

Research Package #3

(Junior High School)



“BIRT Internet companies should boycott China until it allows its citizens unrestricted access to the Web.”

(VALUES DEBATE)

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It was March 2000, dot-com mania was in full swing, and the World Wide Web still seemed destined to bring fabulous wealth to the West and precious freedom to every dark corner of the globe. U.S. President Bill Clinton took the stage at Johns Hopkins University, expounding on the promise of democracy and freedom in the information age. Increased trade, engagement and technology would inevitably help open and democratize authoritarian holdouts like China, he said. The few remaining hard-liners, clinging doggedly to the past, were on the run. "Now there's no question China has been trying to crack down on the Internet," Clinton said, pausing to smile at his audience before delivering the triumphalist punch line. "Good luck." Laughter and applause.

Muzzling the Internet might have seemed like an impossibility when Amazon.com was streaking past US\$300 a share, but almost six years later John Kamm looks back on the smug naiveté of Clinton's boast with a rueful laugh. "Guess what, Bill: they didn't need luck, they needed something else, and they got it." A former executive with Occidental Chemical Corp. and ex-president of the American Chamber of Commerce in Hong Kong, Kamm has spent the past 16 years working for human rights reform in China. He has petitioned Chinese authorities on behalf of close to 1,000 political prisoners, and secured release or leniency for hundreds. But lately, he has watched in disbelief as some of the world's biggest companies meekly complied with China's most audacious crackdown in years.

Today, China employs approximately 30,000 cyber-police to monitor Web traffic and postings from the country's roughly 111 million Internet users. Writing articles "incompatible with the mainstream ideology" is prohibited. Posting messages that "damage the reputation of the state" can get you arrested. And publishing anything deemed to be a state secret can carry the death penalty. The list of banned websites now stands at 500,000 and growing.

Even with the full weight of the Communist regime behind it, the censorship effort would have been futile without equipment and know-how supplied by Western vendors like Cisco Systems Inc., Sun Microsystems Inc. and Nortel Networks Corp. And with the world's three dominant Internet companies -- Google, Yahoo! and Microsoft -- in a blind rush for a piece of China's spectacular wealth, Beijing has found all the willing accomplices it needs to strip the Internet of its anonymity, its freedom, and to turn it into yet another tool of repression. Google and Microsoft have recently launched Chinese versions of their Internet software that block access to topics that offend China's ruling party, such as democracy and Tibet. Yahoo recently handed over a Chinese journalist to authorities after he posted information critical of the government on an Internet message board.

Should internet companies boycott China until it allows its citizens unrestricted access to the Web? In a values debate, the Affirmative Team supports the resolution and will say "YES" and the Negative Team opposes the resolution and will say "NO".

A heated debate is already going on in the media and in cyberspace. The Affirmative will argue that it is wrong for companies to profit from censorship including restrictions on freedom of the press and freedom of speech. The Negative will argue that equipment being supplied, from companies such as the American based Cisco Systems Inc., is standard Internet infrastructure equipment and that providing this sort of equipment actually aids the flow of information. Without the equipment the Chinese government might not allow the internet at all. This debate is going to be a fundamental clash between profit and social conscience.

The Affirmative will be saying:

The internet has played a key role in China's opening up to the world, but the Chinese government has cracked down on online freedom of expression. Thanks to deals with multinational corporations, US technology has facilitated Beijing's campaign to restrict internet discussions on troublesome issues like democracy, human rights, and Taiwanese independence. "Granular" technologies developed by US information technology giants enable installation of a powerful mesh of filters to control information flow: State-of-the-art routers automatically track individual internet users and even filter out sub-pages from larger sites. As a result, "the picture of the world as seen by most Chinese internet users is heavily skewed in the regime's favor." Western companies have felt increasing public pressure to take more responsibility for China's uses of their products, even spurring US legislation to support freedom on the internet. Despite the multinationals' claims of innocence - and ignorance - more and more critics are calling for "consequences for companies found to be deliberately aiding censorship and political repression." Critics say that in their rush to invest in China, Western businesses are selling their soul, one ugly compromise at a time. Without the equipment and know-how supplied by the Western vendors, the censorship effect would have been futile. To prevent further damage, these companies should now boycott China until China permits free access to the Internet.

Why Internet Companies Should Boycott China until it Allows its Citizens Unrestricted Access to the Web

1. In China, the internet has become a malicious tool: a cyber sledgehammer of repression. As soon as the promise of the Internet began to be fulfilled – when brave Chinese began to email each other and others about human rights issues and corruption by government leaders - the Party cracked down. To date, an estimated 49 cyber-dissidents and 32 journalists have been imprisoned by the PRC for merely posting information on the Internet critical of the regime.
2. Two of the most essential pillars that prop up totalitarian regimes are the secret police and propaganda. Yet for the sake of market share and profits, leading internet companies like Google, Yahoo, Cisco and Microsoft have aided and abetted the Chinese regime to prop up both of these pillars, propagating the message of the dictatorship unabated and supporting the secret police in a myriad of ways, including surveillance and invasion of privacy, in order to effectuate the massive crackdown on its citizens.
3. Similarly, Google censors what are euphemistically called “politically sensitive” terms, such as “democracy,” “China human rights,” “China torture” and the like on its new Chinese search site, Google.cn. A search for terms such as “Tiananmen Square” produces two very different results. The one from Google.cn shows a picture of a smiling couple, but the results from Google.com show scores of photos depicting the mayhem and brutality of the 1989 Tiananmen square massacre. Google has said that some information is better than nothing. But in this case, the limited information displayed amounts to disinformation. A half truth is not the truth – it is a lie. And a lie is worse than nothing. It is hard not to draw the conclusion that Google has seriously compromised its “Don’t Be Evil” policy. It has become evil’s accomplice.
4. Tragically, history shows us that American companies and their subsidiaries have provided the technology to crush human rights in the past. Edwin Black’s book “IBM and the Holocaust” reveals the dark story of IBM’s strategic alliance with Nazi Germany. Thanks to IBM’s enabling technologies, from programs for identification and cataloging to the use of IBM’s punch card technology, Hitler and the Third Reich were able to automate the genocide of the Jews.
5. Women and men are going to the gulag and being tortured as a direct result of information handed over to Chinese officials. When Yahoo was asked to explain its actions, Yahoo said that it must adhere to local laws in all countries where it operates. But my response to that is: if the secret police a half century ago asked where Anne Frank was hiding, would the correct answer be to hand over the information in order to comply with local laws? These are not victimless crimes. We must stand with the oppressed, not the oppressors.
6. Americans, not just Chinese, are also the victims of this censorship. On an informal request from the Chinese government, Microsoft on December 30, 2005 shut down the blog of Zhao Jing because the content of Zhao’s blog on MSN Spaces was offensive to the PRC. However, Microsoft shut down the blog not only in China, but everywhere. It not only censored Chinese access to information, but American access to information, a step it has only recently pulled back from.
7. If internet companies are willing to appease a censorship-inclined government, this will encourage the Chinese or other governments to impose more policies of this kind. Also, by decreasing the inconvenience caused by government censorship, continued censorship will be more palatable and thus more likely to continue.
8. The leading internet companies, such as Google, Yahoo, and Microsoft, control the most advanced search technology in the world. By denying this technology to China, the country will be forced to use a lesser, ineffective method.
9. Internet companies should not be making money by supporting the most repressive government in the world that throws their people in jail simply because they disagree with them or crushes them with tanks.
10. Six decades ago, the Universal Declaration of Human Rights stated: “Everyone has the right to information, to freedom of opinion and expression, and this includes the right to freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media, regardless of frontiers.” These rights were reaffirmed most recently at the UN’s World Summit on the Information Society just this past November.

And the Negative will say:

Google co-founder Larry Page told TIME. "One of the principles we believe pretty strongly is that having really good access to information for people is a great way of improving the world." But in the end Google chose to dance with the dragon - presumably the cha-cha. "Filtering our search results clearly compromises our mission," the company's official statement says. "Failing to offer Google search at all to a fifth of the world's population, however, does so far more severely."

Sounds like a simple enough trade-off. But once you start picking at the edges, you discover a very tangled Web. First, Google's choice may have a plausible ethical rationale. But it is now a publicly owned company, and the decision also stands to earn it truckloads of yuan. China has 111 million Internet users, a number that grew a plump 18% in 2005. Granted, so far few Chinese have credit cards, but when they do, Google's shareholders are going to be peeved if it doesn't host a chunk of the ads that will woo them.

Yet it really isn't just about money. One of the pervasive myths of the information age is that the Internet is a kind of magic spray that when applied to totalitarian states causes democracy to spontaneously blossom forth. "Westerners saw the Internet as this garage-door opener that you could point at closed regimes and open them," says Tim Wu, a professor at Columbia Law School and co-author of the forthcoming book "Who Controls the Internet?" China with the Internet is certainly a freer place than China without the Internet. For the first time, "unofficial" news is circulating all over the country. As a result, millions of people have gained access to information and ideas that would have been unimaginable a generation ago.

In the middle of the Google firestorm, company co-founder Sergei Brin told a reporter that a censored site is better than no site at all. "We ultimately made a difficult decision, but we felt that by participating there, and making our services more available, even if not to the 100 per cent what we ideally would like, will be better for Chinese Web users, because ultimately they would get more information, though not quite all of it." Google CEO Eric Schmidt elaborated on that point, insisting that it did not conflict with Google's "don't be evil" ethos. "We actually did an evil scale, and decided that not to serve at all was worse evil," Schmidt said. Yahoo! And Microsoft offer similar justifications, arguing that even if they wanted to fight for greater freedoms on the Web, their hands are tied by local laws. And besides, Bill Gates says repressive rulers are no match for the ingenuity of individual Web surfers. "The ability to really withhold information no longer exists," he said recently, in defense of Microsoft's censorship policy. "If there is a desire by the population to know something, it is going to get out."

Why Internet Companies Should NOT Boycott China until it Allows its Citizens Unrestricted Access to the Web

1. Certainly it would be best if the Chinese citizen could access content freely but it would be hopelessly naive to believe that China would just give up on its campaign of censorship because of a boycott from foreign internet companies.
2. Even if the majority of internet companies boycott China, there is bound to be a few companies that will not. The number of companies that provide search results is a testament to how easy it is to do adequately. The potential revenue from over a billion Chinese citizens would prove to be enough incentive for these companies.
3. The idea that China should just wake up tomorrow and decide they are a western democracy with all the associated rights is ignorantly idealistic. The better approach is not to demand China change overnight but to bargain with them to minimize the human rights violations. We should engage in diplomatic negotiation with China to work out a compromise on internet censorship, i.e., to let internet companies censor certain sorts of results and China agrees to weaken its censorship of the internet in return.
4. China still has many human rights issues, but there has been significant progress through closer ties and trade. A middle class is forming in China, trade and business deals are allowed, press freedom seems to be increasing, and most importantly the opinion of locals seems to carry increasing weight.
5. In the long run, bending slightly and creating more economic and business ties between the US and China is likely to encourage China to adopt more liberal policies. If instead China is isolated and develops its own version of Google, it may actually end up placing even more restrictions on its citizens.
6. A boycott would be hypocritical and arrogant because it ignores the actions of many other governments -- including India and the United States -- that are pressuring Internet and telecom companies to compromise privacy and limit access to some information. France and Germany have censored Nazi-related searches to some degree and filtering out child pornography is common practice Net-wide.
7. Some Chinese complain about the arbitrary nature of the censorship they deal with, but they see efforts to intervene as "another way in which Westerners are trying to tell the Chinese people how to run their country." We must respect the sovereignty of China.
8. Internet companies do not have the power to force change on governments. These companies, however, can enable far wider access to independent sources of information for hundreds of millions of individuals in China.
9. The Chinese government could choose to respond to a boycott by reducing trade with the Western companies.
10. Western internet companies, which are second to none, should be free to continue leading and empowering the free flow of information worldwide. This free flow of information is like a rushing global torrent that will eventually burst any dam that is in its way.

RESEARCH

U.S.: Put Pressure on Internet Companies to Uphold Freedom of Expression

Testimony before the Congressional Human Rights Caucus

Members' Briefing: Human Rights and the Internet - The People's Republic of China

Testimony of Tom Malinowski - Washington Advocacy Director - Human Rights Watch

February 1, 2006

Mr. Chairman, thank you for having me and Human Rights Watch here today and for your leadership on this issue. Let me begin by laying out some general principles.

First, the Internet clearly has the potential to be a liberating force in repressive societies. In China, millions of people have used the Internet to discuss previously taboo topics, to criticize their leaders in ways that would have been impossible just a few years before, and to obtain information their government would rather they not have. That is why the Chinese government is so worried about this medium. That is why it is cracking down.

Second, the Internet gets its liberating potential from two basic qualities – it provides free and instantaneous access to information and ideas, and it allows people to communicate anonymously. But as China is showing, these qualities can be taken away. And once you take away users' anonymity and censor, for political ends, the content they can see, the Internet is no longer a liberating medium. In fact, it can become a tool of repression.

Therefore, it is not enough for Internet companies to argue that their mere presence in countries like China will lead to political openness. It is illogical for companies to say they are expanding the boundaries of freedom in China if they strip their product of the very qualities that make it a force for greater freedom. These companies must protect the integrity of the product they are providing, or that product will no longer be the Internet as we know it, and will no longer have the impact on society we all wish to see.

Third, the stakes here are much greater than the future of freedom in China. China is already exporting technology for monitoring the Internet to other repressive governments – Zimbabwe, for example. And such governments in every part of the world are now watching to see if China can bend Internet providers to its will. If China succeeds, other countries will insist on the same degree of compliance, and the companies will have no standing to refuse them. We will have two Internets, one for open societies, and one for closed societies. The whole vision of a world wide web, which breaks down barriers and empowers people to shape their destiny, will be gone. Instead, in the 21st Century, we will have a virtual Iron Curtain dividing the democratic and undemocratic worlds.

What is happening in China?

Internet censorship within China is not a stand-alone policy. It is part of an overall strategy to limit the flow of information within China to what the leadership wants China's citizens to know about their own country and about the world.

Most recently, on January 25, 2006, when mainland authorities shut down the outspoken Bingdian Weekly, authorities succinctly articulated China's approach to information control. A notice of the closure by the Publicity Department of the Chinese Communist Party Central Committee criticized the editor of Bingdian and senior staff at China Youth Daily, its parent publication, for "articles incompatible with the mainstream ideology." Although no particular articles were cited in the notice, earlier criticism had been directed at the weekly's coverage of stories questioning textbook interpretations of sensitive historical events, one going back over one hundred years, another some sixty years.

As the number of Internet users in China has skyrocketed, from 22.5 million (or 1.7 percent of the population) in 2000, to 111 million (or some 8 percent of the population) at the end of 2005, as the diversity of information available through the Internet has mushroomed, and as users have developed expertise in accessing it, the Chinese leadership has devoted extraordinary resources to erecting its Great Firewall.

Even before the recent news about Google censoring its search engine, Internet users already had to contend with a long list of censorship measures including:

- a sophisticated filtering system;
- the banning of unregistered personal domestic websites;
- the September 2005 "Rules on the Administration of Internet News Information Services," which prohibited the distribution of uncensored news stories or commentary through Internet portals, e-mail or SMS, in the interest of "serving socialism," upholding the interests of the State," and "correctly guiding public opinion."
- limits on who could access university Internet message boards;
- the tracking of Internet café users through real-name registration and use of ID numbers;
- blocked websites; and

- the threat of imprisonment for those engaged in dissident speech on the Internet.

But one lesson of China's experience with the Internet is that repressive governments cannot exercise full control over this medium without the willing cooperation of the private sector companies that are leaders in the industry. Bill Clinton had a point when he said that controlling the Internet was like trying to "nail jello to the wall." It just isn't possible – unless you persuade the companies that make jello to change their recipe. And that's what China has been doing.

China sought and received the cooperation of global Internet companies in limiting access to information. In mid-2002, Yahoo! voluntarily signed China's "Public Pledge on Self-discipline for the Chinese Internet Industry." Signing the vaguely worded pledge, sponsored by the government-affiliated Internet Society of China, required that Yahoo! "[r]efrain from producing, posting or disseminating harmful information that may jeopardize state security and disrupt social stability, contravene laws and regulations and spread superstition and obscenity," that it "monitor the information publicized by users on websites according to law and remove the harmful information promptly," and "[r]efrain from establishing links to Web sites that contain harmful information so as to ensure that the content of network information is lawful and healthy." Definitions of key terms were not provided.

Human Rights Watch warned at the time that Yahoo! was in danger of becoming an "information gatekeeper." We tried to persuade Yahoo! that it should bring industry leaders together to resist Chinese blandishments and to remain information gateways. Nothing came of the initiative. Rather, during the past three-and-a-half years, as competition among global Internet companies sharpened, China was able to capitalize on Yahoo's decision to sign on to censorship.

In 2005, Yahoo! provided information that helped Chinese authorities identify Shi Tao, a Chinese journalist, who allegedly "leaked state secrets abroad." He was sentenced to a ten-year prison term in April 2005; the "secret" he allegedly leaked consisted of information about government guidelines for reporting on the June 2004 fifteenth anniversary commemoration of the Tiananmen massacre.

In May 2005, Microsoft's new joint-venture portal users found they could not use the Chinese words for democracy, freedom, human rights, or demonstration to mark personal websites created through MSN Spaces, a free online blog service. The returned error message announced, "this item contains forbidden speech." MSN Spaces is operated by Shanghai MSN Network Communications Technology, in which Microsoft owns a 50 percent stake.

Google reportedly resisted the Chinese government initially, but in November 2004 it began to provide an abridged Chinese service of Google News, using some 1,000 news sites, but excluding from its list of links those from publications the Chinese government found objectionable, such as the Voice of America.

In August 2005, Google partnered with Baidu, another Chinese giant, but it continued to lose market share. Finally on January 24, 2006, Google announced it had installed a server within China to speed service and increase its competitiveness within the Chinese market. It also announced that it would censor certain search results on its search engine that the government finds objectionable, such as those relating to human rights. Google said that it would tell users that the information was being censored, but did not contest the underlying censorship. The company has so far said that it won't provide G-mail or other services that might cause it to run into a Yahoo!-type situation. However, given the compromises Google has already made, the huge market pressure on companies to go into China, and the lack of any laws prohibiting companies from working hand in glove with the Chinese police state, there is no reason to believe that it will permanently refuse to offer those services in China.

How do the companies justify their actions?

The Internet companies have made several arguments to defend their compromises in China. I would like to address a few of them, Mr. Chairman.

The first, and most common argument is: "We have to follow Chinese law if we do business in China."

My first response to that argument is that the law on this question isn't as straightforward as the companies would like us to believe. Yes, Chinese domestic law forbids dissident speech. But China is also a signatory to the International Covenant on Civil and Political Rights (ICCPR), and is thus obliged to uphold the principles embodied in that document. Censoring information flouts the ICCPR's article 19, which states in part that, "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print..." In helping the Chinese government enforce its domestic rules, the Internet companies are also complicit in a clear violation of international law.

That should be reason enough for these companies to challenge the Chinese government when it imposes these dictates – to use the emerging Chinese legal system to fight the Chinese government's rules, to lobby Chinese government officials to relax them, to ask the U.S. and other governments to intervene on their behalf. But as far as we know, the companies have not challenged Chinese rules at all. They have simply gone along.

Of course, when these same companies have been threatened with government restrictions on content and privacy in the United States and Europe, they have not been timid about fighting back. As we all know, Google has refused a U.S. request to turn over information about user searches. Internet companies have strongly opposed a proposed European Union law over content. And good for them. I just wish they were half as brave in dealing with dictatorships as they are in dealing with democracies.

Mr. Chairman, if you or other members of Congress introduce legislation regulating what Internet companies can do in places

like China, I am sure that lobbyists from Yahoo!, Google and Microsoft will be in your offices using every means of persuasion at their disposal to persuade you to change your mind. And that is their right. But I hope you will ask them why they are making greater efforts to lobby the U.S. government in defense of censorship than they ever made to lobby the Chinese government in opposition to censorship.

Of course, changing the Chinese government's policies will be hard. But if companies put up a united front and are supported by the U.S. government, they will be in a very strong position. In 1999, for example, technology companies stood up to the Chinese government when it tried to clamp down on the commercial use of cryptography to maintain the confidentiality of corporate communications. Coordinated efforts by various companies and trade agencies forced the Chinese government to drop its demand that encryption codes be turned over.

And if such concerted action does not work, I would still argue that there are moral lines companies should not cross, even if it means they cannot do business in China. No company should ever, under any circumstances, turn over the name of a political dissident to a repressive state. And no company with a stake in the free flow of information should censor information to satisfy the political dictates of a dictatorship. In practice, I think that Internet companies will be able to stay in China while upholding these principles, if they make a concerted effort. But if I'm wrong, these principles cannot simply be sacrificed. At some point, a moral bottom line must take precedence.

A second argument made by some companies is that censorship is acceptable if Chinese internet users are honestly told what is happening. This is the argument that Google is making, because the Chinese Google site includes a disclaimer at the bottom informing users that some information is being censored.

But is Google really being honest and open about what it is doing? Google is not disclosing a crucial piece of information – it is not saying how its censorship system works. It is not telling users what material – what sites, words, and ideas – the Chinese government is telling it to block. Perhaps that is because Google is embarrassed to admit that for such a system to work, the company will have to maintain a close and ongoing relationship with the Chinese security apparatus. This is because it will not be enough for the Chinese government to give Google a list of forbidden web sites and search terms just once. If that were the case and our Human Rights Watch site, for example, were excluded from Google search results in China, we could simply set up a mirror site that is not excluded. So it's safe to assume that the Chinese security services will be constantly updating and adding to the list of forbidden sites and terms it requires Google to block.

And down the road, I would expect the Chinese government to demand that Google take down even the small disclaimer it currently places on its site. After making far bigger compromises and establishing a close working relationship with the Chinese state, will Google say no to that? And what if the Chinese government then asks Google to take a step further, and turn over the individualized search records of its users? The compromises this company has made and the relationships it is forging, none of which are transparent, create a very slippery slope.

A third argument that companies, including Google, make is that the sites they remove from their search engine results are in any case blocked by the Chinese government, and thus that their Chinese users are not being denied anything to which they previously had access. But this is not entirely true. If you punch in the words "human rights" on Google, you will find links to literally millions of websites, from the home pages of NGOs, to government sites, to newspapers, universities, and blogs in scores of countries around the world. If Google filters by keyword as well as by web addresses, it may filter out web pages that would have escaped a site-block by the Chinese authorities.

Moreover, technologically savvy Internet users in China do have ways of getting around government restrictions on specific Internet sites. But if their search engine is censored, they may never learn that a particular site even exists, and the odds they can overcome the Great Firewall go down considerably. That is why Google is doing the Chinese government a great favor – something it could not have done for itself.

A final argument American companies make is that if they don't enter the China market, someone else will and the results will be the same. That is the same argument some companies made in opposing legislation that forbade them bribing foreign officials – "if we don't do it, someone else will." But the Congress didn't buy it. Moreover, the U.S. government then got together with its partners in the industrialized world (through the OECD) and negotiated a global compact against bribery to which dozens of countries now subscribe. There is no reason why the same could not be done here.

Moreover, I'm not so sure that if U.S. companies were to stay out of China (a step that, once again, I do not think will even be necessary), others would just fill the vacuum. Yes, there are local internet providers in China. (Interestingly, the Chinese companies may not even always be as restrictive as the U.S. providers now are! For example, if you type "Radio Free Asia" in Google.cn, there is no link on the first three pages to an RFA website. But if you type it in www.zhongsou.com, a domestic Chinese search engine, the first link is a direct link to Radio Free Europe/Radio Liberty -- www.rferl.org).

But let's be realistic – the major American companies are the giants in this industry. When you want to look for information on the Internet, you "Google" it. When you want to manipulate it, you do it on Windows. These companies compete with each other, but they do not have major external competitors. They have enormous bargaining power with any government that wants to be part of the information age. They simply haven't tried to use that power collectively with the Chinese government, because it has been more convenient to cut individual deals and comply with whatever rules Beijing imposes.

What should the Congress do?

The ideal solution to this problem would be a concerted, collective effort by the Internet companies to stand up to Chinese pressure. But if the companies are not willing to defend their principles on their own, then the pressure they are facing from the Chinese government should be matched by pressure from democratic governments, starting with the United States.

To begin with, Congress should pass legislation akin to the Foreign Corrupt Practices Act that would forbid U.S. companies from turning over names or other information that would identify specific individuals to foreign governments, when that information is sought to regulate or punish free expression that is protected by international law (i.e., political speech). There needs to be a clear bottom line here. Rattling out dissidents to dictatorships is repugnant behavior. No American company should ever, under any circumstances, feel that such a thing can be justified. It should be absolutely prohibited by U.S. law.

Congress should also act to discourage Internet companies from censoring content at the request of repressive governments. At the very least, such companies should be denied taxpayer financing for their foreign operations from OPIC and EximBank. You might consider whether they should be banned from federal procurement.

Finally, the Congress and the administration should encourage Internet and information technology companies to develop an industry wide code of conduct governing their behavior in repressive societies. Such a code would strengthen the companies' leverage in dealing with the Chinese and other similar governments, since it would allow them to present a united front. Similar initiatives have been pursued in other industries – a few years ago, for example, several of the world's leading oil and mining companies developed with nongovernmental organizations and the U.S. and British governments a set of principles to make their operations consistent with international human rights standards. If such old economy companies as Exxon and BP can agree on their responsibilities in difficult environments like Nigeria and Angola, surely the champions of free speech in the new economy can do the same in China, in the Middle East and everywhere free expression is threatened.

That we even have to suggest such a thing to companies that came into being with a professed commitment to bucking the status quo and to standing up for freedom is sad, Mr. Chairman.

I say that as a representative of an organization that was founded in the 1970s to stand up for human rights behind the Iron Curtain, with funding and support that came in part from people like Robert Bernstein, who made their money in the book publishing industry. Now, American publishing houses are not charities; they exist to make money, like any other company. But they are also in a business that depends on the free exchange of ideas. Their first thought in those days was not "How can we ingratiate ourselves with the Soviet Union so that we can sell books there?" It was, "how can we support free expression so that in the long run everyone has free access to the product we sell?" That was the right thing to do. And it was the sensible thing to do.

I have hoped that the Internet companies would recognize that as well. But as they have not, the time has come for the Congress to say that some principles are not optional.

Congressman Christopher Smith Opening Statement "The Internet in China: A Tool for Freedom or Suppression?"

February 15, 2006

Good morning and welcome to this hearing on the Internet in China. We are here to examine a problem that is deeply troubling to me, and I believe, to the American people: that American technology and know-how is substantially enabling repressive regimes in China and elsewhere in the world to cruelly exploit and abuse their own citizens.

Over the years, I have held 25 hearings on human rights abuses in China, and while China's economy has improved somewhat, the human rights situation remains abysmal. So-called economic reform has utterly failed to result in the protection of freedom of speech, expression, or assembly. The Laogai system of forced labor camps is still full with an estimated 6 million people; the Chinese government permits a horrifying trade in human organs; the PRC's draconian one-child per couple policy has made brothers and sisters illegal and coerced abortion commonplace; and political and religious dissidents are systematically persecuted and tortured.

Similarly, while the internet has opened up commercial opportunities and provided access to vast amounts of information for people the world over, the internet has also become a malicious tool: a cyber sledgehammer of repression of the government of China. As soon as the promise of the Internet began to be fulfilled – when brave Chinese began to email each other and others about human rights issues and corruption by government leaders – the Party cracked down. To date, an estimated 49 cyber-dissidents and 32 journalists have been imprisoned by the PRC for merely posting information on the Internet critical of the regime. And that's likely to be only the tip of the iceberg.

Tragically, history shows us that American companies and their subsidiaries have provided the technology to crush human rights in the past. Edwin Black's book *IBM and the Holocaust* reveals the dark story of IBM's strategic alliance with Nazi Germany. Thanks to IBM's enabling technologies, from programs for identification and cataloging to the use of IBM's punch card technology, Hitler and the Third Reich were able to automate the genocide of the Jews.

U.S. technology companies today are engaged in a similar sickening collaboration, decapitating the voice of the dissidents. In 2005, Yahoo's cooperation with Chinese secret police led to the imprisonment of the cyber-dissident Shi Tao. And this was not the first time. According to Reporters Without Borders, Yahoo also handed over data to Chinese authorities on another of its users, Li Zhi. Li Zhi was sentenced on December 10, 2003 to eight years in prison for "inciting subversion." His "crime" was to criticize in online discussion groups and articles the well-known corruption of local officials.

Women and men are going to the gulag and being tortured as a direct result of information handed over to Chinese officials. When Yahoo was asked to explain its actions, Yahoo said that it must adhere to local laws in all countries where it operates. But

my response to that is: if the secret police a half century ago asked where Anne Frank was hiding, would the correct answer be to hand over the information in order to comply with local laws? These are not victimless crimes. We must stand with the oppressed, not the oppressors.

I was recently on a news show talking about Google and China. The question was asked, "Should it be business' concern to promote democracy in foreign nations?" That's not necessarily the right question. The more appropriate question today is, "Should business enable the continuation of repressive dictatorships by partnering with a corrupt and cruel secret police and by cooperating with laws that violate basic human rights?"

I believe that two of the most essential pillars that prop up totalitarian regimes are the secret police and propaganda. Yet for the sake of market share and profits, leading U.S. companies like Google, Yahoo, Cisco and Microsoft have compromised both the integrity of their product and their duties as responsible corporate citizens. They have aided and abetted the Chinese regime to prop up both of these pillars, propagating the message of the dictatorship unabated and supporting the secret police in a myriad of ways, including surveillance and invasion of privacy, in order to effectuate the massive crackdown on its citizens.

Through an approach that monitors, filters, and blocks content with the use of technology and human monitors, the Chinese people have little access to uncensored information about any political or human rights topic, unless of course, Big Brother wants them to see it. Google.cn, China's search engine, is guaranteed to take you to the virtual land of deceit, disinformation and the big lie. As such, the Chinese government utilizes the technology of U.S. IT companies combined with human censors - led by an estimated force of 30,000 cyber police - to control information in China. Websites that provide the Chinese people news about their country and the world, such as BBC, much of CNN, as well as Voice of America and Radio Free Asia, are regularly blocked in China. In addition, when a user enters a forbidden word, such as "democracy," "China torture" or "Falun Gong," the search results are blocked, or you are redirected to a misleading site, and the user's computer can be frozen for unspecified periods of time.

Cisco has provided the Chinese government with the technology necessary to filter internet content through its creation of Policenet, one of the tools the regime uses to control the internet. Cisco holds 60 percent of the Chinese market for routers, switches, and other sophisticated networking gear, and its estimated revenue from China, according to Derek Bambauer of Legal Affairs, is estimated to be \$500 million annually. Yet Cisco has also done little creative thinking to try to minimize the likelihood that its products will be used repressively, such as limiting eavesdropping abilities to specific computer addresses.

Similarly, Google censors what are euphemistically called "politically sensitive" terms, such as "democracy," "China human rights," "China torture" and the like on its new Chinese search site, Google.cn. Let's take a look at what this means in practice. A search for terms such as "Tiananmen Square" produces two very different results. The one from Google.cn shows a picture of a smiling couple, but the results from Google.com show scores of photos depicting the mayhem and brutality of the 1989 Tiananmen square massacre. Another example: let's look at "China and torture." Google has said that some information is better than nothing. But in this case, the limited information displayed amounts to disinformation. A half truth is not the truth - it is a lie. And a lie is worse than nothing. It is hard not to draw the conclusion that Google has seriously compromised its "Don't Be Evil" policy. It has become evil's accomplice.

Not surprisingly, Americans, not just Chinese, are also the victims of this censorship. On an informal request from the Chinese government, Microsoft on December 30, 2005 shut down the blog of Zhao Jing because the content of Zhao's blog on MSN Spaces was offensive to the PRC. Zhao had tried to organize a walk-off of journalists at the Beijing News after their editor was fired for reporting on clashes between Chinese citizens and police in southern China. However, Microsoft shut down the blog not only in China, but everywhere. It not only censored Chinese access to information, but American access to information, a step it has only recently pulled back from. Like Yahoo, MSN defended its decision by asserting that MSN is committed to complying with "local laws, norms, and industry practices in China."

Regrettably, I haven't been able to find an MSN statement on its commitment to global laws, norms, and industry practices protecting human rights in China. Standing for human rights has never been easy or without cost. It seems that companies have always resisted having to abide by ethical standards, yet we have seen the success of such agreements as the Sullivan principles in South Africa and MacBride principles in Northern Ireland. I, and many of my colleagues on both sides of the aisle, would welcome leadership by the corporations to develop a code of conduct which would spell out how they could operate in China and other repressive countries while not harming citizens and respecting human rights. But I believe our government also has a major role to play in this critical area, and that a more comprehensive framework is needed to protect and promote human rights. This is why I intend to introduce The Global Online Freedom Act of 2006 in the coming week to promote freedom of expression on the internet.

There are some encouraging and innovative public and private efforts already underway in this area. Electronic Frontier Foundation, for instance, allows Windowsbased computers to become proxies for internet users, circumventing local Internet restrictions. Through the efforts of the U.S. Broadcasting Board of Governors' fund of a mere \$100,000, VOA and Radio Free Asia's websites are accessible to Chinese internet users through proxy servers because of the technology of Dynaweb and UltraReach.

Earlier this month, the technology firm Anonymizer announced that it is developing a new anti-censorship technology that will enable Chinese citizens to safely access the entire Internet filter-free. The solution will provide a regularly changing URL so that users can likely access the uncensored internet. In addition, users' identities are apparently protected from online monitoring by the Chinese regime. Lance Cottrell of Anonymizer said it "is not willing to sit idly by while the freedom of the Internet is slowly crushed. We take pride in the fact that our online privacy and security solutions provide access to global information for those under the thumb of repressive regimes."

In conclusion, I hope this hearing might be the beginning of a different sort of dialogue – a discussion on how American high-tech firms can partner with the U.S. government and human rights activists to bring down the Great Firewall of China, and on how America's greatest software engineers can use their intelligence to create innovative new products to protect dissidents and promote human rights.

John Aird Statement I would like to take this opportunity to recognize and honor the work of Dr. John S. Aird, a distinguished American whose immeasurable contributions as a scholar, population expert, and defender of human rights have changed the lives of so many over the course of his career.

It was with great sadness that I learned of Dr. Aird's death last October. His passing represents a grave loss for all of us who are committed to ensuring human rights around the world, and his tremendous work in this and other fields will not be forgotten. Dr. Aird, former Senior Research Specialist on China at the U.S. Census Bureau, served for 28 years as that organization's resident expert on the population of China. He was a forthright and vehement critic of the Chinese government's coercive one-child family planning policy.

During his retirement, Dr. Aird worked as a full-time volunteer. He provided expert testimony in immigration courts for 415 families, helping Chinese citizens fleeing their country's coercive family planning programming to secure asylum in the United States. John S. Aird was truly one of the most informed and outspoken opponents of China's one-child policy. He testified before this and other Congressional committees on numerous occasions, and I believe my colleagues would join me in saying that his insights were consistently persuasive and well-considered, and proved invaluable to our work on human rights in China.

I would also like to acknowledge today the presence of Dr. Aird's wife of more than 58 years, Mrs. Laurel J. Aird, who has graciously joined us for this important hearing which will continue the course on human rights in China that Dr. Aird helped to chart with his work.

Tech Firms Defend China Web Policies

Amy Schatz. Wall Street Journal. Feb 16, 2006.

WASHINGTON -- Executives from some of the nation's best-known technology companies testified before a congressional panel, defending their willingness to help the Chinese government control Internet activity even as lawmakers scolded them for being "surrogate government censors."

Representatives from Google Inc., Yahoo Inc., Microsoft Corp. and Cisco Systems Inc. explained their responses to criticism for helping Chinese officials to monitor email or censor the Internet. But other than keeping email and Internet servers offshore, the companies said that they had few options, beyond not operating in repressive countries.

Elliott Schrage, Google's vice president of global communications, said the company wasn't ashamed of its actions but, "it's not appropriate to say we're proud of our decision." Google has been criticized for its decision to launch a site in China that self-censors search results that might be offensive to the Chinese government. The company wrestled with the decision and ultimately decided to move ahead, although it decided not to introduce email and blogging services there due to privacy concerns. Internet companies have been grappling with negative publicity and customer reaction over their willingness to help Chinese authorities and are seeking ways to protect themselves from further criticism.

Yesterday, they repeated arguments that staying in China and other repressive countries -- despite widespread Internet censorship -- does more good than harm for citizens there, as well as helping shareholders. The companies' arguments are similar to those used in the 1980s by companies criticized for doing business in South Africa.

Although praised by lawmakers for his candor, Google's Mr. Schrage was criticized during questioning and at one point was accused of articulating the "worst practices" for operating in China, rather than the best. Lawmakers reserved particular scorn for Yahoo, which said it regretted the arrest of Chinese citizens who had their emails turned over to authorities by its Chinese-based partner. Yahoo said its Chinese affiliate was obligated to hand over such information under local law.

Lawmakers weren't satisfied with the response, comparing the Internet companies' decision to aid the Chinese to that of companies that did business with Nazi Germany in World War II. "My response to that is: If the secret police a half century ago asked where Anne Frank was hiding, would the correct answer be to hand over the information in order to comply with local laws?" said Rep. Christopher Smith (R., N.J.), member of the House International Relations Committee, which called the Internet companies to testify. He asked Internet companies to help "bring down the Great Firewall of China."

Representatives for Google and Yahoo said yesterday that they are actively discussing a voluntary industry effort, possibly similar to the Sullivan Principles. Under those guidelines, companies operating in South Africa agreed to take steps to resist apartheid and have their business activities monitored by an independent body.

Yahoo's decision to release Chinese users' email to authorities drew fire from lawmakers. Michael Callahan, Yahoo's senior vice president and general counsel, called reports of Chinese journalist Shi Tao's arrest after the company's China arm turned over his email to government authorities, "horrible and disturbing." He cited the incident, along with Microsoft's decision to remove some Chinese blogs and Google's self-censored site, as examples of why Internet companies need to work with U.S. officials to prevent similar situations.

On Tuesday, the State Department said it was forming a "Global Internet Freedom" task force to help technology companies resist censorship requests from foreign governments. The Internet companies yesterday embraced that proposal.

Resources

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