and
- On December 21, 2006, a joint urgent appeal from the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture, and the Special Rapporteur on violence against women, and the Special Representative of the Secretary-General on human rights defenders.¹²

Yet despite strong concerns expressed by the international community to the Chinese authorities and the high profile of Chen's case in the media, the local authorities in Linyi continue to allow thugs and plainclothes police to trample on the rights of Chen and his family. This egregious disregard for the rights of Chinese citizens protected by Chinese and international human rights law is part of the continuing severe crackdown on lawyers, activists, and rights defenders.

Treatment of Chen Guangcheng's Supporters

Chen's supporters, including activists, prominent writers, bloggers, petitioners, and ordinary Chinese who felt outraged by the persecution of Chen and his family, have attempted to visit him to show their solidarity. They have been met with threats, intimidation, and beatings by thugs while the authorities stand by doing nothing to stop the violence and abuses.

Human Rights in China (HRIC) issued a press bulletin yesterday detailing the most recent abuse of Chen's supporters. Eyewitnesses told us that on October 30, 2011, 37 rights defenders and netizens attempting to visit Chen were beaten by around 100 unidentified individuals. Many of them were seriously injured. The rights defenders and netizens had come from different parts of the country to show their support for Chen.

According to rights defender **Mao Hengfeng** (毛恒凤), who was among those beaten and injured, at around 1:30 p.m. on October 30, she and the other 36 visitors were surrounded and beaten by around 100 people at Quanjian, Yi'nan, on Route 205, about 200 meters away from the village where Chen lives. Among those injured were **Li Yu** (李宇), **Liu Li** (刘力), **Zhao Zhengjia** (赵振甲), **Zheng Peipei** (郑培培), and **Li Guanrong** (李贯蓉). Mao said that a villager who witnessed the beating told the group that Chen himself is currently being beaten daily and is facing grave danger.

¹¹ United Nations Human Rights Council, "Report of the Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy: Addendum: Situations in Specific Countries or Territories," U.N. Doc A/HRC/8/4/Add.1, para. 74 (2008), http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/8/4/Add.1.

¹² Ibid. See also United Nations Human Rights Council, "Report Submitted by the Special Representative of the Secretary-General on the Situation of Human Rights Defenders, HinaJilani: Addendum: Summary of Cases Transmitted to Governments and Replies Received," U.N. Doc A/HRC/7/28/Add.1, paras. 239-268 (2008), http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/7/28/Add.1.

Shanghai rights defender **Jin Yuchua** (金月花) told HRIC that when she and **Shan Yajuan** (单亚娟) tried to videotape the group's beating, they were almost hit by a police vehicle with a license plate number Lu-Q9753 and another vehicle without a license plate. After they called the emergency hotline, four ambulances arrived but left without helping anyone.

Netizen **San Long Yong Shi** (三龙勇士) told HRIC that after dialing the emergency hotline numerous times, several officers from the Duo Zhuang substation of the public security bureau of the neighboring Mengyin County arrived. The officers took **Li Yu** (李宇), **Liu Ping** (刘萍), and **Shan Yangjuan** (单亚娟) away; since then, their cell phones have been turned off, and, as of Monday evening, no one has been in contact with them.

Also according to San Long Yong Shi, more than 20 of the victims went to the Linyi Municipal Public Security Bureau to report and file the case on the following day, October 31. They asked the police to guarantee their safety while in Linyi. San Long Yong Shi said that the vice director of the bureau, a Mr. Xie (Officer No. 078171), met with the group and asked them to report the case to the plainclothes policemen and "special" police officers present. One of the plainclothes officers told the group to get into a police vehicle to go to a police substation. When the group insisted on seeing his police identification, that person said: "If you keep making trouble, we will wipe you out."

The thugs may be threatening and beating people physically, but the authorities have been unable to shut down online campaigns both to virtually "visit" Chen and express their support for him. In the "Travel to Shandong to Visit Chen Guangcheng" campaign – a trip mockingly referred to as new destination in the "adventure tourism" industry¹³—netizens (including lawyers, writers, journalists, rights defenders, independence election candidates, and others) have travelled to Dongshigu Village in Linyi to try to visit Chen, reporting their progress – and harassment – on Twitter and their SinaWeibo microblogs.¹⁴ An estimated hundred people have attempted visiting Chen in Linyi as of October 28.¹⁵ Netizens are also running the virtual campaign "Dark Glasses Portrait" campaign, inviting all supporters of Chen Guangcheng to take photos of themselves wearing dark glasses reminiscent of Chen's signature spectacles and to write a few words with their thoughts. The campaign has received 245 submissions from people across the world as of yesterday.¹⁶

¹³ Hu Jia, quoted in "A New Tourism Promo for Dongshigu Village?" Shiweiluozi's Blog, October 8, 2011, <http://www.siweiluozi.net/2011/10/new-tourism-promo-for-dongshigu-village.html>.

¹⁴ "The Never-ending List of Visitors" [探险者不完全名录], iSun Affairs [阳光时务], October 24, 2011, <http://www.isunaffairs.com/?p=871>; Louisa Lim, "Chinese Activists Turn to Twitter in Rights Cases," National Public Radio, October 28, 2011, <http://www.npr.org/2011/10/28/141606687/chinese-activists-turn-to-twitter-in-rights-cases>.

¹⁵ Verna Yu, "Blind Activist a Touchstone of Freedom," *South China Morning Post*, October 29, 2011, <http://topics.scmp.com/news/china-news-watch/article/Blind-activist--a-touchstone--of-freedom>.

¹⁶ 墨镜肖像 Dark Glasses.Portrait, 爱光诚, 自由光诚 Love Guangcheng, freeGuangcheng, <http://ichenguangcheng.blogspot.com>.

Role of the International Community

I would like to close with some brief remarks on the role of the international community and by referencing the recent example of Relativity Media which began filming its new production—*21 and Over*, a feature comedy film—in Linyi. In HRIC’s open letter to Relativity Media and its partners in this project, SAIF partners, and IDG, we expressed our deep concern about their apparent failure to do due diligence before selecting Linyi as a filming location for a comedy film.¹⁷

We pointed out that Linyi is indeed a “historic” city, as proclaimed by Zhang Shaojun (张少军), Linyi’s Party secretary. But Linyi has entered into the annals of history for something inglorious: it is a place where the local authorities are responsible for the egregious, ongoing, and widely reported human rights violations against one of the most prominent human rights advocates in China. We urged these companies to demonstrate their professed commitment to human rights by concrete action, including terminating the filming of a comedy in a city of human rights shame. We also urge them to raise with the Linyi Party secretary their human rights concerns about the ongoing persecution of Chen Guangcheng and his family as well as the violence and intimidation perpetrated against Chen’s supporters.

Closing

We thank the Commission for your ongoing commitment to your critical mandate—to closely monitor and report on China’s progress on civil and political rights and development of rule of law. The severity of persecution and suffering endured by Chen, his family, and the efforts the authorities to intimidate his supporters are ongoing as we convene here today. The urgent challenge remains to ensure the safety and freedom of Chen and his family, and respect for human rights for all the people in China. The courage, persistence and creativity of netizens and Chen’s supporters are lights in China’s darkness. Our collective mission is to stand in solidarity with them.

Thank you for this opportunity to speak and I look forward to your questions.

¹⁷Human Rights in China, “HRIC Open Letter to Relativity,” October 31, 2011, <http://www.hrichina.org/content/5607>. See also C. Custer, “An Open Letter to Relativity Media,” China Geeks, October 29, 2011, <http://chinageeks.org/2011/10/an-open-letter-to-relativity-media/>.

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

NOVEMBER 1, 2011

FREE CHEN

As we sit here in this room today, free to meet, free to move, and free to speak our minds, we are convening to examine the plight of an extraordinarily brave man, and his equally courageous wife, who in every sense of the word are not free and at grave risk of additional harm—even murder.

As we speak, we can only assume that self-taught lawyer Chen Guangcheng, a heroic advocate on behalf of victims of population control abuses, languishes with his wife Yuan Weijing and six year old daughter, locked inside their home in rural Shandong province. However, we do not have the luxury of certainty regarding Chen's or his family's current whereabouts and medical condition, as Chinese officials have used barbaric methods to prevent all unauthorized persons from contacting or visiting their village.

According to Andrew Jacobs of the New York Times, “paid thugs” repel visitors and “journalists and European diplomats who have tried to see him have fared little better.”

But in a post on October 18th, Mr. Jacobs reports that the trickle of would be visitors has become a “campaign—Operation Free Chen Guangcheng.”

According to Peter Ford in today's edition of the Christian Science Monitor, the violence against human rights activists who travel to visit Chen continues to escalate.

“About seven or eight men rushed up to me, kicked me to the ground, stole my cellphone, smashed my ankle and knocked me out,” Liu recalled Tuesday. “And the police did nothing when I reported what had happened.”

Liu was one of a group of around 40 activists who were attacked and beaten by more than 100 thugs on Sunday afternoon outside the village of Dongshigu in the eastern province of Shandong where Chen has been illegally locked up in his house with his family since being released from jail in September last year.

“I did not think the situation was so dark,” said Liu. “There is no law in that area.”

The violence marked the second weekend in a row that unidentified thugs have violently broken up efforts by human rights activists and ordinary citizens to visit Chen in a burgeoning campaign to win his freedom.

Chen Guangcheng's only crime that we know of was advocating on behalf of his fellow Chinese citizens including and especially women and girls who have been victimized by forced abortion and involuntary sterilization. When Chen investigated and intervened with a class action suit on behalf of women in Linyi City who suffered horrific abuse under China's one child per couple policy, he was arrested, detained and tortured.

Blinded by a childhood disease, Chen Guangcheng began his legal advocacy career in 1996 educating disabled citizens and farmers about their rights. Decades later, when local villagers started coming to him with their stories of forced abortions and forced sterilizations, Chen and his wife Yuan Weijing documented these stories, later building briefs and lawsuits against the officials involved.

Their efforts gained international news media attention in 2005, and it appears that this was the straw that broke the camel's back.

Officials began a barbaric campaign against Chen and his family in 2005, and over the years have subjected them to beatings, extralegal detention, numerous violations of their rights under criminal procedure law, confiscation of their personal belongings, 24-hour surveillance and invasion of their privacy, disconnection from all forms of communication, and even denial of education for their six-year old daughter.

Chen Guangcheng served over four years in prison on trumped up charges and was officially released in September 2010. However, the abuse he and his family have faced has only worsened. Concern about Chen's health and well-being is growing worldwide, and numerous activists and journalists have made attempts in the past few months to visit Chen's village, only to face large groups of hired thugs who savagely beat them and steal their belongings.

Enough is enough.

The cruelty and extreme violence against Chen and his family brings dishonor to the government of China and must end.

Chen and his family must be free.

PREPARED STATEMENT OF TIM WALZ, A U.S. REPRESENTATIVE FROM MINNESOTA;
RANKING MEMBER, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

NOVEMBER 1, 2011

I want to thank the Chairman, Congressman Chris Smith, and the Cochairman, Senator Sherrod Brown, for convening this extremely important hearing. I want to thank each of our witnesses who are here today. We truly appreciate your attendance, and I very much look forward to hearing your remarks on this important issue.

Today, we hold this hearing to recognize and to honor one of China's most high-profile human rights activists, Chen Guangcheng. As a person and as an activist, Chen stands out as someone who exemplifies profound human courage and an unwavering commitment to justice. Chen not only overcame the hardships of being blinded at a young age, but also succeeded in becoming an inspiring legal advocate—one who touched the lives of people in and outside of China.

In his legal work, Chen exposed China's brutal application of its population policies. He upheld the rights of the disabled and fought on behalf of victims of discrimination. For his accomplishments, Chen was not rewarded. Rather, Chinese authorities sent him to prison for more than four years. Upon conclusion of his sentence, Chen was not set free. Rather, he was placed under an illegal form of house arrest that has precluded Chen and his family from their freedom and livelihood.

Chen and his family remain under illegal house arrest, and even today the conditions of their detention are shrouded in mystery. Police and violent thugs are stationed night and day around Chen's home in Linyi city, Shandong province, to prevent anyone from accessing them. We know that since Chen's release from prison in September of last year, Chen and his wife have reportedly suffered physical and mental abuse at the hands of officials. Chen suffers from a digestive disorder and reportedly has been denied medical treatment. His daughter, now six, has only recently been allowed to attend school under the watchful eye of law enforcement officers. Chen explained his circumstances in a videotape released in February of this year, saying "I've come out of a small jail and entered a bigger one."

I have followed China closely since I taught high school there more than two decades ago. I know China has announced notable reforms and advancements in recent years. I applaud the accomplishments of the Chinese people and recognize that some in the Chinese government advocate for greater rule of law. But, we cannot believe China is serious about the rule of law while Chen Guangcheng and his family are being forcefully held and abused. We cannot believe China is serious about human rights while it flagrantly violates its own laws and its international human rights commitments.

We urge China today to end this ongoing illegal detention and to free Chen and his family. We urge China to stand on the side of those brave activists that have traveled to Linyi in Shandong province to inquire about Chen in the face of violent reprisals and shameless threats. We urge China to embrace Chen and other civil rights activists and to make room for these selfless heroes—the leaders that all countries need for a stable society that respects human rights and the rule of law. Finally, let us remind China that all great nations achieve more through open dialogue and the free flow of information than through forced silences.

I thank each of you for being here today to honor this man, his family, and the many other advocates facing uncertain punishments and unwarranted confinement. I thank those of you who are sitting in this room that know that we each share a responsibility to raise Chen's story and to voice our concerns on behalf of China's many advocates who remain detained and silenced.

I yield back, Mr. Chairman.

