

# RELIGIOUS FREEDOM IN CHINA

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

NOVEMBER 18, 2004

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## RELIGIOUS FREEDOM IN CHINA

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THURSDAY, NOVEMBER 18, 2004

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

The hearing was convened, pursuant to notice, at 10:08 a.m., in room 2255, Rayburn House Office Building, Representative Jim Leach [Chairman of the Commission] presiding.

Also present: Representative Joseph R. Pitts.

### **OPENING STATEMENT OF HON. JAMES A. LEACH, A U.S. REPRESENTATIVE FROM IOWA, CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Chairman LEACH. The Commission will come to order.

Let me just begin by observing that the Commission convenes this morning to hear several experts who have agreed to share with us their analysis of the intensifying government campaign in many parts of China against religious groups, individual believers, and practitioners. Religious freedom around the world remains among the most important issues of concern for most Americans, and for that reason, freedom of religion has been a central topic in our bilateral human rights discussions with China for many years.

Unlike Karl Marx who believed that religion was the “opiate of the masses,” our country’s founders held that ethical values derived from religion anteceded and anchored political institutions. It is the class struggle implications of Marxism, the exhortation to hate thy fellow citizen instead of “love thy enemy” that stands in stark contrast with the demand of tolerance built into our Bill of Rights.

From the American perspective, the real opiate of the 20th and the 21st centuries would appear to be intolerance, the instinct of hatred which becomes manifest in the individual and unleashed in society when government fails to provide safeguards for individual rights and fails to erect civilizing institutions adaptable to change and accountable to the people. Churches, religious schools, hospitals, and faith-based charitable organizations are the examples of this type of civilizing institution. Coupled with religious faith itself, such institutions can be a powerful force for tolerance.

Both the Congress and the Executive Branch have long stressed the importance of religious freedom in China. The Senate and House have frequently passed resolutions calling on Chinese authorities to respect the freedom of worship, belief, and religious affiliation guaranteed by international human rights norms.

In his first term, President Bush raised U.S. concerns about religious freedom with the most senior Chinese leaders, emphasizing

the importance of treating peoples of faith with fairness and dignity, freeing prisoners of conscience, and respecting the religious and cultural traditions of the people of Tibet.

The Chinese Constitution says that the government protects normal religious activity, but in practice, the government and the Communist Party require that religion be consistent with state-defined patriotism. Official repression of religion is particularly harsh in the Tibetan and Uighur areas, where religious conviction and traditions may frequently be interwoven with separatist sentiment. Chinese authorities often see separatist sentiment as a precursor to terrorism, even when religious practitioners express such sentiment peacefully and advocate non-violence.

In June 2003, the Commission convened a hearing to assess whether the rise of a new group of senior Chinese political leaders might augur a change in government policy toward religion. Our witnesses were not very optimistic about any such changes, at least over the short term. We also became interested in whether the new leadership group would encourage the social service activities of religious groups so that faith-based groups would take responsibility for some of the social services that governments at all levels in China can no longer sustain.

Roughly 18 months later, we have seen evidence of some increased official tolerance of faith-based social service initiatives in some places in China, but in general we have not seen significant liberalization of Chinese Government policy toward religion itself. Indeed, there is significant evidence of a tightening of repressive measures in many places in China.

With these comments in mind, let me introduce our first panel, which is a single individual panel. Our first witness is Preeta D. Bansal. Ms. Bansal is the current chair of the U.S. Commission on International Religious Freedom.

She is currently of-counsel to a Washington, DC law firm. She has held positions as a fellow at the Institute of Politics at Harvard, and she has served as solicitor general of the State of New York.

I might say, by education background, Ms. Bansal is a graduate of a defunct college. We will not hold that against you. Radcliffe apparently did a leveraged buyout with Harvard. [Laughter.] And she is also a graduate of Harvard Law School.

We welcome you, Ms. Bansal.

**STATEMENT OF PREETA D. BANSAL, CHAIR, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, WASHINGTON, DC**

Ms. BANSAL. Thank you, Mr. Chairman. Thank you very much for holding this important hearing today, especially focusing on this particular topic of religious freedom.

With your permission, I would like to submit full testimony for the record.

Chairman LEACH. Without objection, so ordered.

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

Ms. BANSAL. The Commission on International Religious Freedom has followed events closely in China for the past several years. Not surprising to you and to most of the people in this audience, the Government of China views religion, religious adherence, religious

communities, and spiritual groups such as the Falun Gong, primarily as issues of security.

The United States should not ignore this fact, and we should fashion policies and actions that integrate the right of thought, conscience, religion and belief, with our security and economic interests and our security and economic policies in China.

Several witnesses who will follow me today are going to talk about the situation on the ground and recent events about the crackdown on religious adherents in China. I would like to spend my time today talking with you a little bit about the importance of integrating freedom of thought, conscience and religion into a broader agenda with the Government of China, and also about some specific policy recommendations to achieve that end.

The Commission on International Religious Freedom views respect for freedom of thought, conscience, religion, and belief as a critical indicator of stable countries, stable trading partners, stable allies, and stable regions. We think it is no longer possible to treat human rights and freedom of thought, conscience, religion, and belief, in particular, as marginal, soft issues of foreign policy. The events of the past five years in this country have tragically reminded us that we ignore religion at our peril when we deal with countries abroad.

Although China is somewhat *sui generis* when it comes to the intersection of freedom of religion and belief with security and economic issues, I think it is fair to say that freedom of religion is not a side, marginal issue with respect to China, if for no other reason than the fact that the Government of China does not treat it as a marginal concern. Repression of individual rights and conscience occupies a central policy of this, and past, Chinese regimes.

China has made some impressive strides in promoting economic freedom. In the past decade, the Chinese Government has embraced some of the benefits of the free market, with dramatic results. The Chinese people undoubtedly have greater mobility, increased property rights, and greater access to information than they have in the past.

However, it can no longer be argued that human rights violations are temporary tradeoffs necessary to achieve economic development. In fact, we think the opposite is true. Achieving the full measure of economic development depends on improving human rights protections. Restrictions on freedom of speech and freedom of association, for example, stifle the type of communication needed to manage risk, root out corruption, and address environmental health and labor safety issues. Nor can China fully compete in a global economy when it restricts Internet access or censors the domestic or foreign press. The Government of China too often sees the free flow of ideas and the ability to act on these ideas as a threat to stability and prosperity, and not as a way to promote economic development.

Without going into great detail, which is contained in my written testimony, I just want to say that respect for human rights is also important for regional stability, both in China and throughout the region. Peaceful resolution of the Taiwan issue, for example, and the successful management of Hong Kong under the PRC's sovereignty, in many ways, will require respect for human rights. The

human rights gap in these regions and in these areas is a potential source of instability, particularly in the way that China treats its citizens in Tibet and Xinjiang, and undermines Hong Kong's political freedoms. Any social or political meltdowns in these areas will certainly involve Western, and other, interests.

Active attempts to control and restrict religious practice and activities of Tibetan Buddhists, Uighur Muslims, unregistered Protestants and Catholics, and various spiritual movements such as the Falun Gong, for example, have only caused more friction and social instability.

For example—and this is just one example of more that are contained in my written testimony—religion is a key source of identity for Tibetan and Uighur Muslims. Ongoing campaigns to promote atheism and to control religious expression and practice in Xinjiang and Tibet are fostering a widening division and resentment between the Tibetan and Uighur minorities and the Han Chinese majority.

As I mentioned at the outset, I am not going to spend a lot of my short, precious time in this oral testimony detailing past and current crackdowns and religious practice in China. I would like to talk about some specific policy recommendations that we have for better integrating religious freedom concerns into the U.S.-China relationship.

First of all, we think that effective external pressure requires a consistent and strong critique of China's human rights practices based on international standards. We need better interagency coordination of human rights issues into the full scope of our bilateral relationship.

President Bush, other cabinet heads, and senior officials have raised human rights and religious freedom concerns with China's political leadership and with the Chinese people themselves in public addresses. These are important steps that should be continued. However, we think that Congress, and this Commission in particular, can play a greater role in fostering interagency dialogue and interagency communication so that the different cabinet agencies and the different aspects of the U.S. Government that interact with China on a range of concerns consistently speak about human rights issues and that these are not shunted off to the side. We think that this Commission should play a role in making sure that all parts of the Federal Government speak with one voice when it comes to raising human rights issues at every turn.

Second, we think that bilateral human rights dialogues in China should be revisited, and perhaps strengthened. This is an opportune time to talk about those dialogues because, as we are here today, there are presently United States representatives in Beijing negotiating the resumption of these bilateral dialogues. In resuming these, there are several critical concerns that we have about the way these dialogues have been conducted in the past that we think should be addressed.

We recently had a forum on this issue where we brought in witnesses who are doing bilateral dialogues for a number of countries, and we heard their concerns and suggestions for improvement. We are now digesting those suggestions, but some of the issues that have come up in terms of the effectiveness of the bilateral dia-

logues include the lack of benchmarks. The dialogues have had no publicly stated goals, so it has been difficult to evaluate their effectiveness and content.

The lack of transparency is one problem. Most of the discussions and topic items on discussion in the dialogues are not disclosed, so it is very difficult for outside experts and groups to evaluate what was said, what went wrong, and what was accomplished.

A related point is the lack of consultation with outside experts and China hands in setting the agenda.

The lack of continuity is another concern. One of the things we heard frequently from most of the countries engaged in bilateral dialogues was that the Chinese Government officials participating in these dialogues constantly change from year to year, making long-term, and even medium-term, working relationships difficult. These concerns about the way in which the bilateral dialogues are conducted have been circulated for a number of years, but they have not dramatically affected the way the U.S. Government conducts our bilateral dialogues.

We think that Congress should require that the State Department submit a report annually to the appropriate congressional committee, detailing the issues discussed at the previous year's meetings, describing the extent to which the Government of China has made progress during the previous year. This kind of a system was recently mandated with respect to the bilateral dialogue with Vietnam.

The Religious Freedom Commission heard testimony recently from participants in the U.S.-Vietnam human rights dialogue, and we heard that the Congressional mandate was beneficial in establishing benchmarks and measuring progress in the way that the U.S.-Vietnam human rights dialogues proceed. So in this way, we think that Congressional involvement in the dialogues can provide the political capital needed to focus the dialogues on getting important roles met and setting attainable benchmarks.

Third, we think that the United States should continue to work toward a resolution at the U.N. Commission on Human Rights, and work for its passage at an appropriate and high official level. It is essential that bilateral and multilateral diplomacy work together to focus attention on China to improve its human rights practices, rather than working at cross-purposes. We fear that bilateral dialogues may have become a substitute for multilateral actions, so the United States should continue to seek such a resolution condemning China.

More importantly, we think that the United States should begin this process early enough so that a sufficient momentum can be attained so there is actually a reasonable possibility of passage. We think the United States needs to work at the multilateral forum as much as the bilateral dialogues in order to build an effective coalition, and we think that needs to be done at an appropriately high level.

Fourth, the State Department and other relevant agencies, we think, should take the lead in coordinating with other nations on technical cooperation and capacity building programs in China.

In just the last decade, the United States and several other Western nations have established successful programs for technical

assistance and cooperation, basically in the areas of legal reform and economic capacity building. These programs are intended to assist China in complying with its international and human rights commitments. Fifteen different countries are pursuing some form of rule of law, human rights, or NGO capacity building projects, and millions and millions of dollars and hours of labor are spent on these projects. But there is really no coordination as to methods, goals, outcomes, or viable partners. Just as we think that bilateral dialogues sometimes are not effectively coordinated among the various countries, we think that these capacity building programs can be better coordinated and the United States really should take the lead. We think the State Department, including USAID and other relevant agencies, should organize regular meetings of nations with technical cooperation programs, seeking to coordinate various programs across disciplines and nations. It is important to note that these kinds of technical assistance programs are actively sought by China. Even when the bilateral dialogue was canceled last year with China, technical support programs were not canceled. So, the United States should take the lead in improving and better coordinating the 15 countries' approaches.

Fifth, we think that the United States legal reform and rule of law programs should be calibrated to integrate religious freedom and related human rights into their programming goals. At the present time, the State Department does not have a legal reform program in China that relates directly to advancing the freedom of thought, conscience, religion, and belief. There are obviously numerous commercial rule of law programs, but the legal reform programs that have trained lawyers, who now represent those attempting to fight for their rights, in disputes that involve property, and various other sources, provide a source for internal pressure upon the Chinese Government to conform to international standards. So it seems appropriate and opportune at this time to fund legal reform programs that also integrate the information and expertise on the freedom of thought, conscience, religion, or belief into the other rule of law initiatives.

Sixth, we think that the United States should engage in a review of all foreign funding and public diplomacy programs for China to look at ways in which freedom of thought, conscience and religion can be integrated into our programming. The State Department, pursuant to the International Religious Freedom Act, should consult with the Religious Freedom Commission in advancing these goals.

Related to some of the other lack of coordination issues that I have talked about previously, there is a lot of different programming out there, obviously, with China. We think that it is time, based on what is happening on the ground, to really focus on religious freedom and related human rights and integrate knowledge, expertise, and information about that within the other programming that is already going on. It can happen through the USAID foreign aid funding, as well as State Department public diplomacy funding.

Seventh, we think that the United States should establish an official presence in Xinjiang and Tibet. Given that religious freedom and human rights concerns are central to the issues in these re-

gions, and given the growing economic development interests in the region, the United States should seek to establish an official governmental presence, such as a consulate in Lhasa, Tibet, and Urumqi, Xinjiang.

Finally, we think that the United States, and your Commission in particular, Mr. Chairman, might consider programs for providing incentives for businesses to promote human rights. The last five years, obviously, have brought a proliferation of corporate responsibility codes of conduct and monitoring programs. These activities are certainly laudable, and the example of John Kamm is a remarkable one, of United States business people being effective Ambassadors for human rights in China. But there is a problem in that the corporate conduct codes often vary widely and they do not contain non-discrimination provisions pertaining to religion and belief. So, we think that some order has to be brought back to the process, both to unite the United States business community around similar principles, and get back to the objective of Congress in the International Religious Freedom Act to engage the business community, to provide positive examples of human rights in China.

Given that conduct codes are voluntary, we think the one area that could be thought through and developed is offering incentives to businesses to establish innovative approaches to promote religious freedom and related human rights in China, and outside of the United States in general. Maybe the first place to start is to consider extending breaks on loans, insurance, and loan guarantees from the Export-Import Bank or from the Asian Development Bank. The Eximbank, in particular, is required to consider human rights in extending services to U.S. companies.

Given that China has recently ratified the International Covenant on Economic, Social, and Cultural Rights, there is an opportunity to mesh China's international obligations with voluntary corporate action. What is needed, again, is better coordination across industries and business sectors to determine best practices and viable incentives.

Mr. Chairman, given the bipartisan nature and reputation of your Commission, including several past hearings you have held on China's labor practices, we suggest that perhaps the CECC, or possibly the U.S.-China Economic and Security Review Commission, organize an international business roundtable with leaders in order to promote fundamental freedoms, including thought, conscience, and religion, and to incorporate those freedoms into ideas for action. There has been much discussion with the business communities on ways to protect labor practices, worker safety, and environmental standards as part of their corporate responsibility codes, but there has been, as of yet, little effort to integrate or to understand the role of freedom of religion and belief into those codes. We hope that any international business roundtable would emphasize the promotion of the right to religious freedom. Our Religious Freedom Commission and staff could certainly assist in planning and provide contacts for such an effort.

Mr. Chairman, no one can comfortably admit to knowing exactly how best to strengthen human rights diplomacy in China. This is an intractable and difficult issue, as you well know.

That is why, despite having two official visits by our Commission canceled, literally at the last hour, due to unacceptable conditions placed on our itinerary in China, we remain committed to visiting China with an appropriate invitation from the Chinese Government. We are seeking to examine conditions firsthand, if indeed that is possible, and to discuss policies and actions with those in China who are responsible for issues of religion and human rights. We hope that through honest and coordinated exchanges with the United States and other nations, that China's leaders will soon begin to recognize that, while prosperity and security may be playing a part in leading to national well-being, good standing in the community of nations will only be secured by protecting universal human rights for every Chinese citizen. Thank you very much.

Chairman LEACH. Well, thank you. Thank you for those constructive suggestions.

I would like to ask a couple of questions that are kind of awkward on the issue of motivation. We know the Chinese Government is apprehensive about religious freedom. One of the great questions is why.

Is it a philosophical apprehension, or it is an apprehension that is rooted in the concern that religion can be somehow used as a force against the governing bodies, particularly the Communist Party? There is an old Chinese model—there are a lot of Chinese models—and there is also a modern-day eastern European model in which the Catholic Church certainly was instrumental—particularly in Poland, but also in all of the eastern European states—in organizing against the Communist Party. There is also the strange model of the Taiping Rebellion in China, which was in the 1850s. But do you have a sense of why it is that the Chinese are so apprehensive about opening up on freedom?

Ms. BANSAL. I think it is related, in large part, to their concern about having any alternative center of allegiance and power within Chinese society that cannot be completely controlled by the Chinese Government. I think we see that, in part, through the Chinese Government's willingness to allow some religious activity, but only under very tight state control. So, it seems as though the issue has evolved, so it is not simply trying to root out religion, but it is trying to root out any form of civil society that is not tightly controlled by the state. It seems to be just a control issue and a fear of independent associations of people gathering that are outside state control.

Chairman LEACH. Well, there is an internal state control question, and then there are issues relating to China's nationalities. For example, do you see any great distinction between how the Tibetans are treated and how the Uighurs are treated? What do you see as differentiation between them?

Ms. BANSAL. I am not sure.

Chairman LEACH. What I am getting at, is this principally a nationalist concern or is it principally an internal control kind of set of issues?

Ms. BANSAL. I think it is probably a little bit of both. I guess my own personal view is that it is an internal control issue principally. There is some concern with so-called "foreign influences" on the

people. I think there might be a little bit of a nationalistic concern, but I personally view it more as just a control issue.

Chairman LEACH. How do you look at the treatment of Muslims in China?

Ms. BANSAL. The treatment of Muslims, especially out in the west, is very problematic. Like the central Asian model, China has used concerns about terrorism to justify widespread actions that root out, really, any expressions of faith.

Chairman LEACH. While not precisely religion, the Falun Gong describe themselves as a spiritual movement. What is the rationale for the crackdown on the Falun Gong? Is it different than the rationale you have described for the Muslims or the Uighurs? Is there something special about the Falun Gong that has caused such a comprehensive reaction to those who identify with this movement?

Ms. BANSAL. Again, it is hard, obviously, to define the motives. I am not sure the stated rationale as to the crackdowns is that different from any other stated rationale for crackdowns on other groups. I just do not know the answer to that.

Chairman LEACH. Well, thank you very much. I apologize. We have several other members that have committed to coming, and I had hoped they would be here to follow on with questions. But we may want to submit some questions in writing. Is that all right with you?

Ms. BANSAL. Please do. Yes.

Chairman LEACH. Fine.

Ms. BANSAL. Thank you.

Chairman LEACH. Thank you very much for that thoughtful testimony.

Our second panel is composed of Professor Pitman B. Potter. Professor Potter is director of the Institute of Asian Research at the University of British Columbia [UBC]. He is also professor of law and director of Chinese Legal Studies at UBC's Faculty of Law. Professor Potter was educated partly in this town at George Washington University, and holds a law degree from the University of Washington.

In addition, we have Reverend Bob Fu. Is Reverend Fu here? You might come and sit up here as well, Reverend Fu. Pastor Bob Fu is the president of the China Aid Association, which is an evangelical NGO focusing on persecuted Christians in China. Pastor Fu was involved in the pro-democracy movement in China as a student demonstrator, then turned to embrace Christ and His teachings in the early 1990s.

The third panelist—and I apologize for the pronunciations here—is Ngawang Sangdrol of Garu Nunnery, who was born in 1977 and entered the nunnery at a young age. She was detained in 1992 and imprisoned for peacefully demonstrating against the Chinese occupation of Tibet. Both she and her late father served overlapping terms in the Drapchi prison from 1992 to 1999 for their individual demonstrations.

The final witness is Joseph M.C. Kung. Joseph Kung is president of the Cardinal Kung Foundation located in Stamford, CT. The Foundation seeks to carry on the work of the late Ignatius Cardinal Kung Pin-mei by promoting Catholicism in China through prayer,

financial support, and other appropriate projects. Mr. Kung came to the United States from China in 1955.

I welcome each and all of you.

Unless you have made a prearranged agreement, I will go in the order of introduction. Is that all right with you? [No response].

So, we will begin with Professor Potter. Welcome, from Canada.

**STATEMENT OF PITMAN B. POTTER, DIRECTOR, THE INSTITUTE OF ASIAN RESEARCH, UNIVERSITY OF BRITISH COLUMBIA, VANCOUVER, BC, CANADA**

Mr. POTTER. Thank you, Mr. Chairman. I am honored to be here, and I thank the Commission for the invitation.

My topic is to address the issue of the regulation of religion in China, and this draws on my paper that was published in the *China Quarterly* last July on the regulation of religion in China, and also based on updates on my work both in Canada, and also in China, over the past year. What I would like to do is provide a bit of analytical context for understanding the conditions of religious regulation in China. We are all aware of the intensity of the religious revival that has been going on in China for some years, but I think it is also important to recognize the importance of broader social changes in China that present numerous challenges for the government.

I think it is fair to say that the current president and the new policies of the current government are very attentive to issues of social wellbeing and social welfare, but they are equally committed to issues of social and public security. That balance has been very difficult for them, and that is one of the reasons why religion is seen as, in part, a bit of a tradeoff in that area. I think it is also important to recognize the extent to which some features of civil society are emerging from China. I think the contrasts between the China of today and the China of even five years ago are quite remarkable and should be taken into account when we are thinking about religious behavior.

Finally, regime legitimacy is a critical challenge for the current government. They are very aware of it and are taking steps in terms of social policy to try to deal with that issue. So I think it is useful to bear those contexts in mind. I think it is also important to understand the regime's perspectives on social regulation, and also to understand issues of institutional capacity related to the control of religion.

In sum, what I would like to say in these remarks—and I will try to keep them brief—is that China is a state in transition. That transition is not complete and we do not have firm evidence or understanding of where it is going. But it is a state in transition, and that needs to be borne in mind when we look at institutional responses to social change, religion, and otherwise.

Second, I think we should be looking for opportunities to invite China to take its own legal system seriously. China has enacted a range of laws and regulations that recognize the principle of freedom of belief. They distinguish between freedom of belief and freedom of behavior, and the freedom of behavior question is largely dealt with in areas of public security, criminal law, and so on. But even in those areas, there are procedural rules that should be

taken seriously and we should be inviting the Chinese to take their own system seriously.

I think it is a useful exercise to look at incidents of repression of religious behavior in China over the past number of years, and look at those in terms of what China's own legal system requires. I think if we do that, most of the time we will find that the rules that are being violated are the rules that China has set for itself. I think that this approach is more useful than taking standards derived from Washington, Ottawa, or London and saying, "these are the international norms with which China must comply."

I think if we look through the local regulations on regulation of religious behavior in China, I think if we look through the white papers that have been issued by the Chinese Government, I think if we look through the law recently revised on autonomy of local minority areas, in terms of text, those laws are broadly comparable to international standards. The difficulty is in the enforcement process. This is where, it seems to me, a useful way to go about it is to say, "here are rules that China has set for itself, and it is in the enforcement of those rules that China should be invited to improve its compliance," rather than saying, "we have a set of standards here in Washington, or in Ottawa, or elsewhere."

I did want to say a word or two about the ideological underpinnings for Party policy on religion in China. As many know, laws in China proceed basically from Party policy. The Party, through the United Front Work Department, the so-called Tongzhong Bu, has significant responsibility for the Party on religion, and therefore for regulations and laws that proceed from them. So, the ideological underpinnings are important.

And the first aspect of that—and I hope this responds, in part, to your earlier question about why the Chinese Government is apprehensive about religion—is an ideology of Socialist transformation. Now, these terms mean something in China. They are not just ideological verbiage that is tossed out without meaning. They have specific meaning. When we think about Socialist transformation in China, it is about building ideological orthodoxy around Party and state priorities of developing the economy and developing the society. There is significant attention placed on the need for social stability. Now, we could get into a discussion about whether the objective of social stability trumps, if you will, other human rights issues, and there is open debate about that in the international scholarly community and in the international policy community. But China has articulated some positions on that, and I think it is useful to understand those and to hold them to them, if you will.

Through this process of Socialist transformation, significant attention is paid to political control, as the previous witness noted. I think it is very important to recognize that this applies not simply to religion. If we think about approaches to independent labor unions, if we look at approaches to other independent groups, there is a concern with ideological heterodoxy, on one hand, and organizations that are not subject to state and Party control. Religion is just one example. On the other hand, this is tied to a developmental ethic of Socialist transformation, and I think it is useful to bear that in mind.

A second ideological underpinning, I think, is that there is resistance to foreign domination. This is articulated in many laws and regulations about religion in China.

A third dimension is the modernity question. Religion, especially the folk religions which are actually among the most prominent in China and get very little attention in the international human rights literature, is seen as backward and sort of an embarrassing feudal remnant, if you will, that is seen as antithetical to the state's pursuit of modernity. But because these do not tend to be organized in a political way, and because they tend to be organized around family and kinship lines, they are not seen as much of a challenge and they are not as much of a target of government action.

A fourth ideological underpinning of behavioral policy approach has to do with Han-minority relations. This is an issue of policy, but it also informs politics and policies on religion in the minority nationality areas of Xinjiang and Tibet. I think those kinds of factors can be understood to be at play in virtually all of China's policies, laws and regulations, and actions on religion.

I would like to then turn to two last points in my presentation, and I think the opportunity for questions and answers will be most valuable. China's regulation of religion is really aimed at two objectives. The first is control or suppression of competing ideologies. The second is control or suppression of organized alternatives to the Party-State. I think that it is helpful to see this not as the singling out of religion, but rather as the inclusion of religion among targets of campaigns to ensure ideological orthodoxy and sociopolitical conformity.

If we look at the government's response to the riots recently in Zhongmou County in Henan between the Hui minority and local Han Chinese, this suggests that a police and public order approach is used very often where issues are of general ethnic or sectarian conflict rather than issues of organized competition.

I think it is very useful to contrast, for example, the response to that social unrest to questions about the regulation of religion as an organized alternative to state orthodoxy in areas such as the coastal areas of Shanghai and so on, or even in interior areas of Xinjiang and Tibet.

The last point I would like to make is that the regulation of religion in China, as I have said in my paper, poses a very significant challenge for regime legitimacy. The regime, over the past 10 years, has established what some have called a zone of indifference, essentially a tradeoff of autonomy for political loyalty. The regulation of religion raises the prospect that that tradeoff will be violated, because many of those who are participating in religion in China are politically loyal, and yet their religious behavior is regulated to an extent that many consider objectionable.

Now, this is not so much the case in Xinjiang and Tibet, but it is more the case in the coastal areas which are really the challenge for legitimacy. That issue can be resolved by the regime by reference to its own legal system.

This brings me back to the point I started with, which is that I think that the discussion of regulation of religion in China, and human rights more generally, can usefully be shifted from a stand-

point which can tend to be parochial in the sense of reflecting the personal views of those in Europe, Canada, or the United States, or what have you, to a sense that China has enacted rules that reflect its understanding of international obligations, those rules are entrenched in the legal system, and we should be inviting China to take that legal system seriously and to adhere to the rules that it set itself for the regulation of religion.

I would be happy to answer questions that you have, Mr. Chairman, but I do not want to take time that should be allocated to the other panelists. Thank you very much.

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

Chairman LEACH. Well, thank you very much for that thoughtful testimony. Reverend Fu.

**STATEMENT OF BOB FU, PRESIDENT, CHINA AID  
ASSOCIATION, MIDLAND, TX**

Reverend FU. Thank you, Mr. Chairman, Co-Chairman, and honorable Commission members, for giving me the privilege and honor of being here today.

My expertise has been the Protestant house churches of China. I would like to really thank President Bush for highlighting this important issue of religious freedom manifested both in his public remarks and private conversations. I applaud the effort of Members of Congress, especially from this Commission, and particularly Congressman Wolf, whose request made today's hearing possible. All of these efforts have produced fruit in one way or another. At least after President Bush took office in 2001, all of the diplomats from China's Foreign Ministry were required to study about religion, especially Christianity, so you will not be surprised to hear a few quotes from the Holy Bible from the mouths of the Chinese Communist Party officials when we meet with them.

Mr. Chairman, the condition of religious persecution in China, overall, has been deteriorating, particularly since 2002. Though it is difficult to give an exact number, without including Falun Gong practitioners, over 20,000 members of underground religious groups have been arrested, detained, kidnapped, or are under house arrest since 2002. Hundreds of churches and homes have been destroyed. Many of the family members of those arrested and detained—for example, the prominent Chinese house church leader Zhang Rongliang—have been put on wanted lists, and their family members have had to flee their homes.

Among those persecuted are Protestant house church groups. One known case is the South China Church, which has about 100,000 members. They had over 6,000 members arrested, detained, and fined, since 2001. I actually just received a list of their names, their arrests, and which Public Security Bureau Office executed the raid, and also how much they were fined, and where they are imprisoned. It was this thick, the names from this group alone. Sixty-three were formally sentenced from one year to life in prison, and many of the arrested believers, especially women, were tortured, raped, or sexually abused during their interrogations. We have depositions in written form, and hundreds of other written interviews with those who were tortured.

One would expect a better start once the new leadership took office in 2003, but what has happened does not match this expectation. Thus, within the first nine months of this year we have recorded over 400 arrests of house church pastors. Just within the month of September, 13 pastors were formally sent to re-education through labor camps in Henan Province alone. We have all the documents on their arrest papers. One of these pastors, Pastor Ping Xingsheng, has lost consciousness three times since his arrest on August 6th because of repeated beatings by his interrogators.

On June 18, a Christian woman, Mrs. Jiang Zongxiu, a 32-year-old from Chongqing City, was beaten to death just simply because she was found distributing Bibles and Christian tracts in the marketplace. We have her photos. Yesterday, we published some of the profiles of these Christian prisoners in the Washington Times. We also had an interview of her family members, including her four-year-old son.

I wish we had the equipment so I could show this video today. On September 11 of this year, Pastor Cai Zhuohua, a Beijing house church leader ministering to six churches, was kidnapped in Beijing for his involvement in printing Bibles and a house church magazine called Ai Yan, in which there are articles about President Bush's faith, and other internal house church testimonies. Now both Pastor Cai and his wife, Mrs. Xiao Yunfei, could face an extremely harsh sentence. I was told that they could be sentenced up to life in prison, and their case was labeled as the most serious case of foreign religious infiltration since the founding of the People's Republic. It was already reported in the local newspaper about the pastor and his wife.

Mr. Chairman, I know some would argue that what I have mentioned are maybe just some local events in particular areas, disproportionately. I wish I could believe that. In reality, despite a so-called "paradigm shift" rhetoric by the Chinese Government and the "wishful thinking" by some foreign companies with interests in China, the evidence proves the contrary.

Let me present to you just two cases of evidence out of the numerous documents China Aid has obtained through disheartened Chinese officials. Though we have not uncovered the full text, through at least two local government documents, we now know that sometime in the beginning of 2002, the Chinese Communist Party's Central Committee issued a secret document coded "Zhongfa No. 3, 2002," and titled, "Decision on Reinforcing the Work of Religion by the Central Committee of CCP." Again, through the wording of the local government documents deemed to implement this secret document, it calls for government officials at every level to launch an all-out war against any unregistered religious group. I want to note that it seems that there has been a concerted campaign to target particularly underground house churches and Catholic churches. In Chinese, it is called "Zhuangxiang Douzheng," which means "special struggle" against. Harsh tactics, like against the Falun Gong practitioners, were adopted, such as coerced political study at concentration camps, and mental transformation through re-education through hard labor.

The other document we just released yesterday in the Senate building is a secret document we obtained from a currently high

ranking Communist Party official who is very unhappy with the repressive Party policy toward religious groups in China. In our press package today, we attached the original copy. This is the document deemed “secret.” It is a document from the highest levels of Chinese Government that we have ever been able to obtain. This document, entitled, “Notice on Further Strengthening Marxist Atheism Research, Propaganda and Education,” dated May 27, 2004, is a notice named “Zhong Xuan Fa [2004] No. 13,” issued jointly by the Department of Propaganda of the Central Committee of the Chinese Communist Party, the Office of the Central Steering Committee on Spiritual Civilization Construction, the Communist Party School of the Central Committee of the CPC, and Ministry of Education, as well as the China Academy of Social Science, and is classified as a “secret document.”

It is addressed to the Department of Personnel, Department of Propaganda, and the Office of Spiritual Civilization Construction, the Communist Party School, and the Department of Education of all provinces, autonomous regions, and metropolitan areas, the Communist Party Committee of all departments, ministries, and commissions of the Communist Party and the state organs, and the general Department of Political Affairs of the People’s Liberation Army. Copies of the document were submitted to members and alternate members of the Politburo of the Central Committee, Secretary of the Secretariat of the Central Committee, Premier and Vice Premier, and the State Counselors of the State Council.

This secret notice was issued in order to “further boost Marxist atheism research, propaganda, and education.” It calls for the government to keep tight control and hold on all national education, media communications, research on social sciences, spiritual civilization construction activities of the people, the training conducted by the Communist Party School, and administrative institutions at different levels, and others. Particularly, it specifically demands that Communist Party School and administrative institutions in the western border areas with multiethnic groups and religions to “increase the proportion of Marxist atheism propaganda and educational targeting local leaders.” It urges Marxist atheism propaganda and education to be integrated into all sectors of society, through all the country at all levels. It says all sufficient measures shall be taken to “ban all uncivilized conduct in spreading superstitions in order to cause people’s minds to be educated, spirits enriched, their state of thought improved.” As a result of this document, this lady who was actually beaten to death, on her sentence paper, she was sentenced to 15 days of administrative detention. It says her crime was “suspicion of spreading superstition and disturbing social order.”

Mr. Chairman, in this document it also strongly asks all the media and government officials to “firmly ban all illegal publications which disseminate superstitions and evil teachings.” This policy seems to be a direct reference regarding the recent campaign on closing Web sites, arresting individuals, and banning publications with dissident voices, as Pastor Cai has experienced on September 11.

Third, in this document regarding the academic exchange of conducting research on religion with foreigners, this notice calls for

“the relevant regulations of the state to be strictly followed.” It calls “the procedure on approving and recording shall be made sound,” which means more scrutiny will be imposed on foreign exchange programs on religious studies. As a result of this policy, I was told that in many parts of China, all the school students, particularly elementary and high school students, are mandated to sign a pledge to engage in the so-called “anti-cult belief atheism campaign.” How can you claim that you have freedom of religious belief while you are mandating all citizens to believe atheism and label others as an evil cult?

Fourth, though the document repeated its old policy to so-called “fully implement the Party’s policy on freedom of religious belief, respect people’s freedom to believe religion or not to believe religion,” yet it calls the atheistic officials to “make distinction between religion and superstition,” which inevitably, of course, is going to cause arbitrary classification on religious groups.

In addition to continuing to raise the issue of religious persecution in high-level bilateral talks, I have four specific proposals on how the United States can help achieve the goals of religious freedom in China.

Number one, the U.S. Government can compile a list of religious persecutors in China and make it public record, and include such information in the annual report by the IRF and the DHRL Office. Also, the possibility should be explored of holding such perpetrators accountable in legal venues upon entering the United States. This will encourage more humane treatment by officials toward those who are arrested.

Number two, with the 2008 Beijing Olympics approaching, this government should encourage the U.S. business community to actively link their financial sponsorship and investments to China with the issue of religious freedom. U.S. firms should be discouraged from investing in those provinces and cities with severe religious persecution. The Members of Congress whose districts have business interests in China can raise the same concern through their Chinese counterpart officials.

Third, the Administration and Congress should urge the European Union not to lift its arms embargo on China unless substantial progress is made on religious freedom in China.

Fourth, the Administration and Congress should actively urge the Chinese Government to abide by its international obligation to protect the refugees from North Korea who are helped actively by the underground Chinese house churches. Many of them, as you noted, just last week, 62 of these refugees were forced to return and sent back to North Korea, and we still do not know their fate.

Above all, I think millions of caring, loving, ordinary Americans can make a huge difference through their constant prayers, letter campaigns, and numerous visits, as well as embracing Chinese religious refugees when they enter into the United States for freedom of worship.

In conclusion, the overall situation of religious freedom in China has been worsening since 2002. Nationwide campaigns against unregistered religious groups, especially underground Protestant and Catholic groups, are continuing as we speak.

Thank you all.

Chairman LEACH. Thank you, Reverend Fu.  
 [The prepared statement of Reverend Fu appears in the appendix.]  
 Chairman LEACH. Mr. Kung.

**STATEMENT OF JOSEPH M.C. KUNG, PRESIDENT, CARDINAL  
 KUNG FOUNDATION, STAMFORD, CT**

Mr. KUNG. Mr. Chairman, ladies and gentlemen, I want to thank the Commission for inviting me to come over here to share with you some of the issues on the persecution of the Roman Catholic Church in China.

Mr. Chairman, I regret to inform you that I do not have any good news for you today. The arrests and atrocities that I reported to you two years ago continued unabated during the past two years. For instance, churches are still being destroyed. Random arrests of religious and other faithful are still being made. A Roman Catholic Church was demolished by the Chinese Government on June 21, 2003, in Liu Gou Village in Hebei. Since 1999, for instance, 27 churches have been destroyed in the archdiocese of Fuzhou in Fujian Province. And Bishop Peter Fan, who was the Bishop of Baoding in Hebei for approximately 41 years, was pronounced dead in jail on April 13, 1992. He was tortured to death at the age of 85.

Unfortunately, very unfortunately, history was repeated again. Once again, Bishop John Gao, 76 years old, the Bishop of Yantai in Shandong Province, died in an unknown prison in northern China in August 2004 after five years in prison. We need to find out what caused his death. Bishop Su Zhimin and Bishop An Shuxin are still missing. We still do not know if they are now dead or alive. Bishop Su has been arrested at least five times and has spent approximately 28 years in prison thus far. He was last arrested on October 8, 1997, and was seen only once when he was accidentally discovered on November 15, 2003, while hospitalized in a Baoding hospital. Once the Chinese Government realized that Bishop Su was discovered, he was taken away immediately without any trace. Bishop An was arrested in May 1996 and was only seen once when he was allowed to visit his mother a few years ago. He, too, has not been seen since.

Underground Roman Catholic bishops are routinely rounded up during the major feast days such as Christmas or Easter, or even during a visit by certain foreign personnel. They are routinely taken away forcibly to a hotel for a few days in order to be separated from their congregations so that they cannot celebrate the Holy Mass during the important feast days, or they could not meet with these foreign visitors. Often adding insult to injury, the bishops are forced to pay for the hotel and the meal expenses, including for those government officials who watched over them. This could amount to a very large sum of money that the bishops simply cannot afford.

Besides Bishop Su and Bishop An, many other bishops have been arrested. We have a prisoner list attached here in my testimony that will give you some idea that almost every one of the underground Roman Catholic bishops is either arrested and in jail, or under house arrest, or under strict surveillance, or in hiding.

The violent and widespread arrests of underground Roman Catholic religious and faithful continue unabated. On August the 6th of this year, eight priests and two seminarians were arrested in Hebei Province while they were attending a religious retreat. Approximately 20 police vehicles and a large number of security personnel conducted a house-to-house search in order to arrest these priests and seminarians. The Vatican issued a very strong denunciation of religious repression in China because of these arrests.

On May 16 of this year, two priests, Father Lu Genjun and Father Cheng Xiaoli, were arrested in Hebei just before they were to start classes for natural family planning and moral theology courses. A dozen priests and seminarians were attending a religious retreat on October 20, 2003, in a very small village in Hebei. They were all arrested.

On July 1, 2003, five priests were arrested on their way to visit another priest, Father Lu Genjun, who was released from labor camp after serving there for three years. Another priest, Father Lu Xiaozhou, was arrested on June 16, 2003, when he was preparing to administer the Sacrament of Anointing of the Sick to a dying Catholic. These are just a few examples of the arrests since my testimony two years ago.

Sometimes a religious is arrested for very flimsy reasons. The government official would then ask for a “fine,” the amount of which could be negotiated, in order to release the prisoner. Often, the “fine” is paid quietly, without any receipt, and the religious is released. Those incidents already have been reported to me a number of times. They are, of course, without any written evidence.

A priest was arrested in Wenzhou in Zhejiang Province because he printed religious hymns. He was arrested in 1999 and sentenced in 2000 to six years in prison, with a fine of RMB 270,000, equivalent to approximately \$33,750 U.S. dollars, because he printed some religious hymns.

Bishops and other religious continue to be forced to attend a government-sponsored religious conference to propagate the “three autonomies” principles of the Patriotic Association, thereby forcing, or attempting to force, the underground church personnel to join the Patriotic Association by threats or by treats. The three autonomies which I mentioned are “self-apostolate, self-finance, and self-administer.” The catechism is not allowed to be taught to children under 16 years old. Underground seminaries are considered illegal and are not allowed to be established.

Upon learning that I was coming here to testify to this Commission, an underground bishop called me and requested me to give you two messages. He wished his name to be confidential, and I promised him.

The first request from the bishop: He said, “since 1949 when the Communists took over China, literally tens of thousands of Roman Catholic bishops, priests, and other faithful have been arrested. They were put in jail for 10, 20, 30, or even 40 years. Many of them died in jail. One of them was Bishop Joseph Fan Xueyan—whom I mentioned before. Many of them were released after a very, very long period. Some of those released, such as my uncle, Ignatius Cardinal Kung, have since died. Some of them are still living. It

does not matter to the government if they are dead or still living. They are still considered criminals because their criminal charges were never erased by the government.”

This bishop in China respectfully requested this Commission to convey the plea to the Administration that, while negotiating with the Chinese Government for religious freedom, the U.S. Government propose that these prisoners, both living and dead, be officially and posthumously exonerated of the so-called crimes of which the Chinese Government falsely accused them five decades ago. In doing so, the reputations of those living and dead religious prisoners of conscience can be restored in China. Those who are still living can at least once again enjoy equal treatment in society.

The second request: The people of China love and yearn for true freedom of religion. Again, the bishop wonders if the U.S. Government could continue to negotiate with the Chinese Government so that (1) the faithful in China do not have to fear that they could get arrested during their religious activities; (2) do not have to fear that their churches will be destroyed after they labored so hard to build them; and (3) all those imprisoned religious and other faithful would be released. The bishop believes that the freedom that President Bush has committed to promote all over the world during his election campaign has to include religious freedom. This Chinese underground bishop, therefore, hopes that, through direct requests from President Bush to the highest authority of the Chinese Government, true religious freedom might be granted to the Chinese people. The bishop wants the highest authority in China to know about these atrocious instances of persecution of people of religious faith in the hopes that, having realized that there are these atrocities, the government might be able to wake up and to correct and eliminate this persecution.

Thank you, Mr. Chairman.

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

Chairman LEACH. Thank you, Mr. Kung.

Let me, before turning to our next witness, state as carefully as I can, the U.S. Congress is committed to the values of American freedom. To have excellent relations with another country, one expects not exactly the same systems, but the same respect for basic human values.

Professor Potter is correct that the Chinese Government has made certain changes in law that are progressive, but if they are not implemented, the progressivity lacks meaning. It is unconscionable to hold anyone in prison anywhere in the world for religious faith. It is only conscionable to release such prisoners and to clear their records, and there is no other position that a civilized human being on this planet can take. Your request from your underground bishop is one that will be transferred to the Executive Branch.

Mr. KUNG. Thank you.

Chairman LEACH. It is not only a conscience-oriented request, it is a common sense request. When people are persecuted for nothing else than their faith, that is not a civil offense in any kind of setting and should not be considered such, and names should be cleared, and very uniquely, your bishop has requested, dead or alive. I think that is a valid request, too.

We, today in this country, are struggling with some terrible crimes that have occurred in the last century, for example, relating to the death of Abraham Lincoln, and we are clearing the names of some people that were thought associated. This is over a century later. Their families have come and said the evidence was not there, but the crime was so large that we felt compelled, at a given time in our society, to have a broad sweep of the law. There is a reason for the notion of looking back at people who may have died as martyrs, and that is worthy of note.

I will make one other comment, because of the sadness of the anonymity of some of the prison settings. A Harvard philosopher named Hannah Arendt wrote one of the great philosophical tracts of the 20th century, a book called "The Origins of Totalitarianism." One of the points she made in noting certain commonalities, basically, between the Soviet Communist system and the Fascist system of Germany, was that people were rounded up without charges, and in the German case, actually given numbers, and then no notice is given of their death. So the movement toward anonymity is a movement toward taking the human out of the human consciousness. It is a reason why individuals should be looked at as individuals and why people have to be respectful.

Now, in this regard Pastor Fu has mentioned he has a list. Lists are important in life because they respect other lives. I want to make it clear, and let me just read very precisely, this Commission is putting forth a prisoner database and it is now available for any of the public to query. It is accessible through our Web site, *www.cecc.gov*. As of earlier this week, the prisoner data base contained about 3,500 individual case records pertaining to political and religious prisoners. We expect the number of case records to grow substantially over the coming months as we import additional data into the data base. We have worked with your organization, and we will continue to, Reverend Fu, in terms of certain religious circumstances. More than 1,600 of our current case records have one or more aspects that connect the prisoner in some way to religious belief or practice, and about 200 of these prisoners are thought to still be in detention or sentenced to prison.

With respect to the Falun Gong spiritual movement, we have more than 300 case records and expect to add more as we develop more information. I would just say that we are trying to work with all of the various organizations in this regard, but the key is that anonymity be ended and that there be individual accountability.

I am very appreciative of your testimony, sir, and appreciative of the message you bring from the anonymous bishop in China.

Mr. KUNG. Thank you very much, Mr. Chairman.

Chairman LEACH. Thank you.

Now I would like to turn, as our final witness, to Ngawang Sangdrol. I understand your interpreter is Bhuchung Tsering. Is that correct, sir?

Mr. TSERING. Yes.

Chairman LEACH. We appreciate your assistance as well. Sister.

**STATEMENT OF NGAWANG SANGDROL, HUMAN RIGHTS ANALYST, THE INTERNATIONAL CAMPAIGN FOR TIBET, WASHINGTON, DC, THROUGH AN INTERPRETER, BHUCHUNG TSERING**

Ms. SANGDROL. Mr. Chairman, I would like to begin by seeking permission to speak in Tibetan, because I am right now in the process of learning English.

Chairman LEACH. Of course.

Ms. SANGDROL. On behalf of the International Campaign for Tibet, and on my own behalf, I would like to thank the Commission for inviting me to testify about religious freedom in Tibet.

I have submitted the full text of my statement for the record of the Commission, and I would like to summarize it now. The Tibetan struggle is the struggle for our Nation and for the right of the Tibetan people to preserve and promote our identity, religion and culture.

In Tibet, religion became the target of destruction mainly because our religion and culture are what makes Tibetans different from the Chinese. The International Campaign for Tibet recently has come up with a report on the religious persecution in Tibet. So long as the Tibetan people have a unique religion and culture, there is no way to turn it back into Chinese.

In regard to China's general policies on religious freedom in Tibet, hundreds of my compatriots displayed their disagreement, mainly in a peaceful way, and have been imprisoned. The reason why I have been imprisoned was for participating in demonstrations from the age of 13 because of the denial of our basic rights, including the rights of religious freedom by the Chinese authorities. Not only that, no Tibetan can tolerate the denigration that the Chinese authorities have been committing against our spiritual and political leader, His Holiness the Dalai Lama.

Although I have been in prison for over 11 years in the dreaded Drapchi prison because of my participation in the demonstrations, I have been fortunate in that international community, including the United States, both the Congress and the Administration, have consistently raised my case to the Chinese leadership.

By the grace of His Holiness the Dalai Lama and the Tibetan people, and by the support of the American leadership, today I am enjoying my freedom. While I value my freedom, I am continuously reminded of the plight of my fellow Tibetans, particularly those in prison. After arriving in the United States, I was told about the many rules and regulations of the Chinese system which guarantees rights for people, including those in prison, and I was surprised to learn about these things. Not only did my fellow prisoners and myself not enjoy such rights, none of us knew about the existence of those rights.

In your Commission's report for 2004, you have clearly mentioned about the existence of different rules within the Chinese constitution, including laws like the Law of Regional National Autonomy, which guarantee rights, including religious and other freedoms, but these are not implemented in practice. This is an accurate reflection of the situation.

For example, I recently heard that Chinese officials have said that there is no formal ban on the Tibetan people possessing and

displaying photos of His Holiness the Dalai Lama, and that these Tibetans voluntarily do not want to display His Holiness' photos. Although I have been out of Tibet for a year and a half, what I know for certain is that if there were no direct or indirect political pressure from the Chinese authorities, almost all Tibetans in Tibet would be displaying portraits of the Dalai Lama.

Since this Commission has been specifically established to monitor the situation in China and provide appropriate policy recommendations for the U.S. Government, I would like to urge you to consider the following points.

The first, is the case of a Tibetan lama, Tenzin Deleg Rimpoche, whose case is extremely urgent. There is every possibility that the Chinese Government will implement the death sentence that has been passed on him after completion of the suspended sentence, and therefore I urge the U.S. Government to intervene in the case of this innocent Tibetan lama so he is saved from execution.

Second, the issue of the Panchen Lama is of utmost importance to the Tibetan people. We do not have any solid information about the whereabouts or well-being of the eleventh Panchen Lama, Gedhun Choekyi Nyima. The United States should urge the Chinese Government to allow an independent monitor to verify that the Panchen Lama is fine and that he is getting his religious education.

The issue of Tibetan political prisoners is very much close to my heart. I would urge the U.S. Government to do everything possible so that the Chinese Government will release all political prisoners.

Not only that, the Chinese Government should be urged to restore all the rights of all the Tibetan political prisoners who have been released from prison. I have heard that many of these individuals continue to face persecution, even outside of prison.

To provide a lasting solution to the issue of religious freedom, we need to find a way to have a political solution to the Tibetan issue. I would urge the U.S. Government to be proactive in urging the Chinese Government to begin substantive talks with the representatives of His Holiness the Dalai Lama so that a negotiated solution can be found.

In conclusion, I would like to thank the U.S. Government and the people for the important role you have been playing to highlight the Tibetan issue and for supporting His Holiness the Dalai Lama in finding a just solution to the Tibetan problem.

Thank you so much.

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

Chairman LEACH. Well, thank you very much for that very thoughtful testimony. We are impressed with your personal traumas that you have gone through in your life that have brought you here, so we are very appreciative of what you said.

In terms of questions, I would like to basically frame a question for you, Professor Potter. You pointed out that Chinese law has moved to some degree in a progressive direction and we ought to be asking that the Chinese adhere to their own law.

Reverend Fu has pointed out that he has evidence of what he described as "secret" directives of the Communist Party. So the question is: is the Party above the law, and should our direction be to say, "Can a political party be above the law, and can you have two

sets of government rules and directives, one that is formally legal and another that is operational directives?" Do you see this contrast and is this a bedeviling circumstance?

Mr. POTTER. You touch on what is probably the most fundamental question about legal reform in China. If I may, I would like to just address that in general terms, and then we can address the specific question of religion.

Both the Chinese Communist Party and the government have accepted that the legal system should govern the behavior of individual Party members. Indeed, a recent document—and I cannot cite it for you, but I got it when I was in China—had to do with discipline within the Party. It essentially protected, or purported to protect, Party members from abuses of law by Party superiors. The theme behind the document was that Party members are not above the law. But there is a more fundamental question, which is, "Is the Party, as an organization, above the law?" I think it is fair to say at the moment that the answer to that question is yes.

The Party has not accepted the notion that it, as a politically leading organization, is subject to the same legal rules that govern the rest of society. It is still the vanguard party. It is still the four basic principles that inform the constitution and include reverence for Party leadership. So, the Party, as a leading political organization, remains, in a sense, above the law, although it has, a matter of policy choice, committed itself to operating through legal mechanisms, which then in turn bind Party members to adherence with the legal rules that are enacted.

I think the reason that this is worth paying some attention to is that the view of the Party has undergone significant change over the last number of years to impose more and more legal restrictions on Party members. Much of the human rights abuse that goes on in China is actually abuse by individual officials who do hold themselves above the law. That has now been officially repudiated.

The key question, though, is the institutional capacity of both the state legal enforcement organs and the Party's own discipline system to really implement this in practice. But my thinking on this is also that, as foreign countries, as foreign scholars, as foreign communities engaged with China, we are hoping to create conditions that will be improved for the Chinese people, we need to again invite China to enforce and adhere to the laws that they have set for themselves. So if they set laws that say Party members, Party officials must comply with the laws in carrying out policies, that is a message which is very hard for authorities in China to deny. They will say, "we are doing it," and we might say, "well, let us get a dialogue about how that is actually taking place." How are these laws being interpreted? How are they being enforced? What is really the record of performance with China's own rules? I think that is a constructive dialogue that can take place, and really ought to take place.

I think it is one that, in the long run—and I am not talking really long run, but even in the more medium term, can result in actual changes where corruption, the abuse of power by Party officials, can be curtailed through foreign observation, monitoring, and encouragement of China to enforce the rules that it has already enacted.

Now, with regard to the religious question, in particular, it is a glass is half full/half empty sort of question. The fact that the Party Organization Department is compelled to begin a campaign of training on atheism tells us that religious belief has become a very important issue in China's society.

The Party still holds to the rule that Party members are not supposed to participate in religion, even though the empirical record is abundantly clear that many Chinese officials are, in fact, people of faith. So this, on the optimistic side, reflects the changes in the society that I mentioned in my earlier remarks. The reaction to that is an acknowledgement of those changes and an attempt to do something about it, but to a very large extent it is kept within the Party's organization.

Now, where it spills out is in the area of education. This is another very tricky area. The constitutional provisions on freedom of religious belief, the various local regulations, and this is echoed also in the recently revised law on autonomy in minority areas, hold that freedom of religious belief may not interfere with the state education system, so we saw in this Party document an effort to ensure that the state education system still adheres to Marxist atheism as an official policy. But I think it is important to see this as a process of transition. There is an ideological conflict going on here. The fact that is going on at all attests to the depth of religious belief in China, and that shows the changes in the society that are happening. Those are important changes that are not going to go away, despite what Beijing does.

That gets to the point I mentioned before of institutional capacity. There are limits to what Beijing can control at the local level, despite issuing edicts. That is a positive thing sometimes, but also a negative thing many times.

Chairman LEACH. Is there any sense that Marxism is alien as any outside creed could be to traditional Chinese history and culture? The reason I raise this is that there is an understandable angst in China, as you have indicated, about someone from Ottawa or Washington saying you should have precisely our values. But one would think the angst would be even greater about Marx, who, after all, was a German, living in England, operating philosophically through Moscow. I cannot think of a more alien tradition than Marxism.

Mr. POTTER. Absolutely. This is one reason why China has struggled, the Chinese Communist Party has struggled, really since the 1930s to articulate a Chinese application of Marxism. And whether we look at Mao Zedong's application of Marxism to China, if we look at Deng Xiaoping's reference to "socialism with Chinese characteristics," whether we look at Jiang Zemin's *Sange Daibiao*, the "Three Represents," all of these are efforts to put Chinese cultural characteristics onto what, as you say, is an imported theory.

Now, the reason Marxism was imported, is of course that there was a lot of looking abroad in the 10s, 20s, and the May 4th movement, and so on to look for foreign solutions to China's problems, and Marxism was seen as one of those. But, as you point out, there is an inherent tension between a foreign ideology and Chinese culture, and this has been one of the most central challenges for the Chinese Communist Party in formulating and governing ideology.

However, therein also lies opportunity for China to develop as a society that recognizes individual rights, that recognizes rights of faith, rights of belief, because many of those rights are inherent in the Chinese tradition. The view that we often hear, that individual rights and individualism are alien to Chinese culture, is simply not true. There are Chinese philosophical traditions that are imbedded in individualism, and even Confucianism has many components that laud individual initiative and individual integrity.

So, there is much within Chinese culture that can embrace freedom of faith, freedom of religion, and so on. So in a sense, the movement away from Marxism into a Chinese version of that creates many, many opportunities for freedom of religion. But, as I suggested before, they are in a transition and they are worried about social unrest. They are worried about maintaining their ideological orthodoxy. They are worried about keeping their organizational control. So, religion touches on all of those, and moreover addresses that very fundamental legitimacy question that I mentioned before, which is why it is so sensitive.

But if I may, just on one last point, I think it is very useful to distinguish, for example, that the Chinese Government's behavior toward Falun Gong, on the one hand, and their behavior toward many other qigong practitioner groups and organizations, and the difference really has to do with the politicization of Falun Gong, or the perceived, shall we say, politicization of Falun Gong behavior. The challenge that Falun Gong poses is that it is imbedded in a Chinese traditional cultural way of life. It is a qigong practice, which is very deeply traditional. But once it takes on a layer of ideological opposition, of ideological heterodoxy, of organizational heterodoxy, then it becomes a threat to the government and the government reacted as it did.

So, I think it is useful to remember these distinctions when we are looking at the treatment of religion, whether it is Islam in Xinjiang, or Tibetan Buddhism in Tibet, or Islam in the rest of the China. I mean, the Hui Muslims, the Islamic Chinese, are ethnically Chinese—indistinguishable from other Chinese. So, we have to separate out the way these are treated and try to differentiate between management of what is a local problem of social transition and social change from an ideological issue, which, as we suggest, is largely imported.

I would not want to be taken to suggest that China's treatment of the people that have been arrested and have been described by this panel by anything other than intolerable. But the question is: intolerable according to what standards? My sense is that it is more constructive to think of it as intolerable against China's own standards, legal, cultural, traditional rather than according to standards that we might set here that we might earnestly believe in, but I think I am more comfortable with the internal critique of the word.

Chairman LEACH. Before turning to Congressman Pitts, and I will have more questions, but I do want to ask this one.

Reverend Fu has raised the secret directives issue. Does Chinese scholarship outside of China have access to many secret directives, and should these not be published, particularly in contrast with law? Reverend Fu cited several statements from the directive, but

I do not know if you have the full directive. I do not know what exists and what does not exist.

Reverend FU. We have the full directive.

Chairman LEACH. You do have the full directive?

Reverend FU. The latest one.

Chairman LEACH. The latest one.

Reverend FU. It was distributed in May 2004. May 28.

Chairman LEACH. I see. Good. Is this submitted as part of the record? May we have a copy of it?

Reverend FU. Yes.

Chairman LEACH. Are there other directives that you are aware of, Professor Potter, Reverend Fu, or Mr. Kung? Yes, sir?

Mr. KUNG. Way back, seven years ago in January 1997, the Cardinal Kung Foundation released a secret document similar to what Mr. Fu has released. To put it simply, the document said that they wanted to eradicate the underground Roman Catholic Church in China. In that particular town, Donglai in Hebei, where the document originated, they had all kinds of slogans on big wall posts for propaganda.

The news went through the New York Times, and the bureau chief at that time was Mr. Tyler in Beijing. He read my press release and he was half believing and half not believing. He called me and said he was going to investigate. So, he went. He went to that particular town, Donglai, a little town in Hebei, to find out if it was true that there was a secret document with all the wall postings and so forth. He found everything that I described in the press release. He investigated so much that he got himself arrested. His photo films were all confiscated. There was one roll of film that probably survived. He went back to Beijing, called me, and said, "Joe, watch the New York Times article this coming Sunday." What an article! On January 26, 1997, the New York Times referenced this secret document in an article entitled "Catholics in China: Back to the Underground" with a large picture showing the slogan on the wall posting. It was right there on the lower part of the front page on that Sunday's New York Times, and it carried over to other pages, detailing descriptions of the secret document and Mr. Tyler's investigation as well as the suffering of the persecuted Roman Catholic Church in China.

Then, just about a couple of years ago on February 11, 2002, the Freedom House also released seven secret documents. These documents provided irrefutable evidence that China is determined to use extreme force to eradicate all underground Churches that refused to register with the government.

While I am on this topic, with your permission, sir, if I may make some observations on what the professor was talking about. I think we have to realize that the laws in China are not only made for their own local consumption, but also are designed in some way to gain legitimacy in the international world so that people will be led, or misled, to believe that China has laws to guarantee religious freedom, and so forth, in order to give China legitimacy.

As for the ongoing persecution, not all persecutions were caused by an individual abusing his power. Many persecution cases actually are clearly defined in court under the new cult Law.

The underground Roman Catholic Church is now considered a cult; therefore, priests who were ordained secretly by the bishops of the underground Roman Catholic Church are liable to have a three-year labor camp sentence once they are found.

Also, there are many reasons for religious persecutions in China. One reason, I believe very strongly, for the ongoing persecution, be it of the Roman Catholic Church, the Protestant church, or of Muslims, is that there is a very serious misconception on the part of the Chinese Government that the majority of religious believers are not patriotic, and that they do not love China. That is very wrong. I dare to say that many religious believers, including those underground, love China. They are very patriotic. They only wish that China would give them a chance to practice their religion freely. Thank you.

Chairman LEACH. Thank you.

I want to turn at this point to Congressman Pitts, who is the Congress' leading spokesperson on so many issues of religious freedom. Representative Pitts.

Representative PITTS. Thank you, Mr. Chairman.

Professor Potter, a question for you. Do the government policies toward religion vary from region to region, from province to province, from government level to government level? Can you elaborate? Are there good provinces, bad provinces? How do we identify good to try to reward the good, isolate the bad? Do you have any recommendations? Is this all top down, is it local government, is it state, or what?

Mr. POTTER. In theory, because China portrays itself as a unitary state, local regulations must be consistent and adhere to regulations that come down from above. So, for example, there are central regulations on the management of religious sites. Those regulations are then replicated at the local level, for example, in Shanghai or other areas. So there is, I would say, an informal amount of leeway for adding new provisions at local levels that take local conditions into account, so you will see those, for example, in Xinjiang or in Tibet. I am more familiar with the Xinjiang situation.

I think the differences really lie in the area of implementation, because these regulations are purposefully designed to allow a certain amount of interpretation and discretion by local officials. One of the interesting issues that is worth studying, and I have only really begun to do that, is local enforcement more draconian or less draconian than central edicts?

In some instances, local officials, because they are more imbedded in the local circumstances—and in many cases I think it is important to bear in mind, in Xinjiang and Tibet, for example, many local officials are members of the local minority nationality and have links to that nationality. That also should make us remember that the minority nationalities are not uniform blocs. They have all the sorts of social and personal divisions that other social groups have. But in any event, in many cases the regulations at the local level are interpreted more loosely because of that affinity.

In some cases, however, they could be interpreted more severely because of the phenomenon that Han officials in local minority areas often face problems of frustration and alienation, and all of the kind of personal issues that tend to separate them from local

people, and therefore they are, in some cases, more draconian in their interpretation.

So, I am sorry to say there is not a hard-and-fast rule. I do think it is very useful in the dialogue with China and in studying conditions in China to acknowledge the potential for differentiation at the local level in terms of interpretation. But it has to be done carefully because the theory of the unitary state does not really admit to the possibility of local variation, even though local variation is very much a reality.

Representative PITTS. Pastor Fu, would you like to comment on that?

Reverend FU. I agree with the assessment of Professor Potter. I wanted to just pick up a little bit on the law and the secret document. Now, according to the record I received, all 30 provinces and major cities have passed their religious regulations or management of religion types of laws. But it seems there is systematic thinking that the Chinese Government actually has been engaging in a sort of double talk. On the one hand, you have these laws passed, and they are supposed to make the local government adhere to these regulations. On the other hand, they kept issuing these secret documents in order to further crack down. The significance of this document, as a former Professor of the Chinese Communist Party School, it would not surprise me if they only proposed the Party members to believe atheism. That is their policy. One thing that needs to be noticed is now they require atheism education to be taught across the board in all the sectors, according to the document. All sectors of society, at all levels. It is not only within the Party, or it is not only restricted to the educational system. Of course, it has already started to be implemented in different areas; in education, first, and in other sectors as well.

It is not only through the teachers teaching in the classroom, but also all kinds of mediums are required to do this campaign. So you would see this kind of double-talk. On the international level, they might say, "oh, we are a country transitioning into rule by law." By that definition, they want to differentiate between rule of law and rule by law. They are engaging in the rule by law, through which law is simply a useful tool to regulate, limit, and control any dissident groups including religious groups. But, on the other hand, they are proposing to make all religions compatible with Socialism. This is a tool to make religion compatible with Socialism. Thank you.

Representative PITTS. Could you elaborate on how the unregistered house churches in China are organized? What kind of a structure do they have? There are registered house churches, and then there are unregistered house churches, correct?

Reverend FU. Yes. Yes. Yes.

Representative PITTS. How dangerous is it for a Chinese citizen to worship in an unregistered house church? In some areas they are treated better than other areas, in some provinces. Can you talk about the house church movement a little bit?

Reverend FU. Yes. The number of house church members is estimated at about 80 million overall nationwide. In terms of formal organization, there is not formal organization. If they even started one, they might be immediately smashed down. But there is a loose

fellowship type of different groups of the house church movement and their leaderships meet together constantly. Of course, sometimes they use other means of communication, like cell phones, to communicate with each other. Sometimes they can hold some sort of joint meetings. As a result of these joint meetings, as you might know, in 1998, they issued a joint statement of their confession of faith. They issued a joint attitude toward the registered churches and the Chinese Government. What they asked, on appeal, is just to have a chance to dialogue with the Chinese Government, and even with the registered churches.

Regarding the internal sort of talk, as the Professor referred, I think that the majority of the Chinese house churches prefer the internal talk and they were just forced to be in the underground. They want to be registered, but if they are registered, after they are registered, or as a condition for registration, if their doctrine is subject to scrutiny by the atheistic officials, then that, to any religious believers, is unacceptable.

If you accept registration, there the restriction states clearly that you are not allowed to teach religion to those who are under 18 years old. As a matter of fact, in yesterday's Washington Times, we placed this ad. This shows a 72-year-old pastor from Chongqing City, and he was sentenced to four years, in 2002, just because he simply sent his granddaughter to a Sunday school teaching/training session. Just recently, his daughter visited him and found he was beaten and was crippled. Both of his legs were broken, and just because he was accused of shaming the Communist Party when he led 50 of his fellow inmates in his labor camp to believe in God. We have other documented records on that. So, how could you encourage or even let the underground churches dare to attempt to register?

Representative PITTS. All right. I have one more question.

Chairman LEACH. Please. Yes.

Representative PITTS. Mr. Kung, can you give us a sense of how the underground priests and the bishops live in China, and their relationship with the registered churches, and the Catholic Patriotic Association? Is there any contact or relationship between underground Catholics and those affiliated with the Patriotic Association and government-selected Catholic religious leaders? How do they view them?

Mr. KUNG. The underground Roman Catholic Church has a population of approximately 12 million people. The national church, also called the Patriotic Association, or official church, or open church, only has four million people. So, we are about anywhere between twice or three times larger than the national Church.

Approximately 15 years ago, the underground bishops, in order to evangelize more effectively, decided not to hide underground. They decided to come above ground. So, they openly called all the underground bishops together in one place and organized a bishops' conference, just like the United States bishops' conference. The Chinese Communist government knew every bit about the decision of organizing the Bishops' conference by the underground bishops in that particular place.

Unfortunately—very unfortunately—after they finished creating the underground conference, on their way back to their own dio-

ceses, five underground bishops were arrested and three of them died in jail. So, that is the price that they have paid to organize the underground church.

Presently, the underground Roman Catholic Church has its own dioceses: approximately 50 of them. Many of these dioceses are vacant, because of the death of their bishops due to their old age or prolonged confinement. The remaining bishops are very united.

The underground bishops are all appointed by the Pope himself. This is the major difference from the bishops of the Patriotic Association who were all appointed—with the exception of one, I believe—by the Chinese Government. They have their own dioceses.

With the exceptions of social calls or friendships, the Patriotic Association has separate liturgical and sacramental services. They have their own church services.

As a matter of fact, the representative of the Vatican residing in Hong Kong, Monsignor Nugent, just issued China guidelines in July 2004 to all Chinese bishops: (1) confirming that the China guidelines issued by Cardinal Tomko in 1988 are still valid. In the 1988 guidelines, the Roman Catholic Church in China and throughout the world must not have “communication in sacris” with those religious under the Patriotic Association in public, (2) confirming that the Patriotic Association has the characteristic of being in schism, and (3) detailing nine conditions governing the relations between the Roman Catholic Church in China and the Patriotic Association.

To answer your question, the Sacramental services of the Roman Catholic Church in China and the Patriotic Association are totally separate from each other.

Representative PITTS. Thank you.

Finally, Ms. Sangdrol, how do young people learn about the teachings of Buddha and about Buddhist scriptures?

Ms. SANGDROL. In terms of a formal system, young Tibetans do not have any opportunities to learn the doctrine of Buddha. But since we Tibetans have grown up in a sort of religious society, we do take this opportunity informally. But in a formal sense, they do not have an opportunity to study Buddhism.

Representative PITTS. So do they learn it at home from their parents?

Ms. SANGDROL. Yes, it is mostly at home. Given my own experience, at a young age my parents taught me the tenets of Buddhism, and then later on sent me to the nunnery. But once in the nunnery, I did not really have an opportunity to study. Today, things have even become worse because of procedures like the “patriotic reeducation” courses that all Tibetans have to take. Because of this, any action by Tibetans, even though they are not political, are deemed as political and they are termed as separatists.

Representative PITTS. So, in your opinion, how precarious is the survival of Tibetan Buddhism in China?

Ms. SANGDROL. Yes, the risk is very great. The very basis of the Tibetan Buddhist educational system is controlled by the Party and the Chinese Government. So in the monasteries, the administration, everything is decided by the government.

The monks or the nuns have to have the prerequisite of being patriotic. All the religious tenets have to be subservient to the gov-

ernment, and therefore there is this danger when people are denied their religious process.

Many of the learned lamas in Tibet are mainly persecuted and are in prison. You can take the case of Tenzin Deleg Rimpoche, who is now under a death sentence.

Representative PITTS. Thank you.

Thank you, Mr. Chairman.

Reverend FU. Mr. Chairman?

Chairman LEACH. Yes, of course.

Reverend FU. I want to ask permission from the chairman to submit my written testimony. May I submit this partial list of prisoners to the CECC?

Chairman LEACH. First, let me say that all statements will be taken into the record. We will assume what you said is summarized.

Reverend FU. Thank you.

Chairman LEACH. We would be delighted to get your partial list. [The list appears in the appendix.]

Chairman LEACH. We also would like a copy of your secret document, and we will put that in the record as well.

Reverend FU. Yes. Thank you.

[The document appears in the appendix.]

Chairman LEACH. Let me just conclude by saying that part of the Commission's work has been to move as deliberately as possible in the direction of the Commission's records becoming part of what I have described as a "virtual academy." By that, I mean we have a prisoner data base, which is now established and which will be expanded upon. People in this room that have particular ties outside of the Commission are welcome to submit circumstances of individual cases to the Commission for consideration.

In addition, hearing records are designed to be put up on a Web site for scholars, as well as for people from around the country, around the world, including China, to look at. So, while we have a few people in this room, we are hopeful that the message gets sent out to a substantially larger constituency of interested people.

I want to thank all of you for bringing such professional and committed expertise to this Commission. We honor your work, and we honor your life commitments. Thank you all.

The Commission is adjourned.

[Whereupon, at 12:15 p.m. the hearing was concluded.]



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

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## PREPARED STATEMENTS

PREPARED STATEMENT OF PREETA D. BANSAL

NOVEMBER 18, 2004

Mr. Chairman, thank you for holding this important and timely hearing and for inviting the Commission to present testimony. With your permission, I would like to submit my full testimony for the record.

The Commission on International Religious Freedom has followed events in China closely for the past several years. As is widely documented by the Commission and numerous other sources, the Chinese government continues to be responsible for pervasive and serious human rights violations. These abuses transgress China's international obligations and often clearly contradict China's own constitution.

The government of China views religion, religious adherents, religious communities, and spiritual groups like the Falun Gong primarily as issues of security. The United States should not ignore this fact, and it should fashion policies and actions that integrate the right of thought, conscience, religion and belief with security and economic interests.

I will not be able to discuss in detail the current crackdown on the freedom of religion or belief in China. There are several other witnesses here today who will address this aspect of the current situation.

However, I would like to make some general comments about the importance of advancing human rights and in particular the right to freedom of thought, conscience and religion both as an important principle on its own and as critical to protecting U.S. security and economic interests in China. I will then suggest several areas where U.S. policy could have an impact on the long-term human rights situation in China.

THE IMPORTANCE OF FULLY INTEGRATING PROMOTION OF FREEDOM OF THOUGHT,  
CONSCIENCE, AND RELIGION OR BELIEF INTO THE U.S.-CHINA POLICY AGENDA

The United States Commission on International Religious Freedom, of which I am the Chair, views respect for the freedom of thought, conscience, religion, and belief as a critical indicator of stable countries, stable trading partners, stable allies, and stable regions.

The freedom of thought, conscience, and religion or belief is universal in its importance and applicability. It is the freedom to assert an individual conscience or identity without fear, and is a foundational right of the post-World War II system of international human rights.

It is no longer possible to treat human rights, and freedom of thought, conscience, religion, and belief in particular, as marginal "soft" issues of foreign policy. The events of the past 5 years have tragically reminded us that we ignore religion at our peril. Indeed, we cannot understand the global conflicts of the world without taking the role of religion seriously. The past 50 years of history alone show that most of the conflicts of the world—the Middle East, the Southern Sahara, the Balkans, the Caucasus, and South Asia—have occurred in places where the world's great religions intersect. These conflicts were not, and are not, explicitly religious wars. But religious matters in these conflicts because it shapes world views and perceptions of people—makes them live compassionately, at best, or focuses anger, at worst.

Promoting religious freedom and related human rights abroad is therefore vital to U.S. foreign policy and to our strategic, as well as our humanitarian interests. Where governments protect religious freedom, and citizens value it, religious persecution and religiously related violence often find little appeal, and other fundamental human rights, the rule of law and democracy are accorded greater value. When observed, freedom of religion or belief is one of the linchpins of stable and productive societies. When denied, generations of hatred and societal instability may be sown.

Although China is somewhat *sui generis* when it comes to the intersection of freedom of thought, conscience and religion with security and economic issues, I think it is fair to say that freedom of religion and belief are not side, marginal issues with respect to China—if for no other reason than that the government of China does not treat these freedoms as side or marginal concerns. Repression of individual rights of conscience occupies a central policy of this and past Chinese regimes.

In the past several years, there has been a deep imbalance in the U.S.-China relationship. Security and trade relationships are moving forward at an often-dramatic pace. In these areas, we are building partnerships based on mutual interests.

Yet, the U.S. does not have an effective Chinese government partner in the area of human rights. It is clear that from the Chinese perspective, U.S. concerns regarding human rights abuses should remain peripheral to improving ties on security and trade.

To acquiesce to this dichotomy would be shortsighted. It is crucial to U.S. and international interests that China respects individual liberties and international standards of human rights and understands that by doing so, it will become a more stable, secure, and prosperous country.

China has made some impressive strides in promoting economic freedom. In the past decade, the Chinese government has embraced some of the benefits of the free market with dramatic results. The Chinese people now have greater mobility, increased property rights, and access to information than they had in the past.

These are not small advances. We all hope they augur a future where China and its people can experience an open society and even greater prosperity.

However, China's rapid modernization makes it all the more apparent that continued prosperity can only occur when the government honors the political and social freedoms enshrined in its Constitution. And the endorsement China's leadership receives from business executives for its economic policies does not justify the withholding of world criticism for its repressive human rights policies.

It can no longer be argued that human rights violations are a temporary tradeoff to achieve economic development. In fact, the opposite is true. Achieving the full measure of economic development depends on improving human rights protections. Restrictions on freedom of speech and freedom of association stifle the type of communication needed to manage risk, root out corruption, and address environmental, health, and labor safety issues. Nor can China compete fully in a globalized economy when it restricts Internet access or censors the domestic or foreign press.

China too often sees the free flow of ideas—and the ability to act on new ideas—as a threat to stability and prosperity and not as a way to promote stable economic and social development.

Respect for human rights is also important for regional stability and prosperity, both in China and throughout the region. Such respect is a critical element in any peaceful resolution of the Taiwan issue and the successful management of Hong Kong under the PRC's sovereignty. The human rights gap is a potential source of instability—particularly in the way China treats its citizens in Tibet and Xinjiang and undermines Hong Kong's political freedoms. Any social or political meltdowns in any of these areas will certainly involve Western and other interests.

China's repressive policies on religion, in particular, contribute to tensions and conflict between the state and significant portions of China's population. They unnecessarily turn people of faith into enemies of the state. Given how quickly religion and individual conscience are growing in China in every sector, the Chinese government cannot continue to control or discriminate against its citizens based on their expressions of thought, conscience, religion, or belief.

Active attempts to control and restrict the religious practice and activities of Tibetan Buddhists, Uighur Muslims, unregistered Protestants and Catholics, various spiritual movements such as the Falun Gong, as well as some folk religions in rural China, have only caused more friction and social instability.

For example, religion is a key source of identity for Tibetans and Uighur Muslims. Ongoing campaigns to promote atheism and to control religious expression and practice in Xinjiang and Tibet are fostering a widening division and resentment between the Tibetan and Uighur minorities and the Han Chinese majority. This division is a source of instability and does not contribute to China's goal of fostering unity between China's nationalities. Such division makes marginalized minority peoples more likely to reject the policies of the Chinese government and to rebel against policies that they feel are repressive of their economic livelihood and social integrity.

The link between social instability and religious freedom can also be seen in the recent riots and crackdowns on Hui Muslims in Henan Province. The Hui Muslims were always thought to be peaceful and fully integrated into Chinese society, so the recent riots raise some interesting questions. Though it is unclear exactly what sparked the violence—it is clear that even long-standing social and economic tensions can lead to religiously related divisions in the current environment.

Nonetheless, the Chinese leadership still cannot accept greater individual freedom as a path to long-range stability.

In ways that are well documented, the Chinese government continues to regulate and restrict religious growth to prevent the rise of groups or individuals who could gain the loyalty of large numbers of the Chinese people. Religious belief and practice

is tolerated in China, but only if it exists within the boundaries of government-sanctioned organizations, government-approved theology, and registered places of worship. Though even in approved venues—such as among China’s Muslims there are still active efforts of control.

But these efforts at control have not worked and are often counterproductive. Religious belief and practice of individual conscience have grown dramatically—in fact exploded in many sectors of society. The Chinese government admits now that the spiritual aspirations of its citizens cannot be completely stamped out.

Much has changed in China the past 15 years. But much has also remained the same. What has changed is often exciting and promising. What has remained the same is troubling and acts as a barrier to improved bilateral relations and as a drag on China’s international prestige.

China aspires to a position of leadership in the community of nations. But the severe violations of freedom of religion or belief we currently are witnessing are incompatible with the international position to which China aspires. If China is to become an open society and one trusted as a leader of the international community, it must respect the rights of thought, conscience and belief for all of its people. The U.S. should support China’s transition and aspirations in a way that are both credible and consistent with international human rights standards.

As I mentioned at the outset, I will not spend my time detailing past and current crackdowns on spiritual practice in China. Several witnesses following me will describe in detail how the situation seems to have worsened on the ground in the past year.

For the short time remaining, I would like to highlight several policy recommendations.

#### POLICY RECOMMENDATIONS

The best way to promote respect for religious freedom and related human rights in China—and therefore construct a durable Sino-American relationship—is to speak with one voice with respect to all U.S. interests in China.

Promotion of security, economic, and human rights interests cannot be compartmentalized, but rather should be integrated to more accurately reflect their interdependence—because progress in one area supports the others, whereas lack of success on human rights impedes the progress on others.

##### *(1) Better interagency coordination of human rights concerns into the broad scope of bilateral relations*

Accordingly, effective, external pressure requires a strong, consistent critique of China’s human rights practices based on international standards. U.S. officials at all levels from the President on down, should continually reiterate China’s obligation to respect human rights and the importance of this issue to the entire fabric of the bilateral relationship.

President Bush, other cabinet heads, and senior officials have raised human rights and religious freedom issues with China’s political leadership and with the Chinese people themselves in public addresses. These are important steps and should be continued.

However, given the often conflicting interests presented by competing cabinet agencies and delegations discussing economic, security, humanitarian, and human rights concerns in China, there is need to better coordinate efforts to ensure that all U.S. Government agencies that deal with China are fully aware of, and speak consistently about, the direct relevance of human rights to their work so that they can advance human rights in ways that are appropriate to their particular responsibilities and those of the Chinese with whom they interact. We must, quite simply, as a government speak with one voice if our concerns in this area are to be properly conveyed and sufficiently understood. We need effective interagency coordination of our relationship with China in order to achieve that.

##### *(2) Strengthening Bilateral Human Rights Dialogues with China*

Better coordination of U.S. human rights diplomacy could also be furthered by strengthening the U.S.-China bilateral human rights dialogues. This is an opportune time to talk about this subject, as there are presently U.S. representatives in Beijing negotiating the resumption of the bilateral dialogues.

However, in now resuming the bilateral human rights dialogues, there are several critical concerns that need to be addressed about the dialogues—both about their effectiveness and their quality. These concerns include:

- *The lack of benchmarks:* The dialogues have had no publicly stated goals so it has been difficult to evaluate a dialogue’s effectiveness and content.

- *The lack of transparency:* Most of the discussions on agenda and topics for the dialogue are not disclosed. Accordingly, there is no way for outside experts and groups to evaluate what was said, what went wrong, or what was accomplished.
- *The lack of consultation with outside experts:* Relatedly, despite their deep expertise, NGOs and other experts are often not consulted when the U.S. Government sets its dialogue agendas and plans its strategies.
- *The lack of continuity:* The identity of Chinese government officials who participate in the dialogues constantly change, thus making follow-through and meaningful longer-term discussion difficult.

These concerns have been circulating for several years, but have not dramatically affected the way that the U.S. Government conducts its bilateral human rights dialogue. One way to ensure that the need for benchmarks, transparency, coordination and consultation are taken seriously is for Congress to mandate an annual report to assess the previous year's U.S.-China bilateral human rights dialogues.

The Congress should require that the State Department submit a report to the appropriate congressional committee detailing the issues discussed at the previous year's meetings and describing to what extent the Government of China has made progress during the previous year on a series of issues specified by the Congress.

Congress has already mandated such a report for the bilateral dialogue with Vietnam (Sec. 702 of PL 107-228). The Commission heard testimony recently from participants in the U.S.-Vietnam human rights dialogue that the Congressional mandate was beneficial in establishing benchmarks and measuring progress in the U.S.-Vietnam human rights dialogues.

In this way, Congressional involvement with the human rights dialogues would provide the political capital needed to focus the U.S.-China dialogue on the important goals of setting benchmarks, seeking transparency, and getting concrete results from the dialogue process.

*(3) Advance a resolution at the U.N. Commission on Human Rights and work for its passage at an appropriate and high official level*

We also believe that bilateral human rights dialogues should be linked to multilateral resolutions at the U.N. Commission on Human Rights (UNCHR).

It is essential that bilateral and multilateral diplomacy work together to focus attention on China to improve its human rights practices, rather than working at cross purposes or allowing the Chinese government to play one country off of the other. Yet, we fear that a proliferation of separate bilateral dialogues may have become a substitute for multilateral monitoring of China's human rights record.

The U.S. should continue to seek a resolution condemning China as one of its highest priorities for its participation at the U.N. Commission on Human Rights next spring. It is important to offer a resolution even if it looks like it will not pass. However, in the last several years, efforts to pass a resolution were often started too late in the process to gain sufficient support.

The U.S. must work year-round on a resolution in order to build an effective coalition and high-level government officials should be invested in seeking support for the resolution. In the past several years, the decision to offer a UNCHR resolution was made in the months immediately preceding the Commission's annual meeting. This is not enough time to build an effective coalition with those who might support it.

With China's ratification of the International Covenant on Social, Economic, and Cultural Rights (ICESCR) and its acceding to the International Covenant on Civil and Political Rights (ICCPR), the nation has become increasingly involved in the international human rights system. By working year-round with international human rights bodies, the United States can help produce the type of multinational critiques that may command attention in China.

*(4) The State Department and other relevant agencies should coordinate with other nations on technical cooperation and capacity building programs in China*

Within the last decade, the United States and several other Western nations have established successful programs for technical assistance and cooperation in the areas of legal reform and economic and social capacity building. These programs are intended to assist China in complying with its international human rights commitments and provide human rights training for Chinese officials working at the national and local levels.

Fifteen different countries are pursuing some form of rule-of-law, human rights, or NGO capacity building projects. Millions of dollars and millions of hours of labour are spent on these projects, but there has been little or no coordination on methods, goals, outcomes, or viable partners.

The State Department, including USAID and other relevant agencies, should organize regular meetings of nations with technical cooperation programs with China—seeking to coordinate the various programs across disciplines and nations and to evaluate the success and failures and share best practices and new approaches from across the globe.

These programs are often actively sought by China. Technical support programs were not canceled by China even though they disbanded discussion with the U.S. on human rights in April. The U.S. should take the lead to improve and better coordinate approaches that will advance religious freedom and related human rights in China and reach out to those within China seeking internal reform.

*(5) U.S. legal reform and rule of law programs need to be calibrated to advance religious freedom and related human rights*

At the present time, the State Department does not have a legal reform program in China that relates directly to the advancing the freedom of thought, conscience, and religion or belief.

There are numerous commercial rule-of-law programs. It is important to note that some legal reform programs have trained lawyers who now represent those attempting to fight for their rights in disputes involving property, pensions, environmental protections, and medical malpractice. Such cases provide a significant source of internal pressure upon the Chinese government to conform to international standards.

Thus, it seems this is an opportune time to fund legal reform programs that integrate the right to freedom of religion or belief—and related rights of expression, association, and a fair trial—with other rule-of-law initiatives.

The Commission recommends that rule-of-law programs with direct relevance to the protection of human rights and religious freedom should be funded. Such programs should be carried out through cooperation between governmental and private institutions, such as bar associations, law schools, judicial training centers, and other civil society groups.

The U.S. Government should fund these programs if the efforts are to be taken seriously by the Chinese government. And, the programs must have U.S. Government support in order to maintain the type of long-term sustainability necessary to make an impact on the Chinese legal system.

*(6) Review all U.S. foreign aid funding and public diplomacy programs for China to include the promotion and protection of religious freedom. The State Department should consult the Commission in advancing these goals as is required in IRFA*

There is a need to review all State Department and USAID foreign aid funding for China to determine whether religious freedom components are included in democracy, human rights, economic development, and rule-of-law programming under the new Joint Strategic Plan. Specifically, more information is needed on specific opportunities to promote and protect the freedom of religion and belief through U.S. foreign aid funding.

There is also a need to review all State Department public diplomacy programs for China. There is a growing recognition of the need to counter anti-Americanism worldwide, and that need exists in China as well. Public diplomacy and exchange programs need to be reviewed in an effort to promote more positive understanding of religious freedom and related human rights among a broad cross-section of Chinese society. The International Visitor's Program, and other publicly supported exchange programs, should actively seek exchanges between a diverse segment of Chinese government officials and academic experts and U.S. scholars, experts and representatives of religious communities regarding the relationship between religion and the state, the role of private charity in addressing social needs, the role of religion in society, and international standards relating to the right to freedom of thought, conscience and religion and belief.

The International Religious Freedom Act requires that the State Department consult with the Ambassador-at-Large for International Religious Freedom and the Commission on ways to integrate religious freedom into U.S. foreign aid programs and public diplomacy. The Commission stands ready to consult with the State Department at any time on these timely projects.

*(7) Establish an official presence in Xinjiang and Tibet*

Given that religious freedom and human rights concerns are central to the issues of contention in Tibet and Xinjiang, and given the growing economic development interests in these regions, the U.S. should seek to establish an official U.S. Government presence, such as a consulate, in Lhasa, Tibet and Urumqi, Xinjiang.

*(8) Provide Incentives for Businesses to Promote Human Rights*

The last five years have brought a proliferation of corporate responsibility codes of conduct and monitoring programs. These activities are certainly laudable. In the example of John Kamm we have found that U.S. business people can be effective Ambassadors in promoting fundamental human rights in China. But corporate conduct codes often vary widely and many do not contain non-discrimination clauses pertaining to religion and belief. In addition, there are few incentives for corporations to act on the codes' provisions in any meaningful way.

Some order has to be brought back to the process both to unite the U.S. business community around similar principles and get back to the objective of Congress—in several pieces of legislation including the International Religious Freedom Act of 1998 (IRFA)—to engage the business community to provide positive examples of human rights in China.

Given that conduct codes are voluntary, one area that needs more thought and development is how to offer incentives to businesses to establish innovative approaches to promote religious freedom and related human rights outside the United States. Maybe the first place to start is to consider extending breaks on loans, insurance, and loan guarantees from the Export/Import Bank or the Asian Development Bank. The Export/Import Bank in particular is required to consider human rights in extending services to U.S. companies.

Given that China has recently ratified the International Covenant on Social, Economic, and Cultural Rights there is an opportunity to mesh China's international obligations with voluntary corporate action. What is needed is better coordination across industries and business sectors to determine best practices and viable incentives.

Mr. Chairman, given the bipartisan nature and reputation of this committee—including several past hearings on China's labor practices—I suggest that the CECC (or possibly the U.S.-China Economic and Security Review Commission) organize an international business roundtable whereby leaders could compare ideas and offer recommendations for action for promoting fundamental freedoms including thought, conscience, and religion.

While there has been much discussion on ways to protect labor practices, worker safety and environmental standards as part of corporate responsibility codes for China, there has been of yet little effort to integrate the protection of freedom of religion or belief into them. We hope that any international business roundtable gathered to discuss human rights and corporate codes would emphasize the promotion of this fundamental right. The Commission and its staff could assist in planning the roundtable and would make of our contacts available for such an effort.

## CONCLUSION

Mr. Chairman, no one can comfortably admit to knowing exactly how best to strengthen human rights diplomacy with China. That is why, despite having two planned Commission visits canceled because of unacceptable conditions on the Commission's itinerary being imposed literally at the last hour, we remain committed to traveling to China with an appropriate invitation from the Chinese government. We are seeking to examine conditions first-hand, if indeed that is possible, and to discuss policies and actions with those in the Chinese government who are responsible for issues of religion and human rights.

We hope that through honest and coordinated exchanges with the U.S. and other nations, China's leaders will recognize that while prosperity and security may lead to national well-being, good standing in the community of nations will only be secured by protecting universal human rights for every Chinese citizen.

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PREPARED STATEMENT OF PITMAN B. POTTER

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BELIEF IN CONTROL: REGULATION OF RELIGION IN CHINA<sup>1</sup>

**ABSTRACT**—This article examines the regulation of religion in China, in the context of changing social expectations and resulting dilemmas of regime legitimacy. The post-Mao government has permitted limited freedom of religious belief, subject to legal and regulatory restrictions on religious behaviour. However, this distinction

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between belief and behaviour poses challenges for the regime's efforts to maintain political control while preserving an image of tolerance aimed at building legitimacy. By examining the regulation of religion in the context of patterns of compliance and resistance in religious conduct, the article attempts to explain how efforts to control religion raise challenges for regime legitimacy.

The relationship between religion and state power in China has long been contested. Dynastic relations with religious organizations and doctrine included attempts to capture legitimacy through sponsorship of ritual, while folk religions continued to thrive in local society despite ongoing attempts at official control.<sup>2</sup> In addition, religion was a significant source of resistance to imperial rule, often in the form of secret societies attempting to remain aloof from official control,<sup>3</sup> as well as through peasant uprisings inspired by religious devotion.<sup>4</sup> During the Maoist period, programmes of socialist transformation challenged the social bases for traditional Chinese folk religions, while policies of political monopoly attacked those limited examples of organized religion that could be identified and targeted.<sup>5</sup>

In post-Mao China, the regime adopted a somewhat more tolerant perspective on religion.<sup>6</sup> As a component of a new approach to building regime legitimacy,<sup>7</sup> the government accepted a tradeoff of broader social and economic autonomy in exchange for continued political loyalty. Thus, beginning in the 1980s, a "zone of indifference"<sup>8</sup> into which the government chose not to intervene was cautiously expanded in areas of social and economic relations. While the government's concession of socio-economic autonomy was not enforceable through formal institutions or processes, it remained an important source of popular support that could not easily be repudiated except in response to perceived political disloyalty by the citizenry.

This tension between autonomy and loyalty is particularly evident in the area of religion. While China's expanding participation in the world economy has seen increased international criticism on human rights grounds of policies aimed at controlling religious practices,<sup>9</sup> the importance of the regulation of religion rests primarily on domestic factors of authority and legitimacy. Religion represents a fault line of sorts in the regime's effort to build legitimacy through social policy. As a rich array of religious belief systems re-emerges,<sup>10</sup> the regime faces continued challenges of maintaining sufficient authority to ensure political control while still presenting a broad image of tolerance. This article examines the regulation of religion in China in the context of these dimensions of legitimacy and political authority.

#### REGULATION OF RELIGION: MAINTAINING THE BALANCE BETWEEN AUTONOMY AND LOYALTY

As with many features of social regulation in China, the regulation of religion proceeds essentially from the policy dictates of the Chinese Communist Party (CCP), which are then expressed and enforced in part through law and administrative regulation. Dissemination and enforcement of Party policies on religion is the responsi-

<sup>2</sup>See generally Stephen Feuchtwang, "School-temple and city god," in Arthur P. Wolf (ed.), *Studies in Chinese Society* (Stanford: Stanford University Press, 1978), pp. 103–130; C.K. Yang, *Religion in Chinese Society* (Berkeley: University of California Press, 1961).

<sup>3</sup>See e.g. David Ownby, *Brotherhoods and Secret Societies in mid-Qing China: The Formation of a Tradition* (Stanford: Stanford University Press, 1996).

<sup>4</sup>See generally, Elizabeth J. Perry, *Challenging the Mandate of Heaven: Social Protest and State Power in China* (Armonk NY: M.E. Sharpe, 2001) and *Rebels and Revolutionaries in North China, 1845–1945* (Stanford: Stanford University Press, 1980); Susan Naquin, *Millenarian Rebellion in China: The Eight Trigrams Uprising of 1813* (New Haven: Yale University Press, 1976).

<sup>5</sup>See generally, Rennselaer W. Lee III, "General aspects of Chinese communist religious policy, with Soviet comparisons," *The China Quarterly*, No. 19 (1964), pp. 161–173.

<sup>6</sup>See generally Liu Peng, "Church and state relations in China: characteristics and trends," *Journal of Contemporary China*, Vol. 5, No. 11 (1996), pp. 69–79; Donald E. MacInnis, *Religion in China Today: Policy and Practice* (Maryknoll NY: Orbis, 1989); Chang Chi-p'eng, "The CCP's policy toward religion," *Issues & Studies*, Vol. 19, No. 5 (September 1983), pp. 55–70.

<sup>7</sup>See generally Pitman B. Potter, "Riding the tiger—legitimacy and legal culture in post-Mao China," *The China Quarterly*, No. 138 (1994), pp. 325–358.

<sup>8</sup>Tang Tsou, *The Cultural Revolution and Post-Mao Reforms: A Historical Perspective* (Chicago: University of Chicago Press, 1986), p. 18.

<sup>9</sup>See e.g. Human Rights Watch/Asia, *China: State Control of Religion* (1997), Human Rights Watch/Asia, *Continuing Religious Repression in China* (1993), US State Department Bureau of Democracy, Human Rights and Labor, "China country report on human rights practices, 2000" (23 February 2001).

<sup>10</sup>See generally, Chan Kim-Kwong and Alan Hunter, "Religion and society in mainland China in the 1990s," *Issues & Studies*, Vol. 30, No. 8 (August 1994), pp. 52–68; Julia Ching, "Is there religious freedom in China?" *America*, Vol. 162, No. 22 (9 June 1990), pp. 566–570.

bility of an intersecting network of Party and governmental organizations.<sup>11</sup> Prior to his retirement following the 16th National CCP Congress, Politburo Standing Committee member Li Ruihuan had particular responsibility for religious affairs, while Politburo member in charge of propaganda Ding Guangen also played an important role.<sup>12</sup> The Party's United Front Work Department is charged with detailed policy formulation and enforcement, subject to general Party policy directives.<sup>13</sup> The State Council's Religious Affairs Bureau has responsibility for regulatory initiatives and supervision aimed at implementing Party policy.<sup>14</sup> Public Security departments have taken broad responsibility to enforce regulations controlling religious activities, and have participated actively in suppression campaigns.

*Party policy.* Party policy on religion over the past 20 years has reflected a marked departure from the repressive policies of the Maoist period. The Third Plenum of the 11th CCP Central Committee in 1978 supported conclusions about the decline of class struggle.<sup>15</sup> This led in turn to gradual acceptance of broader diversity of social and economic practices, including a relaxation of Party policy on religion. The official summary of CCP policy on religion issued in 1982 as "Document 19" stated the basic policy as one of respect for and protection of the freedom of religious belief, pending such future time when religion itself will disappear.<sup>16</sup> While recognizing that religious belief was a private matter, and acknowledging that coercion to prevent religious belief would be counterproductive,<sup>17</sup> Party policy nevertheless privileged the freedom not to believe in religion. It also recognized only five religions, Buddhism, Daoism, Islam, Catholicism and Protestantism, in an effort to exclude folk religions, superstition and cults from the bounds of protection.<sup>18</sup> The Party was also committed to unremitting propaganda to support atheism, and to using its control over the educational system to marginalize religious belief.<sup>19</sup> Document 19 prohibited grants of "feudal privileges" to religious organizations and otherwise limited their capacity to recruit, proselytize and raise funds. Education of clergy and administration of religious organizations and buildings aimed to ensure that religious leaders remained loyal to principles of Party leadership, socialism, and na-

<sup>11</sup> See generally, Human Rights Watch/Asia, *China: State Control of Religion* (1997), ch. 3; MacInnis, *Religion in China Today*, pp. 1–5.

<sup>12</sup> See "Li Ruihuan meets religious leaders," Beijing Xinhua Domestic Service 31 January 2000, in FBIS Daily Report- China (FBIS-CHI-2000-0201) 1 February 2000. In the official Xinhua report on the National Work Conference on Religion, 10–12 December 2001, Li Ruihuan was listed just after Li Peng and Zhu Rongji and ahead of Hu Jintao among the leaders attending. See "Quanguo zongjiao gongzuo huiyi zai jing juxing" ("National work conference on religion convenes in Beijing") Renmin Wang (People's Net) (electronic service) (12 December 2001). Ding Guangen was listed first among the chairs of the Work Conference.

<sup>13</sup> UFWD Director Wang Zhaoguo's public statements on united front work regarding religion have echoed the central tenets of Party policy on issues of Party and state guidance of religion and the need for religions to adapt to the needs of socialism. See e.g. "Wang Zhaoguo on PRC united front work," Beijing Xinhua Domestic Service, 8 January 2000, in FBIS-CHI-2000-0110, 11 January 2000.

<sup>14</sup> See e.g. Ye Xiaowen, "China's current religious question: once again an inquiry into the five characteristics of religion" (22 March 1996), Appendix X in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 116–144.

<sup>15</sup> See "Zhongguo gongchandang di shiyi jie zhongyang weiyuanhui di san ci quanti huiyi gongbao" ("Communique of the Third Plenum of the Eleventh CCP Central Committee"), Hongqi (Red Flag), No. 1 (1979), pp. 14–21.

<sup>16</sup> See "Guanyu woguo shehuizhuyi shiqi zongjiao wenti de jiben guandian he jiben zhengce" ("Basic viewpoints and policies on religious issues during our country's socialist period") (31 March 1982), in Xu Yucheng, *Zongjiao zhengce faluishi dawen* (Responses to Questions about Knowledge of Law and Policy on Religion) (Beijing: Chinese Academy of Social Sciences Press, 1997), pp. 287–305, at p. 292. An English translation appears as "Document 19," Appendix 2 in Mickey Spiegel, "Freedom of religion in China" (Washington, London and Brussels: Human Rights Watch/Asia, 1992), pp. 33–45. For discussion of circumstances surrounding the issue of Document 19, see Luo Guangwu, *Xin Zhongguo zongjiao gongzuo da shi yaojian* (Outline of Major Events in Religious Work in the New China) (Beijing: Chinese culture (huawen) press, 2001), pp. 298–304.

<sup>17</sup> Herein perhaps lay a recognition of the limits of CCP policies that under Mao attempted to repress local religious practices and traditions. See generally, Edward Friedman, Paul G. Pickowicz and Mark Selden, *Chinese Village, Socialist State* (New Haven: Yale University Press, 1991), esp. pp. 234–35, 268–270. Also see Stephan Feuchtwang, "Religion as resistance," in Elizabeth J. Perry and Mark Selden (eds.), *Chinese Society: Change Conflict and Resistance* (London: Routledge, 2000), pp. 161–177.

<sup>18</sup> *Ibid.* Also MacInnis, *Religion in China Today*, pp. 385–410. For parallels to religious policies under the Qing, see Ownby, *Brotherhoods and Secret Societies; Naqun, Millenarian Rebellion in China*.

<sup>19</sup> See generally, MacInnis, *Religion in China Today*, pp. 411–19.

tional and ethnic unity. Document 19 also prohibited Party members from believing in or participating in religion.<sup>20</sup>

While the early 1980s signalled an important phase of liberalization in comparison to previous periods, the Party remained concerned primarily with enforcing social control, under the rubric of the dictatorship of the proletariat and the central role of Party leadership in the process of socialist modernization.<sup>21</sup> Significant social unrest in Tibet and Xinjiang in 1988–89,<sup>22</sup> coupled with the nation-wide crisis created by the 1989 democracy movement, posed particular challenges. In 1991, the CCP Central Committee/State Council's "Document No. 6" expressed the regime's policy response that attempted to co-opt religious adherents while also repressing challenges to Party power.<sup>23</sup> Document No. 6 emphasized increased regulatory control over all religious activities: "Implementing administration of religious affairs is aimed at bringing religious activities within the bounds of law, regulation, and policy, but not to interfere with normal religious activities or the internal affairs of religious organizations."<sup>24</sup> While the reference to non-interference seemed benign, the qualification that this extended only to "normal" activities suggested an overarching purpose to confine religion to the limits of law and policy.

Document No. 6 grew out of the State Council's National Work Conference on Religion on 5–9 December 1990, at which there was relatively frank discussion on the number of religious adherents in China and a recognition of the need for limited tolerance.<sup>25</sup> Following Li Peng's exhortation to ensure strict enforcement of Party policy and state law on control of religion, Jiang Zemin took a more relaxed tack, calling for a united front approach that included tolerant management of religious organizations, policies on religion that were suited to broader programmes of reform and opening up, and a recognition that religion "affects the masses of a billion people" (*shejidao qian baiwan qunzhong*) and that resolution of issues of religion would have significance for national stability, ethnic unity and the promotion of socialist culture. In anticipation of the issuance of Document No. 6, Jiang called the five leaders of national religious organizations to Zhongnanhai for a briefing, emphasizing the balance between limited tolerance of religious activities that conformed to Party policy, and repression of heterodoxy.<sup>26</sup>

Document No. 6 claimed to protect freedom of religious belief, while requiring believers to comply with imperatives of Party leadership, social stability and social interests. The document reiterated provisions of the 1982 Document No. 19, on the right not to believe in religion. Document No. 6 directed public security organs to take forceful measures to curb those who use religious activities to "engage in disruptive activities," "stir up trouble, endanger public safety, and weaken the unification of the country and national unity," or "collude with hostile forces outside the country to endanger China's security." Apart from their utility in justifying restrictions on religious activities in Tibet and Xinjiang and prohibitions against Christian practitioners from Taiwan,<sup>27</sup> these provisions also limited proselytization, recruitment, fund-raising and other activities in support of organized religion.<sup>28</sup>

Despite efforts at official control, a religious revival in China gathered significant momentum through the 1990s.<sup>29</sup> The Party's policy response recognized five basic

<sup>20</sup> "Basic view points and policies," pp. 299–301.

<sup>21</sup> See Preamble to the 1982 Constitution of the PRC (Beijing: Law Publishers, 1986).

<sup>22</sup> On Tibet, see Melvyn Goldstein, "Tibet, China and the United States: reflections on the Tibet question," Atlantic Council Occasional Paper (April 1995), pp. 38–48. On Xinjiang, see Felix K. Chang, "China's Central Asian power and problems," *Orbis*, Vol. 41, No. 3 (Summer 1997), pp. 401–426.

<sup>23</sup> "Guanyu jinyibu zuohao zongjiao gongzuo ruogan wenti de tongzhi" extracted in Luo Guangwu, pp. 434–37. English text appears as "Document 6: CCP Central Committee/State Council, circular on some problems concerning further improving work on religion" (5 February 1991), Appendix 1 in Spiegel, "Freedom of Religion in China," pp. 27–32.

<sup>24</sup> See *Ibid.* pp. 435–36. Also see Chan Kim-Kwong and Alan Hunter, "New light on religious policy in the PRC," *Issues & Studies*, Vol. 31, No. 2 (February 1995), pp. 21–36.

<sup>25</sup> For discussion of the work conference, see Luo Guangwu, pp. 428–1132.

<sup>26</sup> *Ibid.* pp. 432–34.

<sup>27</sup> With increased (albeit indirect) travel between Taiwan and the mainland in the 1980s, the links between Taiwan relations and religious affairs became a matter of particular concern. See Religious Affairs Bureau and Taiwan Affairs Office, "Institutional secret, national edict on religion" (*guo zhongfa*), No. 128 (13 November 1989), in Chan and Hunter, "New light on religious policy in the PRC," pp. 21–36 at pp. 30–31.

<sup>28</sup> Spiegel, "Freedom of religion in China," pp. 8–13.

<sup>29</sup> See generally, Jaime Florcrúz et al., "Inside China's search for its soul," *Time*, Vol. 15, No. 14 (4 October 1999), pp. 68–72; Adam Brookes and Susan V. Lawrence, "Gods and demons," *Far Eastern Economic Review*, 13 May 1999, pp. 38–40; Arthur Waldron, "Religious revivals in Communist China," *Orbis*, Vol. 42, No. 2 (Spring 1998), pp. 323–332; Donald MacInnis, "From suppression to repression: religion in China today," *Current History*, Vol. 95 (September 1996), pp. 284–89; Matt Forney, "God's country," *Far Eastern Economic Review*, 6 June 1996, pp. 46–48.

characteristics of religion that had been identified and formalized by the CCP's United Front Work Department in the late 1950s and then reiterated in 1989.<sup>30</sup> These stressed the long-term character of religion and its mass base, national and international aspects, and complexity. The long-term character of religion militated in favour of patient persistence in Party policies of co-optation and control. The mass character served as a cautionary note that the Party could not easily ignore or control the some 100 million people believed to participate in religion. The links between religion and national and international questions called for attention to the interplay between ethnicity in such areas as Tibet and Xinjiang and the imported religions of Buddhism and Islam. The complexity of religion was seen to require careful analysis of the processes of popular belief as a prerequisite for effective policy.

In the face of these conditions, Party authorities on religion focused on strengthening administration of religious affairs according to law, and on actively guiding religions to enable them to adapt to socialist society.<sup>31</sup> While the educational function of Party policy represented a method of indirect control over clergy and believers,<sup>32</sup> administration according to law imposed criminal and administrative sanctions for religious activities used to "oppose the Party and the socialist system, undermine the unification of the country, social stability and national unity, or infringe on the legitimate interests of the state. . . ." <sup>33</sup> Party policy was less tolerant of local sects seeking broader autonomy from the Party and the government,<sup>34</sup> while also urging vigilance against infiltration of China by hostile foreign elements under the guise of religion. The United States was portrayed as particularly interested in using religion to subvert China.<sup>35</sup>

The State Council's 1997 "White Paper on Freedom of Religious Belief in China" reiterated the point that "religion should be adapted to the society where it is prevalent" and the religions must "conduct their activities within the sphere prescribed by law and adapt to social and cultural progress."<sup>36</sup> Pursuant to these principles, the government remained committed to punishing those religions and religious believers who "are a serious danger to the normal life and productive activities of the people" or who "severely endanger the society and the public interest."<sup>37</sup> The coercive themes were reiterated at the United Front Work Department's national work conference in late December 1999 by Director Wang Zhaoguo: "We must comprehensively and correctly implement the Party's religious policy, strengthen administration of religious affairs according to law, and actively guide religions to adapt to socialist society."<sup>38</sup>

This theme was reinforced in RAB Director Ye Xiaowen's October 2000 essay on theory and policy.<sup>39</sup> Ye called for cadres to adhere to the "three sentences" (*san ju hua*) of Jiang Zemin extolling the need to enforce Party policies on religion, strengthen management of religion according to law, and actively lead the adaptation of religion and socialism.<sup>40</sup> Ye also reiterated four principles articulated during Jiang Zemin's July 1998 inspection tour of Xinjiang, namely the freedom to believe or not believe in religion, non-interference in religious activities, separation of politics from religion, and the interdependence between rights and obligations associated with religious activities. Ye cautioned cadres on the need for tolerance of approved religious activities in accordance with law, although he also urged punishment of

<sup>30</sup> Ye Xiaowen "China's current religious question: once again an inquiry into the five characteristics of religion" (22 March 1996), in Human Rights Watch/Asia, China: State Control of Religion (1997), pp. 116–144 at pp. 117–18.

<sup>31</sup> See Luo Shuze, "Some hot issues in our work on religion" (June 1996) in Human Rights Watch/Asia, China: State Control of Religion (1997), pp. 65–70

<sup>32</sup> *Ibid.* pp. 68–70.

<sup>33</sup> *Ibid.* p. 68. Also see Mickey Spiegel, "Control 'according to law': restrictions in religion," China Rights Forum, Spring 1998, pp. 22–27.

<sup>34</sup> Luo Shuze, "Some hot issues in our work on religion," at pp. 66–67

<sup>35</sup> *Ibid.* p. 65. This continues to be a focus of official policy statements on religion. See "US report on religious freedom seen as 'power politics,'" Beijing Xinhua English Service, 11 December 1999, in FBIS-CHI-1999-1210, 13 December 1999; "PRC refutes charges on religious affairs," Beijing Xinhua English Service, 8 December 1999, in FBIS-CHI-19991208, 9 December 1999.

<sup>36</sup> "Freedom of religious belief in China" (hereafter "1997 White Paper") in White Papers of the Chinese Government, 1996–1999 (Beijing: Foreign Languages Press, 2000), pp. 227–257 at pp. 246–47.

<sup>37</sup> *Ibid.* p. 247.

<sup>38</sup> "Wang Zhaoguo on PRC united front work," Beijing Xinhua Domestic Service, 8 January 2000, in FBIS-CHI-2000-0110, 11 January 2000.

<sup>39</sup> Ye Xiaowen, "Dui zongjiao lilun he zhengce yaodian de fensi he guilei" ("Analysing and classifying the main points of religious theory and policy"), in Luo Guangwu, pp. 1–8.

<sup>40</sup> These had been articulated in Ye's 14 March 1996 Renmin ribao editorial, which in turn harkened back to Jiang Zemin's 7 November 1993 speech to a national united front work conference. See Luo Guangwu, pp. 528–29, 465–68.

violations. For Ye, the key to managing popular religious activity seemed to lie in educating the younger generations in historical materialism and atheism, rather than in coercion and repression of practitioners.

Despite the violent repression campaign against the *falun gong* in 2000–2001, Party policy continued to sound a theme of cautious accommodation with religion in general, under the theme of adaptation between religion and socialism. In his speech to the December 2001 National Work Conference on Religious Affairs, Jiang Zemin called once again for adaptation between religion and socialism.<sup>41</sup> The conference was intended originally to summarize the results of the campaign against the *falun gong* and to provide instructions for further action. However, by the time the meeting was held, policy consensus on repression of the *falun gong* had apparently progressed to the point where there was little left to discuss. As a result, the conference was used as an opportunity to summarize official policies. Jiang's speech instructed officials to adhere to policies on religious freedom, refrain from using administrative force to eliminate religion and accept that religion would be an integral part of Chinese society for a long time. These conciliatory elements were echoed in an influential article by Deputy Director of the State Council Office for Economic Restructuring Pan Yue, who is also an important official in the CCP's youth wing.<sup>42</sup> Pan suggested that the Party drop its long-standing prohibition of religious figures joining the Party and recognize that religion "has psychological, cultural and moral functions, as well as numerous uses, such as services and public welfare." Pan called for the Party to "abandon the policy of consistently suppressing and controlling religion and adopt [a policy] of unity and guidance and take advantage of the unifying power and appeal of religion to serve the CCP regime."

However, the December 2001 work conference also expressed the more conventional aspects of policies on control of religion. Jiang Zemin called for the Party and state to guide religion to conform to the needs of socialism, and to prevent religious adherents from interfering with the socialist system, the interests of the state and the requirements of social progress. Religious adherents were admonished to love the motherland, support the socialist system and the leadership of the Party, and obey the laws and policies of the state. The basic principles articulated in Document 19 of 1991 remain key to ensuring that religious activities would not thwart the goals of Party leadership and socialism. Zhu Rongji's remarks to the December 2001 meeting focused on the need for effective administration of the regulatory system for religion, particularly in rural and minority areas.<sup>43</sup> The theme of control was reiterated in Tibet Daily's 13 December commentary on a Central Committee outline concerning implementing citizens' moral construction, which focused on "strengthening unity with the broad masses of people who do not believe in religion," supporting "normal and orderly religious activities" and strengthening Party leadership.<sup>44</sup> In addition, Politburo Politics and Law Chair Luo Gan's speech on tasks for 2002, given just prior to the work conference, stressed the need for suppression of disruptive religious activity.<sup>45</sup> Thus, despite recent suggestions about liberalization, the discourse of control remains strong.

*Provision of Chinese law.* The State Council's 1997 White Paper reiterated the distinction between religious belief which the state purports to protect, and "illegal and criminal activities being carried out under the banner of religion."<sup>46</sup> The distinction is made according to CCP policies, as expressed in the provisions of the Constitution and specific laws and regulations.

The Constitution of the PRC represents a formal articulation of Party policy. As Peng Zhen, then Vice-Chair of the Committee to Revise the Constitution, pointed out in 1980, "the Party leads the people in enacting the law and leads the people in observing the law" (*dang lingdao renmin zhiding falü, ye lingdao renmin zunshou*

<sup>41</sup>"Jiang Zemin, Zhu Rongji address religious work conference, other leaders take part," Beijing Xinhua Domestic Service, 12 December 2001 in FBIS-CHI-2001-1212, 19 December 2001.

<sup>42</sup>"Report says CCP plans to allow religious figures to join Party," Hong Kong Sing Tao Jih Pao (internet version), in FBIS-CHI-2001-1224, 26 December 2001.

<sup>43</sup>"Jiang Zemin, Zhu Rongji address religious work conference."

<sup>44</sup>See "Xizang ribao commentator views implementation 'outline' on ethics building, Tibet's religious policy," Xizang ribao (Tibet Daily), 13 December 2001, in FBIS Doc. ID CPP20011217000175, 17 December 2001.

<sup>45</sup>See "China's Luo Gan outlines tasks of political legal work in 2002," Beijing Xinhua Domestic Service, 4 December 2001, in FBIS-CHI-2001-1204, 7 December 2001.

<sup>46</sup>"1997 White Paper," p. 247.

*falü*).<sup>47</sup> This edict remains a bulwark of the Party's approach to law making.<sup>48</sup> During the post-Mao period, policies of limited tolerance for religion were reflected in the provisions of Article 36 of the 1982 Constitution:<sup>49</sup>

Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion: nor may they discriminate against citizens who believe in, or do not believe in any religion.

The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.

Religious bodies and religious affairs are not subject to any foreign domination.

In explaining the meaning of Constitutional provisions on religious freedom, Peng Zhen noted that from a political perspective the common elements of patriotism and adherence to socialism bind those who believe in religion and those who do not.<sup>50</sup> This underscored the imperative of submission to party-state control as a condition for enjoyment of religious freedom. Protection of freedom of religion was qualified as well by provisions of the PRC Constitution Article 33 conditioning the exercise of citizens' rights on their performance of duties: "Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law."<sup>51</sup> As explained by Peng Zhen, these duties included upholding the Four Basic Principles,<sup>52</sup> which impose a duty to uphold the socialist road, the dictatorship of the proletariat, leadership of the Party, and Marxism, Leninism, Mao Zedong Thought.<sup>53</sup> Thus, the freedom granted religious belief remained conditional not only on compliance with law and regulation, but more fundamentally on submission to the policies and edicts of the party-state.

The Constitution provides authority for specific legislation on the matter of religion. As yet, there is no comprehensive law on religion, although the principle of freedom of religious belief is articulated with qualifications in a number of specific laws.<sup>54</sup> Thus, the Law on Autonomy in Nationality Regions (1984, 2001) allows in Article 11 for freedom of religious belief, subject to qualifications against harm to social order, personal health and state education. The General Principles of Civil Law (1986) provides in Article 75 for protection of personal property including cultural items and in Article 77 for protection of property of religious organizations. The Law on Elections to National and Local People's Congresses (1986) provides in Article 3 for the right to stand for election regardless of religious belief, as does the Organization Law on the Village Committees (1987) in Article 9. The Education Law (1995) Article 9 prohibits discrimination in educational opportunity based on religion, although Article 8 provides that religion may not interfere with the state educational system. The Labour Law (1995) Article 12 prohibits discrimination in employment based on religion. The revised Criminal Law of the PRC (1997) provides in Article 251 for punishment of state personnel who unlawfully deprive citizens of their freedom of religious belief. As with the Constitutional provisions, these laws confine the scope of protection to the matter of religious belief, as qualified by requirements that religious practices not conflict with the state's political authority.

<sup>47</sup> See e.g. Peng Zhen. "Guanyu difang ren-da changweihui de gongzuo" ("On the work of local people's Congress standing committees") (18 April 1980). In Peng Zhen wenxuan (Collected Works of Peng Zhen) (Beijing: People's Press, 1991), pp. 383–391 at p. 389.

<sup>48</sup> See e.g. Wu Fumin, "Zou yifa zhiguo lu" ("Walking the road of ruling the country by law"), in *Fazhi ribao* (Legal System Daily), 19 April 2000, pp. 1–2; Zhang Zhiming, *Cong minzhu xin lu dao yifa zhiguo* (From the New Road of Democracy to Ruling the Country According to Law) (Nanchang: Jiangxi Higher Education Press, 2000); Tian Jiyun (ed.), *Zhongguo gaige kaifang yu minzhu fazhi jianshe* (China's Reform and Opening Up and Construction of Democracy and the Legal System) (Beijing: China Democracy and Legal System Press, 2000), p. 412.

<sup>49</sup> PRC Constitution (1982) (Beijing: Publishing House of Law, 1986). The provisions of Article 36 were retained in the constitutional amendments of 1988, 1993 and 1999.

<sup>50</sup> Peng Zhen, "Guanyu Zhonghua renmin gongheguo xianfa xiugai cao'an de shuoming" ("Explanation of the draft revisions to the Constitution of the PRC"), in Peng Zhen, *Lun xin shiqi de shehui minzhu yu fazhi jianshe* (On Building Socialist Democracy and Legal System During the New Period) (Beijing: Central Archives Press, 1989), pp. 100–115 at p. 109.

<sup>51</sup> PRC Constitution (1982). This provision was retained in the 1988, 1993 and 1999 amendments.

<sup>52</sup> Peng Zhen, "Guanyu Zhonghua renmin gongheguo xianfa xiugai cao'an de shuoming" ("Explanation of the draft revisions to the Constitution of the PRC"), in *Renmin ribao* (People's Daily), 6 December 1982.

<sup>53</sup> Deng Xiaoping, "Jianchi si xiang jiben yuanze" ("Uphold the four basic principles"), in Deng Xiaoping wenxuan: yijiugiwu—yijiu ba'er (Collected Works of Deng Xiaoping: 1975–1982) (Beijing: People's Press, 1983), pp. 144–170 at pp. 150–51.

<sup>54</sup> "1997 White Paper," pp. 230, 232.

Authorized by the Constitution and informed by CCP policies, China's regulatory provisions on religion include measures of general application as well as edicts that apply to specific conduct or beliefs. Regulatory restrictions extend to places of worship, which must be formally registered and undergo annual inspections, and may not be used for activities that "harm national unity, the solidarity of ethnic groups, social stability or the physical health of citizens, or obstruct the educational system."<sup>55</sup> Religious education academies must implement CCP policy and submit to Party leadership, and their curricula, programmes and personnel are subject to approval by the Religious Affairs Bureau.<sup>56</sup> The officially approved curricula incorporate state policy into religious instruction.<sup>57</sup> Activities such as recruiting believers among primary and secondary school students, propagating religious ideology in school, establishing illegal (that is, not properly approved and registered) religious schools and enrolling young people, and traveling abroad to attend seminary are considered in violation of the provision that religion may not obstruct state education.<sup>58</sup>

Religious activities by foreigners are also subject to control. This derives in part from the conflicted history of China's relations with foreign missionaries, who are portrayed as instruments of imperialism. In addition, the government strives for control over religion by insulating religious practitioners and activities from their overseas counterparts.<sup>59</sup> Evangelical Christians from the United States and Korea have been cited as examples of foreign religious interests interfering with China's independence and autonomy in managing religious affairs, and building up anti-motherland, anti-government forces.<sup>60</sup> Religious broadcasts, internet information, and literature and materials brought into China from abroad are subject to special inspection and confiscation.<sup>61</sup> Foreigners are generally prohibited from proselytizing, recruiting candidates to go abroad for instruction, and bringing to China religious materials that endanger the public interest.<sup>62</sup>

The Religious Affairs Bureaus of China's provinces and major cities are empowered to issue local regulations on the control of religion.<sup>63</sup> These generally echo the

<sup>55</sup> "Guowuyuan guanyu zongjiao huodong changsuo guanli tiaoli" ("State Council regulations regarding the management of places of religious activities") (31 January 1994), in Xu Yucheng, *Responses to Questions*, pp. 308–310. English text of these measures, along with "Registration procedures for venues for religious activities" (1 May 1994); "Method for annual inspection of places of religious activity" (29 July 1996), appear in Human Rights Watch Asia, *China: State Control of Religion* (1997), pp. 106–108, 109–111, 112–14, respectively.

<sup>56</sup> See e.g. Religious Affairs Bureau of the State Council, "Comments on enhancing the world of religious academies" (15 January 1988), in Chan and Hunter, "New light on religious policy in the PRC," at pp. 29–30.

<sup>57</sup> See for example, "Excerpts from questions and answers on the patriotic education program in monasteries" (25 May 1997), in Human Rights Watch Asia, *China: State Control of Religion* (1997), pp. 100–103, where monastery students are required to master government policy attacking the Dalai Lama.

<sup>58</sup> "Notice on the prevention of some places using religious activities to hinder school education" (26 November 1991), in Human Rights Watch/Asia, *Freedom of Religion in China* (1992), pp. 68–70. For further controls over students sent abroad for religious education, see Religious Affairs Bureau of the State Council, "Comments on the Protestant Church sending of students overseas" (21 May 1990), in Chan and Hunter, "New light on religious policy in the PRC," pp. 31–32.

<sup>59</sup> See generally, "Fourteen points from Christians in the People's Republic of China to Christians abroad" in MacInnis, *Religion in China Today*, pp. 61–70.

<sup>60</sup> "Vigilance against infiltration by religious forces from abroad" (15 March 1991), in Human Rights Watch/Asia, *Freedom of Religion in China* (1992), pp. 52–54. Also see Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 33–36.

<sup>61</sup> See Religious Affairs Department of the State Council and the Ministry of Public Security, "Notification on stopping and dealing with those who use Christianity to conduct illegal activities" (18 October 1988); Religious Affairs Office, "Comments on handling religious publications that enter our borders" (16 June 1990), in Chan and Hunter, "New light on religious policy in the PRC," pp. 30 and 32, respectively. On internet controls, see "Computer information network and internet security, protection and management regulations" (30 December 1997) (author's copy).

<sup>62</sup> "Guowuyuan guanyu Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guiding" ("State Council regulations on the management of religious activities of foreigners in the PRC") (31 January 1994), in Xu Yucheng, *Responses to Questions*, pp. 306–307. English text appears in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 104–105.

<sup>63</sup> See generally, Richard Madsen and James Tong (eds.), "Local religious policy in China, 1980–1997," in *Chinese Law and Government*, Vol. 33, No. 3 May/June 2000, containing regulations from Guangdong, Fujian, Zhejiang, Shanghai, Shandong, Hebei, Henan, Qinghai, Xinjiang and Yunnan. Also see, "Regulations from the Shanghai Religious Affairs Bureau" (30 November 1995), in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 90–99; "Provisional regulations for the registration and management of places of religious activity in Fujian

tenets of central edicts.<sup>64</sup> The Regulations of the Shanghai Religious Affairs Bureau (1996), for example, mirror provisions of national regulations on the authority of the government to maintain lawful supervision over religious affairs, including registration and supervision of religious organizations, religious personnel, places of worship, and religious activities, education and property.<sup>65</sup>

Particular regulatory provisions are also aimed at specific religions. Mindful of the overlap between religious belief and ethnic tension, the government regulates religious activities of minority nationalities in Tibet and Xinjiang closely to ensure repression of nationalist separatism.<sup>66</sup> Echoing Constitutional provisions and Party policy, the Law on Autonomy in Nationality Regions (1984) provides in Article 11 that “normal” religious activities are protected, but prohibits use of religion to “disrupt social order, the health of citizens, or interfere with the educational system of the state.” In Tibet, regulation of religion aims at control of a religious revival in Buddhism and at political questions surrounding the authority of the Dalai Lama.<sup>67</sup> Reacting to an outbreak of anti-Chinese unrest in 1988–89, the government imposed martial law and stepped up efforts at securing political control.<sup>68</sup> Following the Dalai Lama’s demurrals to China’s offer of negotiations, government regulation of religion in Tibet since 1994 has focused on a political agenda of attacking elements associated with the Dalai Lama.<sup>69</sup> Among the many measures taken in this campaign are control over education curricula to subordinate religion, refusal of negotiations with the Dalai Lama and the ban against display or possession of his photograph, the re-education and in some cases dismissal of monks over their loyalty to the Dalai Lama,<sup>70</sup> and the subversion of the Dalai Lama’s selection of a new Panchen Lama.<sup>71</sup> Expulsion of nuns and the demolition of Buddhist institutes and monasteries reflect on ongoing commitment to ensuring control over religious education and instruction in Tibetan Buddhism.<sup>72</sup> The government’s commitment to controlling those who challenge it was evident as well in efforts to persuade India to return the Karmapa Lama, whose flight from Lhasa shocked Beijing in early 2000.<sup>73</sup>

Regulation of Islam in Xinjiang also appears to reflect conclusions about convergence between religion and nationalism.<sup>74</sup> Heavy emphasis is placed on prohibitions against using religion to oppose CCP leadership and the socialist system, or to en-

province,” in Human Rights Watch/Asia, *Continuing Religious Repression in China* (1993), pp. 50–54.

<sup>64</sup> Richard Madsen, “Editor’s introduction,” in Richard Madsen and James Tong (eds.), “Local religious policy in China, 1980–1997,” in *Chinese Law and Government*, Vol. 33, No. 3 (May/June 2000), pp. 5–11.

<sup>65</sup> “Regulations from the Shanghai Religious Affairs Bureau” (30 November 1995), in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 90–99.

<sup>66</sup> See T. Shakya, *The Dragon in the Land of Snows: A History of Modern Tibet Since 1947* (New York: Columbia University Press, 1999); International Rehabilitation Council for Torture Victims (ed.), *Torture in Tibet 1949–1999* (Copenhagen: IRCT, 1999); P. Wing, L. and J. Sims, “Human rights in Tibet: an emerging foreign policy issue,” *Harvard Human Rights Journal*, Vol. 5 (1992), pp. 193–203. Also see Melvyn Goldstein and Matthew T. Kapstein (eds.), *Buddhism in Contemporary Tibet* (Berkeley: University of California Press, 1998). Cf. A. Rosett, “Legal structures for special treatment of minorities in the People’s Republic of China,” *Notre Dame Law Review*, Vol. 66, No. 5 (1991), pp. 1503–28.

<sup>67</sup> See generally Goldstein and Kapstein, *Buddhism in Contemporary Tibet*; MacInnis, *Religion in China Today*, pp. 184–203.

<sup>68</sup> See generally, Solomon M. Karmel, “Ethnic tension and the struggle for order: China’s policies in Tibet,” *Pacific Affairs*, Vol. 68, No. 4 (Winter 1995–96), pp. 485–508. Also see Amnesty International, *People’s Republic of China: Repression in Tibet, 1987–1992* (1992).

<sup>69</sup> See generally, Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 43–50.

<sup>70</sup> For an example, see “Education for ethnic minorities: diversity neglected in stress on manufactured unity,” *China Rights Forum*, Summer 2001, pp. 12–15; “Excerpts from questions and answers on the patriotic education program in monasteries” (25 May 1997), in Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 100–103.

<sup>71</sup> Also see Hollis Liao, “The case of the two Panchen Lamas—a religious or political issue?” *Issues & Studies*, Vol. 31, No. 12 (December 1995), pp. 115–17; Jonathan Mirsky, “A Lamas’ who’s who,” in *New York Review of Books*, 27 April 2000, p. 15.

<sup>72</sup> Tibet Information Network, “Serthar teacher now in Chengdu: new information on expulsions of nuns at Buddhist institute” (8 November 2001); “China-Tibetan monk,” *Associated Press Wire Service* (27 September 1991).

<sup>73</sup> “PRC spokesman on asylum in India for Karmapa Lama,” *Agence France Presse HK*, 11 January 2000, in FBIS-CHI-2000-0111, 12 January 2000.

<sup>74</sup> See MacInnis, *Religion in China Today*, pp. 248–254. Also see Dru Gladney, *Muslim Chinese: Ethnic Nationalism in the People’s Republic* (Cambridge MA: Harvard Council on East Asian Studies, 1991); He Yanji, “Adapting Islam to socialism in Xinjiang,” in Luo Zhufeng (ed.), *Religion Under Socialism in China* (trans. MacInnis and Zheng) (Armonk NY: M.E. Sharpe, 1991), pp. 224–231.

gage in activities that split the motherland or destroy unity among nationalities.<sup>75</sup> Religious activities are not permitted to interfere with state administration, religious activities and personnel must remain within the localities where they are registered, and religious teaching and the distribution of religious materials is closely controlled. Education and training of religious personnel is permitted only by approved patriotic religious groups, while people in charge of scripture classes must support the leadership of the Party and the socialist system, and safeguard unity of all nationalities and unification of the motherland. Human rights reporting on Xinjiang provides many examples of harassment and repression of Islamic teachers, mosques, schools and practitioners who might contribute to secessionist sentiment.<sup>76</sup> Recently, Beijing has used the US-led war against terrorism to justify repression of Islamic activities in Xinjiang, through a concerted campaign of arrests and executions of alleged separatists.<sup>77</sup>

The Chinese regulatory framework gives special attention to Christianity. This is in part because of an historiography that links Christian missionary work with imperialism, and to fears of international subversion through religion.<sup>78</sup> The growth in popularity of Christianity during the post-Mao period has driven new efforts at control.<sup>79</sup> Catholic churches are primarily under the authority of the Chinese Catholic Patriotic Association and the Chinese Conference of Catholic Bishops, while Protestants are subject to the “Three Self” patriotic movement and the China Christian Council.<sup>80</sup> With its longer history of missionary activity in China and more formalized hierarchy of clergy professing exclusive loyalty to the Vatican, the Catholic Church has posed particular problems for the CCP regime.<sup>81</sup> The government has devoted particular efforts to control over Catholic clergy and their activities. Those associated with the underground church who refuse to renounce the authority of the Vatican have regularly been singled out for criminal prosecution and repression.<sup>82</sup> Regulations issued in 1989 called for stepping up control over the Catholic Church, primarily through increased education and indoctrination of state-approved clergy, strengthening the organizational authority of the Catholic Patriotic Association, repression of “Catholic Underground Forces,” and strengthening Party leadership.<sup>83</sup> Tensions with the Catholic Church have been compounded, by the Vatican’s diplomatic recognition of Taiwan, although normalization of relations with the mainland remains a possibility, driven by a combination of liberalization and political realism.<sup>84</sup>

<sup>75</sup> “Provisional regulations on the administration of religious activities in the Xinjiang Uighur Autonomous Region” (1990), in Human Rights Watch/Asia, *Freedom of Religion in China* (1992), pp. 64–65.

<sup>76</sup> See generally, Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 39–42; Amnesty International, *People’s Republic of China: Secret Violence, Human Rights Violations in Xinjiang* (1992).

<sup>77</sup> See Information Office of PRC State Council, “East Turkistan terrorist forces cannot get away with impunity,” Beijing Xinhua English Service, 21 January 2002, in FBIS-CHI2002-01-21, 21 January 2002. Also see Willy Wo-Lap Lam, “Terrorism fight used to target China secessionists,” CNN e-mail newsletter (23 October 2001); “China claims ‘big victory’ over separatists in Xinjiang,” Agence France Presse (25 October 2001); Craig S. Smith, “China, in harsh crackdown, executes Muslim separatists,” *New York Times*, 16 December 2001.

<sup>78</sup> See e.g. Luo Shuze, “Some hot issues in our work on religion,” pp. 65–66.

<sup>79</sup> See e.g. discussion of the “Notice on preventing and clearing up the use of Christianity to carry out crimes and illegal activities” (Guanyu zhizhi liyong jidujiao jinxing weifa weifa huodong de tongzhi) issued October 1988 by Religious Affairs Bureau and Public Security Bureau, in Luo Guangwu, pp. 391–393. Also see Simon Elegant, “The great divide,” *Far Eastern Economic Review*, 6 June 1996, p. 53; Betty L. Wong, “A paper tiger? An examination of the International Religious Freedom Act’s impact on Christianity in China,” *Hastings International and Comparative Law Review*, Vol. 24 (2001), p. 539.

<sup>80</sup> See generally, MacInnis, *Religion in China Today*, pp. 263–67, 313–18; Human Rights Watch/Asia, *China: State Control of Religion* (1997), pp. 13–16. On the “Three-Self” movement during the Maoist period, see Wallace C. Merwin and Francis P. Jones, *Documents of the Three-Self Movement* (New York: National Council of the Churches of Christ in the USA, 1963).

<sup>81</sup> See generally, Richard Madsen, *China’s Catholics: Tragedy and Hope in an Emerging Civil Society* (Berkeley: University of California Press, 1998). Also see Freidman et al., *Chinese Village, Socialist State*, p. 234.

<sup>82</sup> See e.g. “What we learned from the trial of the case of the Zhu Hongsheng counterrevolutionary clique,” in Human Rights Watch/Asia, *Continuing Religious Repression in China* (1993), pp. 41–47.

<sup>83</sup> CCP United Front Work Department and State Council Religious Affairs Bureau, “Circular on stepping up control over the Catholic Church to meet the new situation” (24 February 1988), in Human Rights Watch/Asia, *Freedom of Religion in China* (1992), pp. 46–51.

<sup>84</sup> See Melinda Liu and Katharine Hesse, “A blessing for China,” *Newsweek*, 11 June 2001, pp. 27–31.

The Protestant Church has reportedly received less attention, partly because of its autonomy from the Vatican.<sup>85</sup> However, the relative fluidity of Protestant organizational structures, particularly the role of lay clergy, has made it harder for the government to control, leading for calls to repress Protestant evangelical activities under the guise of controlling illegal “sects” (*xiejiao*).<sup>86</sup> The charter for the “Three Self” movement underscores its submission to Party leadership, support for the authority of the state and the socialist motherland, and obedience to the Constitution, laws, regulations and policies of the state.<sup>87</sup> The charter for the China Christian Council is less effusive in its support for Party leadership, but still expresses compliance with the party-state through a commitment to manage its churches according to China’s constitutions, laws, regulations and policies.<sup>88</sup>

The attack on illegal sects also extends to the now-famous *falun gong* movement, which is not considered a religion and thus is not covered by the policies of limited tolerance articulated in Document 19 of 1982. Initially the government appeared to focus on the movement’s challenge to state orthodoxy as the main grounds for suppression.<sup>89</sup> Shocked by the group’s organized peaceful protest in front of Zhongnanhai in April 1999, the regime was alarmed further by the prospect of widespread *falun gong* membership among officials and Party members.<sup>90</sup> Although the government claimed in July that sufficient legal grounds already existed for banning *falun gong*,<sup>91</sup> in October 1999 special additional measures were enacted by the NPC Standing Committee outlawing heretical sects and activities.<sup>92</sup> The measures attacked activities that “under the guise of religion, qigong or other name disrupt social order or harm the people’s lives, financial security and economic development.” While examples of murder, rape and swindling were listed as among the criminal activities at which the measure was aimed, particular emphasis was given to harming enforcement of laws and regulations, causing public disturbance, and disrupting public order. Thus, the target was in essence non-compliance with established norms of political loyalty, as official interpretations focused particularly on sectarian activity that “destroyed normal social order and stability.”<sup>93</sup> Reflecting the government’s concern with the apparent international reach of *falun gong*, the law provided particularly heavy penalties for cases involving contacts among *falun gong* followers in different provinces or abroad. The measures were used as well to attack other groups who allegedly threaten Communist Party rule.<sup>94</sup>

<sup>85</sup> Hon S. Chan, “Christianity in post-Mao mainland China,” *Issues & Studies*, Vol. 29, No. 3 (September 1993), pp. 106–132, at p. 124.

<sup>86</sup> See John Pomfret, “China church chief said to protest in prison,” *International Herald Tribune*, 7–8 December 2002, p. 2; Li Shixiong and Xiqiu (Bob) Fu, “Religion and national security in China: secret documents from China’s security sector” (New York: Committee on Investigation of Persecution of Religious Freedom in China, 2002); Amnesty International, “Urgent action update: death penalty/fear of imminent execution/torture and ill-treatment,” 5 February 2002, and “Urgent action update: death penalty/fear of imminent execution,” 4 January 2002. For earlier documentation, see “A report on the development of Christian sects in China,” *Human Rights Watch/Asia, Freedom of Religion in China* (1992), p. 76.

<sup>87</sup> “Constitution of the National Committee of the Three Self Patriotic Movement of the Protestant Churches of China” (2 January 1997), in Pik-wan Wong, Wing-ning Pang and James Tong (eds.), “The Three-Self churches and ‘freedom’ of religion in China, 1980–1997,” *Chinese Law and Government*, Vol. 33, No. 6 (November/December 2000), pp. 37–39.

<sup>88</sup> “Constitution of the China Christian Council” (1 January 1997), in *ibid.* pp. 39–42. For discussion of the link between compliance with the Chinese constitution and submission to Party leadership, see nn. 71, 72 and accompanying text.

<sup>89</sup> Elizabeth J. Perry, “Challenging the mandate of heaven: popular protest in modern China,” in *Critical Asian Studies*, Vol. 33, No. 2 (2001), pp. 163–180.

<sup>90</sup> See Ming Xia and Shiping Hua (guest eds.), “The battle between the Chinese government and the falun gong,” *Chinese Law and Government*, Vol. 32, No. 5 (September/October 1999), especially documents 1–4 and 13, focusing on forbidding falun gong membership by Party members, non-Party members subject to the United Front Work Department, and state functionaries, and Communist Youth League members.

<sup>91</sup> Document 11: “Laws exist for the banning of falun gong,” in *ibid.* pp. 43–45.

<sup>92</sup> “Quanguo renmin daibiao dahui changwu weiyuanhui guanyu qudi xiejiao zuzhi, fangfan he chengzhi xiejiao huodong de jue ding” (“Decision of the NPC Standing Committee on outlawing heretical organizations and guarding against and punishing heretical activities”) (30 October 1999), in State Council Legal System Office (ed.), *Zhonghua renmin gongheguo xin fagui huibian –1999 no. 4* (Compilation of New Laws and Regulations of the PRC –1999 no. 4) (Beijing: Law Publishers, 1999), p. 148. Also see “NPC Standing Committee issues anti-cult law” and “More on China issues anti-cult law,” *Beijing Xinhua English Service*, 30 October 1999, in FBIS-CHI-1999–1030, 20 November 1999.

<sup>93</sup> “China passes law to ‘smash’ falun gong, other cults,” *Agence France Presse HK*, 30 October 1999, in FBIS-CHI-1999–1030, 20 November 1999.

<sup>94</sup> See Human Rights Watch, *HRW World Report 2000: China*, February 2000; Human Rights Watch, “China uses ‘rule of law’ to justify falun gong crackdown,” 9 November 1999.

While the new measures were enforced vigorously in concert with an intense propaganda campaign,<sup>95</sup> the leadership remained concerned over its inability to eradicate the group.<sup>96</sup> More recently, the government has linked *falun gong* with Tibetan and Xinjiang separatists as threats to Communist Party leadership and the stability of China.<sup>97</sup> In addition, the campaign against *falun gong* has become internationalized because of the US residence of its leader Li Hongzhi, and is thus intertwined with the US and international concerns over China's human rights record.<sup>98</sup> Arrests of foreign citizen practitioners of *falun gong* has further complicated the international relations aspect of the issue,<sup>99</sup> and stern warnings from Beijing that *falun gong* activities would not be permitted in Hong Kong raised delicate questions about Hong Kong's autonomy.<sup>100</sup> Official fears that socio-economic impacts of China's accession to the WTO may bolster *falun gong*'s popularity reflect further the government's appreciation of the international dimensions of the movement.<sup>101</sup>

#### ENSURING POLITICAL LOYALTY: COMPLIANCE AND THE CHALLENGE OF LEGITIMACY

The regulation of religion in China depends on compliance, not only to support enforcement but also as a basis for building political legitimacy. As changing socio-economic conditions limit the state's capacity to use force or political favouritism, compliance will depend increasingly on voluntary acceptance of regime norms legitimated through popular acceptance of the tradeoff of autonomy for loyalty. Yet, to the extent that its enforcement of policies on control of religion appears to contradict the accepted balance between autonomy and loyalty, the regime may undermine its own legitimacy more broadly.

*Changing conditions of compliance.* Accelerated efforts to build a market economy in China during the late 1990s have challenged the regime's ability to maintain a balance between socio-economic autonomy and political loyalty. While Party affiliation remains important, the day-to-day livelihood of members of society has come to depend less on political patronage and more on job skills, entrepreneurialism and material accumulation.<sup>102</sup> Although it has meted out harsh repression against public dissent, the Chinese state seems to mirror the classic "strong society/weak state" paradigm,<sup>103</sup> as it appears unable to prevent increased public cynicism and quiet resistance.<sup>104</sup> This dilemma extends to its efforts to control ever-expanding religious activity, which not only reveals the resilience of religious belief but also suggests limits to the state's capacity to control religious behaviour.

Made possible by the regime's grant of broader social autonomy, the increase in religious activity in China reveals patterns of compliance and resistance regarding norms of political loyalty. Patterns of compliance are evident in participation in religions that are formally registered with the Religious Affairs Bureau, such as strong public attendance at patriotic Christian churches,<sup>105</sup> Buddhist and Daoist tem-

<sup>95</sup> See e.g. installments in "Shenru the pi 'Falun Gong' xiejiao benzhi" ("Basics of deepening the exposure and criticism of 'falun gong' heresy"), *Fazhi ribao* (Legal System Daily), 3-7 February 2001.

<sup>96</sup> "Experts say PRC's leadership 'increasingly alarmed' by falun gong's strength," *Agence France Presse HK*, 22 January 2001, in FBIS-CHI-2001-0122, 23 January 2001.

<sup>97</sup> Human Rights Watch, "Dangerous meditation: China's campaign against falun gong" (2002). Also see "Wei Jianxing, Luo Gan Address Conference on Public Security, Judicial Work," *Beijing Xinhua Domestic Service*, 2 December 2000, in FBIS-CHI-2000-1202, 13 December 2000.

<sup>98</sup> See generally, Sarah Lubman, "A Chinese battle on US soil: persecuted group's campaign catches politicians in the middle," *San Jose Mercury News*, 23 December 2001, p. 1A.

<sup>99</sup> John Pomfret, "China holds 40 foreign falun gong protesters: use of Westerners marks new tactic," *Washington Post*, 15 February 2002, p. A26.

<sup>100</sup> See generally, "Roundup: falun gong urged to abide by Hong Kong law," *Hong Kong China News Service* (Hong Kong Zhongguo tongxun she), 11 December 1999, in FBIS-CHI-1999-1211, 11 December 2001, and "Editorial views PRC comments against falun gong activities in Hong Kong," *Hong Kong Mail*, 31 January 2001, in FBIS-CHI-20010131, 31 January 2001.

<sup>101</sup> See "China's Luo Gan outlines tasks of political legal work in 2002," *Beijing Xinhua Domestic Service*, 4 December 2001, in FBIS-CHI-2001-1204, 7 December 2001.

<sup>102</sup> Merle Goldman and Roderick MacFarquhar, "Dynamic economy, declining party-state," in Goldman and MacFarquhar (eds.), *The Paradox of China's Post-Mao Reforms* (Cambridge, MA: Harvard University Press, 1999) pp. 3-29.

<sup>103</sup> Joel Migdal, *Strong Societies and Weak States* (Princeton: Princeton University Press, 1988).

<sup>104</sup> Elizabeth J. Perry and Mark Selden, "Introduction: reform and resistance in contemporary China," in Perry and Selden (eds.), *Chinese Society: Change, Conflict and Resistance* (London: Routledge, 2000), pp. 1-19.

<sup>105</sup> "Chinese Christians flock to official, underground churches," *Agence France Presse HK*, 25 December 2000, in FBIS-CHI-2000-1225, 27 December 2000.

ples,<sup>106</sup> and mosques.<sup>107</sup> Similarly, participation in family centred folk religion expresses norms of compliance to the extent that open conflict with political authority is avoided. These models of compliance-based religious activities appear as a public norm for religious behaviour in China that is tolerated by the regime.

Patterns of resistance in religious behaviour are also evident, however. The audacity of *falun gong* practitioners in public displays of resistance has gained significant attention within China and internationally.<sup>108</sup> In Tibet, government crackdowns have politicized religious activities that are viewed locally as matters of national identity.<sup>109</sup> By its efforts to control or even suppress religious activities in Tibet, the government has set in motion forces of resistance that bring together the interrelated but quite distinct dynamics of national identity and nationalism. Resistance has included open demonstrations against Chinese, combined with underground efforts to promote independent education in Tibetan Buddhism and loyalty to the Dalai Lama, all of which present serious challenges to the Chinese government. In Xinjiang, Islam presents a fundamental challenge, due to the combination of religious resistance to political authority and ethnic resistance to Han-dominated imperialism.<sup>110</sup> While separatists have been emboldened by the Soviet defeat in Afghanistan and though Islamic revivalism is certainly in evidence,<sup>111</sup> most unrest in Xinjiang appears to be the result of Uyghur ethnic hostility to Chinese policies of Han migration and subordination of local language and culture, rather than the product of Islam per se.<sup>112</sup> And though tensions reportedly exist in Xinjiang between Sunni and Shi'ite (particularly Wahhabist) Muslims, these have not yet diminished resistance to Han dominance.

Unofficial Christian churches also reflect a dynamic of resistance. While Christianity offers perhaps a more salient example of foreign influence, it has become increasingly sinicized through the inclusion of features of folk religion and traditional cultural forms, thus making its expression of resistance all the more threatening to the regime.<sup>113</sup> The underground Catholic Church has been portrayed as particularly threatening to CCP policies of political control, although the Protestant house church movement is potentially a greater threat. The house churches are described by local and foreign observers as both larger and more deeply entrenched in Chinese society than the patriotic Christian churches associated with norms of compliance.<sup>114</sup> Moreover, the informal and decentralized processes for naming Church leaders defies the government's formalistic approach to control through registration and bureaucratic supervision. Periodic efforts to raid house church services and to imprison house church leaders have received little public attention, but are seen by many as an unwarranted intrusion in social affairs. Yet the house church movement continues to swell, such that the numbers of adherents is viewed as at least double the population in the patriotic registered Christian churches.

*The challenges to legitimacy.* Changing conditions of compliance with government controls on religion pose problems for the regime's effort to build legitimacy for its regulatory efforts and for its political position generally. In light of the increasing numbers of religious believers in China, building legitimacy for government policies on religion will require compliance from believers themselves. Thus, the regime differentiates between religious practitioners engaged in compliance and resistance,

<sup>106</sup> "PRC refutes charges on religious affairs," Beijing Xinhua English Service, 8 December 1999, in FBIS-CHI-1999-1208, 8 December 1999. Also see China Daily, 18 December 2002, p. 1.

<sup>107</sup> China Daily, 12 December 2002, p. 1.

<sup>108</sup> For discussion, see Richard Madsen, "Understanding falun gong," Current History, September 2000, pp. 243-117; Elizabeth J. Perry, "Challenging the mandate of heaven: popular protest in modern China," Critical Asian Studies, Vol. 33, No. 2 (2001), pp. 163-180.

<sup>109</sup> See generally, Elliot Sperling, "Statement before US Senate Committee on Foreign Relations Subcommittee on East Asian and Pacific Affairs" (13 June 2000), Human Rights Watch.

<sup>110</sup> See generally, Dru Gladney, "Internal colonialism and China's Uyghur Muslim minority," Regional Issues (Leiden University Newsletter, 25 November 1988).

<sup>111</sup> See Raphael Israeli, "A new wave of Muslim revivalism in mainland China," Issues & Studies, Vol. 33, No. 3 (March 1997), pp. 21-41.

<sup>112</sup> See generally, Nicolas Becquelin, "Xinjiang in the nineties," The China Journal, No. 44 (July 2000), pp. 65-91, Felix Chang, "China's Central Asian power and problems: fresh perspectives on East Asia's future," Orbis, Vol. 41, No. 3 (Summer 1997), pp. 401-426; Sean L. Yom, "Uighur Muslims in Xinjiang," Self Determination Conflict Profile (2001); Colin Mackerras, "The minorities: achievements and problems in the economy, national integration and foreign relations," China Review 1998, pp. 281-311

<sup>113</sup> Stephan Feuchtwang, "Religion as resistance," in Perry and Selden, Chinese Society: Change, Conflict and Resistance, pp. 161-177 at p. 167.

<sup>114</sup> See e.g. "China shuts down, blows up churches, temples in religious crackdown," Agence France Presse HK, 12 December 2000, in FBIS-CHI-2000-1212, 14 December 2000; "Chinese Christians flock to official, underground churches," Agence France Presse HK, 25 December 2000, in FBIS-CHI-2000-1225, 27 December 2000.

through legal and regulatory provisions distinguishing “normal” from heretical religious practices. The regime’s underlying imperative of stifling heterodoxy is evident in the fact that its targets tend to be sects within the recognized religions whose activities challenge Party and state authority.<sup>115</sup> At the December 2001 national work conference on religion, for example, senior leaders distinguished between “normal” religious activities and heretical conduct associated with sects.<sup>116</sup>

These efforts are consistent with the regime’s historical practices of identifying and enforcing norms of social conformity by denigrating and attacking nonconformists. Regulation of religion in China is used not only to control religious practices but also to express the boundaries of tolerance and repression so as to isolate resistance and privilege communities loyal to the party-state. Thus, the government promises tolerance for the compliant and repression for the resistant.

Yet the effectiveness of these policies depends on a normative consensus around both the content of policy and law and the processes of enforcement.<sup>117</sup> As suggested by Lyman Miller in the context of the scientific community, when members of Chinese society owe their loyalty to norms more powerful than those articulated by the Chinese government, regime legitimacy becomes a critical problem.<sup>118</sup> Just as scientists, owe a higher loyalty to the norms of science, so too do religious believers owe a higher loyalty to their own religious norms that may force a choice between loyalty to the regime and faithfulness to belief. To the extent that policies on regulation of religion require a degree of subservience that is inconsistent with religious conviction, compliance will be elusive. And if enforcement of these policies can be achieved only through repression, the distinction between compliance and resistance may fade as religious believers find compliance unworkable and are driven even further underground.

A more fundamental dimension of legitimation concerns members of society at large, who view the religious question as emblematic of other elements of social policy where the grant of socio-economic autonomy is a key condition for continued political subservience. The regime’s handling of religion serves notice to the general populace about the contours of the tradeoff of autonomy and loyalty, and thus has implications for regime legitimacy more broadly. In this process the regime faces challenges of history, socio-economic change and bureaucracy. The challenge of history limits perceptions of and responses to current conditions, particularly concerning the relationship between religion and social stability.<sup>119</sup> The historical record suggests that dynastic weakness and instability tended to arise not from tolerance of pluralism and diversity, but rather from the government’s inability to respond to socio-economic change. In the late Qing, for example, the court failed to respond effectively to the emergence of the private sector as a locus of power, and was thereby unable to protect its own political authority.<sup>120</sup> National unity during earlier dynasties was supported by transportation and logistics networks, currency policies, and market systems, rather than suppression of intellectual dissent.<sup>121</sup> Nevertheless, the historical myth that diversity in social relations and religious belief undermines the strength of the regime continues to inform Communist Party policy.

The link between religion and legitimacy is also evident in regime responses to socio-economic change, particularly economic dislocation brought on by the market reforms and the impact of globalization.<sup>122</sup> While the many informal networks and social safety nets already available in China will help cushion the shock, religion provides an important source of comfort for the dispossessed. This both reflects and contributes to the declining power of traditional ideological bases for regime legitimacy. As regime goals change from social well-being to market facilitation, regime

<sup>115</sup> See e.g., Luo Shuze, “Some hot issues in our work on religion,” “Regulations from the Shanghai Religious Affairs Bureau,” Articles 3–5.

<sup>116</sup> Jiang Zemin, Zhu Rongji address religious work conference.”

<sup>117</sup> See generally, Felix Scharpf, “Interdependence and democratic legitimation,” in Susan J. Pharr and Robert D. Putnam (eds.), *Disaffected Democracies: What’s Troubling the Trilateral Countries* (Princeton: Princeton University Press, 2000).

<sup>118</sup> Lyman Miller, *Science and Dissent in Post-Mao China* (Seattle: University of Washington Press, 1996).

<sup>119</sup> W.J.F. Jenner, *The Tyranny of History: The Roots of China’s Crisis* (London: Penguin, 1992), pp. 193–201.

<sup>120</sup> See Susan Mann Jones and Philip A. Kuhn, “Dynastic decline and the roots of rebellion,” in John K. Fairbank (ed.), *The Cambridge History of China: Volume 10—Late Ch’ing 1800–1911 Part I* (Cambridge: Cambridge University Press, 1978), pp. 107–162.

<sup>121</sup> See generally, Mark Elvin, *The Pattern of the Chinese Past: A Social and Economic Interpretation* (Stanford: Stanford University Press, 1973).

<sup>122</sup> See e.g. Dorothy Solinger, “The cost of China’s entry into WTO,” *Asian Wall Street Journal*, 4 January 2002.

legitimacy will depend increasingly on the delivery of public goods and services.<sup>123</sup> With economic reform, however, the Chinese state has become a vehicle for socio-economic inequality—facilitating economic opportunity for a few privileged individuals and groups, while deploying the mechanisms of repression to keep the rest of society in check.<sup>124</sup> In the face of its inability to protect public welfare, official repression of those outlets in religion to which increasing numbers of people resort will be likely to contribute to the regime's legitimacy deficit.

Finally, the bureaucratic culture of the Chinese regulatory regime also poses problems for legitimacy. In the context of gradual social liberalization, which the regime has fostered, bureaucratic control of religion is seen by many as intruding on intensely personal matters.<sup>125</sup> The potential for popular alienation is compounded as the policy and regulatory frameworks by which the party-state defines and implements the parameters for accepted religious conduct remain relatively impervious to public scrutiny. The resilience of bureaucratic behaviour generally continues to entrench the habitual practices of state control mechanisms associated with Party policy on religion, undermining further their effectiveness in responding to changing social and spiritual needs. These needs include both religion as solace for socio-economic dislocation, and generalized expectations about social autonomy. So far, we search in vain for a parallel in China to what is described as the "European exception" where the church and state were driven by the challenge of heresy to transcend their institutional and ideological limitations and respond effectively to changing socio-economic conditions.<sup>126</sup> In the wake of bureaucratic stagnation in China, response to change remains problematic and legitimacy continues to decline.

#### CONCLUSION

The Chinese government's policies and practices on religion offer a useful example of the dilemmas of regulation of social relations generally. Through its policies supporting gradual liberalization of socioeconomic relations, the party-state has created rising expectations about popular autonomy. While the regime faces the imperative of repressing aspects of socio-economic change that threaten its political authority, it must still present a general image of tolerance for increased autonomy among the populace at large. Maintaining this balance is particularly critical in the area of religion, which is both a highly personal and internalized system of norms for belief and behaviour, and a response to regime failures to provide well-being for its citizens. Regulation of religion reflects Party policies granting limited autonomy for accepted practices while attempting to repress activities that challenge political orthodoxy. Legitimacy remains a key ingredient, not only as a basis for effective government regulation of religion but also as a product of such regulation to the extent that it can acquire popular support for official preferences on the balance between autonomy and loyalty. The regime's ability to sustain legitimacy both for and through its regulation of religion remains uncertain however, as the utility and effectiveness of control remain contested.

#### PREPARED STATEMENT OF BOB FU

NOVEMBER 18, 2004

Thank you, Mr. Chairman, Co-chairman and honorable Commission members, for giving me the privilege and the honor of being here today. My expertise has been the Protestant house churches of China. I would like to thank President Bush for highlighting this important issue of religious freedom manifested both in his public remarks and private conversations. I applaud the effort from some Members of Congress especially Congressman Wolf, whose request made today's hearing possible. All these efforts have produced fruit in one way or another. At least after President Bush took office in 2001, all the diplomats from China's Ministry of Foreign Affairs

<sup>123</sup> See generally, Nikolas Rose, "Governing liberty," in Richard V. Ericson and Nico Stehr (eds.), *Governing Modern Societies* (Toronto: University of Toronto Press, 2000), pp. 141–175.

<sup>124</sup> See generally, Michael A. Santoro, *Profits and Principles: Global Capitalism and Human Rights in China* (Ithaca: Cornell University Press, 2000); Michael Dutton, *Streetlife China* (Cambridge: Cambridge University Press, 1998). The remarkable effort by Peking University's China Centre for Economic Research to support research and policymaking in this area reflects recognition of the depth of the problem of economic inequality and the as-yet insufficient resources for resolving it.

<sup>125</sup> Richard Madsen, *China's Catholics: Tragedy and Hope in an Emerging Civil Society* (Berkeley: University of California Press, 1998), p. 108.

<sup>126</sup> See Mihaly Vajda, "East-Central European perspectives," in John Keane (ed.), *Civil Society and the State* (London: Verso Press, 1988), pp. 333–360 at p. 346.

were required to study religion, especially Christianity. So you would not be surprised to hear a few quotes from the Holy Bible from the mouths of Chinese Communist Party officials when you meet with them.

Mr. Chairman, Co-Chairman and members of this commission, the condition of religious persecution in China overall has been deteriorating particularly since the year 2002. Though it's difficult to give an exact number, without including Falun Gong practitioners, 20,000 plus members of underground religious groups have been arrested, or detained, kidnapped or under house arrest. Hundreds of churches and homes have been destroyed. Many of the family members of those arrested, detained, for example Zhang Rongliang, have been put on wanted lists and have had to flee their homes. Among those persecuted Protestant house church groups, one known as the South China Church, had over 6000 members arrested, detained, fined, 63 were formally sentenced from one year to life in prison. Many of the arrested believers, especially women, were tortured, raped, or sexually abused during their interrogations. One would expect a better start once the new leadership took office in 2003. What has happened doesn't match this expectation. Just within the first 9 months of this year we have recorded over 400 arrests of house church pastors. Just within the month of September, 13 pastors were formally sent to re-education through labor in Henan Province alone. One of these pastors, Pastor Ping Xinsheng, has lost consciousness three times since his arrest on August 6 because of repeated beatings by his interrogators. On June 18, a Christian woman, Mrs. Jiang Zongxiu from Chongqing City was beaten to death just simply because she was found distributing Bibles and Christian tracts in the market place. On September 11, Pastor Cai Zhuohua, a Beijing house church leader ministering to six churches, was kidnapped in Beijing for his involvement in printing Bibles and a house church magazine called "Ai Yan." Now both pastor Cai and his wife, Mrs. Xiao Yunfei could face an extremely harsh sentence.

Mr. Chairman, I know some would argue that what I have mentioned may be just local events in particular areas disproportionately. I wish I could believe that. In reality, despite so-called "paradigm shift" rhetoric by the Chinese government and "wishful thinking" by foreign companies with business interest in China, the evidence proves the contrary. Let me present to you just two pieces of evidence out of numerous documents China Aid has obtained through disheartened Chinese officials.

Though we haven't uncovered the full text, through at least two local government documents, we now know that sometime in the beginning of 2002, the CCP Central Committee issued a secret document coded "Zhongfu [2002] No. 3" and titled "Decision on Re-enforcing the work on Religion by the Central Committee of CCP." Again through the wording of local government documents deemed to implement this secret document, it calls for government officials at every level to launch an all out war against any unregistered religious group. I want to note that it seems there has been a concerted campaign to target particularly underground house churches and Catholic churches. In many areas, such as Zhejiang, Henan, Hebei, and Shandong we have obtained official documents showing that special campaigns were launched aiming specifically at the previously mentioned Christian groups. In Chinese it is called "Zhuanxiang Dong Zheng" which means "special struggle." Harsh tactics against Falun Gong practitioners were adopted such as coerced political study at concentration camps, mental transformation and re-education through hard labor.

The other document we released yesterday is a secret document we obtained from a currently high ranking Communist Party official who is very unhappy with the repressive party policy toward religious groups in China. It is a document from the highest level of Chinese government that we have ever been able to obtain. This document, entitled "Notice on Further Strengthening Marxist Atheism Research, Propaganda and Education" dated May 27, 2004, is a notice named "Zhong Xuan Fa [2004] No.13" issued jointly by the Department of Propaganda of the Central Committee of the Communist Party of China (CPC), the Department of Propaganda of the Central Committee of the CPC, the Office of the Central Steering Committee on Spiritual Civilization Construction, the Communist Party School of the Central Committee of the CPC and Ministry of Education as well as China Academy of Social Science and it is classified as a "secret document." It is addressed to the Department of Personnel, the Department of Propaganda, the Office of Spiritual Civilization Construction, and the Communist Party School of the Communist Party Committee, and the Department of Education of all provinces, autonomous regions and metropolises, the Communist Party Committee of all departments, ministries and commissions of the Communist Party and the state organs, and the General Department of Political Affairs of the People's Liberation Army. Copies of the document were to be submitted to members and alternate members of the Politburo of the Central Committee, Secretary of the Secretariat of the Central Committee, Pre-

mier, Vice Premier and State Counselors of the State Council. It was copied to the General Office of the Central Committee, the General Office of the State Council and distributed by the Secretariat of the General Office of the Department of Propaganda of the Central Committee on May 28, 2004. This secret document was distributed with only 750 copies in total.

1. This secret notice is issued in order to “further boost Marxist atheism research, propaganda, and education.” It reflects a new assessment from the top Party leaders in light of “the new situation to target the cultic organization of ‘Falun Gong’ and various pseudo-sciences and superstitions, and the new trend toward Western ‘hostile forces’ attempting to ‘westernize’ and ‘disintegrate’ China in the name of religion.” It calls for the government to keep a tight hold on all national education, media communications, research on social sciences, spiritual civilization construction activities of the people, the trainings conducted by the Communist Party School and administrative institutions at different levels, and others. Particular attention shall be centered on the Party cadres and juveniles so that “. . . fatuity and superstition are opposed, and evil teachings and heterodox are boycotted.” It specifically demands the Communist Party School and administrative institutions in western and border regions with multi ethnic groups and religions to “increase the proportion of Marxist atheism propaganda and education targeting local leaders.” It urges Marxist atheism propaganda and education to be integrated into all sectors of society throughout the country in all levels. All efficient measures shall be taken to “ban all uncivilized conduct in spreading superstitions” in order to cause ‘peoples’ minds to be educated, spirits enriched, their state of thought improved.”

2. It paid special attention to the role of mass media. It calls to all the broadcasting, TV, newspapers, and magazines and asks them to develop their respective advantages to earnestly publicize Marxist atheism. Particularly, regarding the Internet, it instructs the key websites to strengthen their “management over online comments and make the Internet a new tool to conduct Marxist atheism propaganda and education.” It strongly asks all the media and government officials to “firmly ban all illegal publications which disseminate superstitions and evil teachings.” This policy seems to be a direct reference regarding the recent campaign on closing websites, arresting individuals and banning publications with dissident voices.

3. Regarding the academic exchange of conducting research on religion with foreigners, this notice calls for “the relevant regulations of the state to be strictly followed.” It calls “the procedure on approving and recording shall be made sound” which means more scrutiny will be posed for foreign exchange program on religious studies.

4. Though the document repeated its old policy to “fully implement the party’s policy on freedom of religious belief, respect people’s freedom to believe religion or not to believe religion” yet it calls the atheistic officials to “make distinction between religion and superstition” which are inevitably going to cause arbitrary classification on religious groups.

In addition to continuing to raise the issue of religious persecution in high level bilateral talks I have four specific proposals on how the US can help achieve the goals of religious freedom in China.

1. The U.S. Government can compile a list of religious persecutors in China and make it public record includes such information as the annual report by the IRF and DRL Office. Also the possibility should be explored of holding such perpetrators accountable in legal venues upon entering the United States. This will encourage more humane treatment by officials toward those who are arrested.

2. With the 2008 Beijing Olympics approaching, this government should encourage the U.S. business community to actively link their financial sponsorship and investments to China with the issue of religious freedom. U.S. firms should be discouraged from investing in those provinces and cities with severe religious persecution. The Members of Congress whose districts have business interests in China can raise the same concern to their Chinese counterpart officials.

3. The administration and Congress should urge the EU not to lift its arms embargo to China unless substantial progresses are made on human rights especially on religious freedom issue.

4. The administration and Congress should actively demand the Chinese government to abide its international obligations to protect and provide basic necessities for refugees in China from North Korea who fled for freedom including religious freedom.

Above all, I think millions of caring, loving ordinary Americans can make a huge difference through their constant prayers, letter campaigns, and numerous visits, as well as, embracing Chinese religious refugees when they enter into US for freedom of worship.

In conclusion, the overall situation of religious freedom in China has been worsening since 2002 and nationwide campaigns against unregistered religious groups, especially underground Protestant and Catholic groups are continuing as we speak. Thank you all once again.

#### APPENDIX I: SECRET DOCUMENT

ISSUED BY THE DEPARTMENT OF PROPAGANDA OF THE CENTRAL COMMITTEE OF THE  
CPC: NO. (2004) 13—ENGLISH VERSION

*Secret*

*The Department of Personnel of the Central Committee of the CPC; The Department of Propaganda of the Central Committee of the CPC; The Office of the Central Steering Committee on Spiritual Civilization Construction; The Communist Party School of the Central Committee of the CPC; Ministry of Education; and China Academy of Social Science Document*

#### NOTICE ON FURTHER STRENGTHENING MARXIST ATHEISM RESEARCH, PROPAGANDA AND EDUCATION

To the Department of Personnel, the Department of Propaganda, the Office of Spiritual Civilization Construction, and the Communist Party School of the Communist Party Committee, and the Department of Education of all provinces, autonomous regions and metropolises, the Communist Party Committee of all departments, ministries and commissions of the Communist Party and the state organs, and the General Department of Political Affairs of the People's Liberation Army:

The following notice is hereby issued in order to earnestly implement "the Opinions of the Central Committee of the Communist Party on Further Prospering and Developing Philosophical Social Science," and further boost Marxist atheism research, propaganda, and education.

1. *Fully understand the significance of strengthening Marxist atheism research, propaganda and education.* Marxist atheism is an important integral part of the world view of dialectical materialism and historical materialism. Our party has long held in high regard Marxist atheism research, propaganda and education, created and accumulated many valuable experiences in practice, and achieved remarkable social effects. Our Nation has entered into a new development stage, during which a more prosperous society (Xiaokang) [1] is under construction, and the socialist modernization drive is expedited. Facing the new task of reform, development and stability, the new demand of the people on spiritual and cultural life, the new situation on targeting the cultic organization of "Falun gong" and various pseudo-science and superstition, and the new trend toward Western hostile forces' attempt to "westernize" and "disintegrating" China in the name of religion, we need to further strengthen Marxist atheism research, propaganda and education, which is of great significance to consolidating the directive status of Marxism in ideological field, maintaining the advancement and purity of our party, improving the spiritual, moral, scientific and cultural makings of the whole nation, laying a solid foundation for the concerted endeavors of the whole party and the whole people, and promoting the harmonious development of a socialist materialist civilization, political civilization and spiritual civilization.

2. Instructions on how to conduct Marxist atheism research, propaganda and education. Marxist atheism research, propaganda and education shall be strengthened under the directive of Marxism, Leninism, Mao Zedong Thought, Deng Xiaoping Theory, and the important "Three Representing" thought,[2] aiming at consolidating the directive status of Marxism in ideological field, centering on economic construction, serving the overall working situation of the party and state, promoting the comprehensive progress of the society and the complete development of each individual, liberating thought, being practical and realistic, following time and tide, paying attention to people's needs, coming close to reality, life and people, making relevant work well on target and efficient. Efforts shall be centered on positive propaganda and education, using the facts, speaking the truth, being patient and meticulous, and imperceptibly influencing the people. Research, propaganda, and education shall be coordinated, enriching the contents of propaganda and education with research results, and

deepening research with propaganda and education. Hold tightly to national education, media communications, research on social sciences, spiritual civilization construction activities of the people, the training conducted by the Communist Party School and administrative institutions at different levels. Popular theoretical and practical issues shall be dealt with in time. Attention shall be centered on the party cadres and juveniles. And relevant work shall be done persistently and incessantly, with an effort to create healthy social values, and good social environment, under which science and civilization are advocated, fatuity and superstition are opposed, and evil teachings and heterodox are boycotted.

3. Major tasks of Marxist atheism research, propaganda and education. Marxist atheism research, propaganda and education shall be centered on popularizing the fundamental materialist views and basic knowledge of natural science, aiming at the elimination of fatuity and superstition, surrounding the subject of publicizing scientific thought, expanding scientific spirit, popularizing scientific knowledge, and disseminating the scientific method. We shall strengthen the research, propaganda and education of the basic principles and knowledge of Marxist materialism, helping people recognize the general process and rule of the development of human society, so that they may voluntarily and firmly stick to the historical view of Marxist materialism. Aiming at the phenomenon of fatuity and superstition, which exists among some people, we shall strengthen the research, propaganda and education of natural science, particularly the basic knowledge about life, helping people understand the universe, the origin of life, the rule on human evolution, and correctly deal with various natural phenomena, natural disasters, birth, aging, disease and death. We shall also strengthen the research, propaganda and education of a healthy and civilized life style, helping people acquire the habit of good behavior, and scientifically and reasonably conduct physical exercises, health care, living, sightseeing, recreation and entertainment. And through unswerving efforts, we shall lead people in firmly setting up the correct world view, philosophy of life, and values, and scientific view of nature, universe and life, and strengthen their ability to distinguish materialism from spiritualism, science from superstition, and civilization from fatuity.

4. Integrating Marxist atheism propaganda and education into national education, teaching and training of the Communist Party School and administrative institutions. Various levels and types of school are important places, where Marxist atheism propaganda and education may be conducted. Aiming at cultivating "four having" [3] new people, and sticking to the principle of separation of national education and religion, we shall integrate Marxist atheism propaganda and education into the syllabi of the course of political theory, the course of morals, and other related courses of specialty, conducting propaganda and education pointedly according to the characters of students of different ages, thus ensuring the actualization of the teaching contents and requirements. The Communist Party School and administrative institutes at all levels, as the major places where the party and government leaders, and the civil servants receive their training, shall integrate Marxist atheism propaganda and education into their teaching plans, conducting propaganda and education in various ways. The Communist Party School and administrative institutes in western and border regions shall, in considering the real situation of multi ethnic groups and religions, properly increase the proportion of Marxist atheism propaganda and education targeting local leaders.

5. Integrating Marxist atheism propaganda and education into people's spiritual civilization construction activities. People's spiritual civilization construction activities are the great products of the people in changing their customs and reforming the society, and are of great significance in carrying Marxist atheism propaganda and education. Marxist atheism propaganda and education shall be integrated into such activities as constructing civilized cities, villages, and vocations, which are under way throughout the country, introducing culture, science, technology, and health to the villagers, introducing science, education, culture, sports, law and health to communities, developing civilized tourist sites, building safe and civilized campuses, and so on, and be weaved into different phases of planning, designing, and implementing. And efficient measures shall be taken to ban all uncivilized conduct in spreading superstitions. Through closely following the real production and living situation of cadres and people, we shall combine Marxist atheism propaganda and education with the change of old habits into new ones, with conducting peoples' cultural and sports activities, and satisfying peoples' spiritual and cultural demands, with popularizing knowledge on laws, rules and regulations, and improving peo-

ples' legal awareness, and with popularizing scientific knowledge, and improving peoples' scientific thinking, thus causing peoples' minds to be educated, spirits enriched, their state of thought improved.

6. Marxist atheism propaganda and education as daily work of the media. The media, which directly reaches people, has speedy communication, wide coverage, and strong influence, is an important channel through which Marxist atheism propaganda and education can be conducted. Broadcasting, TV, newspapers, and magazines shall develop their respective advantages, earnestly manage science and technology programs, and pages and subjects on theory, in accordance with the different needs of their audience, and publicize Marxist atheism and scientific knowledge. Internet is speedy, convenient, reciprocal and open. We shall enrich the pages and sections related to morals of some key websites, strengthen the instruction and management over online comments, and make the Internet a new tool to conduct Marxist atheism propaganda and education. To publicize Marxist atheism, we shall positively use films, TV programs, books, electronic publications, and other things to people's taste, and firmly ban all illegal publications, which disseminate superstitions and evil teachings.

7. Integrating Marxist atheism research, as a key subject, into the developing a plan of social science. Thorough research on Marxist atheism is an important task in prospering philosophical social science. National Fund on Social Science and all research programs on philosophical social science shall involve atheism research in such directive documents as subject instructions issued by corresponding departments, and provide required funding through public bidding and special trust. In light of the overall situation of the construction of a more prosperous society, reform, development and stability, the current international and domestic situation, the serious harm caused by superstition, pseudo-science and cult, and the actual mindset of cadres and people, we shall conduct purposeful research, and try to achieve certain results, which are deeply theoretical, academically valuable, and socially influential. We shall strengthen the construction of Marxist atheism department and the training of talented people in this field, by well run atheism research institutions and related departments in colleges and universities, establish and train an atheism research team, which is armed with Marxism. The relevant regulations of the state shall be strictly followed in conducting foreign academic exchange and joint research on religion. The procedure on approving and recording shall be made sound.

8. Firmly strengthening the leadership over Marxist atheism research, propaganda and education. To strengthen Marxist atheism research, propaganda and education is an important, long-term and pressing task. The party committees at all levels shall integrate it, as an important content in developing advanced socialist culture, into scientific research plan and overall arrangements on propaganda, put it at the top of the agenda, make concrete plans, adopt actual measures, and bring it into full implementation. We shall fully implement the party's policy on freedom of religious belief, respect people's freedom to believe religion or not to believe religion, and make distinction between religion and superstition. The party members, especially leading party cadre, shall strengthen their party culture continuously, hold firmly to materialist world view, and voluntarily set an example in studying and disseminating Marxist atheism. All relevant departments of the party and government, all relevant teaching and scientific research institutions, and all relevant social sectors shall, under the leadership of the party committees, fulfill their duties, closely coordinate with each other, positively explore the characters and rules on conducting Marxist atheism research, propaganda and education under new situations, continuously improve and renovate working contents, forms, manners and instruments, and make our best endeavor to improve the standard of Marxist atheism research, propaganda and education.

Seals of the Department of Personnel of the Central Committee of the CPC, the Department of Propaganda of the Central Committee of the CPC, the Office of the Central Steering Committee on Spiritual Civilization Construction, the Communist Party School of the Central Committee of the CPC, the Ministry of Education of the People's Republic of China, China Academy of Social Science—May 27, 2004

Key Words: Marxism, propaganda and education, notice Submit to: members and alternate members of the Politburo of the Central Committee, Secretary of the Secretariat of the Central Committee, Premier, Vice Premier and State Counselors of the State Council

Copy to: the General Office of the Central Committee, the General Office of the State Council Distributed by the Secretariat of the General Office of the Department of Propaganda of the Central Committee on May 28, 2004. Total copies: 750.

APPENDIX II: A PARTIAL LIST OF THE PRISONERS FROM CHINESE HOUSE CHURCHES  
 COMPILED BY CHINA AID ASSOCIATION, INC. NOVEMBER 12, 2004

**(I) The Martyred (5):**

1. Sister Jiang Zongxiu  
 Age: 34; Arrested for distributing Bibles in the market place. She was beaten to death June 18, 2004 at the Public Security Bureau Office of Tongzi County, Guizhou Province. She leaves behind a husband and 4 year old son.
2. Pastor Gu Xianggao  
 Age: 28; A teacher in a house church in Heilongjiang Province, northeast China. He was beaten to death April 27, 2004, while in the custody of Harbin Public Security Bureau (PSB), Heilongjiang Province.
3. Sister Yu Zhongju  
 Arrested: May 27, 2001, by Zhongxiang Public Security Bureau (PSB), Hubei Province. She was beaten to death July 18, 2001. She leaves behind a husband and a 9-year-old son Wang Yu.
4. Sister Zhang Hongmei  
 Age: 33; Arrested: Oct. 29, 2003 as an "illegal evangelist." She was beaten to death on Oct. 30, 2003 by Pingdu City Public Security Bureau (PSB), Shandong Province.
5. Brother Liu Haitao  
 Age: 21; From Xiayi County, Henan Province Arrested: Sept. 4, 2000, while attending a house church pastoral training. He was beaten to death on Oct. 16, 2000, Qingyang City Detention Center, Henan Province.

**(II) The Arrested (42):**

1. Mr. Zhang Yinan  
 Chinese church Historian Arrested: Sept. 30, 2003, by Lushan County Public Security Bureau (PSB), Henan Province. He was sentenced to 2 years re-education through labor on Nov. 3, 2003. He is now held at Peide Labor Camp, Pingdingshan City, Henan Province.
2. Pastor Gong Shengliang  
 Age: 52; From: Zaoyang City, Hubei Province. Arrested: August 9, 2001; He was sentenced to life in prison on Oct. 10, 2002, by the Intermediate Court of Jingmen City, Hubei Province. Now he is held at Section Four, Te Yi Hao, Miaoshan Development Zone, Jiangxia District, Wainan City, Hubei Province.
3. Brother Chen Jingmao  
 Age: 72; From: Yunyang County, Chongqing City. Arrested: July 9 2001. He was sentenced to 4 years in prison on Oct. 10, 2002 for sending his granddaughter to Sunday school training class run by his house church group. He was recently beaten and crippled for evangelizing in Sanxia Prison, Wanzhou, Chongqing City.
4. Mr. Zhang Shenqi  
 Age: 24; Arrested on Nov. 26, 2003 as a house church Internet writer The Intermediate Court of Hangzhou City, Zhejiang Province, tried him on March 16, 2004, and sentenced him to 1 year in prison on August 6, 2004. He is now held at Detention Center of Xiaoshan City, Hangzhou City, Zhejiang Province.
5. Sister Li Ying  
 Age: 39; From Zaoyang City, Hubei Province Arrested: May 26, 2001. She was the editor-in-chief of "Salvation and China" house church magazine. She was sentenced to 15 years in prison by the Intermediate Court of Jingmen City, Hubei Province. She is held at No. 2 Division, Section 3, Wuhan Female Prison, Wuhan city, Hubei Province. Zip code: 430032.
6. Pastor Liu Fenggang  
 Age: 44; Arrested: Oct. 13, 2003, tried by the Intermediate Court of Hangzhou City, Zhejiang Province on March 16, 2004. Convicted by the same court and sentenced August 6, 2004 to 3 years in prison. Currently held at Detention Center of Xiaoshan City, Hangzhou City, Zhejiang Province.
7. Pastor Chen Yanjing  
 Age: 25; Arrested on August 6, 2004 at Kaifeng City, Henan Province. He was sentenced to 2 years on Sept. 8, 2004 as a member of an "evil cult" known as "Born Again Movement"—house church group. He is now held at No. 3 Re-education through Labor Center, Henan Province.

8. Xu Shengguang  
Arrested: April 26, 2004. Imprisoned at No. 1 Detention Center of Harbin City, Heilongjiang Province.
9. Sister Qiao Chunling  
Arrested on Jan. 24, 2004 at Luoyang city by PSB of Luoyang city, Henan Province. She was reportedly sentenced to 2 years re-education through labor and is believed being held at No. 1 Female Re-education through Labor Center, Zhengzhou city, Henan Province.
10. Pastor Cai Zhuohua  
Age: 33; He was arrested on September 11, 2004 by Department of National Security in Beijing for printing "illegal religious literatures." His wife Xiao Yunfei, 32, was also arrested on September 27, 2004. They have a 4 years old son Cai Yabo.
11. Pastor Zhang Wanshun  
Age: 41; He was arrested on August 6, 2004 by PSB of Kaifeng city, Henan Province for "illegal religious gathering." He was accused as an active "evil cult" member and sentenced to 21 months re-education through labor on September 10, 2004. He is now held at San Men Xia Re-education through Labor Center, Henan Province.
12. Pastor Ping Xinsheng  
Age: 40; He was arrested on August 7, 2004 by PSB of Yima city, Henan Province for "illegal religious gathering." He was accused as an active "evil cult" member and sentenced to 18 months re-education through labor on September 10, 2004. He is now held at San Men Xia Re-education through Labor Center, Henan Province. His wife Ms. Huang Xuehua who is also a house church leader is wanted by PSB.
13. Pastor Guo Zhumei  
Age: 58; She was arrested on August 6, 2004 by PSB of Kaifeng city, Henan Province for "illegal religious gathering." She was accused as an active "evil cult" member and sentenced to 18 months re-education through labor on September 10, 2004. Due to her serious illness, she is on medical parole from No. Female Re-education through Labor Center, Shi Ba Li He, Zhengzhou city, Henan Province on October 20, 2004.
14. Pastor Yang Jianshe  
Age: 47; He was arrested on August 6, 2004 by PSB of Kaifeng city, Henan Province for "illegal religious gathering." He was accused as an active "evil cult" member and sentenced to 12 months re-education through labor on September 20, 2004. He is now held at Re-education through Labor Center of Mengjin county, Henan Province.
15. Pastor Zhang Weifang  
Age: 45; He was arrested on August 6, 2004 by PSB of Kaifeng city, Henan Province for "illegal religious gathering." He was accused as an active "evil cult" member and sentenced to 12 months re-education through labor on September 20, 2004. He is now held at Da Qiao Re-education through Labor Center, Luoyang city, Henan Province.
16. Pastor Zhang Tianyun  
Age: 52; He was arrested on August 6, 2004 by PSB of Kaifeng city, Henan Province for "illegal religious gathering." He was accused as an active "evil cult" member and sentenced to 30 months re-education through labor on September 5, 2004. He is now held at Re-education through Labor Center, Xuchang city, Henan Province.
17. Pastor Yu Xiangzhi  
Age: 41; She was arrested with her husband Zhang Xiaofang and their 11-year-old twin daughters on August 6, 2004 at their home by PSB of Kaifeng City, Henan Province for "illegal religious gathering." She was accused as an active "evil cult" member and sentenced to 12 months re-education through labor on September 20, 2004. She is now held at the Detention Center of Kaifeng City, Henan Province. Her twin daughters were released after being held for 7 days at the same detention center.
18. Pastor Yu Guoying  
He was arrested on August 6, 2004 by PSB of Kaifeng city, Henan Province for "illegal religious gathering." He was accused as an active "evil cult" member and sentenced to 12 months re-education through labor on September 20, 2004.

He is now held at Xi Qu Re-education through Labor Center, Kaifeng city, Henan Province.

19. Pastor Shun Fu

He was arrested on August 6, 2004 by PSB of Kaifeng city, Henan Province for “illegal religious gathering.” He was accused as an active “evil cult” member and sentenced to 18 months re-education through labor on September 20, 2004. He is now held at Re-education through Labor Center of Xuchang city, Henan Province.

20. Pastor Li Qun

He was arrested on August 6, 2004 by PSB of Kaifeng city, Henan Province for “illegal religious gathering.” He was accused as an active “evil cult” member and sentenced to 12 months re-education through labor on September 20, 2004. He is now held at Re-education through Labor Center of Xuchang city, Henan Province.

21. Pastor Xu Fuming

Pastor Xu Fuming received a life sentence on October 10, 2002 as a member of South China Church. He is now imprisoned at Jingzhou prison, Jingzhou city, Hubei Province. Zip code: 434020 Prison Chief: Mr. Peng Xianrong and Mr. Yang Tangxiang.

22. Mr. Hu Ying

Mr. Hu Ying received a life sentence on October 10, 2002 as a member of South China Church. He is held at Section Five, Chu Jiang Ran Zhi Factory, Jingzhou city, Hubei Province. Zip code: 434020 Prison Chief: Mr. Peng Xianrong and Mr. Yang Tangxiang.

23. Ms. Sun Minghua

Ms. Sun Minghua received a 13-year sentence. She is held at No. 5 Division, Section 3, Wuhan Female Prison, Wuhan city, Hubei Province. Zip code: 430032.

24. Ms. Xiao Yanli

Ms. Xiao Yanli received a ten-year sentence. She is held at No. 2 Division, Section 2, Wuhan Female Prison, Wuhan city, Hubei Province. Zip code: 430032.

25. Ms. Deng Xiaolin

Ms. Deng Xiaolin received a four-year sentence. She is held at Section 2, Wuhan Female Prison, Wuhan city, Hubei Province. Zip code: 430032.

26. Ms. Gong Xianqun

Ms. Gong Xianqun received a three-year sentence. She is held at No. 3 Division, Section 3, Wuhan Female Prison, Wuhan city, Hubei Province. Zip code: 430032.

27. Mr. Gong Bangkun

Mr. Gong Bangkun received a 15-year sentence. He is held at No. 3 Division, Section 6, Jiangling District, Jingzhou city, Hubei Province. Zip code: 434110.

28. Pastor Yi Chuanfu

Pastor Yi Chuanfu received a 10-year sentence. He is held at No. 2 Division, Section 6, Jiangling District, Jingzhou city, Hubei Province. Zip code: 434110.

29. Pastor Dong Daolai

Pastor Dong Daolai received a 10-year sentence. He is held at No. 1 Division, Section 6, Jiangling District, Jingzhou city, Hubei Province. Zip code: 434110.

The following Christian women prisoners were sentenced as members of “evil cult” (refers to South China Church) by the People’s Court of Yunyang County, Chongqing City, on May 14, 2002. The Prison address is: Yongchuan Female Prison, Yongchuan city, Chongqing City. Zip Code: 402164.

30. Ms. Chi Famin

Ms. Chi Famin received a 10-year sentence.

31. Ms. Tan Qong

Ms. Tan Qong received a seven-year sentence.

32. Ms. Yi Qongling

Ms. Yi Qongling received a seven-year sentence.

33. Ms. Lu Yumei

Ms. Lu Yumei received a seven-year sentence.

## 34. Ms. Xiang Shuangyu

Ms. Xiang Shuangyu received a seven-year sentence.

## 35. Ms. Tang Mengyu

Ms. Tang Mengyu received a six-year sentence.

## 36. Ms. Huang Zuoying

Ms. Huang Zuoying received a three-year sentence. She will finish her sentence in May, 2004.

The following Christian prisoners were sentenced as members of “evil cult” (refers to South China Church) by the People’s Court of Yunyang County, Chongqing City, May 14, 2002. Their prison address is: Section 3, Sanxia (Three-Gorge) Prison, Wanzhou, Chongqing City, Zip code: 404023.

## 37. Mr. Zhao Xitao

Mr. Zhao Xitao received a seven-year sentence.

## 38. Mr. Shen Daoxing

Mr. Shen Daoxing received a four-year sentence.

## 39. Mr. Tan Shigui

Mr. Tan Shigui received a four-year sentence.

## 40. Ms. Gu Yaoxiang

Ms. Gu Yaoxiang was sentenced to 1 year and 9 months re-education through labor and now still serves at Xiu Hua Factory, Female Laojiao Camp, Shi Ba Li He Town, Zhengzhou city, Henan Province.

## 41. Dr. Xu Yonghai

Age: 44; Dr. Xu Yonghai was arrested in Beijing in November of 2003. He was tried by the Intermediate Court of Hangzhou City, Zhejiang Province on March 16, 2004. Convicted by the same court and sentenced August 6, 2004 to two years in prison. He is currently held at Detention Center of Xiaoshan City, Hangzhou City, Zhejiang Province.

## 42. Pastor Luo Bingyin

Age: 40; Arrested on July 17, 2004 at Fuyang city, Anhui Province by the PSB of Fuyang city, Pastor Luo is now held at Funan prison, Anhui Province without a trial.

APPENDIX III: CASE ABOUT PROMINENT BEIJING HOUSE CHURCH LEADER PASTOR CAI ZHUOHUA

PROMINENT BEIJING HOUSE CHURCH LEADER FACES HARSH SENTENCE

MIDLAND, TEXAS (CAA)—NOVEMBER 11, 2004

CAA learned a prominent Beijing house church leader will face an extremely harsh sentence if convicted in the upcoming trial. Pastor Cai Zhuohua, a house church leader ministering to six house churches in Beijing will be formally tried in a Beijing court very soon. The 32-year-old pastor was kidnapped by three plain-clothed officers believed to be from the Department of State Security at about 2:00pm on September 11, 2004. According to an eyewitness account, Cai was waiting at a bus stop when three strong men approached him and pushed him into a white van. Cai was returning home following a Bible study session that morning. Cai’s wife, Xiao Yunfei, along with her brother, Xiao Gaowen, and sister-in-law, Hu Jinyun, were also arrested September 27 while hiding in Hengshan county, Hunan Province. Sources familiar with the case told CAA that Pastor Cai and his wife will face an extremely harsh sentence because of their prominent role in the Beijing house church leadership. CAA learned that this case has been handled directly by the Department of State Security. Another source close to the central law enforcement authority revealed to CAA that a two-word handwritten directive “Yan Ban” (which means to deal with this case harshly and severely) was issued by Mr. Qiang Wei, deputy General Secretary of Politics and Law Commission of Beijing. And that the central government had already labeled this case the most serious case on overseas religious infiltration since the founding of the People’s Republic of China. It’s believed the authorities were shocked when they found about 200,000 copies of the Bible and other Christian literature in a storage room managed by Pastor Cai. In China, only one publisher belonging to the officially sanctioned Three-Self Patriotic Movement is allowed to publish and print a limited number of Bibles and other Christian literature each year. These publications are forbidden to be sold in the public bookstores.

With the rapid growth in the number of Christians every year, Chinese house churches sometimes find printers willing to print a few Bibles for extra cash instead of relying on “Bible-smugglers” from overseas. Sources close to one of Pastor Cai’s churches said the confiscated Bibles and other Christian literature were solely for internal house church-use and Pastor Cai made no profit off them. Pastor Cai and his wife have one four-year-old son, Cai Yabo, who is now under the care of his grandmother. The prosecution team source told CAA that this case is part of a broader national campaign against the underground church and so-called “illegal” religious publications that began this past June. The Chinese authority is especially unhappy about a house church quarterly magazine called Love Feast “AI YAN” (www.AiYan.org) in which Pastor Cai has been involved. In several issues in the past, contrary to Chinese official position, it published articles on President Bush’s faith and commemorations on Dr. Jonathan Chao, one of the most respected Chinese church historians, who passed away this year. According to the same source, instead of on religious grounds, the authorities are considering convicting Pastor Cai and his wife, along with the other two relatives, on criminal charges such as tax evasion or illegal business management, which could lead to a life sentence. All four arrested are now being held at Qinghe Detention Center, Haidian District, Beijing. So far none of their relatives are allowed to visit them.

“All of those who know Pastor Cai over the years can testify that he and his wife are wonderful Christians with loving hearts for both the church in China and their motherland,” said Bob Fu, CAA’s president and a former coworker of Pastor Cai. “We urge people of all faiths to take action to demand their immediate release.”

(Photo of Pastor Cai performing baptism for new believers.)

Letters of protest can be sent to the Chinese Embassy in Washington DC at the following address:

Ambassador Yang Jiechi, Embassy of the People’s Republic of China, 2300 Connecticut Ave NW, Washington DC 20008; Tel:(202) 328-2500; Fax:(202) 588-0032; Director of Religious Affairs: (202) 328-2512.

Issued by China Aid Association, Inc. on November 10, 2004.

#### APPENDIX IV: CASE ABOUT HUSBAND OF THE KILLED CHRISTIAN WOMAN APPEALS FOR INTERNATIONAL INTERVENTION

##### HUSBAND OF THE KILLED CHRISTIAN WOMAN APPEALS FOR INTERNATIONAL INTERVENTION

BEIJING (CAA)—NOVEMBER 13, 2004

China Aid Association releases an urgent letter of appeal asking for international intervention in behalf of a Chinese Christian victim. Requested by Mr. Zhang Zhenghua, husband of Ms. Jiang Zongxiu who was beaten to death during interrogation time on June 18, 2004 at PSB office of Tongzi County, Guizhou Province. CAA urges the international community to press the related Chinese government agencies to take full responsibility regarding the death of this Christian lady and to hold those abusive police officers accountable. Ms. Jiang Zongxiu, 34-year-old, was arrested on June 17 while she and her mother-in-law was distributing some Christian tracts and Bibles in the market place at Tongzi county, Guizhou Province. Both of them were sentenced to 15 days’ administrative detention for their suspected activities of “spreading rumors and disturbing social order.” Ms. Jiang was found dead during interrogation time at about 2pm on June 18, 2004. The sudden mysterious death was even reported by China Legal Daily on July 4, 2004 in which the reporter questioned the cause of Jiang’s death. However, despite of numerous times of formal appeals to higher authorities including both the provincial and central governments by then relatives, so far no one had taken any responsibility to address the request from the relatives of the victim. Surprisingly, the local government-managed first autopsy result claimed Ms. Jiang died of “fat heart failure” without even mentioning the obvious wounds and scars caused by beatings during the interrogation time. Ms. Jiang left a four-year-old son Zhang Jun and her husband as well as her aged parents.

“This is another grave case of religious persecution costing a 34-year innocent lady’s life simply because of distributing Bibles and Gospel tracts,” said Bob Fu, “We strongly urge the Chinese government to fully investigate this case and address the requests of Ms. Jiang’s relatives.”

Letters of protest can be sent to the Chinese Embassy in Washington DC at the following address:

Ambassador Yang Jiechi, Embassy of the People's Republic of China, 2300 Connecticut Ave NW, Washington DC 20008; Tel:(202) 328-2500; Fax:(202) 588-0032; Director of Religious Affairs: (202) 328-2512.

*November 10, 2004*

Re: Appeal from the family of Jiang Zongxiu, Who Died a Sudden Death during Detention

I am Zhang Zhenghua, husband of Jiang Zongxiu, a villager of Baishi Village of Ganshui Township of Qijiang County of Chongqing City. On June 18, 2004, the Public Security Bureau of Tongzi County of Guizhou Province in the name of "disturbing social order" detained my 34-year-old wife, due to her disseminating the Gospel books of the Bible. And on that afternoon she died a sudden death for an unknown reason. Since our marriage, my wife has been in good health, and has not been afflicted by any disease. Even if she occasionally caught cold, it was no need for her to seek treatment. In the noontime of that day my wife told my mother, who was detained in the same place for the same reason, "The officers kicked me, and I feel very painful." Over six months have gone by since my wife's death. The leaders of the Public Security Bureau of Tongzi deceived the upper-level authorities, and intimidated the victim's family. It is beyond our toleration. I hereby disclose this case to the public, hoping all conscientious people might speak out the truth and bringing those who violated the law to justice.

The following are our doubts over the death of Jiang Zongxiu:

1. Jiang Zongxiu had been in good health before her death. Since our marriage, I have been working in Chongqing to sustain the family. All the work of my family, including farming the land, feeding the livestock, raising the child, taking care of my parents, had to be done by her alone. She had never been afflicted by any disease.

2. Jiang Zongxiu was severely beaten by the officers of the PSB of Tongzi during interrogation, which can be witnessed by my mother Tan Dewei, and some pictures taken on the site of autopsy. There were wounds all over her body. The current law of our country forbids beating or forcing a confession from those who are in custody.

3. Responsible officers kept lying to my mother, who was detained in the same detention center. In the course of detention, my mother asked the officers several times about Jiang Zongxiu. They had been lying to her and concealing the truth. Suppose Jiang Zongxiu did die of a sudden death as the legal medical appraisers insist, it is not necessary for the PSB to conceal the truth to us. Even at the very moment of my mother's release on June 23, they still told her that Jiang Zongxiu had gone home. What is more, if Jiang Zongxiu had not died, the detention center would not have released my mother ahead of schedule, who was supposed to be detained fifteen days. And my mother would not have been sent home in car by the police officers. The later development of this case indicates that the PSB knew that their illegal conduct had been disclosed. Therefore, they were surprisingly well behaved.

4. The PSB ordered the remains to be cremated within 3 days. The PSB knows an autopsy is inevitable for such an usual case. They are eager to cremate the remains in order to destroy the strong evidence and shirk their responsibilities.

5. With the hard efforts of our attorney, the autopsy was finally conducted. In order to collect some evidences, to tell our son when he grows up what happened to his mother, we wanted to take some pictures. At first the police officers forbade us to come closer to the site. With our strong demand we were finally allowed to do so. The pictures indicate that there are wounds all over the body.

6. In the course of autopsy, we heard that one officer said, "It is unnecessary to appraise, for obviously she was beaten to death."

7. I found out on the autopsy site that, my wife wore prison clothes. My request for her original clothes was declined. As material evidence her clothes shall be submitted for appraisal and analysis.

8. The legal medical report makes no explanation about what cause the sudden death. The report detailed the situation of the interior organs, but failed to mention the fingerprints, imprints, and stripes on the body, which any lay people can identify are caused by beating. Is it done so carelessly, or to help the PSB shirk responsibilities?

ZHANG ZHENGHUA,  
JIANG ZONGXIU'S HUSBAND.

## PREPARED STATEMENT OF JOSEPH M.C. KUNG

NOVEMBER 18, 2004

Ladies and Gentlemen:

Two and a half years ago on March 25, 2002, I testified to this committee about the persecution of underground Roman Catholic Church in China. I testified at that time that the persecution of religious believers had never stopped regardless of the fact that China had made significant economic progress and that China had joined World Trade Organization. I also testified two years ago that many arrests and tortures of underground Roman Catholic bishops, priests, nuns, and lay persons had taken place, ranging from an 82-year-old priest to a 12-year-old girl. I also reported the complete destruction of a shrine of the Blessed Mother in Dong Lu in Hebei by 5,000 Chinese soldiers in May 1996 and the destruction of hundreds of churches. I talked about the disappearance of Bishop Su Zhimin after his arrest in October 1997 and the disappearance of Bishop An Shuxin after his arrest in May 1996. We discussed the difference between the Patriotic Association and the underground Roman Catholic Church. We highlighted that a Holy Mass, a prayer service, and even praying over the dying by an underground Roman Catholic were considered illegal and subversive activities by the Chinese government punishable by exorbitant fines, detention, house arrests, jails, labor camps, or even death. We also discussed how the Chinese government forced underground Roman Catholics to register with the Patriotic Association. Refusing to do so would result in being sentenced to three years' labor camp. Being ordained an underground Roman Catholic priest was also considered a crime punishable by three years in the labor camp. You may find all this information in your congressional record dated March 25, 2002.

I regret to inform you that I do not have any good news for you today. The arrests and atrocities that I reported to you two years ago continue unabated during the past two years. For instance, churches are still being destroyed. Random arrests of religious and other faithful are still being made.

A Roman Catholic church was demolished by the Chinese government on June 21, 2003 in Liu Gou Village in Hebei. The building of this church was completed only two weeks beforehand. One church in the Fujian province was torn down three times because the faithful refused to join the Patriotic Association. Since 1999, 27 churches were destroyed in the archdiocese of Fuzhou in the Fujian province.

Bishop Peter Fan, who was the Bishop of Baoding in Hebei for approximately 41 years, was pronounced dead in jail on April 13, 1992. He was tortured to death at the age of 85. He spent all 41 years as a bishop under surveillance, custody, detention, and arrest in prison or in labor camps. Reuter reported: "There was a large bruise on the right side of the man's face. The bones of his legs appeared to be broken. The two legs were tied so tightly together with white cloth that it was difficult to untie them. There was obviously something they wanted to hide."

In his 2002 China trip, US President George W. Bush urged Jiang Zemin to free Bishop John Gao Kexian from prison. Instead, Bishop Gao, 76, a reserved and timid man, died two and one-half months ago in an unknown prison in northern China in August 2004 after five years in a prison. His remains were sent to his relatives at the end of August, 2004 without any explanations. He joins the ranks of the martyred who gave their lives for Christ in China. (Asia News 9/12/04)

Bishop SU Zhimin and Bishop AN Shuxin are still missing. We still do not know if they are now dead or alive.

Bishop Su is a prominent leader of the underground Roman Catholic Church. He had been arrested at least five times, and spent approximately 28 years in prison thus far. He was beaten in prison so savagely that he suffered extensive loss of hearing. He met with Congressman Christopher Smith in January 1994 and was arrested and detained for nine days immediately after the departure of Congressman Smith. He was arrested again later, and escaped from prison and remained in hiding from April 1996 to October 1997. He was rearrested in October 1997. While in hiding, Bishop Sue wrote to the Standing Committee of the People's National Congress. He asked it "to thoroughly investigate the serious unlawful encroachment on the citizen's rights, and to administer corrective measures to restore order and control to ensure that the civil rights and interests of the vast number of religion believers are protected." Bishop SU was seen only once when he was accidentally discovered on November 15, 2003 while he was hospitalized in a Baoding hospital. Once the Chinese government realized that Bishop Su was discovered, he was taken away immediately without a trace.

Bishop AN was in labor camp from November 1982 to October 1985. He was arrested several times from 1985 to 1993. He was last arrested in May 1996 and was

only seen once when he was allowed to visit his mother a few years ago. He has not been seen ever since.

Underground bishops are routinely rounded up during the major feast days such as Christmas and Easter or even during a visit by certain foreign personnel. They are routinely taken away forcibly to a hotel for a few days in order to be separated from their congregations so that they could not celebrate the Holy Mass during the important feast days or they could not meet with these foreign visitors. Often, adding insult to injury, the bishops are forced to pay for the hotel and meal expenses, including for those government officials who watched over them. This could amount to a large sum of money that the bishops simply cannot afford.

Besides Bishop Su and Bishop AN, many other bishops have been arrested. The attached prisoner list could give you some idea that almost every one of the underground Roman Catholic bishops is either arrested in jail, or under house arrest, or under strict surveillance, or in hiding.

The violent and widespread arrests of underground Roman Catholic religious and faithful continue unabated. On August 6 this year, eight priests and two seminarians were arrested in the Hebei province while they were attending a religious retreat. Approximately 20 police vehicles and a large number of security personnel conducted a house to house search in order to arrest these priests and seminarians. There are now at least twenty-six underground religious in various jails at this time in the Hebei province alone. The Vatican issued a strong denunciation of religious repression in China because of this arrest. The Pope's spokesman, Joaquin Navarro-Valls, criticized China when he said: "We find ourselves once again faced with a grave violation of freedom of religion, which is a fundamental right of man." On May 16 this year, two priests, Father LU Genjun and Father CHENG Xiaoli, were arrested in Hebei just before they were to start classes for natural family planning and moral theology courses. A dozen priests and seminarians were attending a religious retreat on October 20, 2003 in a small village in Hebei. They were all arrested. On July 1, 2003, five priests were arrested on their way to visit another priest, Father LU Genjun, who was released from labor camp after serving there for three years. Another priest, Father LU Xiaozhou, was arrested on June 16, 2003 when he was preparing to administer the Sacrament of Anointing of the Sick to a dying Catholic. These are just few examples of the arrests since my testimony two years ago.

Sometimes a religious is arrested for flimsy reasons. The government official would then ask for a "fine" which could be negotiated for the amount in order to release the prisoner. Often, the "fine" is paid quietly without any receipt, and the religious is released. These incidents have been orally reported to me a number of times. They are of course without any written evidence. A priest was arrested in Wenzhou in Zhejiang province because he printed religious hymns. He was arrested in 1999 and sentenced in 2000 to six years in prison with a fine of JMP 270,000 equivalent to approximately US\$33,750!

Bishops and other religious continue to be forced to attend a government-sponsored religious conference to propagate the three autonomies principles (Self apostolate, self finance, and self administer) of the Patriotic Association, thereby forcing or attempting to force the underground Church personnel to join the Patriotic Association by threats and by treats. The catechism is not allowed to be taught to young children under 16 years old. Underground seminaries are considered illegal and are not allowed to be established.

Upon learning that I was going to testify to this committee, an underground bishop requested me to give you two messages:

1. Since 1949 when the communists took over China, literally tens of thousands of Roman Catholic bishops, priests, and other faithful have been arrested. They were put in jail for 10, 20, 30, or even 40 years. Many of them died in jail. One of them was Bishop Joseph FAN Xueyan, whom I had reported above. Many of them were released after a very long period. Some of those released, such as Ignatius Cardinal Kung, have since died. Some of them are still living. It does not matter to the government if they are dead or still living; they are still considered criminals because their "criminal" charges were never erased by the government. This bishop in China respectfully requested this committee to convey the plea to the administration that, while negotiating with the Chinese government for religious freedom, the United States government propose that these prisoners, both living and dead, be officially and posthumously exonerated of so called crimes of which the Chinese government falsely accused them five decades ago. In doing so, the reputation of these living and dead religious prisoners of conscience can be restored in China. Those who are still living can at least once again enjoy equal treatment in the society.

2. The people of China love and yearn for true freedom of religion. Again, the bishop wonders if the United States government could continue to negotiate with the Chinese government so that (i) the faithful in China do not have to fear that they could get arrested during their religious activities, (ii) their churches would not be destroyed after they labored so hard to build them, and (iii) all those imprisoned religious and other faithful would be released. The bishop believes that the freedom that President Bush has committed to promote all over the world during his election campaign has to include religious freedom. Pope John Paul II has said that religious freedom is the most basic form of all freedom. This Chinese underground bishop therefore hopes that through the direct request from President Bush to the highest authority of the Chinese government, true religious freedom might be granted to the Chinese people. The bishop wants the highest authority in China to know about these atrocious acts of persecution of people of religious faith in the hope that, having realized these atrocities, the government will wake up to correct and eliminate this persecution. Thank you.

CARDINAL KUNG FOUNDATION: PRISONERS OF RELIGIOUS CONSCIENCE FOR THE UNDERGROUND ROMAN CATHOLIC CHURCH IN CHINA—UPDATED: NOVEMBER 15, 2004

*The following is a list of persons known to the Cardinal Kung Foundation to be Roman Catholics who are confined for their religious belief and religious activity. This list is by no means complete, because of the difficulties in obtaining details. Accordingly, many cases of arrest were not reported here.*

A: (UNDERGROUND) ROMAN CATHOLIC BISHOPS IN PRISON OR UNDER HOUSE ARREST OR UNDER SURVEILLANCE OR IN HIDING

**A(I) In Prison**

1. Bishop AN Shuxin, Baoding, Hebei—Arrested in March, 1996. (Our press release June 17, 1996). Whereabouts unknown. Dead or alive unknown.
2. Bishop GAO Kexian, Yantai, Shandong—Arrested in October, 1999. Whereabouts unknown. Died in jail in August 2004. Cause of death unknown.
3. Bishop HAN Dingxiang, Yong Nian, Hebei—Arrested on or about December 1, 1999 (our press release January 23, 2000).
4. Bishop SHI Enxiang, Yixian, Hebei—Arrested April 13, 2001 (our press release April 22, 2001).
5. Bishop SU Zhimin, Baoding, Hebei—Re-arrested October 8, 1997 after 17 months in hiding. (our press release October 11, 1997) He has disappeared. His whereabouts are unknown.

**A(II) Under Arrest Warrant & In Hiding**

6. Bishop Han Qian, Siping, Jilin. Has been under arrest warrant for many years. Hiding somewhere.

**A(III) Under House Arrest or Under Strict Surveillance**

7. Bishop FAN Zhongliang, S.J., Shanghai—Under strict surveillance.
8. Bishop HAO Jinli, Xiwanzi, Hebei—Under strict surveillance.
9. Bishop JIA Zhiguo, Bishop of Zhengding, Hebei—Arrested August 15, 1999. (Our press release November 2, 1999) Released Jan 28, 2000 (Fides press release February 18, 2000). Arrested again April 20, 2002. (Our press release April 24, 2002). Released few days later. Now under strict surveillance.
10. Bishop LI Side, Tianjin, Hebei—Confined to the top of a mountain under primitive condition.
11. Bishop LIN Xili, Wenzhou, Zhejiang—Arrested 1999. Under house arrest.
12. Bishop LIU Guandong, Yixian, Hebei—Paralyzed, but still under strict surveillance.
13. Bishop MA Zhongmu, Ningxia—Under strict surveillance.
14. Bishop John YANG Shudao, Fuzhou, Fujian—Arrested February 10, 2000. (our press release February 13, 2000). Now released under house arrest.
15. Bishop Yu Chengti, Hanzhong, Shaanxi—Under strict surveillance.
16. Bishop XIE Shiguang, Mindong, Fujian—Arrested mid-October 1999. Now released under strict surveillance.
17. Bishop ZENG Jingmu, Yu Jiang, Jiangxi—Arrested November 22, 1995. Sentenced to 3 years. (our press release November 26, 1995) He was released from jail May 9, 1998 (our press release May 10, 1998) and was re-arrested September 14, 2000 (our press release September 16, 2000). Released again according to Zenit report on October 31, 2000. Under house arrest.

*Note: Notwithstanding the above list, almost all underground bishops are either in jail, under house arrest, hiding with or without arrest warrant, in labor camp, or under severe surveillance.*

B. (UNDERGROUND) ROMAN CATHOLIC PRIESTS & SEMINARIANS

**B(I) In Prison or in Labor Camps**

1. Father AN Jianzhao , Baoding, Hebei—Arrested August 6, 2004.
2. Father CHEN Guozhen, Baoding, Hebei—Arrested July 1, 2003.
3. Seminarian CHEN Rongfu, Gaocheng County, Shigiazhuang, Hebei—Arrested October 20, 2003.
4. Father DING Zhaohua, Wenzhou, Zhejiang—Arrested 2002.
5. Father DOU Shengxia, Gaocheng County, Shigiazhuang, Hebei—Arrested October 20, 2003.
6. Seminarian HAN Jianlu, Gaocheng County, Shigiazhuang, Hebei—Arrested October 20, 2003.
7. Father HUANG Chunshou, Sujiazhuang Village, Quyang County, Hebei—Arrested August 6, 2004.
8. Father HUO Junlong, Baoding, Hebei—Arrested August 6, 2004.
9. Father KANG, Fuliang, Baoding, Hebei—Arrested July 1, 2003.
10. Father KONG Guocun, Wenzhou, Zhejiang—Arrested October 1999.
11. Father LI Jianbo, Baoding, Hebei—Arrested April 19, 2001. Sentenced to 3 years labor camp. ( Our press release April 22, 2001)
12. Father LI Shujun, Baoding, Hebei—Arrested July 1, 2003.
13. Father LI Wenfeng, Gaocheng County, Shigiazhuang, Hebei—Arrested October 20, 2003.
14. Father LIU Heng, Gaocheng County, Shigiazhuang, Hebei—Arrested October 20, 2003.
15. Father MA Wuyong, Baoding, Hebei—Arrested August 6, 2004.
16. Father PANG Guangzhao, Baoding, Hebei—Arrested July 1, 2003. Although released and gone home, he is not allowed to administer sacraments.
17. Father PANG Yongxing, Baoding, Hebei—Arrested December 2001. Sentenced to 3 years labor camp (our press release July 26, 2002). Although released and gone home, he is not allowed to administer sacraments.
18. Father WANG Limao, Baoding, Hebei—Arrested March 24, 2002. Sentenced to 3 years labor camp (our press release July 26, 2002).
19. Father WANG Zhenhe, Baoding, Hebei—Arrested March 1999. Has been detained for 5 years. Although released and gone home, he is not allowed to administer sacraments.
20. Father YIN Joseph, Baoding, Hebei—Arrested July 1 2003.
21. Father YIN Zhengjun, Baoding, Hebei—Arrested January 2001. Sentenced to 3 years labor camp.
22. Seminarian ZHANG Chongyou, Gaocheng County, Shigiazhuang, Hebei—Arrested October 20, 2003.
23. Father ZHANG Chunguang, Baoding, Hebei—Arrested April 2000. Has been detained for 4 years. Although released and gone home, he is not allowed to administer sacraments.
24. Father Zhang Zhenquian, Baoding, Hebei—Arrested August 6, 2004.

**B(II) Status Unknown—May be Still in Prison or in Labor Camp**

25. Father DONG Yingmu, Baoding, Hebei—Arrested during the Christmas season, 2002.

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PREPARED STATEMENT OF NGAWANG SANGDROL

NOVEMBER 18, 2004

Thank you for the opportunity to testify before the Commission regarding the state of religious freedom in Tibet. I am honored to be able to share my thoughts on behalf of the International Campaign for Tibet and on my on behalf.

The Tibetan struggle is the struggle for our Nation and for the right of the Tibetan people to preserve and promote our identity, religion and culture. Following the Communist Chinese invasion and occupation of Tibet, our people have valiantly tried to resist the destruction of our country, our religion and our cultural heritage. Tibetan Buddhism is a fundamental and integral element of Tibetan identity and has always played a central role in Tibetan society. The Chinese Communist party sees religious belief as one of its most significant problems in Tibet, largely due to the ties between Tibetan Buddhism and Tibetan identity. The Party has been

confounded by its failure to draw Tibetans away from their religious beliefs, and particularly their loyalty to His Holiness the Dalai Lama. As well as posing an ideological problem for the Party, their concerns over religious belief in Tibet are also political and strategic. The Party's fear of a Tibetan desire for separation from China and instability in the PRC's border regions has increased its sensitivity to any perceived infiltration from outside "hostile" anti-China forces.

In July of this year, the International Campaign for Tibet came out with a report on the state of religious freedom in Tibet. The report found that despite cosmetic changes there has been no improvement of the Chinese government's attitude toward Tibetan religious practitioners. I am giving below some of the findings of the ICT report.

Since the liberalization of the mid-1980s, the Chinese authorities have made various attempts to limit the growth of religion in Tibet. After the Third Work Forum on policy in Tibet was held in Beijing in 1994, religious activity began to be severely curtailed. The Third Work Forum guidelines demonstrated a deep concern on the part of the Party over the continued popularity of Tibetan Buddhism, intensified by the perceived relationship between religion and the pro-independence movement. The Third Work Forum gave approval at the highest level to increased control and surveillance of monasteries and the upgrading of security work undertaken by administrative bodies, beyond their existing duties as political educators and informants. It also called for the following steps to be taken in each religious institution:

- Vetting the political position of each Democratic Management Committee and appointing only "patriotic" monks to those committees.
- Enforcing a ban on the construction of any religious buildings except with official permission.
- Enforcing limits on the numbers of monks or nuns allowed in each institution.
- Obliging each monk and nun to give declarations of their absolute support for the leadership of the Communist Party and integrity of the motherland.
- Requiring monks and nuns to "politically draw a clear line of demarcation with the Dalai clique," in others words to give a formal declaration of opposition to the Dalai Lama and his policies.

The tightening of restrictions on religion in Tibetan areas in the mid-1990s reflects the general direction of religious policy in China. At the same time, the crackdown on monasteries and nunneries can also be seen as part of the wider effort to suppress Tibetan dissent through a combination of propaganda, re-education, administrative regulation, punishment and implementation of increasingly sophisticated security measures.

In Tibet, religion became the target of destruction mainly because their religion and culture are what make Tibetans different from the Chinese. So long as the Tibetan has his unique religion and culture, there is no way to call a Tibetan "Chinese."

In regards of the Chinese general policies on religious freedom in Tibet, hundreds of my compatriots displayed their disagreement mainly in peaceful way and were imprisoned. I myself participated in demonstrations against the Chinese authorities from the young age of 13 precisely because I wanted to protest against the Chinese attempts to deny the Tibetan people our basic rights, including religious freedom. I was also incensed by the way the Chinese authorities were denigrating our spiritual and political leader, His Holiness the Dalai Lama, and no Tibetan can accept such action. Following my detention I was given various sentences altogether extending to 12 years in the dreaded Drapchi Prison in Lhasa.

I had joined hands with several of my fellow nuns who, too, suffered detention and torture in prison. Quite a few of them have passed away as a result of the situation that they have to face under imprisonment. Those who were fortunate to escape death in prison have more or less become living corpses, even though they are supposed to have been released from prison today.

I have been fortunate in that the international community, including the U.S. Congress and Administration consistently raised my case with the Chinese leadership. By the grace of my leader His Holiness the Dalai Lama and the Tibetan leadership, as well as the active support of American leaders I am today enjoying my time in freedom. While I value my freedom, I am continuously reminded of the plight of my fellow Tibetans, particularly those in prison. I would, therefore, like to take this opportunity to urge upon the U.S. Government to do whatever possible so that the innocent Tibetans who have been detained and tortured, solely for exercising their political rights, can gain their freedom.

In the meanwhile, I am trying to do whatever I can to highlight their situation. Upon coming to the United States, I have been told of the rules and regulations contained in the Constitution of the People's Republic of China guaranteeing several

rights to people living in China, including the prisoners. It has been a surprise to me to learn that even within the restrictive system that is in place in China today, I should have been provided with rights, including the right to judicial service as well as a free trial. Not only did I and my fellow prisoners not get such rights, we were not even informed that we had such rights. Therefore, I have begun the process of trying to understand Chinese laws so that I can become a better spokesperson for the Tibetan political prisoners.

I have been informed of your Commission's report for 2004 in which you have commented on the situation in Tibet. Your report is correct in saying that even though the Chinese Constitution and other laws, like the Law on Regional Autonomy, may have clauses talking about religious and other freedoms, yet in practice there are very many restrictions placed on the Tibetan people. For example, I recently heard that Chinese officials have said that there is no formal ban on the Tibetan people possessing and displaying photos of His Holiness the Dalai Lama. These officials were reported by the media as saying that the Tibetans voluntarily do not want to display His Holiness' photos. These Chinese officials are not only ignorant of the Tibetan people's feelings but their action also indicates the Chinese government's lack of respect for Tibetan people's religious rights. It has only been an year or so since I came out of Tibet and I know that if there is no direct or indirect political pressure from the Chinese authorities, almost all Tibetans in Tibet would be displaying portraits of the Dalai Lama. We Tibetans are proud of our religious and temporal leader, and the Tibetan people's belief and reverence for His Holiness the Dalai Lama has not waned. Unfortunately, almost all major decisions relating to the Tibetan people are not made by the Tibetan people, nor even by Tibetan officials, but by Chinese leaders in Beijing.

I support the Commission's recommendation on Tibet made in your annual report for this year in which you said, "The future of Tibetans and their religion, language, and culture depends on fair and equitable decisions about future policies that can only be achieved through dialogue. The Dalai Lama is essential to such a dialogue. The President and the Congress should continue to urge the Chinese government to engage in substantive discussions with the Dalai Lama or his representatives."

Since this Commission has been specifically established to monitor the situation in China and provide appropriate policy recommendations to the U.S. Government, I would urge you to consider the following.

1. The case of Tenzin Delek Rinpoche is extremely urgent since there is every possibility that the Chinese government will execute him after his suspended death sentence expires in the coming month. The US Government should intervene so that this innocent Tibetan lama is saved from execution.

2. The issue of the Panchen Lama is of utmost importance to the Tibetan people. We still do not have any solid information about the whereabouts and the well-being of the 11th Panchen Lama, Gedhun Choekyi Nyima. The United States should press China to allow an independent monitor to verify that the Panchen Lama is fine and that he is getting his religious education.

3. The situation of Tibetan political prisoners has been of close interest to me, since I was one until recently. I would urge the United States to press the Chinese government to release all Tibetan political prisoners. Further, China should be asked to restore the rights of those Tibetan political activists who have been released. I have heard from many of these individuals that they continue to face persecution even outside of prison.

4. Ultimately the only way to provide a lasting solution to the issue of religious freedom in Tibet is by finding a solution to the political problem in Tibet. The United States should be proactive in urging the Chinese government to begin substantive talks with the representatives of His Holiness the Dalai Lama so that a negotiated solution can be found.

In conclusion, I thank the United States government and the people for the positive role that you have been playing in highlighting the Tibetan issue and for supporting His Holiness the Dalai Lama in finding a just solution to the Tibetan issue. Tashi Delek and thank you.

OPENING STATEMENT OF HON. JAMES A. LEACH, A U.S. REPRESENTATIVE FROM IOWA,  
CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

NOVEMBER 18, 2004

The Commission convenes this morning to hear several experts, who have agreed to share with us their analysis of the intensifying government campaign in many parts of China against religious groups and individual believers and practitioners.

Religious freedom around the world remains among the most important issues of concern for most Americans, and for that reason, freedom of religion has been a central topic in our bilateral human rights discussions with China for many years. Unlike Karl Marx, who believed that religion was the “opiate of the masses,” our country’s founders held that ethical values, derived from religion, anteceded and anchored political institutions. It is the class struggle implications of Marxism—the exhortation to hate thy fellow citizen instead of love thine enemy—that stands in stark contrast with the demand of tolerance built into our Bill of Rights.

From the American perspective, the real opiate of the 20th and 21st centuries would appear to be intolerance, the instinct of hatred which becomes manifest in the individual and unleashed in society when governments fail to provide safeguards for individual rights and fail to erect civilizing institutions adaptable to change and accountable to the people. Churches, religious schools, hospitals, and faith-based charitable organizations are examples of this type of civilizing institution. Coupled with religious faith itself, such institutions can be a powerful force for tolerance.

Both the Congress and the executive branch have long stressed the importance of religious freedom in China. The Senate and House have frequently passed resolutions calling on Chinese authorities to respect the freedom of worship, belief, and religious affiliation guaranteed by international human rights norms. In his first term, President Bush raised U.S. concerns about religious freedom with the most senior Chinese leaders, emphasizing the importance of treating peoples of faith with fairness and dignity, freeing prisoners of conscience, and respecting the religious and cultural traditions of the people of Tibet.

The Chinese Constitution says that the government protects “normal religious activity,” but in practice, the government and the Communist Party require that religion be consonant with state-defined patriotism. Official repression of religion is particularly harsh in Tibetan and Uighur areas, where religious conviction and traditions may frequently be interwoven with separatist sentiment. Chinese authorities often see separatist sentiment as a precursor to terrorism, even when religious practitioners express such sentiment peacefully and advocate nonviolence.

In June 2003, the Commission convened a hearing to assess whether the rise of a new group of senior Chinese political leaders might augur a change in government policy toward religion. Our witnesses were not very optimistic about any such changes, at least over the short term. We also became interested in whether the new leadership group would encourage the social service activities of religious groups, so that faith-based groups would take responsibility for some of the social services that governments at all levels in China can no longer sustain.

Roughly 18 months later, we have seen evidence of some increased official tolerance of faith-based social service initiatives in some places in China, but in general we have not seen significant liberalization of Chinese government policy toward religion itself. Indeed, there is significant evidence of a tightening of repressive measures in many places in China.

With those comments, let me introduce our Commission members, and our first panel.

