

U.S. SCHOLARS DETAINED IN CHINA

HEARING
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTH CONGRESS
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U.S. SCHOLARS DETAINED IN CHINA

TUESDAY, JUNE 19, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 2:37 p.m. in Room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

I am pleased to convene this hearing on the circumstances surrounding the recent arrests of a number of U.S. citizens and lawful permanent residents by the government of the People's Republic of China. All of these people are of Chinese ancestry. Most are university professors and other academic scholars, although the detainees also include business people and at least one Falun Gong practitioner. They have all been detained for long periods of time without any formal charges, and in most cases without meaningful access of their lawyers or even to their families. Most of them have eventually been charged with offenses related to "espionage" or "state secrets"—but the authorities in Beijing have not produced any evidence or given details about exactly what the defendants are alleged to have done.

The government says some of them have confessed, but their families insist they had nothing to confess, because they are scholars, not spies. This raises the ugly possibility of torture, a practice the Beijing government is known to use with some regularity in questioning criminal suspects, including political suspects.

The arrest over a relatively short period of time of a number of people with close ties to the United States raises a number of questions—many of which boil down to "what is the Chinese government up to?"

One obvious possibility is that this is some kind of test for the new U.S. Administration. The fact that all the detainees are of Chinese ancestry, and that several have studied or done research in Taiwan, suggests that Beijing may also be warning overseas Chinese scholars against further dealings with Taiwan. Or the warning may be even broader. It may be designed to deter scholarly writing that is complimentary to the free and democratic society that exist on Taiwan, or is critical of the authorities in Beijing, or even sets forth inconvenient facts.

In this case the arrests are a direct threat not only to academic freedom in China, but also to freedom of speech and inquiry in the United States and around the world.

Under any of these scenarios, the imprisoned scholars appear to be held not on account of their own individual actions, but rather as hostages in some strategic game Beijing intends to play against its real or imagined adversaries.

The second set of questions deals with what the United States is prepared to do to secure freedom and justice for these people. Just a few months ago our Government fought hard and well for the release of the crew of our downed EP-3 aircraft who were unjustly detained on Hainan Island. Everyone, from the President to our Ambassador and every U.S. foreign service officer in China, made clear that the immediate release of these Americans was critical to the future of the bilateral relationship. We did the right thing—and as so often happens, the right thing also turned out to be the pragmatic thing.

I hope our State Department witnesses will tell us whether we are conveying the same clear and consistent message with respect to these Chinese-American scholars—or whether we might inadvertently be leaving room for the Chinese authorities to conclude they can do as they please with these people and still have a “business-as-usual” relationship with the United States.

To be specific, I wonder whether the State Department will recommend that President Bush’s scheduled visit to Shanghai this fall, to attend a session of the Asia Pacific Economic Council, should go forward if Beijing is still holding residents or citizens of the United States on what appear to be false charges.

I recall that in 1995 the Chinese government arrested U.S. citizen Harry Wu when he tried to enter China to continue his research into forced labor camps. Then-First Lady Hillary Clinton was scheduled to travel to Beijing to attend the Fourth United Nations Conference on Women. A consensus quickly emerged in Congress and among the American people that Mrs. Clinton should not go to China until Harry Wu was safely back in the United States.

The State Department was not enthusiastic about this linkage, but in retrospect it seems clear that Beijing’s fear that this high-profile visit would be cancelled played a crucial role in the outcome. In the end Beijing released Mr. Wu, and Mrs. Clinton went to Beijing. I look forward to a discussion by our witnesses of whether the effort to release the current detainees warrants a similar response.

I would appreciate any comments our witnesses may have on House Resolution 160, introduced by the Vice Chairman of the Committee, Representative Chris Smith. This resolution sets forth the details of the cases of a number of the detained scholars, and calls for a broad range of actions designed to secure their fair and humane treatment and ultimately their release. We plan to consider this resolution at the Committee markup tomorrow morning.

Finally, I would like to address a sincere plea to the government of the People’s Republic of China. We know you are listening. I am informed that you routinely send representatives to our Committee hearings and report back what was said. Because ours is a free society. These people are not arrested. Rather, they are welcome, because we are trying to get at the truth, and we honestly believe the truth will set you free.

So I ask that you give the same consideration to the scholars and other members of our society who went to China not for any nefarious purpose but simply to search for the truth.

I also ask that you consider their families—not only their husbands and wives, but especially their children. Two of these children are here with us today. They know nothing of politics, but they know about love and loyalty, and they don't want to grow up without their mothers and fathers.

So if there are representatives of the Chinese government in the room today, I hope you will carry back this heartfelt request that the government release these people, if not for the sake of justice then for the sake of these innocent children.

I look forward to hearing the testimony of our distinguished witnesses, and there being no one else who has an opening statement, I would like to introduce our first panel.

James A. Kelly is Assistant Secretary of State for East Asian and Pacific Affairs. From 1994 to 2001, Mr. Kelly was President of the Pacific Forum, Center for Strategic and International Studies (CSIS) in Honolulu. During the Reagan Administration, Mr. Kelly served on the staff of the National Security Council and as a Deputy Assistant Secretary of Defense. He is a graduate of the U.S. Naval Academy and the National War College, served in the navy from 1959 to 1982, and holds an MBA from Harvard University.

Mr. Kelly is accompanied on the panel by Michael Parmly, Deputy Assistant Secretary of State for the Bureau of Democracy, Human Rights, and Labor, and by Jim Thompson, Chief of the Division for East Asia and the Pacific of the Office of Citizenship Services, Bureau of Consular Affairs, in the Department of State.

Mr. Kelly will deliver an opening statement on behalf of the Administration, and then all three witnesses will be available for questions.

Mr. Kelly, you should feel free to summarize your statement. Without objection, your full statement will be made a part of the record.

[The prepared statement of Chairman Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

I am pleased to convene this hearing on the circumstances surrounding the recent arrests of a number of U.S. citizens and lawful permanent residents by the government of the People's Republic of China.

All of these people are of Chinese ancestry. Most are university professors and other academic scholars, although the detainees also include business people and at least one Falun Gong practitioner. They have all been detained for long periods of time without any formal charges, and in most cases without meaningful access to their lawyers or even to their families. Most of them have eventually been charged with offenses related to "espionage" or "state secrets"—but the authorities in Beijing have not produced any evidence or even given any details about exactly what the defendants are alleged to have done.

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One obvious possibility is that this is some kind of test for the new U.S. Administration. The fact that all the detainees are of Chinese ancestry, and that several have studied or done research in Taiwan, suggests that Beijing may also be warning overseas Chinese scholars against further dealings with Taiwan.

Or the warning may be even broader—it may be designed to deter scholarly writing that is complimentary to the free and democratic society that exists on Taiwan, or is critical of the authorities in Beijing, or even sets forth inconvenient facts. In this case the arrests are a direct threat not only to academic freedom in China, but also to freedom of speech and inquiry in the United States and around the world.

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To be specific, I wonder whether the State Department will recommend that President Bush’s scheduled visit to Shanghai this fall, to attend a session of the Asia Pacific Economic Council, should go forward if Beijing is still holding residents or citizens of the United States on what appear to be false charges.

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I would also appreciate any comments our witnesses may have on House Resolution 160, introduced by the Vice Chairman of the Committee, Representative Chris Smith. This resolution sets forth the details of the cases of a number of the detained scholars, and calls for a broad range of actions designed to secure their fair and humane treatment and ultimately their release. We plan to consider this resolution at the Committee markup tomorrow morning.

Finally, I would like to address a sincere plea to the government of the People’s Republic of China. We know you are listening. I am informed that you routinely send representatives to attend our Committee hearings and to report back on what was said.

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I look forward to hearing the testimony of our distinguished witnesses.

STATEMENT OF THE HONORABLE JAMES A. KELLY, ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. KELLY. Thank you, Mr. Chairman, for that eloquent statement. My statement is not very long and so with your permission I will try to read it very quickly. I want to thank you for inviting me to address the Committee on an issue of utmost importance to the Administration and the State Department, which is the recent detentions of American citizens and legal permanent residents in China. Political circumstances surrounding several of these cases, including possible espionage charges against scholars and a journalist, make them particularly troubling.

There is no more important mission for us than protecting the rights and ensuring the welfare of American citizens overseas. There are now more than 30 American citizens in Chinese prisons, and each of them is important to us.

Recently, we have also focused attention on the detention of a number of cases of U.S. legal permanent residents whose spouses, children, or close relatives are U.S. citizens.

A number of cases of concern and the facts common to these cases prompted us to issue, on April 19, a public announcement with regard to travel to China, particularly recommending that U.S. citizens and permanent residents of Chinese descent carefully consider whether to travel to China if they have been publicly critical of Chinese government policies or have close connections to Taiwan or the Taiwan media.

Over the past several months, we have devoted extensive time and attention to these cases. Our efforts have been both consular—working with the families of those detained—and political—making clear our concerns to the Chinese government vigorously, regularly, and at high levels.

We have coordinated with our missions in Beijing, Guangzhou, and Hong Kong to ensure that the relatives of the families have complete information from that available to us about the welfare of the detainees and what we are doing on their behalf. We have also played the role of messenger, communicating personal correspondence to and from the detainees. Our officers have been in touch with the attorneys for the detainees to ensure that they are informed of developments and to make them aware of what we are doing on behalf of their clients.

These are not simple cases. Four of the individuals, U.S. citizens Li Shaomin and Wu Jianming and permanent residents Gao Zhan and Qin Guangguang, are in custody under suspicion of spying for overseas intelligence organizations against the People's Republic of China. Despite our many requests for more information from the Chinese government about these allegations, the PRC has provided us little beyond reiterating that the cases will be handled by the Chinese legal system.

The President and Secretary Powell have raised their concerns about the detentions. I have done so at several levels, as have our mission officials in China. We are committed to continue raising the cases at high levels. We will continue to insist that the Chinese side abide by its consular obligations.

On a personal note, Mr. Chairman, I had the opportunity the other day to visit privately with Professor Li Shaomin's wife, Mrs. Amy Liu, and their daughter, Diana. Amy Liu told me about her courageous efforts on behalf of her husband. She told me about her pride in being an American citizen and her confidence that the U.S. Government would continue to do everything it could to bring about her husband's release. She told me that she had been warned that naturalized Americans' cases received less attention than those of native-born citizens. This is wholly untrue, of course. And I assured her that our efforts toward this end would not waver and I can similarly assure you today.

This concludes my prepared remarks. As you introduced my colleagues, I will not do that further except to say that this is not a bureaucratic shuffle in the State Department. We are quite unified, three different bureaus are represented here today on a single front. We have the support of our Secretary, and we are determined to continue the efforts in these cases, and we are ready to respond to your questions, sir.

[The prepared statement of Mr. Kelly follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES A. KELLY, ASSISTANT SECRETARY,
BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Chairman, thank you for inviting me to address the committee on an issue of utmost importance to the Administration and the State Department—the recent detentions of American citizens and legal permanent residents in China. Political circumstances surrounding several of these cases—possible espionage charges against scholars and a journalist—are particularly troubling.

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This concludes my prepared remarks. With me today are representatives of the Department of State's Bureau of Consular Affairs and Bureau of Democracy, Human Rights, and Labor to assist in answering any questions members of the committee might have.

Chairman HYDE. Thank you very much, Mr. Kelly.

Mr. Faleomavaega, do you have a statement?

Mr. FALEOMAVAEGA. Mr. Chairman, I do have a statement, but in the essence of time, I know that we do have other witnesses, I would like to submit my statement to be part of the record.

[The prepared statement of Mr. Faleomavaega follows:]

PREPARED STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA, A
REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA

Mr. Chairman:

I welcome our witnesses from the State Department, led by Assistant Secretary of State for East Asian and Pacific Affairs Jim Kelly, who will testify before our committee today. I also welcome Ms. Liu and Mr. Xue, whose spouses are detained in China, and our private panel of witnesses who will also testify before the committee.

Mr. Chairman, I am deeply disturbed by the Government of China's recent arrests and detentions of American citizens and U.S. permanent residents of Chinese ancestry. Prosecutions of Americans by China's State Security Ministry and agencies have been rare since the Korean War. With the recent outbreak of detentions, however, it is troubling that China may now feel it is acceptable to target American subjects—as long as they have Chinese blood.

In particular, I find it deplorable that those detained have been held virtually uncommunicado for months—denied any contact with immediate family members and even their attorneys. Given the lack of due process and the hidden, clandestine proceedings, it is no wonder that China's charges of espionage and other serious violations against the detainees are viewed as false and any confessions produced as resulting from torture.

In an effort to address these matters, Mr. Chairman, I commend Mr. Smith, Mr. Lantos and Ms. Ros-Lehtinen for introducing House Resolution 160, for which I am honored to be a co-sponsor.

In addition to calling upon the Chinese Government for the immediate and unconditional release of Dr. Li, Dr. Gao and the other American scholars of Chinese ancestry who have been detained, this important measure urges President Bush to make their release a top priority in U.S.-Sino relations.

I cannot agree more, Mr. Chairman, as American citizens and U.S. permanent residents, when they go overseas, must be protected and not be subject to arbitrary harassment and detention on unsubstantiated charges, whether by China or any other nation.

Thank you, Mr. Chairman.

Chairman HYDE. Without objection, so ordered. Mr. Leach, the Chairman of the East Asia and Pacific Subcommittee.

Mr. LEACH. Well, thank you. I will be brief, but I would just like to stress as strongly as I can this is a citizenship issue. And simply because the citizens are not native born has no implications for this from an American perspective, as the Secretary quite properly noted.

It is also a freedom of speech issue in this country because, as the State Department directive has indicated, those citizens that have been critical of China should be particularly cautious about visiting China, and that implies that a foreign government is trying

to squelch free expression in this country, and that is a very serious issue for the United States.

And so it is important that we look at these issues from that light, and also important that in relations between countries, it has always struck me mistakes are made. So one of the great questions is how do you get out from under them. We make mistakes now and again. But as Barbara Tuckman has taught us in her famous book, that great countries can make foolish decisions that are not in their own national interest. And I do not think it is in the national interest of China to treat Chinese citizens that now live in other countries improperly, and I do not think it is in the interest of the United States to do anything except stand up for our citizens, whatever their derivation may be.

And so I think it should be clear, this is an issue of great concern to the executive branch as well as the Congress.

Thank you.

Chairman HYDE. Thank you, Mr. Leach.

Mr. Kelly, will the department recommend that the President visit China this fall if the government of China is still detaining residents or citizens of the United States on what appear to be false charges?

If not, what other concrete steps is the department prepared to recommend, either the imposition of penalties or the withholding of benefits we might otherwise bestow on the government in Beijing in order to secure the release of these prisoners?

Assuming we have some response in mind, have we communicated this to the Chinese authorities?

Mr. KELLY. Mr. Chairman, I think I cannot speak precisely for the President's travel plans, but I can say that the President is going to be most mindful of the atmosphere in Sino-American relations before his visit to either APEC or in Shanghai or to Beijing in October.

If there is some deterioration in these relations, this is something that would be very carefully and very seriously kept in mind and considered.

There are going to be many occasions between now and October for us to raise this issue, and perhaps the best response may be to state that if not, that is, continuing to raise this issue, and the fact

Republic of China well exceeds over about \$11 billion trade, with about 2 million Taiwanese visiting the People's Republic of China.

Here we are talking about only three or four American citizens supposedly spying on the People's Republic of China, to me is just—it is just ridiculous, absurd. I just want to note that I hope our friends from the Chinese Embassy are here visiting us just to let them know that the Congress is definitely going to take a very strong position on this issue.

I think two or three American citizens is two or three too many. I honestly believe that this issue is not to be taken lightly and will not be taken lightly by the Congress. It is just unbelievable. And I suspect that the 55,000 students, if you can call them students, really attending American colleges and universities—maybe we ought to start looking at them to see if they are really students coming here to our country taking up academic studies. But we are not doing that. I just think the People's Republic of China has made a grave mistake in doing this.

I want to ask Secretary Kelly, again following up on the Chairman's question about the upcoming summit and the APEC meeting in Shanghai, I think the matter now is to the point where either the Chinese officials come up with some real concrete statements about the so-called allegations of any spying that has been done by these American citizens. We want to know.

And I wanted to ask Secretary Kelly if the dialogue or the discussions between the Chinese officials and our Government been along those lines. I mean, if there are allegations, we want to know.

Have they made any firm statements as to any violations that these American citizens have made against the Chinese government?

Mr. KELLY. The diplomats have certainly not done that. All we basically get is that this is some matter of the Ministry of Public Security, and this is impenetrable beyond some kind of curtain or shield.

Well, that is precisely the formulation that we do not accept. China is working, we are told, and we have some evidence in other areas, toward becoming a country ruled by laws and not men, and this is precise evidence of the other side.

So the answer is no, we do not have the information any details about the charges that may be against these people, and we are asking for it. And we are asking that these people have legal representation, and they do not.

Mr. FALCOMA. Have we made any firm—taken any firm positions with the Chinese officials about setting some goals—and say, look, if you do not give us information by so and so date, then maybe we will have to move to do something else? Or are we just going to continue dialoguing for the next 6 months with no results?

Mr. KELLY. I think, Mr. Falcoma, that it is best to follow another path, rather than, at least at this stage, making specific threats. There is always danger when you make threats that if they are too casually made you are called on them, and then they are not carried out. Sometimes that has happened in the American Government in the past. And then you are worse off than you were before.

I think it is better to just make these points very strongly and in an escalatory way so that the message goes through that we are very serious, rather than promising bad things that somehow might not get delivered.

I think, frankly, sir, they do understand our point, and we are going to stay after it, and make sure that it is understood that way.

Mr. FALEOMAVAEGA. I appreciate the fact, Mr. Secretary, that the State Department and the Administration are taking a very firm position on this issue. I think what is most remarkable, and is a special tribute to our democracy, not is that these people are Chinese, it is because these people are American citizens foremost. And I think we ought to keep pressing that issue to the Chinese officials, and I sincerely hope that they are going to be getting some more firm answers on this issue.

Thank you, Mr. Chairman. Thank you, Mr. Secretary.

Mr. LEACH [presiding]. Thank you.

Mrs. Davis.

Ms. DAVIS. Thank you, Mr. Chairman, and thank the gentlemen for being here today.

Assistant Secretary Kelly, while you were in Beijing recently did you raise the issue of these detentions with the Chinese government? If so, what was their response?

And in your opinion, are these detainments intended to test or send a message to the Bush Administration? If so, in what way, and if not, what do you think the motivation is for the detentions?

Mr. KELLY. Ms. Davis, I did raise these when I was in China on, I think, the 14th of May, at two different senior levels in the foreign ministry. And I got the kind of wave-off reply that I had suggested earlier.

But in raising these things, we are less—we are interested in a reply, but we are less interested in what a particular official says than in how the protest is noted and the consistency and the strength with which it is raised. It is going to be above the pay grade of whomever we are talking to, probably up to the ministerial level. But these things do get around and they have to be taken note of.

The second part of your question, I think I have forgotten. Excuse me.

Ms. DAVIS. In your opinion, are these detainments intended to send a message or test the Bush Administration? If so, in what way? If not, then what do you think the motivation is behind them?

Mr. KELLY. They may be. Clearly, I am in the area of speculation on this, and the other witnesses in the second panel may have better historical insights into this than I do.

I think it is probably more likely that they are trying to send a message to Chinese generally, and to Chinese who do not live inside of China, that they had better watch their step very carefully, and the kind of intimidation process that is aimed at them.

If there is a message for this Administration on this one, my guess is that it is a secondary item because it came early and it came over several different places and locations, but that is just speculation. We are treating them as serious and major issues, and that is the way it is going to be handled.

Ms. DAVIS. Thank you.

Mr. Parmlly, progress on human rights will weigh heavily on the U.S. decision to authorize PNTR for China. What is the general consensus on human rights issues in China and how does their progress, or lack thereof, reflect the Chinese desire to establish trade relations with international markets?

Mr. PARMLY. That is an excellent question, Ms. Davis.

As we recorded in our annual human rights report back in February of this year, and in the months since then, the human right situation in China, insofar as the Chinese government has a role to play in it, has deteriorated, has continued to deteriorate in a variety of areas: in freedom of expression, freedom of thought, and certainly freedom of religion, freedom of labor, workers' rights.

And in all of these areas this takes place in contrast to the stated desire of the Chinese government to make progress, integrate more fully into global circles, the World Trade Organization, and even specifically in the human rights area, the International Convention on Civil and Political Rights, which the Chinese government signed, but has not yet ratified.

So there is a contradiction. We have not seen any sign at this point of an upturn in the Chinese government's behavior.

I distinguish between the Chinese government's behavior and the freedom or liberties enjoyed by millions of Chinese as a result of the evolving economic situation in China. But insofar as the government has a role to play, for example, the repression of house churches, and especially in the area of freedom of religion, to take just that example, the news is rarely good coming out of China.

Ms. DAVIS. Thank you, Mr. Chairman.

Mr. LEACH. Well, thank you, Mrs. Davis.

Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

Secretary Kelly, to what extent is the government of China honoring its consular agreement with the United States? And what are the obligations in the cases of U.S. citizens?

Mr. KELLY. There are various obligations that I think I am going to ask Mr. Thompson to spell out.

Most obviously though, in the case of the American citizens that are detained, is that we are entitled to at least one consular visit each month, and after some initial delay that has been observed.

I would like to ask Mr. Thompson, though, to succinctly run through the several points that are here.

I would like to make one point though. In the case of Madam Gao, and her U.S. citizen son, a very young child who was picked up at the same time the two parents were, two different international agreements were violated by the Beijing municipal authorities on that occasion: In the U.S.-China consular agreement in that we were not promptly notified that a U.S. citizen had been seized, and the—one of the Geneva Conventions that requires that children be turned over to appropriate family members. This child was held incommunicado in some kind of a nursery situation. So that was a matter of particular concern. But in this case the child is now safely with his father here in the U.S.

Mr. Thompson.

Mr. THOMPSON. Mr. Pitts, thank you.

We are currently working under the consular agreement with the People's Republic of China, which has been in force since February 1982. The major provision that would impact on this case is to have notification of an arrest within 92 hours of the person being detained.

Also, as the Assistant Secretary mentioned, we are concerned that we are allowed the minimal number of meetings which can take place: Every 30 days with a representative of the American Embassy, in this case from the consular section.

We have, in the case of the gentlemen described here, been able to meet those schedules for the meetings, and we are pushing for additional meetings to take place in increments of less than 30 days.

Mr. PITTS. What efforts are being made to get access by family members and lawyers to the detainees, and what can be done to encourage such access?

Mr. THOMPSON. Thank you, sir. That is an excellent question.

One of the concerns we have is that under Chinese law a matter of national security may not be such that the attorney has access to the client. Even though the client may have engaged an attorney, there is the condition that with the security matter being the charge the attorney may not meet with the client.

We feel this is quite inappropriate, and would continue to push for the legal representation, legal counsel, to have access to the client.

Mr. PITTS. How would you characterize the Chinese laws dealing with spying or state secrets in comparison with United States laws and international standards?

Mr. THOMPSON. In comparison with the United States law and with international standards, we would certainly say that, as we heard earlier, the issue of freedom of speech, basic human rights are not accorded the same for those in China who may be held on suspicion of some violation of national security there; a much more confined and narrow interpretation of the law there.

Mr. PITTS. Have the Chinese authorities given you any evidence to justify their charges of spying?

Mr. THOMPSON. The evidence has not been forthcoming in, again, that they consider this to be a matter of national security. All we are hearing is that there is supposed to be espionage on behalf of a Taiwan organization, and that is all we are hearing on the charges here.

Mr. PITTS. My time is up. Thank you, Mr. Chairman.

Mr. LEACH. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I want to commend our Committee for holding this important hearing of circumstances surrounding the arrests and continued detention by the government, the People's Republic of China for some 30 American citizens who are still in detention. And many of us are concerned that the Chinese Americans are being held by the government of the People's Republic of China without good reason. There is no rule of law in that country. A person is not guilty until proven innocent, thousands of arrests and imprisonments are carried out for political reasons.

So let us be clear. These people are American citizens, some are permanent residents. Our Government owes them a plan of action that ensures that they are given what they are entitled to under international law. The cautious U.S. response that we have given to date just does not satisfy what many of us are concerned about.

I therefore urge our State Department to deny visas to our nation to Chinese officials who are associated with these arrests. And until our citizens and residents are treated properly by the government of the People's Republic of China, Chinese officials should be on notice that they are not welcome here. This should be standard operating procedure unless and until better pressure points are discovered or devised.

Also, at the same time concern about American being held in the Philippines, and what are we doing about them, those whose lives are being threatened? And I would hope or State Department would voice their concern as well.

I do have one or two questions, Mr. Chairman.

What was the official explanation for the detention of Dr. Gao Zhan's 5-year-old son, a U.S. citizen?

Mr. KELLY. Mr. Gilman, I am not aware of any particular official explanation. He was just turned over summarily, I guess, to his father and allowed to come back here. I am not aware of any particular excuse. If there was one tendered, I will supply it for you later on, but I think they just handed him over.

The only story I heard is they could not believe that two people who were not U.S. citizens could have a citizen be there, an American citizen be their child. The concept of anybody who is born in the U.S. is a U.S. citizen was claimed to be elusive.

Now, this is very well known by lots of people in China and everywhere in the world, so I do not accept that a bit.

Mr. GILMAN. Do you agree that a personal representative of the President should be appointed to go to Beijing as soon as possible and meet with officials at the highest level to try to resolve these cases?

Mr. KELLY. Mr. Gilman, that idea was just presented to me today, and I think we are going to have to look at it very carefully. If we think that that is what is necessary to do it, I am sure that that is what will be taken. Maybe we can do it by having the people do it in the job.

You know, Mr. Gilman, the previous Administration had about 60 plus special representatives for many topics, and Secretary Powell is trying to get the people whose day-to-day responsibility it is to work these issues, whom you see in front of you, to do their jobs and get some results.

If we falter, I think that is something that should be appropriately considered.

Mr. GILMAN. Well, do you feel you have made some progress in getting the release of these 30 Americans?

Mr. KELLY. Not much yet, Mr. Gilman, because they are still there.

Mr. GILMAN. And do you have any hope for getting them out in a short, in a short period of time?

Mr. KELLY. I have some hope that in some of the cases we may have some success, but we will not be confident about that until it happens.

Mr. GILMAN. Do you have any comments with regard to House Resolution 160, recommending a series of actions designed to bring about the release of the detained scholars?

Mr. KELLY. Yes, sir, I do.

First of all, the Department position is do not oppose. My position is in favor. I think it is an excellent resolution, Mr. Gilman, and I think it will help convey the message that the U.S. Government as a whole is trying to send, that these people are important and that their cases have not been handled adequately.

Mr. GILMAN. Thank you. Thank you, Mr. Chairman.

Mr. LEACH. Mr. Issa.

Mr. ISSA. Mr. Chairman, first, let me apologize for flipping back and forth between my other Committee.

But changing back to this Committee, Mr. Secretary, it is good to see you again. Do you actually have an office here on the Hill now? We should get you one.

I know that a lot of the questioning has stemmed around whether or not China operates in an opportunistic way, looking for whether a first lady is visiting or somebody else is visiting in order to decide what to do next.

And to that end, is there, in your opinion, a way to send a consistent message that would cause them to recognize that this type of behavior is consistently in their best interest to change, but more importantly, to begin to realize that there is a right way to go and one which will lead to consistently better treatment in the world stage?

Mr. KELLY. Mr. Issa, thank you for that question.

Well, it is obviously important for us to send a consistent message, and we do. If the Chinese government were perhaps a little bit more unified, but like most governments there are people of all kinds of opinions, and there are people in the Chinese government, particularly in the security services, who would love to stick it to the U.S. or any American citizens if they thought they could do so. And so I am not sure that we are ever going to convince those sorts of people.

But there are those who have responsibility for the larger relationship. The 55,000 students in the U.S. that Mr. Faleomavaega referred to, are a part of our hope for the future. And China is changing, unevenly, and in different ways at different paths. And I think our hope is that with a consistent message it will be registered and become better over time, but right now we have got a long way to go.

Mr. ISSA. My follow-up question is on the trade side, but I think it is somewhat germane to the general topic of China's failure to observe human rights and the rule of law.

As you know, disproportionately the so-called entrepreneurial spirit in China comes from their generals who have enterprises and other high-ranking government officials. There seems to be no limit to the amount of entrepreneurs among the government.

In light of that, in light of their request to send to the WTO, is there—not only a concern, but is there a message that we should

be sending that this direction of less than true capitalism needs to be gone away from, and that China, although they have made a lot of money, has not, in fact, embraced capitalism as American knows it?

Mr. KELLY. Mr. Issa, that is really what the WTO membership is about; that China has to develop serious and transparent private business enterprises that are interested in doing business.

Yes, as you say, the PLA has shown this strange kind of entrepreneurship, and so have other government functionaries. Sometimes that is called corruption because that is what it is. But there are also a lot of Chinese businesses that have led the economic growth that has happened there, that are of another position.

Now, some of these people may be privately with us. Many of them are just trying to look the other way and hope that things like apprehension of people suddenly on political grounds does not affect them.

But the fact is these people will pay attention if we keep saying it, and we intend to do that.

Mr. ISSA. Thank you.

Probably my final question in this case: It has been common in the United States for various groups to boycott products that are made in less than humane conditions. It is certainly possible that as China gets closer and closer to entering the WTO that that is likely to be a strategy here in the United States.

Do you think that the People's Republic of China really realize how effective a U.S. boycott based on human rights could be given the past successes against clothes and shoes and so on, regardless of their country of origin?

Mr. KELLY. Mr. Issa, I do not think they do realize what an aroused citizenry determined to back their beliefs in their own economic choices, what effect that that would have. And I hope that it does not come to that. I hope that we can see some progress that does not require such sort of measures, either voluntarily or on a governmental basis.

Mr. ISSA. Thank you very much.

Mr. LEACH. Thank you very much.

Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman, and Secretary Kelly. Thank you for testifying, and I know you put this together very quickly at the request of the Committee, and we are very appreciative that you and your colleagues have come to speak to us.

I again want to reiterate in the strongest possible way—and, I believe you are doing it—that the President, Secretary Colin Powell, yourself, and all of those who have real clout exercise it to the max on behalf of these families.

Last week I read that statement to you during the course of that hearing from Diana, the 9-year-old daughter of Dr. Li. And it is worth repeating. Because, again, as a father myself, and I think anyone who has children—and we all know people who have children, if we do not have them ourselves—the plea of a child to a government, in this case a dictatorship, and to the leader of the free world to intercede in the boldest possible and the most prudent possible way should not go unheard.

As a matter of fact, it reminds me: The power of the pen. The pen is mightier than the sword. It would seem to me that the crayon—because she did write this in a crayon—the crayon is also mightier than the sword.

She wrote,

“My name is Diana Li. I am 9 years old. I have never written to a President before in my life. Now I am writing because China has captured my daddy, Shaomin Li. I need your help because my daddy—to rescue my daddy. Would you please help me? I miss my daddy very much. I can imagine if you were captured by China your daughters would miss you very much, and so would their mom. Please help rescue my daddy. Thank you.”

And it's from Diana Li.

She is here today again, and I have a crayon request she made to me as well. I framed it. I have it right next to my desk, and I look at it every day, several times a day, as a reminder that she misses her father.

And there is something we can do, and I believe—I have been a congressman for 21 years—there is always more that we can do.

When we are dealing with a dictatorship, they understand power and they understand that there may be a price and a penalty if they do not act in a civilized fashion. And it seems to me that when our distinguished President is talking about helping and aiding China secure WTO membership, that if that were put on the back burner, yes, PNTR is lost, and those of us who fought it will at least admit to that, but it seems to me that aiding and abetting this dictatorship when they are holding Americans hostage would be unconscionable.

And I hope the Chinese government will take that message, that this may be the beginning. There will be other actions taken, and I hope the Congress will speak in a bipartisan way, loudly and effectively.

You mentioned in your SAP, your Statement of Administration Policy, that you do not oppose an enactment of H. Res. 160, a resolution that I have introduced on behalf of Dr. Li and the others. I would hope that you would change that from “no opposition” to vigorous support. Because it seems to me, unless there is something that we have not seen in this resolution, or unless there is some error in the way it is written, that this should be fully embraced and supported, and it will be marked up tomorrow by the Committee and on the Floor very soon thereafter.

But I hope you will take one specific idea that has been recommended, and take it under active advisement to the President, and that would be to invite the families to the White House to meet with our distinguished President. The message has to be sent at the highest possible level that we mean business. Each and every one of those lives is precious to the White House, it is precious to the Congress, and it is precious to the American people. Even if just one person had been unjustly incarcerated and held hostage, we would need to speak out for that individual. In this case we have several, and they are American citizens to boot. And

we must do the very maximum on behalf of any American who is being held by a dictatorship.

So I ask you to take that back, and perhaps you might want to comment on the possibility. I know you yourself have met with the wife of Dr. Li, and we thank you for that. More needs to be done. This has to be at the highest possible level, and that is why this hearing is being held.

Chairman Hyde, in his wisdom, saw fit to convene this hearing to amplify our outrage at the Chinese government and our hope that they will realize that this is a major impediment to improved Sino-American relations, and that we want action. We want action now. No more kangaroo trials and bogus legal proceedings. The rule of law is to be followed. These people ought to be set free.

And I would hope that our business community, especially now, would take note, because we are talking about a situation—if in this case they can take off the street and grab American citizens because they might not like something they have written somewhere along the line, what does that mean? What kind of risk does that pose for any American businessman or businesswoman who may run afoul of Beijing, in terms of their free speech rights, even if they publish here in the United States or anywhere else in the West?

It seems to me that this should have a chilling effect on the business community. And Dr. Li has worked for major U.S. corporations. He was in favor of the trading relationship, and he has been singled out by the dictatorship for this cruel treatment, this separation from his family, and we have no idea what kind of mental anguish he is being put under.

I know that you are doing what you can do, but obviously more can always be done, so I yield to you for any response you might have.

Mr. KELLY. Well, Mr. Smith, as usual, you have put it a lot better than I could. And I will take back your recommendations, including the one I had to confess my own. I could not understand why we just said do not oppose. Maybe there is some reason, and they will tell me I am dummy for not having figured it out later on. But I do not oppose or favor. I think this resolution sends a very important message, and your words do too, as well as those of the other members.

So I will take the message and we will keep the suggestions you make among the things that we need to do. This issue is not going away, sir.

Mr. SMITH. Thank you very much.

Mr. LEACH. Well, thank you very much, Chris.

Let me just conclude this part of the hearings, Mr. Secretary, by stressing that all Americans detained we have to consider equal. But with—I would like to stress with the one instance of Dr. Li Shaomin that has become quite an academic cause celeb. Dr. Li was a Ph.D. graduate of Princeton University, and the whole university has rallied to his defense, as have many academics in the United States. And I stress this because this is a coercive issue of freedom of expression, and that is one of the reasons that I think we have to be very firm with the Chinese on this.

But I think you are thoroughly correct in your approach of no threats, thoroughly correct in the professional steady way of dealing with this rather than a special kind of pizzazz approach which I think is fraught with great difficulties, particularly if it fails in a moment in time.

And so we appreciate your steady hand and your good leadership, and we wish you well. And thank you all very much.

Chris, excuse me, would you like to chair the second part of the panel?

Mr. SMITH [presiding]. While our next panel is making its way to the witness table, I would like to introduce our distinguished panel beginning with Yingli Liu, who was a lecturer in the business school of the City University of Hong Kong. She was born in China and came to the United States in 1985, to join her husband Li Shaomin, who was then beginning his studies at Princeton University in New Jersey. She holds a Bachelor's Degree from Beijing University and a Master's Degree from the State University of New York, in Albany, and from the State College of New Jersey.

Ms. Liu and her husband became United States citizens in 1995. Since 1998, she has resided in Hong Kong with her husband and their 9-year-old daughter, Diana, who also joins her at the witness table.

Xue Donghua is a senior systems analyst at EDS Corporation. He holds a Master's Degree in computer engineering from Syracuse University. Ms. Xue was born in China, and has resided in the United States since 1989, with his wife, Dr. Gao Zhan, their son, Andrew, is 5 years old.

Arthur Waldron is the lauder professor of international relations at the University of Pennsylvania, and Director of Asian Studies at the American Enterprise Institute. He was born in Boston and received his Ph.D. in Chinese history from Harvard in 1991. He has also studied in Asia where he continues to travel regularly. He has written widely on Chinese history and has previously taught at Princeton and at the Naval War College.

And finally, Mike Jendrzeczyk has served in Washington as the Director of Human Rights Watch/Asia for the past 8 years. Previously, he worked for the International Secretariat of Amnesty International in London, and was campaign director for Amnesty International U.S. in New York.

The witnesses were asked to summarize their statements and without objection their full statements will be made part of the record.

Ms. Liu, if you could begin.

STATEMENT OF LIU YINGLI, WIFE OF LI SHAOMIN

Ms. LIU. Mr. Chairman, Members of the House Committee on International Relations, Ladies and gentlemen.

My name is Liu Yingli. I am a naturalized U.S. citizen.

I am married to Dr. Li Shaomin. On February 25th of this year, my husband disappeared in Shenzhen. He had crossed over the border from Hong Kong, where we both live and teach at the City University of Hong Kong.

Five days later, a counselor at U.S. Embassy in Beijing called to tell me that my husband, a naturalized U.S. citizen, had been de-

tained by the Ministry of State Security of the People's Republic of China (PRC), and imprisoned in Beijing.

On May 15th, my husband was formally charged with spying for Taiwan. On June 18th, my husband's father, Li Honglin, received a call from the Chinese government. He was told that my husband had been indicted. According to PRC's laws, his trial could begin in 10 days. My husband has not been allowed to see his lawyer. The Bible I tried to send to him was taken away, along with all other books.

Mr. Chairman, I thank you for holding this hearing on the plight of my husband and other U.S. citizens and permanent residents arrested by the government of the People's Republic of China.

My husband and I first came to the United States in the early 1980's. My husband studied at the State University of New York at Albany, and earned his Ph.D. from Princeton University. He later did his post-doctoral work at Harvard University. Beginning in 1988, he worked at AT&T in New Jersey for 8 years. In 1996, he took up his current teaching position for teaching in Hong Kong.

My husband, Dr. Shaomin Li, Li Shaomin, is an outstanding scholar. He has devoted himself to teaching and to his academic research. He is not a dissident. He is not a political activist. He is a teacher. He is a scholar. His field is business economics and social development. I have attached to my statement a copy of his resume for you, which lists his many scholarly books and articles.

My husband has done nothing wrong.

It has been nearly 4 months since Li Shaomin's detention on February 25th. It is 4 months of grief and pain, 4 months of worry and fear. But we are American citizens. We should not have to live with such fears.

This painful experience has not spared our daughter, who is only 9, and our parents, who are more than 70 years old. Our family has spent sleepless nights and restless days waiting for news of Shaomin. Our daughter Diana has asked repeatedly when Daddy will come home.

My family and I are truly grateful for your concern for Li Shaomin. I thank you for your effort in protecting human rights. I thank especially the congressional delegation from New Jersey, our home state, all 17 representatives and two senators—all of them have stood up for Shaomin.

If China's Ministry of State Security can get away from imprisoning my husband now, it may well detain more academics who visit China in the future, regardless of their skin color, or their country of origin.

If we are effective in protecting Li Shaomin today, it will go a long way in protecting others tomorrow.

I am here today to ask my Government, the U.S. Government, for help. Please help free Li Shaomin and restore my family.

My husband is American citizen. He deserves the protection of his Government.

This case is not just about freedom of one man, but about academic freedom, not only in Hong Kong, but also in America—because my husband is an American.

This is a case about basic decency and fundamental rights, like freedom of speech and freedom of movement. This is a case about

America's role in protecting freedom. It is a case about American's future, because new citizens like Li Shaomin and myself, and many, many others like us, for we represent America's future as its new citizens always have. And we look up to you as Government for equal protection.

There are many other families waiting to be reunited with their loved ones. Your help to us will also help them. May there be many more family reunions, not just here, but everywhere.

On behalf of Shaomin and our family, please accept my heartfelt thanks. Please help bring my husband Dr. Li Shaomin.

Thank you.

And I have a letter here addressed to the Chairman that is from friends of Li Shaomin. There are about 1400 friends of Li Shaomin that have signed the petition to urge the Chinese government to release Li Shaomin and also urge the U.S. Government to help its citizen. Here is the box of the petitions, and may I request that that—Mr. Chairman, may I request that you can put this letter of petition, signed by 1400 friends of Shaomin into the congressional records.

[The prepared statement of Ms. Liu follows:]

PREPARED STATEMENT OF LIU YINGLI, WIFE OF LI SHAOMIN

Mr. Chairman, Members of the House Committee on International Relations, Ladies and Gentlemen:

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Five days later, a counselor at the US Embassy in Beijing called to tell me that my husband, a naturalized US citizen, had been detained by the Ministry of State Security of the People's Republic of China (PRC), and imprisoned in Beijing. On May 15th, my husband was formally charged with spying for Taiwan. On June 18th, my husband's father, Li Honglin, received a call from the Chinese Government. He was told that my husband had been indicted. According to the PRC's laws, his trial could begin in ten days. My husband has not been allowed to see his lawyer. The bible I tried to send to him was taken away, along with all other books.

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My husband, Dr. Li Shaomin, is an outstanding scholar. He has devoted himself to teaching and to his academic research. He is not a dissident. He is not a political activist. He is a teacher. His field is business economics and social development. I have attached to my statement a copy of his resume, which lists his many scholarly books and articles.

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This is a case about basic decency and fundamental rights, like freedom of speech and freedom of movement. This is a case about America's role in protecting freedom. It is a case about America's future, because new citizens like Li Shaomin and myself, and many many others like us, for we represent America's future as its new citizens always have. And we look to the US government for equal protection.

There are many other families waiting to be reunited with their loved ones. Your help to us will also help them. May there be many more family reunions, not just here, but everywhere.

On behalf of Shaomin and our family, please accept my heartfelt thanks.

Please help to free my husband Dr. Li Shomin. Thank You.

Mr. SMITH. Without objection, the text of that petition will be made a part of the record, and perhaps a representative sample of those signatures as well.

Ms. LIU. Thank you very much.

Mr. SMITH. Mr. Liu, thank you very much for your very passionate and persuasive statement, and for reminding us that we are talking about an American citizen who is being held hostage. He is of no less concern than the 24 servicemen and women who were held by the Chinese government against their will. It was of the highest national priority, as we all know. Your husband, as well, and the others, need to be the highest national priority going forward, and your appeal, I do believe, is being heard at every level of our Government—and we hope in Beijing as well. So I thank you.

Mr. Xue, if you would proceed.

STATEMENT OF XUE DONGHUA, HUSBAND OF DR. GAO ZHAN

Mr. XUE. Thank you, Mr. Chairman, and thank you for other congressional members.

I am so excited by the House Resolution of calling the release of the detained scholars in China. And I hope the resolution will finally pass so that the Chinese government knows that continued detainment of these scholars will only harm the Sino-U.S. relations.

And here I want to answer Mr. Gilman's question personally about my son's detention. He is an American citizen. He is only 5 years old. The explanation the Chinese government gave is that they did not know he is American citizen. But the fact was we were detained in the Beijing Airport right in front of the Northwest Airlines counter with airline ticket and a passport ready. And a U.S. passport is blue, and the Chinese passport is brown. So anybody with a common sense can figure out the difference between those two passports. And they are the state security agents. I think they should be able to figure out the difference of two passports. So we will not accept their explanation.

Anyway, when we were detained on February 11th, the whole family was secretly detained, and nobody knew where we were. We just disappeared from the earth. It looked exactly like a kidnap-

ping, and no one knew where we were, including my employer, church, friends. The church even thought we were kidnapped and had been killed, and they were preparing for a memorial service for us until we came back after 26 days.

The Chinese Ambassador to the United States emphasized several times in his letter to congressional members and the U.S. officials, that China is a country ruled by laws. I think this is a famous statement by the Chinese Ambassador. The spokesman from the Chinese Foreign Ministry also said in his statement that they strictly follow the legal procedures to deal with the scholars' cases. And I certainly wish these statements were true. But from my nightmare experience in China, that statements are far from reality.

To make a family disappear from the earth for almost a month, to illegally detain my son—a U.S. citizen—for 26 days without notifying the U.S. Embassy, to separate a 5-year-old American boy by force from his legal guardians and his family members, and to emotionally and psychologically torture this 5-year-old for several weeks just as an interrogation hostage, these actions not only violate Chinese laws, international laws and U.S.-China bilateral treaties, these actions are inhuman and barbaric. We can associate these actions with terrorism organizations, but not a country ruled by laws.

On April 23, 2001, Chinese Ambassador to the United States spoke at a U.S.-China Policy Foundation concerning U.S.-China relations. He said to safeguard and improve Sino-U.S. relations serves the fundamental interest of the two countries and two peoples. It is my sincere hope that people of vision will stand up to defend Sino-U.S. relations. Ambassador Yang also said, let everyone remember history is, and will be, kind to those who work for better Sino-U.S. relations.

And today I want to say to China's Ambassador and the leaders of the Chinese governments, build on these words with actions. A step in the direction of better U.S.-China relations would be for the Chinese leaders to release my wife and other detainees.

When our 24-crew members had been detained in China, they were allowed to meet with the U.S. officials, they could send messages out to their families, and they lived in hotel-like conditions according to news reports. And they finally were released after 11 days of intensive—because of the intensive diplomatic negotiations.

We do not know where these scholars are and we do not know anything about my wife's health condition. But one thing that I am 100 percent sure of is that they are not living in hotel-like conditions. And why do they treat the crew members and the scholars so differently? I think it is because the Chinese government is discriminating against the Chinese people. I hope the American Government pays the same effort to rescue the detained scholars as they did for the crew members.

In his statement in regard to the Chinese detainees, President Bush said he wants China to treat these detained scholars fairly, and I think that was a very good wish. But the PRC has not treated these scholars fairly and they will never be treated fairly in the future. If you think about how they treated my son, he is a 5-year-

old American citizen, then you will know they will never treat these scholars fairly.

And now today is the last day of my son's school, and he is very happy, and he cannot wait for the summer, but he counting days for his Mom to get home, and he is just missing Mom. Sometimes he tells me he had dream, he had a bad dream, and other times he has a good dream. The good dream is a dream of his Mom.

Thank you very much.

[The prepared statement of Mr. Xue follows:]

PREPARED STATEMENT OF XUE DONGHUA, HUSBAND OF DR. GAO ZHAN

I am so excited by the House Resolution of calling the release of the detained scholars in China. I hope the resolution will finally pass so that the Chinese government should know that continued detainment of these scholars would only harm the Sino-US relations.

On January 19th, 2001, I took my wife Dr. Gao Zhan and my 5-year-old son Andrew to China for a family vacation. We spent three weeks there with our families for the Chinese New Year. On February 11th, when we tried to leave China for the United States, we were secretly detained by the agents from the State Security Bureau of Beijing. Three of us were separated by force, blindfolded and held in three different places. I was held in an unknown place, in a single room without any communication to the outside world for 26 days until March 8th. My 5-year-old son Andrew, an American citizen, was separately detained for 26 days without any contact to his parents and the family members in China. His detention had not been notified to the US Embassy in Beijing. My son and I were released on March 8th and my wife Dr. Gao Zhan has been detained incommunicado for over three months. Andrew has been used as a hostage for interrogations and he has been damaged psychologically.

When my family was secretly detained, we were just disappeared from the earth. No one knows where we are. My employer, church and friends were thinking that we were kidnapped and killed. Our church friends were even thinking of preparing a memorial service for my family. Until I came back to home then they know that we were held by a foreign government.

I am a computer analyst working for EDS Corporation. My wife Dr. Gao Zhan is a research fellow of American University. Her research focuses are on women's issue, family issues and China Taiwan relations. She has published articles about culture impact to the Chinese families here in the US and women's roles in the democracy process in Taiwan.

Dr. Gao Zhan has been detained since February 11th. Her parents were given a formal arrest notification seven weeks later on April 2nd, only one day after the Navy surveillance plan was forced down in Hainan Island. We have lost contact to my wife and no one knows about her health conditions for over four months. Even her attorneys in Beijing have made several attempts to visit her, but they have all been denied. The law firm thought that was a violation of the Chinese laws and even filed a formal appeal to the Peoples Congress of Beijing City, but so far there is no response. Her lawyers both in Beijing and here think this is very unusual for them to deny the attorney's visit after the arrest notification, but they could not figure out why. The only reason we can think of is that she has been physically tortured or at least has some obvious wounds that they don't want the outside world to know about. In one word, my wife Gao Zhan is in a very dangerous situation. I am calling on the American government to try even harder to help.

I request the State Department and The White House can give me a daily update on her case.

The Chinese Ambassador to the United States emphasized several times in his letters to the congressional members and US officials that "China is a country ruled by laws." The spokesman from the Chinese Foreign Ministry also said that they "strictly follow the legal procedures" to deal with the scholar's cases. I certainly wish that these statements were true. But from my nightmare experiences in China, that the statements are far from the reality. To make a family disappear from the earth for almost a month, to illegally detain my son Andrew, an US citizen for 26 days without notify the US Embassy, to separate a 5-year-old American child by force from his legal guardians and his family, to emotionally and psychologically torture a 5-year-old child for several weeks just for interrogations hostage. These actions are not only violate Chinese and international laws and US-China treaties, these

actions are inhuman and barbaric. We can only associate these actions with the terrorism organizations, not "a country ruled by laws."

On April 23, 2001, Chinese Ambassador Yang Jiechi spoke at the U.S.-China Policy Foundation concerning U.S.-China relations. He said to safeguard and improve Sino-U.S. relations serves the fundamental interests of the two countries and two peoples. It is my sincere hope that people of vision will stand up to defend Sino-U.S. relations by effectively checking the spread of Cold War mentality. Ambassador Yang also said, let everyone remember, history is, and will be, kind to those who work for better Sino-U.S. relations.

Today, I say to Ambassador Yang and the leaders of the Chinese government, build on these words with actions. A step in the direction of better Sino-U.S. relations would be for the Chinese leaders to release my wife and the others detained.

When our 24-crew members been detained in China, they were allowed to meet with the US officials, they can send message out to their families, they lived in a "hotel condition" according to the news report. They finally were released after 11 days of intensive diplomatic negotiations. We don't know where these scholars are. We don't know anything about my wife's health condition. But one thing we are 100% sure that they are not living in a hotel condition. Why they treat the crewmembers and the scholars so differently? It is the Chinese government who discriminating the Chinese people. I hope the American government pays the same effort as they did for the crewmembers to rescue the detained scholars.

In his statement regards to the China detainees, President Bush wants China to treat these detained scholars fairly. I think that was only his good wish. The PRC has not treat these scholars fairly and they will never been treated fairly in the future. The US government needs to do some real things to let the PRC feel the pressure. Do you think they treat the 5-year-old American citizen Andrew Xue fairly by separating him from the parents by force and detained him for 26 days? Now the Chinese government has already got the message from President Bush but they just don't care. My son is still missing mom and he is counting days. It is the time to call the Chinese government to release my wife immediately and unconditionally. President Bush should not go to China for business if the Chinese government still holds my wife.

Thank you very much.

Mr. SMITH. Mr. Xue, thank you very much for your excellent statement and for reminding us of the cost to the children, and in this case to your 5-year-old. So thank you so much for focusing on that, and making the appeal again, not just to the Chinese government, but to the Bush Administration and to Congress, to maximize our efforts. I thank you for that.

Mr. XUE. Thank you.

Mr. SMITH. Professor Waldron, if you could proceed.

STATEMENT OF ARTHUR WALDRON, PROFESSOR, DIRECTOR OF ASIAN STUDIES, AMERICAN ENTERPRISE INSTITUTE AND LAUDER PROFESSOR OF INTERNATIONAL RELATIONS, UNIVERSITY OF PENNSYLVANIA

Mr. WALDRON. Mr. Chairman, Members of Congress, Ladies and Gentlemen.

Today's important hearing responds to the detentions in China of several scholars who are either American citizens or have close American connections, and one of whom, Professor Shaomin Li, is a personal friend of mine.

I first met Professor Li almost 20 years ago when he was a graduate student at Princeton University, where I was then teaching. He clearly stood out even among his very able group of graduate students. His mind is first rate, he spoke excellent English. But there is more to it than that. He is not simply smart. Smart people are a dime a dozen. He is something rarer, he is a serious person. He sought more out of his education than simply personal achievement and distinction. He is like his father, who was one of China's

most respected thinkers, someone who seeks to understand—to understand society and history and life, but I think above all to understand his native China; where it had come from and where it was going.

Now, Chinese students engaged in this quest have been coming to America since the closing decades of the nineteenth century, and they have uniformly impressed Americans, and they have improved the places where they studied. They started with Yung Wing at Yale in the late 1800's.

They impressed their teachers and their fellow students very much in the way, I think, that Shaomin Li and many, many other extraordinary students and talents from China impressed me in the 1980's. The first thing they do is give a very, very positive impression of China. To put it briefly, a country that can produce such young people, a country that can produce such a young man, someone of such intelligence, such seriousness of purpose, such diligence, and such generosity must be quite a civilization, and indeed China is quite a civilization.

Second, such students aroused hope and optimism. When they return, we think—and they would dream—surely much will be done to make China's presence equal to its glorious past. Tragically, however, that second dream is still very far from being realized.

I last saw Professor Li in Hong Kong about a year ago. He was full of optimism about China and about the economic and social changes going on there. I do not think he had any idea that he was going to be arrested.

So why did the Chinese leaders, Jiang Zemin and Zhu Rongji and their colleagues, men who are regularly welcomed and applauded around the world—why did they make the decision (and I would stress that I believe that this is their decision)—they signed off on this, they could have stopped it if they wanted to. Why did they make this decision to arrest and charge this patriot, this scholar, this husband, this father, and this friend?

Well, I think the answer is a single word: fear. Today's Chinese leadership fears the very political change that is the only way to save China. They fear the example of independent thought and character embodied by Professor Li and thousands of other Chinese. And they imagine that by harshly treating Professor Li, they can inspire such fear, they imagine that they can so terrorize the millions of people of Chinese ancestry around the world as to make those people keep silent and refrain from behaving in any way as the citizens that in fact they are.

The message is brutally clear: Look at Shaomin Li. He comes from a communist family; his father is a well known scholar. He studied at Peking University and at Princeton. He is an American citizen. The message is we do not fear to arrest him, we do not fear to detain him, we do not fear to violate his rights, and you see if America can save him.

Now consider yourself, just ordinary Chinese. You come from an unknown family. You attended local schools. You have a Chinese passport. If we can do this to a U.S. citizen and get away with it, just think what we can do to you.

And I should add that I have no doubt that Shaomin has been tortured while he is under detention. If you use the international definitions of torture, the Chinese regularly engage in sleep deprivation, conveyor belt interrogation, psychological warfare, food deprivation, all sort of things just for starters.

There is no question in mind. I am sitting very comfortably here in this Committee room chair, and Shaomin is somewhere in China, we do not know where, but he is certainly not comfortable, I promise you.

Which brings us to the question before the Committee. Do Jiang Zemin and Zhu Rongji get away with this? Or does the United States rise to the level of its founding ideals and insist not?

Well, some people will argue, I think many will argue that while Professor Li's case is indeed unfortunate, we must respond cautiously, and in that favorite weasel phrase, rely on "quiet diplomacy and persuasion" to deal with it. Too much is at stake, the argument will be about diplomatic and political relations with Beijing, investment, trade and so forth.

And I would add that we have heard several times this afternoon that we are not being casual about this. Well, what I fear is that the very need to say that suggests that there is an element of casualness here. The continuing, chronic human rights abuses and lawlessness in the People's Republic of China have become something like background noise. They are static in the midst of what is otherwise a "normal" relationship, and that is one of the reasons why some important symbolic action is needed to demonstrate to China that this is not a time for business as usual.

We have to do something because to carry on business as usual would be unfair to our own country because what the rest of the world respects in us is not our wealth or our power; it really is our values.

Now, ours is a deeply flawed and imperfect country. Yet time and again we have nevertheless provided moral leadership in international affairs, and people around the world know that. They know that. That is our reputation.

We have to stand up for justice and freedom or we embarrass our founding fathers. And I think the President should take the lead in this. I have thought that the suggestion, by the way, of a visit to the White House by the families was an excellent suggestion. His Administration must speak out clearly. What is the message? It is a very simple message: "Mr. Jiang, release your prisoners. Mr. Zhu, release your prisoners." And when you have done that, our two nations will be able to move forward, genuinely and with confidence.

Thank you.

[The prepared statement of Mr. Waldron follows:]

PREPARED STATEMENT OF ARTHUR WALDRON, PROFESSOR, DIRECTOR OF ASIAN STUDIES, AMERICAN ENTERPRISE INSTITUTE AND LAUDER PROFESSOR OF INTERNATIONAL RELATIONS, UNIVERSITY OF PENNSYLVANIA

Chairman Hyde, Members of Congress, Ladies and Gentlemen,
Today's important hearing responds to the detentions in China of several scholars who are either American citizens or have close American connections, and one of whom, Professor Shaomin Li, is a personal friend.

Let me start by saying something about Professor Li. I met him almost twenty years ago, when he was a graduate student at Princeton University, where I was

then teaching. He clearly stood out even in his very able group of graduate students. His mind was absolutely first rate and he spoke English very well. But he was not simply smart. Smart people are a dime a dozen. He was something rarer, someone serious. He sought more than simply personal achievement and distinction. Like his father, one of China's most respected thinkers, he sought to understand—to understand sociology and history and life, but above all to understand his native China: where it had come from and where it was going.

Chinese students engaged in that quest have been coming to America since the late nineteenth century and they have uniformly impressed Americans and improved the places where they studied: I think of Yung Wing, long ago at Yale, and Monlin Chiang at Berkeley, and Hu Shih at Cornell and Columbia, and literally tens of thousands of others.

They impressed their teachers and fellow students in the early decades of the twentieth century very much, I think, as Shaomin Li impressed me in the 1980s. First, they gave people a very positive impression of China. A country that can produce such a young man—of such intelligence, such seriousness of purpose, such diligence, and such generosity—must be quite a civilization. Second, such students aroused hope and optimism. When they return, we thought—and they dreamed—surely much will be done to make China's present equal to its glorious past. Tragically, however, this second dream is far from being realized.

I last saw Professor Li in Hong Kong about a year ago. He was full of optimism about China. The dreams of the democracy movement of 1989, which he shared, along with nearly every person in China had of course been shattered. But Shaomin was upbeat: he believed that gradual change, mediated by the kinds of economic and social developments taking place in the southern Chinese city of Shenzhen, might yet lead to the same goal by a different path.

So why did the Chinese leaders, Jiang Zemin and Zhu Rongji and their colleagues, who are regularly welcomed and applauded around the world—why did they make the decision (and I have no doubt that it was their decision) to arrest and charge this patriot, scholar, father, husband and friend?

The answer is a single word: fear. Today's Chinese leadership fears the very political change that is the only way to save China. They fear the example of independent thought and character embodied by Professor Li and thousands of other Chinese. And they imagine that by harshly treating Professor Li, they can inspire such fear—that they can so terrorize—the millions of Chinese who share his beliefs and aspirations, as to make them keep silence.

The message is brutally clear: Shaomin Li comes from a communist family; his father is a well known scholar. He studied at Peking University and at Princeton. He is an American citizen. Yet we do not fear to arrest him, detain him, violate his rights. Now consider yourself: You come from an unknown family, you attended local schools, you have a Chinese passport. If we can do that to a US citizen and get away with it, just think what we can do to you.

Which brings us to the question before this committee this afternoon. Do Jiang Zemin and Zhu Rongji get away with it? Or does the United States rise to the level of its founding ideals and insist not?

Many will argue that while Professor Li's case is indeed unfortunate, we must respond cautiously and, in that favorite weasel phrase, rely on "quiet diplomacy and persuasion" to deal with it. Too much is at stake, the argument will go—diplomatic and political relations with Beijing, investment and trade, and so forth.

But frankly, that is unfair to our country. What the rest of the world respects in us is not our wealth or our power. It is our values. Time and again our deeply flawed and imperfect country has nevertheless provided moral leadership in international affairs, and people around the world know that.

We must stand up for justice and freedom, or we embarrass our founding fathers. In this our president must take the lead. His administration must speak out clearly. What is the message? A simple one: "Mr. Jiang, release your prisoners! Mr. Zhu, release your prisoners!" When that is done, our two nations will be able to move forward, genuinely and with confidence.

Mr. SMITH. Thank you very much, Professor Waldron, and we appreciate your insights.

Mr. Jendrzeczyk.

**STATEMENT OF MIKE JENDRZEJCZYK, WASHINGTON
DIRECTOR, HUMAN RIGHTS WATCH/ASIA**

Mr. JENDRZEJCZYK. Thank you, Mr. Chairman. Thank you for inviting us to testify and for holding this hearing on a matter of urgent concern.

China's detention of four intellectuals of Chinese descent with ties to the U.S., I think, does pose a serious challenge to U.S.-China relations. In addition, another prominent scholar with links to Hong Kong and a businessman, Mr. Liu Yaping, who is a permanent U.S. resident and is reported to be extremely ill, have also been detained.

Two of the scholars, as has been noted earlier, have been accused of spying, though, as the State Department has said, no evidence has been produced by the Chinese to justify these charges.

I would like to focus on a few very specific, concrete recommendations of actions I think the Administration and Congress should and must take.

We welcomed the statement by President Bush on May 11th, in which he publicly urged China to treat fairly U.S. citizens who have been detained, and also expressed support for a continued economic relations with China.

Earlier when Vice Premier Qian Qichen visited Washington, President Bush raised the detention of Dr. Gao directly with Qian. If China is to be a reliable trading partner, the rule of law is essential, and China must demonstrate its willingness to observe international rules and standards—not only in regard to trade but also human rights.

Last week, U.S. Trade Representative, Robert Zoellick, was at a meeting in Shanghai, and he met with his counterpart, and he reminded him that if these detentions are not resolved this could pose serious problems in the upcoming debate over normal trade relations for China.

Now, clearly, the Administration must continue to speak up and continue to work through private diplomatic channels. I certainly agree with Assistant Secretary Kelly about that. Certainly the international academic community must continue its very vigorous advocacy on behalf of all of these academics. But I think much more must be done, and I would like to throw into the discussion here a few specific recommendations.

First, I strongly support Mr. Gilman's suggestion that the President should immediately appoint a special, personal envoy, a former representative or a former senator, perhaps a former secretary of state, to travel to Beijing to discuss the plight of these detained intellectual and other urgent cases. This envoy must make it clear at the highest levels of the government that these detentions could spoil the atmosphere for President Bush's visit.

The Assistant Secretary of State said today, we are relying on ongoing diplomatic interventions, but thus far they have not worked. Something more needs to be done.

I think the White House should also indicate that President Bush will be unable to accept the invitation for a state visit to Beijing unless China clarifies these cases and releases those being held solely for the exercise of their rights and belief of free expression and association.

Secondly, this message can be also delivered next month when the Secretary of State Colin Powell will be traveling to Hanoi for an important ASEAN meeting and will have an opportunity to meet in a bilateral way with his Chinese counterpart.

I also think it is time for the Administration to start talking to other governments, especially China's other major trading partners and governments that have ongoing human rights dialogues with China, and here I am thinking of Canada, Australia, Japan, the European Union, and others, to ask for their assistance.

The government of Hong Kong clearly has a responsibility here. Just last week Tung Chee-hwa, the Chief Executive, basically dismissed concerns about these detentions raised in the Hong Kong legislature, saying he was not worried about academic freedom in Hong Kong. If these people were arrested, they must be spies, he said.

I was in Hong Kong in April and met with Hong Kong government officials, and was amazed at their indifference to these detentions, despite the chilling effect that business people, legislators and others told me this was having on ongoing academic changes, and even business relations across the border with the mainland.

Secondly, congressional action, as has been noted, is crucial. You may remember just a year and a half ago another American academic, Son Yongyi, a librarian from Dickenson College in Pennsylvania, was in similar circumstances.

What got him out was not simply the routine interventions by our embassy and our secretary of state, though that was important, but it was the intervention of Congress. And I remember Representative Matt Salmon led a congressional delegation that met with Jiang Zemin, the President himself, and remember, this was in the lead-up to the debate on permanent normal trade relations.

I have no doubt, and I talked to Son Yongyi himself after he was released, that this single event had more to do than anything else with finally turning the key and unlocking the jail so that he could come home.

For this reason, I certainly support the resolution that you will be marking up tomorrow in this Committee. I also hope that the new commission on China set up by the PNTR law enacted last year, the new executive congressional committee, can finally get fully established and can send a high level delegation of members and representatives to Beijing in the coming months to reenforce this message from all Members of the U.S. Congress.

Finally, there is the role of business community. As has been noted here today, a number of these scholars have had ties and have even worked for American companies. And I think they should now be in the forefront, using their private channels and contacts in Beijing to urge immediate resolution of these cases.

Clearly, they must be concerned, and I think they are, that these kinds of detentions will have a chilling effect on the kind of research they need to continue to engage in economic activity to enhance the development of China. They should also be concerned about the impact of these detentions the longer they are unresolved on U.S.-China relations.

I think a delegation of CEOs might travel to Beijing, again to deliver to that message in person. And I should also mention that

companies are preparing a CEO forum in Shanghai at the time of the APEC meeting in late October, in all of their regular interactions with their Chinese friends and counterparts preparing for that CEO forum, I think they should be raising these cases.

Again, I think it is directly in the interests of American business, in these cases especially, to stand up for human rights and for academic freedom.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Mike Jendrzeczyk follows:]

PREPARED STATEMENT OF MIKE JENDRZECZYK, WASHINGTON DIRECTOR, HUMAN RIGHTS WATCH/ASIA

Thank you for inviting us to testify, and for holding this hearing on a matter of urgent concern. China's detention of four intellectuals of Chinese descent with ties to the U.S. poses a serious challenge to U.S.-China relations. In addition, another prominent scholar with links to Hong Kong and a businessman who is a permanent U.S. resident and is reported to be extremely ill have been detained. Two of the scholars have thus far been accused of spying, although no evidence has been produced by the Chinese government to justify the charges. Those detained include:

- *Dr. Li Shaomin*, a U.S. citizen, who teaches business at the City University of Hong Kong. He was detained on February 25, 2001 while on his way to Shenzhen where he operated a commercial website. On May 15, the authorities said he was being charged with spying for Taiwan, but have thus far produced no details of the charges. American consular officials have had regular access to him, but Chinese authorities refuse to allow him to meet with his lawyer nor have they revealed where he is being held. Dr. Li is a prominent sociologist whose work focuses on the issues raised in China's privatizing of its economy and on the use of advertising. He received his Ph.D. from Princeton University and was a post-doctoral fellow at Harvard University's Fairbank Center for East Asian Research. Dr. Li worked as a consultant for several major Western corporations interested in doing business in China.
- *Dr. Gao Zhan*, a U.S. permanent resident and research scholar based at American University in Washington, D.C. She was detained on February 11, 2001, and on March 27 was formally accused of spying for unspecified "overseas intelligence agencies." The Chinese government says she has confessed to the charges, but no evidence has been provided to support this claim. Her lawyers have been unable to obtain access to her, and her husband, Xue Donghua, has strenuously denied the charges against her. In contravention of the U.S.-China consular agreement, the couple's five year old son, a U.S. citizen, was detained and separated from his parents for 26 days without any notification to U.S. officials. Later both Dr. Gao's husband and son were released and allowed to return home. Dr. Gao's academic work focused on Chinese students, especially women, who return to China after a period abroad.
- *Wu Jianmin*, a U.S. citizen and former Hong Kong resident. He was detained in Shenzhen on April 8, 2001. According to the Chinese Foreign Ministry, he was suspected of being involved in collecting information endangering state security. Mr. Wu had worked as an editor at China News and contributed articles to the now-defunct newspaper Express News for a short period in 1996. He also published articles in the Hong Kong newspaper "Apple Daily" between 1995 and 1999. A former staff member at the Communist Party School in Beijing, Wu migrated to the U.S. in 1988. U.S. consular officials have had access to him, but his family and lawyers, as far as we know, have been prevented from seeing him. No charges have been officially filed.
- *Qin Guangguang*, a U.S. permanent resident. He was detained on December 12, 2000 and is being held by the Ministry of State Security. Qin graduated from China's Central Ethnic University and came to this country in 1989. He has been a visiting scholar at the University of Michigan, University of Chicago, and Stanford University. According to Radio Free Asia, in 1994 he was hired as the Beijing representative for an American pharmaceutical group. No charges have been filed against him, and as far as we know, U.S. consular officials and his family have had no access to him.
- *Dr. Xu Zerong*, formerly a student at Harvard University, with a Ph.D. from Oxford University. Dr. Xu was active in sociological research and helped to

publish the Chinese Social Sciences Quarterly in Hong Kong. He emigrated to Hong Kong in 1985. He was detained last fall when he returned to the mainland to assume positions as an associate research professor at Guangdong Provincial Academy of Sciences and as an affiliated professor at Zhongshan University. He is known for his work on the role of the People's Liberation Army in the Korean War. His current whereabouts and legal status are unknown. His family and lawyers have been denied access to him.

- *Liu Yaping*, a permanent U.S. resident. Mr. Liu is a businessman and resident of Weston, Conn. He was detained on March 8, 2001 in the city of Hohhot, Inner Mongolia. He had gone to China to start a business to design websites and was accused of tax evasion and other economic crimes; charges were formally brought on April 15. However, his family and other sources say he became entangled in a local power struggle. His lawyers have seen him only twice, both times briefly and in heavily monitored circumstances. They reported that he looks very ill. Doctors have told Liu's family that he has vision and speech problems, headaches and vomiting, and that he is suffering from an aneurysm in an artery leading to the brain, a potentially fatal condition. Chinese authorities have been urged to release Mr. Liu on bail for medical treatment, but have not agreed to the request.

Response of the Academic Community:

The detentions of respected China scholars have sent a shock wave through the international academic community. Many researchers are increasingly worried about the risks of working in China, and have taken extraordinary steps to speak out.

- On April 17, more than 400 leading scholars from fourteen countries as well as Taiwan and Hong Kong, all of whom work in the field of China studies, sent a petition to President Jiang Zemin. A copy is attached to my testimony. (The appeal was supported by the NY Academy of Sciences Committee for Human Rights, the American Association for the Advancement of Science, the American Sociological Association, and Human Rights Watch's Academic Freedom Committee.) They expressed concern about the vague reasons for the detentions, and called on President Jiang to demonstrate China's commitment to human rights and academic freedom by either immediately releasing the scholars or promptly giving them an opportunity to defend themselves in a court of law with international standards of due process. By signing this appeal, these scholars could risk losing their own access to China, but they apparently believe the risk is worth taking to make this statement of principle. Their appeal cites China's obligations as a signatory of the International Covenant on Civil and Political Rights (not yet ratified) and as a party to the International Covenant on Economic, Social and Cultural Rights, ratified by Beijing this past February. The latter document says in Article 15, "The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity." The detentions clearly violate the fundamental rights guaranteed in these U.N. treaties and "will likely deter other academics, especially but by no means only those of Chinese nationality, from freely pursuing their research in and about China for fear of suffering the same treatment."
- In early May, when Jiang Zemin went to Hong Kong to speak at an international business forum, over 100 Hong Kong scholars issued a public appeal on behalf of the detained scholars. This was an exceptionally risky and brave initiative. They stressed that the detentions have had "a particularly strong impact on scholars based in Hong Kong who travel to the Mainland regularly for professional and personal reasons. Many scholars have recently canceled their trips to the Mainland and others have put on hold their planned academic projects to be conducted in China . . . Given the vital role scholarly exchanges and scholarship have played in China's modernization efforts and their continued importance for China's success in the world of nations, we respectfully urge the Mainland authorities to indicate China's commitment to pursue the course of the rule of law . . . by releasing those scholars immediately or by identifying with sufficient particulars the illegal acts" they allegedly committed.

I would add that I visited Hong Kong briefly in April. Legislators, U.S. businesspeople, lawyers, NGOs and the U.S. consul-general all expressed deep concern about the detentions of Hong Kong-based academics. This issue is a crucial test of the "one country, two systems" formula for the SAR. If Hong Kong is totally powerless to protect its citizens from arbitrary arrest the minute they cross the border

into the mainland, this poses a serious challenge to Hong Kong's long-term viability and autonomy. Yet Hong Kong officials I met, including the SAR solicitor general, Mr. Bob Alcock, seemed strangely indifferent to the detentions. And last week, when he was questioned by the Hong Kong legislature, Chief Executive Tung Chee-hwa downplayed concern about the detentions, declaring that academic exchanges with the mainland are in no way threatened. If anyone was arrested, it was because they were involved in "spying" and this was not a violation of academic freedom, he said.

The "Rule of Law"

The detentions raise serious questions about the rule of law in China and whether it exists. There are safeguards in Chinese law which theoretically guarantee detainees access to counsel, limit the amount of time that can elapse between the date of detention and when the case is turned over to the procuracy for preparation of formal charges, and so on. But the law also contains many loopholes in cases involving "state secrets," subversion or espionage that allow security officials to hold any individual with virtual impunity and limited or no outside access.

Such arbitrary treatment in China is hardly unusual in a system in which the laws are applied in an unpredictable, inconsistent manner, where there are only extremely vague and open-ended definitions of "spying" and "state secrets," and there is no independent judiciary. In April, the State Department issued a warning that Chinese state security officials may be deliberately targeting Chinese-American citizens or residents, especially those who have criticized Beijing or visited Taiwan.

The scholars may be victims of an internal Chinese political struggle, or pawns in a game Beijing is playing to test the new administration of George W. Bush. Perhaps China intends to interrogate them, then release them at a convenient time to try to gain international credit. In the worst case scenario, they could face secret trials, without any due process under international standards, and be sentenced to prison terms with little prospect for early release.

Human Rights Conditions in China

It's important to recognize the context in which these detentions have taken place. I would like to briefly describe the overall political climate and general human rights conditions in China today.

The leadership of the Chinese Communist Party seems obsessed with maintaining its grip on political power, while at the same time trying to prop up its credibility by promoting economic reforms and market openings. The preoccupation with preserving social stability is a perennial aspect of one-party rule, but it has been fueled in recent years by a rise in worker and farmer protests, serious urban unemployment, and separatist movements in Tibet and Xinjiang. It is also related to the succession struggle now underway in Beijing in the run up to next year's Communist Party Congress.

Last December, as China's leaders became increasingly worried about growing social unrest, top officials began sounding the alarm, warning that China's entry into the World Trade Organization might trigger even greater unrest and instability. Wei Jianxing, a member of the Standing Committee of the Political Bureau of the Party's Central Committee, urged public security and judicial departments to crack down on "hostile forces both at home and abroad, elements that undermine ethnic unity, key members of cult organizations, criminal offenders and economic crime offenders," according to Xinhua, the official Chinese news agency (December 2, 2000).

Then, this past January, police officials called on all cities to beef up their anti-riot police, complaining that existing anti-riot police were poorly trained and equipped and "hardly capable of maintaining social peace and stability." Following the Tiananmen Square demonstrations in 1989, a paramilitary police force was created to handle large-scale protests. China's major cities are required to create anti-riot units of at least 300 officers. Meanwhile, the city of Beijing, as part of its bid to host the Olympics in 2008, has touted the creation of a new anti-terrorist squad, designed to prevent terrorist groups from disrupting the games.

The leadership gathered for a two-day National Public Order Work Meeting in Beijing on April 2, and, on April 3, President Jiang Zemin announced the launching of another major "Strike Hard" anti-crime campaign, making it clear that the authorities are determined to preserve social stability at all costs. The first such anti-crime campaign took place in 1983. Local authorities are given broad discretion to crack down on organized crime and corruption, suspected separatists, dissidents and others, using expedited arrest, trial and sentencing procedures. In the past, these campaigns have resulted in large-scale human rights abuses as even the minimal protections and legal safeguards in Chinese law are disregarded, and arbitrary arrests and summary executions become routine.

“The drive is not an expedient response to the recent explosions and other violent crimes, but a long-term endeavor to achieve the ultimate goal of improving China’s public order,” said Xiao Yang, president of People’s Supreme Court, according to Xinhua.

Already there has been an upsurge in arrests and executions. Amnesty International has cited China as the world’s leading executioner, with at least 1,263 executions in 1999 and 2,088 death sentences, many obtained through unfair trials and the use of torture to extract confessions. Many are given the death sentence for violent crimes. With the “Strike Hard” campaign underway, the government-controlled media is putting the public spotlight on the tough official response. On one day alone in April, it said, at least 37 persons were executed and 50 sentenced to death in several cities across the country. Mass rallies took place in cities in Guangdong province to announce the formal arrests of 5,485 people “suspected of involvement in organized crime, drug trafficking, and murder,” the official media declared.

But even before “Strike Hard,” throughout the year 2000 the Chinese government systematically suppressed independent political activities of all kinds. It tightened controls on the Internet, and increased restrictions on unofficial religious activity as potentially subversive, while singling out the Falun Gong meditation group for particularly harsh repression. Members of the China Democracy Party have been given prison terms ranging from less than five years to thirteen years.

Some of the worst abuses continued to occur in the ethnic areas, including Tibet and Xinjiang. In Tibet, Chinese authorities suppressed suspected “splittist” activities and exerted control over Tibet Buddhist religious institutions. Detention of monks and nuns for their peaceful pro-independence activities continued. China’s vice president, Hu Jintao, speaking at the National People’s Congress in March, said that “while legal religious activities . . . will be protected, illegal activities under the cover of religion must be resolutely stopped and punished according to law.”

In Xinjiang, the “Strike Hard” campaign is aimed at suspected religious fundamentalists, violent terrorists, and “splittists.” Last September, Premier Zhu Rongji visited Xinjiang and called for an “iron fist” approach to such groups. Human Rights Watch remains deeply concerned about Rebiya Kadeer, sentenced last March to eight years in prison. Once again, we call for her immediate and unconditional release and the release of her secretary, Kahrman Abdukerim, serving a three-year administrative sentence. Ms. Kadeer’s son was freed from a reeducation through labor camp this past February.

U.S. Government Response and HRW’s Recommendations:

We welcomed President Bush’s public statement on May 11, urging China to treat fairly U.S. citizens who have been detained; he also expressed support for expanded economic ties with China. Earlier, when Vice Premier Qian Qichen visited Washington, DC, President Bush raised the detention of Dr. Gao directly with Qian. If China is to be a reliable trading partner, the rule of law is essential, and China’s government must demonstrate its willingness to observe international rules and standards. This includes international rules and standards—which Beijing says it supports—governing respect for fundamental human rights.

Last week, the U.S. Trade Representative, Robert Zoellick, at a meeting in Shanghai, warned his Chinese counterpart that the mistreatment of Chinese-Americans visiting his country could create problems in the upcoming Congressional debate on renewal of China’s trading status. “We still have differences with China,” he said at a press conference, “We have differences in security matters. We have differences in the treatment of our nationals and residents.”

Clearly, the administration should continue to speak up, and work through private diplomatic channels at senior levels to quickly clarify and resolve these cases. The international academic community should continue its advocacy. But more must be done. We would recommend the following initiatives:

1) Appointment of a special envoy:

The President should immediately appoint a special, personal envoy to travel to Beijing to discuss the plight of the detained intellectuals and other urgent cases, their legal status and humanitarian needs. His envoy should make it clear at the highest levels that these detentions could spoil the atmosphere for President Bush’s attendance at the Asia-Pacific Cooperation (APEC) forum in Shanghai in late October. The White House should indicate that President Bush will be unable to accept the invitation for a state visit to Beijing unless China clarifies these cases, and releases those being held solely for the exercise of their rights of belief, free expression and association. The administration should also insist on broader progress on human rights and religious freedom prior to the president’s planned visit.

This message can be reinforced when Secretary of State Colin Powell travels to Vietnam late next month for the ASEAN (Association of South East Asian Nations) annual meetings, and will likely have an opportunity to meet with the Chinese foreign minister.

The administration should approach other countries with close ties to Beijing—including China's other major trading partners and those conducting bilateral human rights "dialogues" with China such as Canada, Australia, Japan, and the European Union—to ask for their assistance with private diplomatic appeals.

2) Congressional action:

Several members of Congress have written to President Jiang about the detentions. One such letter is attached to my testimony. I urge members of this Committee to directly contact the Chinese ambassador and in other ways communicate their concerns to Chinese authorities. A "sense of the Congress" resolution expressing deep concern and calling for action by the Chinese government—and the U.S. administration—would certainly be helpful.

Under the PNTR (Permanent Normal Trade Relations) bill enacted last year, a Congressional-Executive Commission on China was created to promote human rights, labor rights, religious freedom and the rule of law. Thus far, the Senate leadership has appointed members, and I hope that the House leadership and the executive branch will move quickly to get all the commission members in place. Sen. Chuck Hagel was appointed as chair by Senator Lott. The commission should take up the cases of the detained scholars as one of its first urgent matters of business, and perhaps convene a panel of distinguished jurists and academics to lend their assistance.

3) Business community:

Several of those detained have strong connections with the U.S. business community. Some have worked for U.S. companies. American businesspeople should use their personal contacts in Beijing to protest the detentions and underline the chilling affect these actions have on those doing research related to China's economic development, as well as the negative impact on relations between the U.S. and China. A delegation of CEO's might travel to Beijing to deliver this message as a group.

Companies involved in the planning of a CEO forum in Shanghai at the APEC meeting should repeatedly raise these cases in all of their meetings with Chinese officials involved in APEC.

Mr. SMITH. Mr. Jendrzeczyk, the good and honest reporting of Human Rights Watch/Asia, as well as your other bureaus, bring clearly to the fore exactly what governments are doing. The information that you provide about the People's Republic of China has been very illuminating.

Professor Waldron, you mentioned a moment ago the issue of torture, internationally recognized as that definition is, that it almost assuredly is being applied, whether it be sleep deprivation or some other means, the mental cruelty that can be imposed by ongoing, nearly nonstop interrogations, the lack of food and other things.

Is there any evidence that you know of that the hostages, including our two American citizens, are being subjected to torture at this point?

Mr. WALDRON. Well, as Assistant Secretary Kelly indicated, we have almost no information, honest information at all about how they are being held. However, do we know a good deal about Chinese interrogation procedures.

One of the papers that has been circulated I would recommend to you this, "The Assertive Nightmare" by Kang Zhengguo, who is someone who teaches at Yale, who was simply detained for a few days when he was visiting his hometown. I mean, they did not sort of hang him up and prod him with electric cattle prongs.

But they put him through a kind of a hell, and I have no doubt that, according to their standard practices, you do not get sleep,

you do not get food. They keep you nervous and worried. You have—and they have highly choreographed methods of interrogating. You know, they have a tough cop, and then they have a nice cop. But they are much more sophisticated than anything that we do that way; whole scripts that are kind of worked out, real mind games, in addition to just the physical discomfort, and of course separation from family.

I mean, how would you feel if you had no reliable word say for 30 days about loved one?

I mean, I call home every night when I travel. I would do it every hour if I could afford it.

Mr. SMITH. And the object of that cruelty is to procure a confession?

Mr. WALDRON. Yes. The end game is to break the person. I think that is what we are talking about here—break them psychologically, and I think this is being done for an audience composed of people of Chinese ancestry both in China and around the world who might think of using their brains or speaking out. It is what is called in criminology generalized deterrence. You know, it is kind of a public execution.

If you can take one of these Americans and you can break them so that they are humiliated and make a confession, then there are lots of other people who are not going to speak out. That is at least is what is in the mind of the government.

Mr. SMITH. Mr. Jendrzeyczyk, did you want to comment on that?

Mr. JENDRZEJCZYK. Yes. I would just add, there are many other cases like this, as Dr. Waldron has indicated, where the psychological pressure is key to getting the kind of confession that would then allow the Chinese government to claim victory.

And I also want to warn the members of this panel that we may be facing in the coming months trials of one or more of these individuals. We may be handed pieces of paper that are so-called signed confessions. This is a risk. This is a serious risk, I think, that these individuals face, which is why I think urgency is required. The longer they are held and they longer they have not confessed, I think the greater the risk that at least some of them may be put on trial precisely for the reason that Dr. Waldron mentioned; to send a message to others, and that I think would be something we want to want to avoid at all costs, especially because the criminal procedure laws amended in 1996, if anything, gives the state security forces and the police even more discretion in holding individuals, interrogating them without access to counsel, and even putting them on trial secretly, which is clearly what could happen if that should take place in any of these cases.

Mr. SMITH. Ms. Liu, if I could ask you—and Mr. Xue, you might want to comment on this as well—in your view has the United States Government been sufficiently aggressive in trying to effect the release of your loved one, or do you believe that perhaps now is pretty much the starting point, where everyone perhaps can get more engaged?

Ms. LIU. Well, actually, we do not have any information from China. We are not allowed to talk to my husband, and our lawyer has no access to them. But my father-in-law did get a call yester-

day, and the Chinese government inform him that my husband is indicted.

According to China's law, the trial could begin in 10 days, and I—the one thing I am sure is that there will be not be a fair trial for my husband because from what they have been done, they said a confession. The confession usually are forced confession, and that is the result of mentally and psychologically tortured and abused.

So I am here not—I do not want my Government to ask Chinese government for a fair trial. I want my Government to ask Chinese government to release my husband.

Mr. SMITH. Excellent point.

Mr. JENDRZEJCZYK. I would just like to add that I noted that Mr. Kelly did not indicate where these individuals are being held. And my understanding is, even in the few cases where consular visits have taken place, they have not been in the place of detention. And I think again this underscores the very tough game that China is playing. I think this is a question the Committee might seek to ask clarification for following this hearing. What information does the Administration have, if any, about the possible places of detention, and what else might it do to try to obtain that information?

Thank you.

Mr. WALDRON. Could I just add something?

Mr. SMITH. Yes, please.

Mr. WALDRON. It is very important we are even using words, trial, lawyers, so on and so forth. Those really are not the appropriate terms. The ministry, the so-called—you say it is the ministry of justice, what this descends from in China is what was called the Shing-bu, the ministry of punishments. And what we are dealing with in China is not a system of justice, but a system of bureaucratic coercion, and this is tragic. It is a horrible fact, but it is true, and I think it is important not to allow ourselves to be led astray by the sort of superficial similarities say in the kind of desks they use or some terminology.

What we are talking about is bureaucratically applied punishment and coercion. It has got nothing to do with adjudication.

Mr. SMITH. Yes, Mr. Xue.

Mr. XUE. Yes. Talking about torture, I think we are only talking about a physical torture. The emotional and psychological torture is far more than physical torture.

In my case, I was held for 26 days separate from my son, and they used my son as a hostage leverage. They do not need to beat me up. They just say sign this, and you will probably see your son. And sometimes the U.S. Government has trouble protecting her citizens, but I would do whatever for my son. If they can release my son, and actually when they released me, they give me a paper saying I will not disclose this information, please sign it, I will sign it. I mean, what can you do? Whatever you do is—you just need to get out. You just need to get—I just need to get my son out of there.

And the U.S. Government, are they doing a good job trying to get the scholars released? I think so far they are doing a pretty good job, but not as good as they tried for the crew members. And remember those 11 days when the crew members were in Hainan Island and the news was on—they were on the news every day. Gov-

ernment officials, President Bush, Secretary Colin Powell, were talking about the case every day in the news, and that put on huge pressure. And the Ambassador, the U.S. Ambassador in Beijing held almost daily talks with the Chinese officials about the crew members, even after the crew members were released what we're talking about every day is that plane. I mean, for this scholars case, I did not see the same effort like the crew members.

Thank you.

Mr. SMITH. Yes, Ms. Liu.

Ms. LIU. We are happily to add about abuse and torture. For my husband's case, the Chinese government took away all his books, even the Bible that I sent to him was taken away. People like my husband, he has a very active mind. He reads constantly. If he has no book to read, and sits somewhere that nobody knows, and totally—probably just by himself, I think what they do is use his own mind to torture himself. That is a torture. That is mental and psychologically torture too.

Mr. SMITH. Let me just ask one final question, and then yield to my distinguished colleague.

In your opinion, should President Bush attend the APEC meeting that is upcoming if the hostages are not released, number one? And secondly, do you see a pattern?

Some years back we saw the crackdown on the pro-democracy activists. People like Wei Jingsheng were let out, you remember, in order to try to get the Olympics, which they did not get. As soon as that happened, he was re-arrested and put back into custody, and the same miserable life was imposed upon him.

When Harry Wu was re-arrested, the Beijing Women's Conference was in the offing, and the First Lady and others were planning on traveling to Beijing. I ended up going myself. But we held hearings, we made it very clear that there should be no U.S. participation, and certainly not at the level of the White House, if Harry Wu were held.

And now we have a situation where for business reasons APEC will be meeting in Shanghai, and Americans will be held on trumped-up charges, and I thank you, Professor, again for reminding us, this is trumped-up. And, Mike, you as well. We are talking about a situation where due process really does not exist.

First, they went for the pro-democracy people, then they went for the religious believers, whether it be Falun Gong, the Catholic bishops, the underground house church. The bottom line is that there are thousands of people suffering the cruelties of torture, and torture is widespread in China.

Last year the *Country Reports on Human Rights Practices* reported that 100 Falun Gong that we know of were tortured to death because of their spiritual practice, their exercises, having been construed to be enemies of China.

And now they have gone another notch, after the scholarly and the business community people, in this case holding Americans with impunity.

Should Bush go? Should he not go? And do you see a pattern, first the pro-democracy, then the religious believers, anyone who steps out of line? Now they are going after scholars and business people.

Mr. JENDRZEJCZYK. Mr. Chairman, if I could answer just briefly. There may be a pattern here. It may be that these are pawns, are bargaining chips as you suggested, that may be used in the coming months because of other bilateral concerns of interest to the Chinese, and that releasing these individuals of strong interest to the U.S. they believe might earn them some goodwill here. That is a possibility.

On the APEC question, I remember the first APEC meeting in Seattle in 1993. This was at the height—it was actually the early stages of the debate here over most favored nation trading status. The meeting took place in Seattle. The President of China, Jiang Zemin was there. President Clinton met him, but it was a frosty meeting and it was clear in the photos and in the discussions and press briefings later.

I think that is a model that President Bush may want to emulate in Shanghai. I actually think the Shanghai APEC summit is much more important for broader reasons that go way beyond China.

And frankly, what I think is more important to the leadership is a state visit in Beijing, which President Bush has been invited for. And my understanding from conversations I have had with White House and State Department officials is that that state visit has not yet been officially accepted, though the President has indicated, as Mr. Kelly said today, he does now intend to go to Beijing. I think the Chinese should get a clear message that that could be off the table.

The President is clearly also expected to visit other capitols in Asia. Suddenly his schedule could get very tight.

Mr. WALDRON. I basically agree with that. I think there is another pattern—I think this is chiefly aimed at Chinese and ethnic Chinese. There is no question in my mind that that is who the target is. But the pattern that worries me is the degree to which the public, the business sector, the world and foreign policy accept the existence of really flagrant human rights abuses, worsening human rights abuses and illegalities in China as somehow being sort of being normal; that one does not go on about these things because it interferes with this and that.

And I think therefore it may be necessary at this point to get attention, and therefore I thought the idea of having the President meet the families is a good idea. It is hard for me to see that it would be wise for our President to go to China if we have not had progress on these things.

Mr. XUE. Well, I think Secretary Colin Powell should go and personally deliver the message for President Bush that the President would not go until the scholars are released.

Ms. LIU. Yeah, I think so, the President should not go if they are still holding all those detained scholars. I think the U.S. Government should stand formally on principles to protect human rights and freedom.

Mr. SMITH. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, and I certainly want to thank Ms. Liu and members of our panel for their fine testimonies.

Unfortunately, the members of the Administration that testified earlier are not here. I would have liked to have asked a couple

more questions following some of the comments that had been made earlier by Professor Waldron and Mr. Jendrzeczyk. I thought Faleomavaega was hard to pronounce.

Ms. LIU, I just wanted to understand a little more. Were you and your husband originally from Hong Kong?

Ms. LIU. No. We are originally from Beijing.

Mr. FALEOMAVAEGA. And you came to the United States under a student exchange program or how did you—

Ms. LIU. Yeah, we come to the United States to study under a fellowship, scholarship.

Mr. FALEOMAVAEGA. I see. And then eventually your husband got his doctorate from Princeton University?

Ms. LIU. Yes.

Mr. FALEOMAVAEGA. I see. Your husband—was teaching in Hong Kong for all this time?

Ms. LIU. He went to Hong Kong in 1996. It is about 5 years.

Mr. FALEOMAVAEGA. Five years.

Ms. LIU. Yes.

Mr. FALEOMAVAEGA. And you, yourself, also taught with him there in Hong Kong?

Ms. LIU. Yes, I went to Hong Kong in 1998, about 3 years ago.

Mr. FALEOMAVAEGA. I see. You know, one of the things that I know many Americans do not realize is that our country hosts over a half a million—over 500,000 foreign students attend American colleges and universities. And I do not even think many Americans know that the largest portion of those numbers are the students from the People's Republic of China; 55,000 students.

So I guess, Ms. Liu, you and your husband were among the 55,000 that came to the United States to get an education.

Do you think that perhaps they were a little annoyed with the fact that you and your husband eventually took up U.S. citizenship and decided perhaps to change allegiance? Could this also be a factor as to why the government did this to your husband?

Ms. LIU. I do not think so. I think the reason for them to arrest my husband and other scholars is to send a message to intimidate other scholars. Like we have seen in China, they have killed chicken to show monkeys. If you speak out, if you do your work, this is what you are going to get.

Mr. FALEOMAVAEGA. So, in other words, this is also a warning to the 55,000 Chinese students attending American colleges and universities?

Ms. LIU. Not only them—all other scholars who study, who do China studies, no matter of your skin color and no matter your country of origin.

Mr. FALEOMAVAEGA. But what—

Ms. LIU. Not just the Chinese.

Mr. FALEOMAVAEGA. But more particularly, students from the People's Republic of China?

Ms. LIU. Yes, now it is, but if we do not stop it, it could be others.

Mr. FALEOMAVAEGA. I see. The problem I have is that I do not want to suspend the bringing of more students from China to attend our American colleges and universities, but I think—is there

a high attrition rate of Chinese students who do not go back to China after being educated here?

I do not know what the numbers are and I was hoping that our friend from the consulate, Mr. Thompson would be here to give us some answers on this. I guess you do not have any information with regard to that?

Ms. LIU. Well, I do not have the information, but I know most of the Chinese students who come to this country to study want to have some contribution back in their country. And no matter if they are here or they are back to China.

Mr. FALÉOMAVAEGA. Yes. I see. You know, about a month ago I attended a special reception that was sponsored by the Asia Society, and for which our keynote speaker was none other than the People's Republic of China's Ambassador to the United States. Not only did he give a very eloquent speech, but I was very impressed by his countenance and his ability to articulate the issues of the day.

But given the fact that I think, Professor Waldron, I think you mentioned that he has made the comment that the People's Republic of China is a country of laws. I am beginning to lose faith in his sincerity. Our good Ambassador—and I am sure that some of his representatives are here in our hearing room this afternoon—he is losing his credibility as far as this Member is concerned if no good answers could be given to all the questions that have been raised as to exactly what Ms. Liu's husband has been charged of, and the whole process of why all of a sudden this happens to Ms. Liu's husband.

It is quite obvious as you said, Ms. Liu, this is a signal telling all Chinese students attending American colleges and universities that you had better not change your allegiance once you come here and get an education. And I suspect that maybe this is one of the things that the Chinese government is trying to make that known.

It is my understanding that the Chinese community outside of the People's Republic of China, in terms of the wealth that they hold, well exceeds over \$250 billion in liquid assets. In other words, if they want to invest right now in China, they have got the means and the ability to do trade, to conduct trade relations.

And what really escapes me is the fact that with all the complications and the policy issues that we have with Taiwan, there is currently, I think, there has been well over two million Taiwanese that have visited the People's Republic of China, and no problem coming back to Taiwan.

And here we are talking about only three American citizens who happened to be of Chinese ancestry that are causing all this commotion.

I want to ask Mr. Jendrzeczyk and Professor Waldron, do you get a sense from our Administration friends that they are not putting the pressure on as well as perhaps they could comparatively to what President Bush did for the 24 crew members?

Mr. JENDRZEJCZYK. I think they certainly have done a lot but it has clearly not worked, so they have to do more. I do not think they have any choice. The question is how to ratchet up the pressure and do it in an effective way.

And I would just comment on the business of Chinese scholars coming here. I think it would be very unfortunate to penalize Chinese who want to come here to study because of the actions of their government. In fact, the Chinese government probably would like nothing more but to see suddenly the opportunities for Chinese to come here to study to be cut off; that is, some in the Chinese government. Others, I think, recognize it is in the Chinese people's own long-term interest to have more such exchanges, not fewer.

So I would certainly caution against any attempts to scale back or reduce exchanges both ways. I think, in fact, we should, if anything, increase them.

Mr. FALEOMAVAEGA. Professor Waldron?

Mr. WALDRON. Yes, I basically agree with that. I think that it might be possible to exert some pressure by looking very carefully at say Chinese business operations in this country. Not everybody who is coming here is a bona fide student or even a bona fide businessman.

But I think Assistant Secretary Kelly was trying to make the point, I would make it a little bit more bluntly, which is that when you are dealing with China you do not bluff. And I remember once talking to some congressional aides about, well, what are we going to do. And I said, you cannot bluff. And one of them said, well, that is going to greatly reduce the range of options that we have available.

And one of the things I think this Administration has done rather well so far is to raise the bar a bit. It has laid down some markers, which I hope we can stick to, for instance, with the security of Taiwan, and other issues, democracy.

I think this is an opportunity to do the same thing. It is much more important to make a small change and then have it stick than—that is—it is much better to make a small change, exert pressure, make it stick, change the atmosphere so that they know that this is the new ball game, and it is not going to change.

The worst thing you can do is flail around and sort of grandstand with a lot of rhetoric about human rights and so forth, and then cave. That is worse than doing nothing at all.

But I do agree with Mr. Jendrzeczyk that clearly more has to be done, if only to make it clear to the leaders in Beijing that these are American citizens, that their rights are being violated and that this is intolerable.

Mr. FALEOMAVAEGA. Mr. Chairman, I had mentioned earlier to Secretary Kelly that I hope we are not going to have another hearing like this 6 months from now when our friends are still being detained in China. I hope sincerely that we will move forthrightly with the resolution that you have authored, and I want to commend you for your leadership in doing this, and let us move the resolution.

Thank you, Mr. Chairman, and thank you, Ms. Liu.

Mr. SMITH. The Chair recognizes Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman, and I want to commend our panelists for being here.

I still am not certain about the underlying reason why the People's Republic of China have created this kind of an atmosphere,

especially at a time they want WTO, and they want most favored nation, they want all kinds of things from us.

You mentioned allegiance, you have mentioned fear. What do you think is the main thrust? Why are they doing all of this? I ask the entire panel.

Mr. WALDRON. I think, when you are dealing with China, if you are sitting in Washington, the first temptation is to say, well, it has got something to do with the relationship with Washington because it is this inside the beltway sort of thing.

But in fact the first thing you should look at when you look at China is what is going on inside China, and there is lots of stuff going on inside China. If you are a weak dictatorship, hoping somehow to maintain power, there is a lot of stuff you are worried about because you have got more and more people in China who are beginning to behave like citizens.

I think that where we should look for the explanation of this—and I think the mistake that the Chinese government has made is—we heard this, it is almost amusing testimony, not knowing that this child is an American citizen. I think that they believe that in America immigrants and say people of Chinese origin are not going to be valued as much by the Government of the United States as, you know, the descendants of the pilgrims or something.

This is, of course, completely wrong, but this may have led them to think that there was not going to be much of a reaction in this case because Americans would not identify with these people as being Americans.

But I think that is key here, much as they value WTO and these various other things, they are most concerned about their domestic situation. Furthermore, they know that they have been able to engage in all kinds of brutal repression over the past 20 year and also have their economic cake at the same time. In other words, the countries of the world have learned, it is not that China has stopped abusing human rights, it is that the countries of the world have learned to stop protesting.

Mr. GILMAN. Professor Waldron, are you intimating they are worried about their own internal problems because—

Mr. WALDRON. Yes.

Mr. GILMAN [continuing]. Of these scholars that will come over?

Mr. JENDRZEJCZYK. It is, I think, and you have heard it now over and over again from very senior Chinese leaders.

Mr. GILMAN. Mr. Jendrzeczyk.

Mr. JENDRZEJCZYK. Yes, thank you, Mr. Gilman. Their concern is about social stability, that as China joins the WTO, lays off more—millions of workers in the state-run enterprises, already there is a lot of unrest, as you know, in the so-called ethnic minority areas, that these protests and the unrest, both in urban and rural areas, will increase.

So I think these detentions may be part of a broader pattern of internal struggle related to this growing unrest, the concern of the party to maintain social stability at all cost. And as Arthur, Professor Waldron hinted, the upcoming party congress where as you know next year there will be a new leadership. There is a succession struggle very much underway, and it could be these individuals are inadvertent pawns or caught in the middle of that struggle

between different ministries and agencies within the government. That certainly is one possibility, Mr. Gilman.

Mr. GILMAN. All right, so now we are confronted with what more should we do. Do we send over special representatives? Does a congressional delegation go to see how they are being held or where they are being held? Do we withhold some financial assistance or something that China is looking for, such as WTO? What do you feel is the most important thing we can do at this point?

Mr. JENDRZEJCZYK. I would stress two things: Increase the bilateral pressure in a number of the ways you have just suggested; and reach out and get our allies, friends and other governments that have access, and business people who have already, I know from talking to them, concerns about this and the long-term effect if this pattern continues and these cases are not resolved.

I think we have to use all of those levers in a very urgent manner before these cases fall into obscurity because I—I agree very much with some of the concerns voiced by the family members here, and they are only two of the representatives that are here in Washington. There are others who, as you know, are permanent residents or U.S. citizens who are not here. And I think they have great grounds to worry the more these cases seem to fall lower on the agenda of the Administration rather than higher.

Mr. GILMAN. Professor Waldron, do you want to comment?

Mr. WALDRON. Yes, I think that those are excellent suggestions, particularly the one—they are all excellent, but I would particularly stress the idea of getting allies and others involved. In a case like this there are a lot of people who are willing to hold our coat, but they are not necessarily going to jeopardize their own beneficial trade links or something. But if we got a group, if we get a group, then that will make a difference.

I would also like to see very explicit statements from the highest level of Government, from the Secretary of State, from the President—a nice photo-op. The President so far has demonstrated a certain steeliness of will when it comes to going against a certain kind of tide. He met with the Dalai Lama, for which I strongly commend him. I think he could easily meet with these families and that a nice photo-op like that would make it very, very clear to the leaders in Beijing that whatever else they might think, they have a problem with the United States as long as these people are detained.

Mr. GILMAN. Thank you. I think that our Chairman has already made a request to the Administration that the families do met.

Mr. Xue, do you have any more you would like to suggest?

Mr. XUE. Well, I think the Chinese government, they are totally different than the U.S. Government. The Congress, they think that Congress is just a rubber stamp. A letter from the Senator or a Congressman to the Chinese leaders, they are just saying, this just looks like it is from a Representative in China. That means nothing.

But if a letter or a public statement from the President, which means the same level as Jiang Zemin, they will treat that seriously.

Mr. GILMAN. Thank you, Mr. Xue.

Ms. Liu?

Ms. LIU. Yes. I think this has to come from the highest level of the U.S. Government, we are doing this to fight the Chinese government. If it does not come from the highest level of this country, and it is not effective, which means that President Bush should talk for the detained scholars because Chinese always believe in the simple. They fight simple with simple. And we should do the same thing to them.

Okay, that is why I would think, as some suggestion here, that it would be very effective if we can meet with President Bush, and that will send a clear message to the Chinese government.

Mr. GILMAN. Thank you. And just one last question, Mr. Chairman.

Now that your family members have been formally charged, have they been allowed after the charge to consult with their lawyers?

Ms. LIU. No. And my husband has not been allowed to see his lawyers until today, and actually we got information yesterday that he has been indicted, and he is still not allowed to see his lawyer.

Mr. GILMAN. And Mr. Xue?

Mr. XUE. Yeah, we—I have two groups of lawyers. I have an American lawyer and law firm in Beijing which include four Chinese lawyers working on this case.

Mr. GILMAN. Have they been allowed to consult with—

Mr. XUE. No. Yesterday they made—the Beijing lawyers—they made a fourth attempt to visit my wife. They promised them, they don't want to—they just want to see my wife, see if she is alive.

Mr. GILMAN. Have they been denied that?

Mr. XUE. They were denied four times. So they wrote a letter—actually, it is not a letter. They filed a report to the Beijing city People's Congress because they think this denial is a violation of the Chinese law.

Mr. GILMAN. Have our embassy officials tried to meet with your family member?

Mr. XUE. No, I think they made an attempt to visit my wife, but they were denied also.

Mr. GILMAN. And Ms. Liu?

Ms. LIU. Yes. The U.S. Embassy in Beijing has met with my husband four times because he is American citizen. According to Consular Treaty, the U.S. consular can meet Americans in prisons at least once a month.

What the Chinese have been doing is give them a minimum, only once a month. Every time the meeting is very brief and the Chinese monitor them very closely. So basically they do not get any information about the case and my husband is not allowed to get any letters on paper to me. He can only talk and consular dictates the message for me. And the message he is allowed to send to me is that he loves us, he loves me and his daughter and his parents. He misses us very much and the message to give my daughter is study hard. If you are tired, just think that you are doing this for your Daddy. And for his parents, he just said please take care of yourself.

And the message I send to him is also similar message. Nothing can be related about his condition and of the case.

Mr. GILMAN. Thank you very much. I want to thank our panelists for their very concise statements and for giving us the motivation to do a lot more.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Chairman.

Mrs. Davis.

Ms. DAVIS. Thank you, Mr. Chairman. It has been a long afternoon for our panelists so I am not going to keep you too long.

I am a mom myself so I know what your children must be going through, especially you, Mr. Xue. My children are both boys so I just—I cannot imagine not being able to know if my sons were okay.

And I guess that brings me to my question for you. Have you or your son from the day you were taken from the airport been able to see your wife?

Mr. XUE. No. Since February she has just disappeared. There is—we have no contact with her and no—I think the U.S. Embassy tried, lawyers tried, the International Red Cross tried, and Senator Allen, Congressman Wolfe tried, but so far—and my lawyer here from New York even went to China for this purpose, and the President of the American University, Mr. Latner, went to China for 3 days, to try to visit my wife. The word they have all given me was basically they are facing a stone wall.

Ms. DAVIS. So it is reasonable to expect that your wife does not know where you and your son are either?

Mr. XUE. Yeah, I do not think so, even some—

Ms. DAVIS. As a mother, I would imagine that is probably the hardest—

Mr. XUE. That is right.

Ms. DAVIS [continuing]. Torture in the world, not know if your son is—

Mr. XUE. It troubles me, some reporters, when they call me they say, “Are you sure your wife is still alive?” I can only tell them I do not know.

Ms. DAVIS. Ms. Liu, I assume the same thing with you. Have you had any contact yourself or Diana with your husband?

Ms. LIU. No.

Ms. DAVIS. That is all I have, Mr. Chairman, other than to tell you after the meeting in your office with Ms. Liu and Diana, I am very glad you took the lead in putting together this resolution. I am glad to be a co-sponsor of it with you, and I hope that we as Americans ourselves can do something to get these American citizens released.

Thank you.

Mr. SMITH. Thank you, Mrs. Davis.

I just want to observe that I think, Professor Waldron, you made a great point about making it stick; that grandiose policy statements are useless without the will to carry them through. And it reminded me of when President Clinton issued his Executive order right before Congress was ready to vote on MFN—and probably would have voted not to provide MFN to the People’s Republic of China. In lieu of that came this 1-year reprieve where significant progress in human rights had to be achieved or else MFN, most favored nation status, would be a goner for the PRC.

Many of us applauded the President. In retrospect, it probably was a cynical move on his part, and I say that with great sadness and regret. But the real bottom line was that during the course of that year—and this, I think, has implications for right now as we deal with the holding of American hostages—the Chinese government was taking the measure of the U.S. Government. And the President had spoken out very boldly. Again, the key boilerplate language in that Executive order was “significant progress in human rights,” and then articulated in it were several specific benchmarks that had to be achieved.

In every category, bar none, every single category, there was significant regression. And during the course of that year’s review several voices within the Administration, including our U.S. Ambassador to Beijing, Stapleton Roy, were sending the message openly that the PRC was going to get MFN no matter what. And it seems to me that we sent the message, as you pointed out—and other western governments, regrettably, followed suit—that human rights are rhetorical. When it comes to money the almighty buck speaks.

And I hope that this Administration learns from that, and when they say something—as I think they are showing—they will do it. And I think if this President, who cares deeply about the family and can empathize with family members being deprived of the love and affection of their own family members, will say, “I have got to intercede at the highest possible level,” and make that stick. Perhaps a meeting with the families. Perhaps not going to APEC. Send the message, as you said, Mr. Xue, through Colin Powell when he visits, and clearly and unambiguously, “We mean business. There are no games here.”

And I think the Congress is speaking increasingly with one voice on this resolution.

You mentioned that many of our allies like to hold our coat. I saw that personally when I went with Ileana Ros-Lehtinen and Lincoln Diaz-Balart to Geneva, to the U.N. Commission on Human Rights, and not one of our European allies would sign as a co-sponsor on our China resolution.

Yes, they all voted for it, but there were winks and nods. When you do not co-sponsor, when you are unwilling to put your name of the dotted line, you send a message that contracts and money trump—the Euro trumps human rights.

And my hope is that we can reclaim that. Our President has this opportunity that is very compelling. American citizens and people who live here, Chinese Americans who are being held as hostages, we need to speak out very boldly for them in unison with the White House. And my hope is that Beijing will get the message that this time we mean business.

And unless any of my colleagues have anything to add, or any of our panelists would like to add anything at this point for the record—

Mr. FALEOMAVAEGA. Mr. Chairman.

Mr. SMITH. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, I appreciate all of your eloquent statement—your fervor and your commitment, bar excellence. I could not have asked for a better champion of human

rights, not only in this Congress, but certainly throughout the whole Federal Government. I commend you for that, Mr. Chairman. I sincerely hope that we will, not only for the resolution, but get the People's Republic of China's government's attention to this very serious matter.

Thank you and thank the panelists.

Mr. SMITH. Thank you.

Mr. GILMAN. Mr. Chairman, again we thank you for conducting this hearing. We thank our panelists for their time. And Mr. Chairman, I, for one, want to work very closely with you in pursuing this issue until we resolve it.

Mr. SMITH. I want to thank our Chairman Emeritus of the Full Committee, and also Chairman of the Subcommittee, for his comments. And Mr. Faleomavaega makes a good point, this is a bipartisan effort. We are speaking with one voice. We want our hostages home, and we will keep working aggressively until that is achieved.

I thank our distinguished witnesses. The hearing is adjourned.

[Whereupon, at 4:40 p.m., the hearing was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE BARBARA LEE, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Thank you, Mr. Chairman and Ranking Member Lantos, for holding this important hearing.

A number of my constituents have written me to voice their concerns about human rights abuses in China and most recently about China's arrest and detention of American citizens and permanent residents.

I share those concerns. While China seeks to join the community of nations in the World Trade Organization and while this Congress last year chose to reward China with Permanent Normal Trade Relations, this country holds American citizens and residents on baseless charges.

Earlier this year, they held a five year old child—a U.S. citizen—for weeks! Apparently their fears of spying run very, very deep if they must arrest a kindergartner.

As President Bush prepares to go to Shanghai, it is imperative that we address these and other fundamental questions about China's treatment of American citizens and residents, as well as its treatment of religious groups, Tibetans, and millions of others who live within or cross its borders.

QUESTIONS FOR WITNESSES:

For State Department Witnesses:

1. The Chinese government appears to be targeting Americans of Chinese descent who travel within its borders. Will the Administration take any steps to safeguard the rights of its citizens?

2. Given this record of arrests, is it safe for Americans, particularly Americans of Chinese descent or origin or individuals who have visited Taiwan, to travel to China?

For Mr. Xue and Ms. Liu Yingli:

1. Why do you believe you and your relatives were arrested by Chinese authorities?

2. Mr. Xue: How long were you separated from your 5 year old son? Was he forcibly separated from you and your wife?

For academics:

1. What do you believe is the appropriate U.S. response to this pattern of arrest and detention?

SUPPLEMENTAL MATERIAL SUPPLIED BY ARTHUR WALDRON, PROFESSOR, DIRECTOR OF ASIAN STUDIES, AMERICAN ENTERPRISE INSTITUTE AND LAUDER PROFESSOR OF INTERNATIONAL RELATIONS, UNIVERSITY OF PENNSYLVANIA

International Herald Tribune for Michael Richardson, 1 April, 2001
 from Jonathan Mirsky
 catch: arrested professors

Beijing's security services have sent a shiver of anxiety through the international community of China scholars by arresting three of them and charging them as spies. Xu Zerong, an Oxford PhD, based in Hong Kong but doing research at two institutions in Guangzhou, was detained last August and is charged with spying, reportedly for Britain. Gao Zhan, a PhD from Syracuse and based in Washington at American University, was detained in February while visiting China and accused of spying for an unidentified country. She is a Green Card holder. Her husband was detained for a month and released. They were separated from their five year old son, Andrew, an American. Professor Gao's husband, now back in the United States, says this: "When we were detained separately, I was told my son was kept in a kindergarten. I formally requested them to let my son to stay with either of us, or at least send him to stay with my parents or my parents-in-law because my son knows them. But they denied my repeated requests. They told me that the only way I could see my son was [if] I told them more stories opposing my wife. In fact, they were using my son as a hostage to push me to say something against my wife."

Also arrested in February, in south China, was Li Shaomin, a Princeton PhD and professor of marketing at Hong Kong's City University. He is an American citizen. He too stands accused as a spy. Li's father, Li Honglin, who now lives in Hong Kong, was a well-known mainland intellectual who 25 years ago began writing about the need for democracy in China. In 1989 he signed petitions supporting the Tiananmen demonstrators, and spent almost a year in prison.

China-watchers, especially those born in China and now working in American universities, are trying to make sense of these arrests, especially those of Professor Gao and her family. President Jiang Zemin was asked about the Gao case by reporters in Beijing, and President Bush raised the matter with Vice-premier Qian Qichen during his recent visit to Washington. Neither Chinese leader seemed willing to discuss the matter.

Theories and questions are whizzing through the websites on which China experts communicate. Are any of the prisoners really spies? Are their arrests random? Are they to warn President Bush not to harden his policies towards China? Are they a sign of bickering in Beijing between hawks and doves as the time nears for President Jiang to step down? Are Professor Gao, a Green Card holder, and Professor Li, an American, being held as a hostages, to be released in exchange for the Chinese colonel who recently defected in the United States? Are the authorities trying to discourage Chinese-born scholars who live abroad from pursuing "sensitive" research inside China? Is Professor Li being punished because of his father, or Dr Xu for his doctoral dissertation on the Korean war which may have included some sensitive materials, or for his recent article about Beijing's support for the Malayan Communists many years ago? Are the recently published "Tiananmen Papers," which purport to reveal top-level secrets from 1989, somehow entangled in all this?

Then there is the case of Song Yongyi. In late 1999 Dr Song, also a Green Card holder, was arrested while visiting China to buy materials about the Cultural Revolution for Dickinson University in Pennsylvania, where he was a librarian. Although such documents are legally available in China, he was charged with stealing state secrets. Dr Song's wife was held for two months, and after an outcry from almost the entire American academic establishment he was released in February, 2000.

Does something connect these cases? Professor Gao had some academic links with Taiwan; Dr Xu touched on forbidden subjects; Professor Li's father was a "black hand" during Tiananmen. Dr Song once wrote something critical about Zhou Enlai.

What they have in common is what happened to them. They were all handled in the way Beijing has handled irritating intellectuals and other ideological deviants since 1949. Nowadays, although they are no longer executed and the number of victims is smaller, they remain an endangered species: members of the Democratic Party, whose leaders are now all behind bars; Roman Catholics loyal to Rome and Tibetans who revere the Dalai Lama; senior members of the Academy of Social Sciences who write questioning articles about Tiananmen or Party corruption. Entire web-sites are swept clean of dangerous questions, such as what was going on in the school which blew up a few weeks ago because it was stuffed with explosives used by the children to assemble fireworks.

I once asked a staff-member of the State Council, who was visiting Hong Kong, if he could find out why I had been expelled from China after working there for years as a journalist. He told me that my “unfriendly” articles had annoyed a retired Party grandee. It was a personal decision, I was told, and no one would countermand it until the great man had died.

About a year before Tiananmen I asked another friend, high up in Party ideological circles and now in the United States, to explain why the authorities persecuted certain citizens, in contravention of Chinese law, although this stirred up much anti-China feeling abroad. He said there were two reasons: such victims could be used as bargaining chips when Beijing wanted something, especially from the United States. “But the real reason,” he said, “is because our leaders have always acted this way. If something angers them they can do whatever they like.”

Jonathan Mirsky was East Asia Editor of the London Times until 1998.

The Assertive Nightmare

by Kang Zhengguo

transl. Perry Link

A year ago, after my duties in teaching Chinese at Yale had wound up and the students had departed, I set out for my old home in Xi’an, China to visit relatives. Early in the morning on June 15, the fifth day of my stay in my mother’s home, I had a rude awakening. Before I had risen from bed, eight plainclothes agents of the local State Security Bureau burst in, tersely stated their purpose, and forced me to leave with them immediately.

They said they wanted a “returnee interview”—which was a standard thing, they said, and nothing for me to be upset about. It was just that my mother’s home was not the most convenient place for a chat, so they would need to use the sedan they had parked in a corner of the compound to bring me to a more suitable place to ask a few questions. The car made a number of turns and then raced toward the guesthouse of the nearby Electric Power Institute. First we had breakfast, those eight agents and I, in the downstairs dining room, and then they brought me up to the seventh floor to a room that had been prepared for me. From time to time I noticed other agents heading downstairs toward the dining room. It seemed they had moved in the previous evening to get things ready for me, and now were just getting off night duty. Agents kept popping in and out of the room, as if parts of some scheduled deployment.

The first item of business was to inspect my documents. The agents asked for my Chinese passport and my U.S. green card, and retained these for safekeeping. This little move, both they and I knew, was in fact the attachment to me of an invisible leg-iron. Every Chinese who goes home and gets into trouble knows that once your documents are gone, they’ve got you. Even if they let you go, you can’t move. So there I was, still groggy from sleep, not having given proper thought to what all of this was—a leftover nightmare grabbing part of my morning, perhaps?—when suddenly I realized I was under comfortable detention in a guesthouse.

They called it a “chat,” but it was a formal interrogation—it just started gently, that’s all. In order to relax the atmosphere, they explained, they had specially recalled an old acquaintance of mine, a man who had interrogated me for six months after the Tiananmen events of 1989, to start things off. I understood the terms of such interrogations, because I had been through them before. The questioner begins from the assumption that you are guilty of many, many crimes and that the police already know the details of all of them. He does not say what the crimes are; it is your role to show your sincerity and earn forgiveness by confessing. The purpose of this approach is to get as much out of you as possible. If you fall for the promise that “confession brings lenience” and spill out everything you know, you only get yourself and your friends more deeply into trouble. So I began by stating my own ground rules: since this was a “returnee interview,” not an interrogation, there would be no need for me to volunteer anything. Their side would have to initiate the questions, and it would have to stay that way from start to finish. I would answer what I could.

They began by asking about letters I had exchanged with friends in Xi’an after I had left for the West. Then they asked about my contacts in the U.S. with Liu Binyan and Hu Ping, two well-known critics of the Chinese government. They wanted to register their especially profound distaste for an essay called “The Crime of Counterrevolution and the Mendacity of Dictatorship” that I had published in the Hong Kong *Ming Pao Monthly* in 1995 after Wei Jingsheng had been sentenced to a second lengthy prison term. But both they and I knew that none of this added

up to “endangerment of national security” and that my responses were unlikely to yield much of value to them. Hence they were obliged to play their trump card, which revealed more directly why they had arrested me.

They were in possession, they said, of concrete evidence that necessitated my presence with them. They had searched the home of a certain elderly friend of mine the day before, and had confiscated all of the letters, magazines, and newspaper clippings that I had mailed to him after moving to America. Now they had some questions: What publications had I mailed to this friend? How many, all together? To whom else had I mailed similar publications? How many? On whose instructions had I mailed these banned publications into China? And so on. So now things were coming clear: my article supporting Wei Jingsheng had sparked their interest, and their raid on my friend’s house had delivered the goods.

This elderly friend of mine was retired, lived at home, and had time on his hands. But he maintained a lively interest in public affairs, and he kept a steady correspondence with me after I went abroad. He was always curious to learn, and wanted to use me as a way to get hold of information and opinion that were prohibited inside China. I was over fifty years old, had already been through enough of political battles, and perhaps should have demurred. But I somehow couldn’t be en-

Early the next morning, in the black before dawn, I was suddenly awoken by one of the handlers. Half-asleep, I saw before me a security agent whom I had not met before. He was using the last moments of my 12-hour “summons” period to read me a decision on “supervised residence.” The gist was that, from this moment on, I could be held for interrogation for up to six months; I would, moreover, be responsible for my own room and board expenses.

It was well known that the methods for persecuting people had shifted in recent years and that economic punishments now had been added to the mix. I suspected that they were planning a shakedown, so refused their request that I sign my name agreeing to “supervised residence.” They responded that the decision would take effect anyway, with or without my signature.

It emerged that their whole plan to “interview” me had run into some interference. This happened because, as soon as I had arrived in the guesthouse, I had called home and had asked my family to notify my friends and relatives in New Haven, Connecticut that I had been detained. The response from the U.S. had been quick, and had quickly reached high levels in Beijing, from where, it seems, word went down to Xi’an Security to be careful. As I look back now, all those procedures about “summons,” “supervised residence,” and whatnot seem likely to have been precautionary measures that the police threw in after their plan for me had met with this disruption.

Day three was the beginning of a weekend, and they told me that my matter would have to be resolved before the end of the work day. They kept urging me to write a new statement. Since I did want to get back home, I decided to relent and open the door to a solution. I deleted the two points that I had been insisting upon and that they had said were absolutely unacceptable. I was forced to acknowledge the crime that they had identified as mine: I had violated the State Security law that prohibits the “production, distribution, or reading of materials that endanger state security.” But my self-criticism finally did pass. About 6 p.m. they announced that “supervised residence is ending at this point.”

I returned to my mother’s home in a foul mood, feeling sour and violated. The three days of detention had swept away my zest for visiting relatives. I lay on the bed and replayed for myself, scene by scene, the various political tests my life had been through, beginning with those “reactionary statements” I had made during my student days right through to that protest poster that I had put up after the Tiananmen Massacre and that had almost got me arrested. Over the decades, a veteran “troublemaker” like me had produced quite a few of these specious “self-criticisms” in order to get past the interrogators. I lived in America now, and by rights could have ended all contact with these pettifogging functionaries, but the sentimental threads that pulled me toward family and hometown would not let go. So here I was, with no one to blame but myself, back for more—more humiliation from those dealers in “Chinese style” self-criticism who oblige you, on pain of detention, to accuse yourself in writing of the false charges of their choice. It’s been several decades now, and we Chinese are still hamstrung by the same old questions of opening the mouth to talk, picking up the pen to write, and reading what are you not allowed to read. A party and state that call themselves strong have stood on constant guard against the free expression of the people they rule. The naive optimism of an intellectual can nurture the recurrent hope that China will turn a corner, that *this* time we’re really going to get things on the right track. But then it always emerges that nothing fundamentally changes and we start over again. That is how, for people like me, writing self-criticisms can fall into a tired rut.

During the Cultural Revolution I was sentenced to labor re-education for my “reactionary thinking.” Later I was exonerated, but I still suffered a recurring nightmare. In it I saw myself re-arrested and re-entering the labor team to begin serving another sentence. When the pressure of the nightmare reached an apex I would awake with a start. For years this dream attacked me at night, over and over, like a ghost clinging to my body. Its spell remained in force until the time when I picked up my family and moved to the U.S. Then I thought I was finally rid of it. But no. Now, here in Xi’an, it had ambushed me again, and this time in broad daylight. That’s why I said near the beginning of this essay that I felt a bit fuzzy-headed upon entering that guesthouse: was my old nightmare coming back? Or had it now elbowed its way into broad daylight?

A person who heads home to see relatives, who re-visits the place where he or she was born and grew up, of course looks forward to pleasant times. But I, alas, had again run afoul the rude apparatchiks, and for no real reason. They had made me feel isolated and exposed, as if stripped of the clothing that covers those limp and helpless private parts. My three days in detention had left my family shocked and exhausted and had aroused worries in many of my old friends. Everybody was afraid that if I stayed in Xi’an longer something else might happen, and that things

might get out of hand. They urged me to hurry back to America while I still could. So I decided to cut short my filial visit to my mother. I changed my air ticket to an earlier flight back to the U.S.

Any Chinese who gets detained during a trip home to China also normally receives “send-off instructions” just prior to release. Your handlers tell you to seal your experiences inside yourself, just as you might seal exposed film inside a light-impenetrable canister. And they back this up with a threat: should you ever dare mention anything to the media, your next visit home will be even more rocky—in fact you might just forget about being allowed back into the country at all. This is the reason why, even though hundreds and thousands of people get harassed in things like “returnee interviews,” so few are willing—or dare—to tell what has happened to them once they reach the outside world.

On the day I was released, the State Security department head who had worked on me suddenly discovered that we had gone to the same school. Now she wanted to host me at a banquet to celebrate the completion of her department’s work. The royal treatment that followed for me produced in me an ironic ambivalence: the agents’ admonitions and warnings now took on the flavor of a word game, as their duty to harass me was clearly behind them. Now I was joining them in gazing at this resplendent banquet, this swansong of their noble enterprise, and it all made me feel that I had somehow become an accomplice in their mission to turn me inside-out and then back outside-in. The whole thing was, moreover, a fitting sign of the officially-sponsored commercialism of recent years: even an episode of arresting and then releasing somebody was ending in a little orgy of corrupt consumption. Of course, the messages that got passed along amid the clinking of glasses still had their point: for example, when you go back to the U.S. you should take care to protect the positive image of State Security; everything that’s happened here should be kept under wraps—let’s not have any loose tongues out there; and so on. And then some heartfelt advice, delivered in a voice almost trembling with human feeling: your mother’s getting up there in years, remember; someday you’ll need to come back for those final duties of a filial son. There were plenty of signs and signals flying around—all aimed at getting me to see that, so long as I had reason to come back to Xi’an, there could still be plenty in store for me.

We are all, as Sartre said, existential beings. Whether hard or soft, strong or weak, is determined only after we are put into situations and make our choices. If you want to be soft you can continue being soft; but if you choose not to be, you can stiffen your spine. I had been given some intimidating signals, and the reason why I held my tongue for nearly a year after returning to the U.S. of course had to do with certain worries I had about those murky threats. But there were other reasons as well. I have gone on at some length in this essay because I have wanted to try to capture the complexity of the whole matter. The things that a person must come to grips with while cutting and dodging through the cracks that lead into and out of China are more complicated, and more personal, than just an inflamed sense of political indignation.

In my own case, the reason for the long delay before I could recount events was that they were still too bound up with related issues. For example, the well-intentioned reproach and counsel that my friends and relatives directed at me came to be in some ways a bigger psychological problem than the intimidation tactics of State Security. Both in Xi’an and back in the U.S. there were people—including my wife—who made fun of my judgment. Spend good money to mail magazines to China? I had asked for the trouble, and had ended by cooking my own goose. The root cause of my humiliation was my own stupidity. My personal security had been violated only because I did not know how properly to care for personal security.

At one point when the police were pressing me to admit that I had harmed China’s national security, I collapsed into exasperation: “I didn’t organize any violence. I didn’t steal national military secrets or sell any economic intelligence—in what way did I harm national security? Is national security all that fragile? A few articles criticizing the judiciary, or the passing around of some things that the authorities don’t want people to read—things like that really threaten security?” The police found my efforts to reason with them laughable, of course. Yet still, even now, I feel the need to make my point: they can look up in their little books whatever empty rule they like and determine that I broke it. But I did not, in fact, endanger national security. The “national security” accusation is far out proportion to anything at my level. But that was, in fact, the way the National Security Law was supposed to work. It avoids precise language purposefully, because in practice vague regulations are much more useful. Indeed the whole functioning of the regime, from start to finish, is an exercise in covering truth and erecting barriers—and, as a by-product, generating garbage, both material and spiritual. There is human garbage as well. The “security” that is so treasured huddles behind barriers that are built from

falsity and garbage. That is why anything that reveals truth or that pushes garbage aside constitutes a threat to “security.” What is actually threatened in such action, however, is not national security in any true sense but only a splendid mendacity. A nation is composed of its citizens. Rightly conceived, national security means the security of all the ordinary people in the nation. A regime that brazenly violates the security of those same citizens is the true enemy of national security. To be genuinely secure, a society must have freedom of speech; a government that is afraid to face truth inevitably brings insecurity to the land it rules.

For the individual person who lives in an insecure country, who adjusts to routines under an unmoving cloud of intimidation, the best one can do is to ride along, angling for small benefits as one can. When the price becomes prohibitive even for something like reading an overseas magazine, what other “rights” does one have? Let’s look at my three-day detention again. State Security may have failed to change my thinking, but its goal of intimidation has largely been achieved anyway. I am not afraid to mail *Beijing Spring* to China again, but I no longer have willing recipients, and no longer have the same desire to reach out to them. Because the whole episode affected more people than just me. It also brought disaster down on that elderly friend of mine. I can sense that the Chinese people who were hurt or even just tainted by my case feel a certain resentment toward me, and want to keep their distance. They apparently feel that I have become a serious continuing threat to their security.

So why my delay in writing? A gross act of persecution can elicit a direct response of indignation. That much is easy. But a general atmosphere that results when your persecution forces the people around you to distance themselves, or to criticize you, has a corrosive power that can dissolve your self-confidence. It can leave you feeling helpless and frustrated, almost paralyzed, even if still brimming with rage. When you realize that you have tainted other people, or when loved ones express disappointment at your stubbornness, your once-firm resolve to fight back starts to melt away, whether you like it or not. Last year at Christmas and New Year’s I received almost no cards or greetings from Xi’an. The detention episode had thrust my social relations into deep freeze, and with one sharp chop had cut me off from my hometown and roots. I feel now that that place where I was born and grew up has been lost to me forever. And that’s why, whenever the matter comes up, feelings of disgust and absurdity overtake me.

I have never had an appetite for media appearance, or felt any attraction to the kind of fame that can come from telling one’s troubles in public, and for that reason, too, had no plan to rush to print with this story. I was afraid that people would watch it like an opera, “appreciating” it from a safe distance—or, alternatively, that they might see it as an attempt at vulgar self-promotion. Besides, I thought, not every personal story of suffering fits the bill for the media. I have my political position, and want to express my political attitude clearly. But a political position cannot encompass all human values. Our moods, feelings, and memories—and the people and things we treasure—cannot all be captured or explained in political expression. I was afraid that my tone of protest and accusation might seem hackneyed, and might even distort or obscure those other feelings—of sourness, astringency, and shame—that were important parts of what I went through. So I chewed my cud for a long time. Only when I felt I had happened across a way to conceive the whole thing properly did I stoke my engines to pour it out on paper. My goals were to clarify myself and to banish the cloud that haunted my mind; I also wanted more people to see what had happened, so that they might reflect upon it, note similarities to other cases, or derive some lessons. Especially now—as human rights conditions in China are worsening, and as it seems to have become “open season” on scholars who go back to visit relatives or do research—I feel a duty to step forward and speak. I cannot expect that my voice by itself will do anything to ameliorate the human rights situation in China. I do hope that others who might be affected by this problem can learn something from my account about how to handle it. If you are detained, for example, be sure to tell the outside as soon as possible; don’t just hope you can quietly plea bargain your way to a satisfactory result. Doing so only gives the other side what it wants: the chance to beat dogs behind closed doors. And don’t go along with the other side’s encouragement to confess your mistakes or guilt too easily. If you’re simply executing a procedure to get yourself released, then fine; but if their purpose is to pull out of your mouth the very materials they need in order to nail you, then you only trap yourself by talking.

I am now living in security again, while the battle to pull down barriers and sweep away falsity continues inside China. Here in the U.S. I can cry out, but it’s like shouting at a fire from the other side of a river. The moment a Chinese person steps out of China, he or she is largely separated from the struggles of the people

back home who, while lacking both rights and power, aim ultimately to create a national security that will use law to serve the true interests of everyone.

After returning to the U.S. from Xi'an I pursued American citizenship. That terrifying and absurd experience had ruined my ties to my homeland. The poet Wei Zhuang (836–910 AD) has written:

Until you grow old, do not return home;
Going back only breaks your heart.

My own sadness might be captured by changing the first line to, "Once you go out, do not return home." The philosopher Mencius, commenting on the effects of abusive government, said that "What drives fish deep into the water is the otter; what drives sparrows deep into the forest is the sparrow-hawk; what drives people toward [good rulers] Tang and Wu are [tyrants] Jie and Zhou." Today we might say, "What drives people out of China is a tyranny that ruins personal security." So just let it be that we are forced to abandon our hometowns; to be able to opt for security in the present day will be enough. Once we are settled, we can try to do something more.

SUPPLEMENTAL MATERIAL SUPPLIED BY MIKE JENDRZEJCZYK, WASHINGTON
DIRECTOR, HUMAN RIGHTS WATCH/ASIA

April 17, 2001.

His Excellency JIANG ZEMIN, *President,*
People's Republic of China,
Zhongnanhai, Beijing, People's Republic of China.

cc: Minister of Foreign Affairs Tang Jiaxuan
Minister of Justice Zhang Fusen

YOUR EXCELLENCY: We, the undersigned members of the international academic community working in the field of China studies, would like to express to you our deep concern over the recent detention of three academic researchers by Chinese authorities.

Professor Li Shaomin, who teaches business at the City University of Hong Kong, was detained on February 25 during a visit to Shenzhen. At this writing, the authorities have not stated why he was detained, or where he is being held. Prof. Li, a U.S. citizen for the last six years, is a much-published sociologist whose work focuses on the issues involved in China's privatizing economy and on the impact and use of advertising in China. Li Shaomin received his Ph.D. in sociology from Princeton University in 1988, and was a post-doctoral fellow at Harvard University's Fairbank Center for East Asian Research. He also worked closely with several major western corporations interested in doing business in China. He had frequently traveled between Hong Kong and mainland China in the past.

We are also deeply concerned about the arrest of Dr. Gao Zhan, a research scholar based at American University in Washington, D.C., who was detained in China on February 11 and was arrested for "spying" for unspecified "overseas intelligence agencies." Although Chinese authorities have stated that she has confessed to these charges, to date the Chinese Government has not provided any confirming evidence. Her husband, Xue Donghua, who was also detained without charge and later released, has strenuously denied the charges. Moreover, in contravention of China's clear obligations under the Sino-US consular agreement providing for prompt access to detained nationals by their consular representatives, the couple's five-year-old son, a U.S. citizen, was detained and separated from his parents for 26 days without any notification to U.S. authorities. Dr. Gao's academic work focuses on Chinese students, especially women, who return to China after a period abroad. She has been held in total isolation and denied access to counsel.

Finally, we are seriously concerned for the safety and wellbeing of Dr. Xu Zerong, who was detained by PRC State Security officers in Guangzhou last October. Dr. Xu, who holds a Ph.D. from Oxford University, is an associate research professor at the Guangdong Provincial Academy of Social Sciences and an affiliated professor at Zhongshan University. Before assuming these posts, he was a legal resident of Hong Kong, where he was active in publishing the Chinese Social Sciences Quarterly. It is not known what charges, if any, Dr. Xu may currently be facing. His family has reportedly neither been allowed to meet with him nor been informed as to where he is being held, and he has not been permitted to speak with a lawyer.

The extended solitary confinement of all three of these scholars, on the pretext that they are detained under what was intended to be the milder sanction of "supervised residence," is a gross violation of China's Criminal Procedure Law. This is rec-

ognized by Article 98 of the Ministry of Public Security's 1998 Rules on Procedures for the Handling of Criminal Cases by Public Security Organs.

Moreover, when China signed the International Covenant on Civil and Political Rights in October 1998, it made a commitment to strive to provide all individuals the right to be free from "arbitrary arrest or detention," and to guarantee all the "freedom to seek, receive and impart information and ideas of all kinds." In addition, Article 47 of the Constitution of the People's Republic of China protects the freedom to engage in scientific research and artistic endeavor. Furthermore, the International Covenant on Economic, Social and Cultural Rights, which China has ratified, stipulates (in Article 15): "The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity." The ongoing detention of Li Shaomin, Gao Zhan and Xu Zerong violates the above-listed fundamental rights. Their detention will likely deter other academics, especially but by no means only those of Chinese nationality, from freely pursuing their research in and about China for fear of suffering the same treatment.

Scholarly relations have been in the forefront of the process of improving relations between China and the rest of the world. Tens of thousands of scholars have participated in both directions and have contributed significantly to China's modernization and the enhancement of understanding between China and other nations. It is therefore with dismay that we view the deterioration of the climate for academic exchange and research, as demonstrated by the detention of scholars who have returned to China merely to conduct research and engage in other normal scholarly activities.

A vibrant civil society and the free exchange of views and ideas are essential for any healthy society and especially for a country preparing to embrace the global economy. We therefore respectfully urge your government to indicate its commitment to protecting and promoting academic freedom in China, and to upholding the vital role of scholarly exchange in building international understanding and trust, either by immediately releasing the three detained social scientists, or by promptly affording them the genuine opportunity to defend themselves against formal charges in a court of law following international standards of due process. (These include, of course, unimpeded access by the accused to legal counsel of their choice, and also—where relevant—regular access to and by their consular representatives.)

Thank you for your consideration of these urgent and important matters. We look forward to receiving your reply.

