

HERE I STAND:

AN ASSESSMENT OF PRESIDENT GEORGE W. BUSH'S CALL FOR INTERNATIONAL RELIGIOUS FREEDOM IN A 21ST CENTURY PEOPLE'S REPUBLIC OF CHINA

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I. INTRODUCTION

Throughout his administration and, in particular, his foreign policy initiatives, President George W. Bush¹ pushed for the spread of freedom throughout the world. President Bush believed that in order to combat the evil of tyranny and terrorism, the United States and the Western world must advocate the spread of democracy.² One of the aspects of this agenda was the promotion of international religious freedom,³ whereby nations allow their citizens the opportunity to have the freedom to practice religion and worship without fear of government retribution.⁴ By allowing religious freedom, democracy is reinforced and non-democratic nations are put on the path to becoming free from the grip of terror groups and tyranny.⁵ Thus, religious freedom leads to prosperity amongst citizens and creates a safer and more secure world.⁶

One significant country where Bush implemented this policy was in the

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1. George Walker Bush, the 43rd President of the United States of America; 2001-2009.

2. George W. Bush, President, President Bush's Second Inaugural Address (Jan. 20, 2005) (transcript available at <http://georgewbush-whitehouse.archives.gov/news/releases/2005/01/20050120-1.html>) [hereinafter Second Inaugural Address].

3. See generally George W. Bush, President, President Bush Honors the 10th Anniversary of the International Religious Freedom Act (July 14, 2008) (transcript available at <http://georgewbush-whitehouse.archives.gov/news/releases/2008/07/20080714-1.html>) [hereinafter 10th Anniversary]. In honor of the Religious Freedom Act, Bush called on all nations to promote religious freedom, in order to benefit all of society. *Id.*

4. See *infra* Part II.A.

5. See *id.*; see generally Second Inaugural Address, *supra* note 2.

6. See Second Inaugural Address, *supra* note 2.

People's Republic of China.⁷ In various speeches, policy initiatives, and visits to China, Bush repeatedly called on Chinese President Hu Jintao⁸ and the Chinese Communist Party⁹ to lift restrictions on the practice of religion and to allow the Chinese people to practice religion with the same freedoms and opportunities enjoyed by citizens of the Western world.¹⁰ In essence, Bush demanded that China end its state-run religious policies and enable Chinese citizens to congregate and worship freely without fear of retribution from the Chinese government.¹¹

While China has made great strides toward modernization, attention continues to focus on its documented human rights violations.¹² In particular, the Chinese government under the controlling Chinese Communist Party¹³ continues to control "official" churches and places of worship.¹⁴ While China constitutionally allows for the freedom of religion,¹⁵ this policy remains subservient to other governmental policies in accordance with preserving "social harmony."¹⁶ This means that other non-state controlled and international religious organizations and places of worship, while allowed to operate, remain subject to the rules of the government and, in some cases, open to governmental abuse.¹⁷

As recently as the 2008 Summer Olympic Games in Beijing, Bush urged

7. *See infra* Part II. References to China or Chinese in this Note shall refer to the People's Republic of China or the PRC, unless otherwise noted. While much of Bush's focus has been on the Middle East, his freedom agenda has also extended to China.

8. Hu Jintao became the President of the People's Republic of China in 2003 and was re-elected as President in 2008. Hu Jintao, http://www.gov.cn/english/2008-03/15/content_922944.htm (last visited Oct. 10, 2009) [hereinafter Hu Jintao]; *Hu Jintao Re-elected Chinese President*, CHINA DAILY, Mar. 15, 2008, available at http://www.chinadaily.com.cn/china/2008npc/2008-03/15/content_6539302.htm.

9. The Chinese Communist Party is the ruling political party in the country. The Communist Party of China, http://www.gov.cn/english/2007-10/22/content_923081.htm (last visited Nov. 7, 2009).

10. Traditionally, the Chinese government, while allowing its citizens to practice religion, has restricted and even persecuted believers if these practices disrupted governmental order. *See infra* Part I.A-B, E.

11. *See infra* Part II.

12. *See infra* Part I.E. and note 201.

13. It should be noted that the author agrees that due to the repressive nature of the Chinese government (*see infra* Part I.E.), political reform is needed in China. The author believes this would ensure freer elections, independent political parties, and a more democratic, capitalistic system. However, this Note will only pertain to China's religious policies.

14. *See infra* Part I.A-B, E.

15. *See infra* Part I.A.

16. *See* Edward Cody, *China's Leader Puts Faith in Religious: Hu Sees Growing Spiritual Ranks as Helpful in Achieving Social Goals*, WASH. POST, Jan. 20, 2008, at A21, available at http://www.washingtonpost.com/wp-dyn/content/article/2008/01/19/AR2008011902465_pf.html. Cody notes that the idea of social harmony arose under Hu Jintao, and that in theory, "The concept, in effect an appeal for good behavior, was designed to replace the moral void left when the party long ago jettisoned historical Chinese values and, more recently, loosened the zipped-tight social strictures of communism under Mao Zedong." *Id.*

17. *See infra* Part I.C, E.

China to allow true religious freedom, i.e., one that is free from government intrusion.¹⁸ Through his speeches, visits to Chinese churches, and meetings with President Hu Jintao, Bush remained adamant that for China to become a truly free and modern society, and thus a more influential member of the international community, it must allow its citizens to practice religion in freedom.¹⁹ While Bush has made progress for better American-Chinese relations in regard to promoting religious freedom and an increase of awareness in China, the debate remains as to whether China internally, as well as publically, will fully heed Bush's call for religious freedom as a natural right, rather than a political tool.²⁰

As the Obama administration²¹ began in 2009, China continued to remain at odds with the United States over issues such as the role of the Dalai Lama and the Vatican.²² In addition, while the world heard Bush's call for religious freedom, it remains questionable whether Hu has fully heeded those calls.²³ Because the Chinese government controls the media,²⁴ it also remains debatable whether the Chinese people fully know the extent to which America has been pressuring China to allow religious freedom.²⁵

Thus, while Bush's efforts to modernize China's religious practices affected American-Chinese relations throughout the entire eight years of the Bush administration, China continues to face pressure from the United States and the West to become a more open society.²⁶ This issue of religious freedom will continue to be relevant for President Barack Obama.

This Note will examine the effect of the Bush administration in shaping Chinese religious policy and provide recommendations to continue to promote religious freedom in China. Part I presents a brief overview of the history of modern Chinese religious policy. Beginning with constitutional and recent statutory regulations on the freedom of religion, this Note continues with an examination of how the government interacts with international religious organizations.

In addition, Part I outlines recent American policy actions towards the promotion of religious freedom under the International Religious Freedom

18. See *infra* Part II.D.

19. See *infra* Part II.B-D.

20. See *infra* Parts II.A, C., III.

21. President Barack Hussein Obama, the 44th President of the United States of America; 2009 through present.

22. See Mark Magnier, *China Fuming Over Bush's Visit with the Dalai Lama*, L.A. TIMES, Oct. 17, 2007, at A3, available at <http://articles.latimes.com/2007/oct/17/world/fg-tibet17>; See also *infra* Part II.B-C.

23. See *infra* Part II.C.

24. Traditionally, the Chinese government restricts the content of the print and TV media in China. See Carin Zissis & Preeti Bhattacharji, *Media Censorship in China*, COUNCIL ON FOREIGN REL., Mar. 18, 2008, available at <http://www.cfr.org/publication/11515/>.

25. See *infra* Part II.D.

26. See *infra* Parts I.D-E and II.D.

Act.²⁷ Beginning with a brief description of its purpose and elements, this Note provides an analysis of Bush's view on the Act in the context of American foreign policy.²⁸ Finally, Part I offers an assessment of the Act's effectiveness on China's religious policy, with statistics of where China stands in terms of religious freedom, practices, and abuses from the beginning to the end of the Bush administration.²⁹

Part II outlines Bush's doctrine of religious freedom, focusing on the different efforts and strategies employed by the Bush administration to increase religious freedom in China. Part II begins by discussing Bush's view of religion in foreign affairs and his policy of religious freedom in regards to China.³⁰ It outlines strategies used by Bush to encourage religious freedom in China, such as visits with Chinese churches and religious leaders.³¹ Specifically, Part II documents Bush's visits to China in 2005 and 2008 where he promoted religious freedom.³² During the 2008 visit, as international pressure mounted on Bush to boycott the opening ceremonies of the Beijing Olympics, Part II examines Bush's decision to attend the ceremonies and in doing so, use the opportunity to promote religious freedom.³³

In addition, Part II also presents an analysis of Bush's interaction with Chinese President Hu Jintao and Hu's views on religious freedom.³⁴ It focuses on how Bush's push for religious freedom influenced the Chinese president and how American policies on subjects such as the Dalai Lama and the Vatican impacted China's relationship with the United States and the Western world on other international issues.³⁵

After analyzing the impact Bush's efforts had on both Chinese religious practices and American-Chinese relations, Part III offers an early assessment of Bush's legacy on promoting religious freedom in China. Part IV concludes by offering recommendations for ways the Obama administration can build on Bush's efforts and more effectively pressure China to become more open to religious freedom, with the hope that it will further China's integration as a free and peaceful member of the international community.

Like President Bush, this Note argues that a freer and more democratic China with respect to religious freedom will ensure a more prosperous and safer world. While President Obama must remain vigilant on this issue, in the end the Chinese government and its people must be willing to embrace religious freedom. Nonetheless, the Obama administration must remember that in order for true freedom around the world to occur, religious freedom must be a central

27. *See infra* Part I.D.

28. *See infra* Part I.D.

29. *See infra* Part I.E.

30. *See infra* Part II.A.

31. *See infra* Part II.B-D.

32. *See infra* Part II.B-D.

33. *See infra* Part II.D.

34. *See infra* Part II.C.

35. *See infra* Part II.C-D.

part. Hence, America should continue to engage the Chinese closely to ensure that the Chinese people one day have true religious freedom.

II. A BRIEF OVERVIEW OF THE ROLE OF RELIGION IN MODERN CHINA

A. *The Role of Religion under the 1982 Chinese Constitution*

It is important to know the current state of religion and religious freedom in a 21st century China. The current Chinese constitution³⁶ includes a limited reference to religious freedom. Under Article 36 of the current Chinese constitution, the Chinese people have the freedom to practice religion.³⁷ The constitution states, “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.”³⁸ Thus, the Chinese government constitutionally grants to its people the freedom to practice or not to practice religion.³⁹

In addition, while the Chinese people may practice religion, the government retains authority to restrict religious practices, including restricting the content of worship activities and media. For example, the constitution states, “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.”⁴⁰ Finally, religious practices remain under state sovereign control and not under the control of any foreign governments or agencies.⁴¹

Thus, the Chinese constitution grants freedom of religion and a right to be free from religion.⁴² However, the right to practice religion remains under the control of the state in accordance with “public order,” a phrase open to interpretation and a phrase that grants the government great latitude to guard against religious practices that it perceives as disruptive to the public, which in many cases has led to religious abuses.⁴³

36. Since the development of the People’s Republic of China under Mao Zedong (1949 to present), China has had four constitutions: 1954, 1975, 1978, and its current constitution of 1982. Microsoft Encarta Encyclopedia Standard 2003, China: Constitution, copyright 1993-2002 Microsoft Corporation.

37. XIAN FA [Constitution] art. 36 (1982) (P.R.C.), *translation available at* http://www.gov.cn/english/2005-08/05/content_20813.htm.

38. *Id.*

39. *Id.*

40. *Id.* (emphasis added).

41. *Id.* This regulation affects how international churches and places of worship relate to Chinese citizens. *See infra* Part I.C.

42. XIAN FA [Constitution] art. 36 (1982) (P.R.C.).

43. For example, the government arguably uses this power to silence and abuse religious leaders the government does not approve of. *See infra* Part I.E.

B. Recent Chinese Statutory Provisions Affecting Religion

While its constitution does not expressly detail the extent of religious freedom, recent statutory regulations in China provide more guidance. In 2006, the State Council⁴⁴ enacted regulations on religion “in accordance with the [Chinese] constitution.”⁴⁵ These regulations discussed issues such as the right to religion, assembly, religious education, publication, and clergy. More importantly, these regulations highlight the restrictive nature of religion in China.

For example, Article 5 states, “The religious affairs department of the people's government at or above the county level shall, in accordance with the law, exercise administration of religious affairs that involve State or public interests. . . .”⁴⁶ This means the Chinese government has delegated its authority to regulate religious activity at its local and county levels.⁴⁷ However, while one may believe that this would allow for the people of each region and county to set religious policy, Communist party officials appointed by the National People's Congress control the local governments and provinces.⁴⁸ As such, the local governments remain linked to the policies of the national government, with seemingly little flexibility on religious issues.⁴⁹

In terms of religious publications, the State Council implemented strong restrictions on the content and types of religious materials. For example, Article 7 states:

Publications involving religious contents shall comply with the provisions of the Regulations on Publication Administration, and shall not contain the contents: (1) which jeopardize the harmonious co-existence between religious and non-religious citizens; (2) which jeopardize the harmony between different religions or within a religion; (3) which discriminate against or insult religious or non-religious citizens; (4) which propagate religious extremism; or (5) which contravene the principle of independence and self-governance in respect of religions.⁵⁰

44. The State Council is the PRC's main administrative agency and is referred to as the Central People's Government. The State Council, http://www.gov.cn/english/2008-03/16/content_921792.htm (last visited Dec. 23, 2009).

45. Regulations on Religious Affairs (Promulgated by the State Council of the People's Republic of China; Effective as of March 1, 2005), *reprinted in* 5 CHINESE J. INT'L L. 475 (2006) [hereinafter Regulations on Religious Affairs].

46. *Id.*

47. *Id.*

48. *See* Local People's Congresses and Their Standing Committees, http://www.gov.cn/english/2005-09/02/content_28452.htm (last visited Nov. 7, 2009).

49. *See* Regulations on Religious Affairs, *supra* note 45, art. 5.

50. *Id.* art. 7, §§ 1-5.

Like the constitution, this regulation emphasizes the protection of the social harmony and order of the country.⁵¹ It again illustrates the broad latitude the government has for restricting religion should it desire to do so. Thus, local and county government officials may make arbitrary decisions on matters such as conveying religious beliefs and the extent of religious belief. While there is the authority to make religious publications, the government seems to discourage such activity by placing arbitrary restrictions, lest one risks being labeled an extremist or against "social harmony."⁵²

These arbitrary regulations also affect religious buildings and the appointment of clergy. Article 14 states:

A site for religious activities to be established shall meet the following conditions: (1) it is established for a purpose not in contravention of the provisions of Articles 3 and 4 of these Regulations; (2) local religious citizens have a need to frequently carry out collective religious activities; (3) there are religious personnel or other persons who are qualified⁵³ under the prescriptions of the religion concerned to preside over the religious activities; (4) there are the necessary funds; and (5) it is rationally located without interfering with the normal production and livelihood of neighboring units and residents.⁵⁴

These conditions again indicate the desire of the national government to place strong regulations on religious activities.⁵⁵ By allowing government officials to determine who is qualified to lead religious activities, the government effectively has nationalized religion⁵⁶ in that it has determined who may serve as clergy and where religious services and meetings may take place.⁵⁷

Coinciding with those regulations, Article 23 states, "A site for religious activities shall prevent against the occurrence, within the site, of any major accident or event, such as breaking of religious taboos, which hurts religious feelings of religious citizens, disrupts the unity of all nationalities or impairs

51. *Id.* art. 1; *see also* XIAN FA [Constitution] art. 36 (1982) (P.R.C.).

52. Regulations on Religious Affairs, *supra* note 45, art. 1, 7.

53. The State Council also regulates who may serve as clergy or conduct religious activities. Article 27 states, "Religious personnel who are determined qualified as such by a religious body and reported for the record to the religious affairs department of the people's government at or above the county level may engage in professional religious activities." *Id.* art. 27. Thus, the national government has also delegated the qualifications for religious clergy and personnel to these local governments. *Id.* Yet because these local governments are arms of the Communist party, it is unlikely the Chinese people themselves dictate who may lead their religious services or activities. *See id.* art. 5.

54. *Id.* art. 14, § 1-5.

55. *Id.*

56. *Id.* art. 5, 14, 27.

57. *Id.* art. 14, §§ 1-5; art. 27.

social stability.”⁵⁸ Again, while the Chinese people enjoy the right to practice religion, by including language such as “religious taboos” and “hurts religious feelings,” Article 23 allows government officials to place subjective regulations on religion and enables groups who oppose a particular religious practice a greater ability to prevent a religious activity.⁵⁹ By enacting these arbitrary regulations on issues such as religious publications, sites, and religious officials, the Chinese government appears to emphasize so-called social harmony and order, rather than a true freedom to practice religion.⁶⁰

Therefore, the religious leaders and buildings in China are under government control, which places religious denominations and national churches under the control of the Chinese government.⁶¹ In contrast, there are many religious churches and places of worship known as “underground/house church[es].”⁶² The government does not control these churches and they often exist, with many members, despite Chinese laws.⁶³ As such, membership in these churches comes at one’s own risk, because should the government deem a “house church” illegal, its facilities could be destroyed and its members could be imprisoned, abused, or punished.⁶⁴

C. Chinese Government Regulations and International Places of Worship

In addition, China legally permits international religious organizations. While the content of their services and publications are unrestricted, the government does restrict their memberships. For example, the Beijing International Christian Fellowship is a Christian organization that conducts services, Bible studies, and outreach in the Beijing area.⁶⁵ However, the government restricts this organization by permitting only foreign passport holders to legally participate in worship services.⁶⁶ Thus, while the organization reaches as many as seventy nationalities, it remains subject to Chinese membership controls.⁶⁷

Despite these restrictions, the Fellowship is still able to reach many Chinese citizens. For example, according to John Davis, a senior elder at the

58. *Id.* art. 23.

59. *Id.* art. 23. This coincides with the right to be free from religion. See XIAN FA art. 36. However, this latitude has also led to rampant religious abuses. See *infra* Part I.E.

60. See Regulations on Religious Affairs, *supra* note 45, art. 1, 5, 14, 23, 27.

61. *Id.* arts. 5, 14, 23, 27.

62. See Betty L. Wong, Note, *A Paper Tiger? An Examination of the International Religious Freedom Act’s Impact on Christianity in China*, 24 HASTINGS INT’L & COMP. L. REV. 539, 543-44 (2001).

63. See *id.*

64. See *infra* Part I.E.

65. Beijing International Christian Fellowship, <http://www.bicf.org/home.cfm> (last visited Nov. 25, 2009).

66. *Id.*

67. Tim Ellsworth, *At Beijing Church, ‘All Nations’ Worship*, BAPTIST PRESS, Aug. 11, 2008, available at <http://www.bpnews.net/printerfriendly.asp?ID=28659>.

Fellowship, “[A]bout 60 percent of the congregation is ethnic Chinese. Some may be people who were born in other countries and who now live in China. Others are native-born Chinese who left the country to travel abroad, got a green card and have since returned.”⁶⁸ Moreover, the Fellowship has said the relationship with the Chinese government has been positive because while the government asks for a general idea of what the Fellowship does, it has not restricted the content of the sermons of the Fellowship’s services.⁶⁹ Thus, in at least this one instance, the Chinese government has been open to non-governmental run organizations, even with their potential influence on the Chinese citizenry.

D. International Religious Freedom Act

The International Religious Freedom Act also gauges the extent of religious freedom in China.⁷⁰ Enacted during the Clinton administration,⁷¹ the Act renewed a global commitment by the United States to monitor and promote international religious freedom as a “universal human right and fundamental freedom.”⁷² The Act outlines a number of American policies, including the condemnation of religious abuses, a concerted effort with other free nations to promote religious freedom, and assisting governments that have historically violated religious freedom.⁷³

The Act also exhibits a commitment that extends beyond American foreign policy and into the realms of American education and economic policies, as well as relationships with non-profit organizations.⁷⁴ Additionally, the Act explicitly details the definition of a violation of religious freedom. The Act states that a “violation of religious freedom” includes arbitrary governmental prohibitions or restrictions on a person or group’s freedom to assemble, speak, possess and distribute religious materials, and family religious practices.⁷⁵

68. *Id.*

69. *Id.* Additionally, John Davis said the Chinese government does ask for the Fellowship “to give them an overview of what our activities are, and are quite happy for us to remain in this venue . . . I think part of that's for safety. But as far as what's preached, doctrine, finances or anything like that, there's no interference.” *Id.*

70. *See* International Religious Freedom Act of 1998, 22 U.S.C. § 6401-6471 (1998).

71. President William Jefferson Clinton, the 42nd President of the United States of America; 1993-2001.

72. 22 U.S.C. § 6401(a)(2). This part of the Act also states Congress’ desire to act in a concerted effort with other prominent international declarations on religious freedom, such as the Helsinki Accords and Article 18 of the Universal Declaration of Human Rights. *See* 22 U.S.C. § 6401(a)(2)-(3).

73. *See* 22 U.S.C. § 6401(b).

74. The Act notes that the United States shall use all “appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.” 22 U.S.C. § 6401(b)(5).

75. *See* 22 U.S.C. § 6402(13)(A)(i-v). The Act also forbids the following solely on

To aid Congress and the President in monitoring international religious activity, the Act created an Office on International Religious Freedom within the United States Department of State.⁷⁶ Headed by an Ambassador at Large appointed by the President,⁷⁷ the office's duties are to advise the President and Secretary of State and to represent them internationally on religious affairs.⁷⁸ Furthermore, the Ambassador annually prepares a report for the Secretary of State, including the status, restrictions, and abuses of religious freedom in every foreign country, as well as American policy towards each foreign country's religious freedom.⁷⁹ Hence, religious freedom has become a cabinet level policy concern.⁸⁰ More importantly, by reporting on every foreign county,⁸¹ Congress has vastly extended American international involvement for the preservation of religious freedom.⁸²

In terms of the Act's influence in the realm of Chinese religious freedom, critics held that prior to Bush's ascension to the presidency the Act had little influence in China, at least in the area of Christianity in China. For example, one author in 2001 cited a history of Christian persecution in China that while China had become more open to Christian activities, there were still vast regulations put on Christian activities such as through Chinese state-run churches and the government's prohibition against "house/underground church[es]."⁸³ In addition, in the first two reports prepared by the Office of International Religious Freedom, China was listed as one of the most repressive governments against the practice of Christianity and other religions, yet the

account of one's religious beliefs, "detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution." 22 U.S.C. § 6402(13)(B).

76. 22 U.S.C. § 6411(a).

77. 22 U.S.C. § 6411(b).

78. See 22 U.S.C. § 6411(c).

79. See 22 U.S.C. § 6412. "The International Religious Freedom report is submitted to Congress annually by the Department of State in compliance with Section 102(b) of the International Religious Freedom Act (IRFA) of 1998." U.S. DEP'T ST., INTERNATIONAL RELIGIOUS FREEDOM, <http://www.state.gov/g/drl/rls/irf/> (last visited Oct. 11, 2009). While this Note will discuss reports from this office, the Act also created a separate United States Commission on International Religious Freedom that also monitors international religious freedom. However, the Commission only focuses on a select few countries, whereas the International Religious Freedom Report prepared by the Office on International Religious Freedom provides a country-by-country analysis of religious freedom. See United States Commission on International Religious Freedom, Frequently Asked Questions, http://www.uscirf.gov/index.php?option=com_content&task=view&id=337&Itemid=44#2 (last visited Oct. 11, 2009).

80. See 22 U.S.C. § 6411.

81. See U.S. DEP'T ST., INTERNATIONAL RELIGIOUS FREEDOM REPORT 2008, (Sept. 19, 2008), available at <http://2001-2009.state.gov/g/drl/rls/irf/2008/108404.htm> [hereinafter 2008 ANNUAL REPORT]. For purposes of this Note, this citation links directly to the section of the report on China.

82. See 22 U.S.C. § 6401(b)(5).

83. Wong, *supra* note 62 at 544.

Chinese government did not seem concerned.⁸⁴ As such, while the Act was a positive step, it was still too early to affect Chinese religious policy, at least during the end of the Clinton administration.⁸⁵

Conversely, at the time of Bush's last year in office, the Act had reached its ten-year anniversary. In his commemoration speech, Bush stated that he believed this Act had served as important legislation and had made progress in expanding religious freedom not just in China but also around the world.⁸⁶ More importantly, Bush also believed this Act "placed religious liberty where it belongs -- at the center of U.S. foreign policy."⁸⁷ Thus, at least according to Bush, the Act has been a positive contribution because not only has it helped promote religious freedom, but it has also placed religious freedom as a core tenet of American foreign policy.⁸⁸

To illustrate his point, Bush cited the progress in Chinese religious freedom by the work of Muslim leaders and said, "I've also had the honor of meeting those who attend underground churches in China. And we also honor the courage of the Dalai Lama, and the Buddhists in Tibet."⁸⁹ Bush also noted a meeting he had with a Chinese Protestant dissident who had served time in prison over religious issues.⁹⁰ The President used this speech to deliver a strong message to Hu by stating, "And my message to President Hu Jintao, when I last met him, was this: So long as there are those who want to fight for their liberty, the United States stands with them."⁹¹ Hence, while Bush believed that the Act in its first ten years has had a real effect on international religious freedom, more work needed to be done in China.⁹²

E. Status of Religion and Religious Freedom in China since President Bush took Office

Statistics concerning religion and Chinese religious freedom have remained relatively unchanged since Bush took office and the Clinton administration implemented of the International Religious Freedom Act. According to the 2008 Annual Report on International Religious Freedom, the Chinese government continues to only "officially recognize[] five main religions: Buddhism, Taoism, Islam, Catholicism, and Protestantism."⁹³ This

84. *Id.* at 558. Wong provided an example of Chinese government resistance towards religious freedom by stating that in 1999, when President Clinton met with the United States Commission on International Religious Freedom, Chinese officials arrested the pastor of a non-official house church and destroyed one of its shelters. *See id.* at 558-59.

85. *Id.* at 560.

86. 10th Anniversary, *supra* note 3.

87. *Id.*

88. *See id.*

89. *Id.*

90. *Id.*

91. *Id.*

92. *Id.*

93. 2008 ANNUAL REPORT, *supra* note 81 at § 1.

recognition by the government of only five official religions and religious groups has remained the same since 2001.⁹⁴ Alarming, while the government purports to grant the freedom of religion, it should not be necessary to state which religions are “official,” as a person should be able to practice any religion or religious belief under the freedom of religion.⁹⁵ By recognizing only five religions, China offers a limited freedom to its people.

In terms of those citizens practicing religion, statistics show a slight increase among the five “official” religions for citizens practicing religion between 2001 and 2008. As of 2008, there were approximately 200,000 Buddhist monks and nuns and 25,000 Taoist priests and nuns.⁹⁶ Next, there were approximately 20,000,000 Muslims.⁹⁷ Finally, there were 57,000,000 Christians; 20,000,000 worshipping in state-run Protestant churches; 300 underground/house churches; 5,000,000 registered Catholics; and an estimated 12,000,000 more in unregistered Catholic churches.⁹⁸

In contrast, according to the 2001 Report, Chinese governmental figures reported approximately “100 million Buddhists . . . 13,000 Buddhist temples and monasteries and more than 200,000 nuns and monks.”⁹⁹ There were also over “10,000 Taoist monks and nuns.”¹⁰⁰ Finally, in 2001, there were 20,000,000 Muslims; 10,000,000-15,000,000 officially registered Protestants; and 5,000,000-10,000,000 Catholics.¹⁰¹ Thus, there appears to be a slight increase in citizen religious identification and/or practice.¹⁰²

In terms of religious abuses and restrictions on religious freedom, much like its counterpart in 2001, the 2008 Report cited numerous religious abuses.¹⁰³ For examples, the 2008 Report noted that the Chinese government continued to “harass unregistered religious and spiritual groups.”¹⁰⁴ Specifically, “security

94. U.S. DEP'T ST., 107TH CONG., ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM, at 123 (2001), available at <http://www.state.gov/documents/organization/9001.pdf> [hereinafter 2001 ANNUAL REPORT].

95. For example, the Chinese government does not recognize major religions such as Judaism, Hinduism, and the spiritual movement Falun Gong as official religions. See 2008 Annual Report § 1, *supra* note 81; see also Tim Johnson, *Quest to Pray with Bush ends in Hiding: Chinese Christian Pastor's Run-in with Authorities Underscores Limits on Freedom of Religion*, CHI. TRIB., Aug. 13, 2008, available at http://archives.chicagotribune.com/2008/aug/13/nation/chi-china-religion_13aug13.

96. 2008 ANNUAL REPORT, *supra* note 81 at § 1.

97. *Id.*

98. *Id.*

99. 2001 ANNUAL REPORT, *supra* note 94, at 123.

100. *Id.* The Report notes that at the time, there were no estimates for the number of Taoists. The figures pertaining to the number of Taoist priests and nuns were from a “1997 government publication.” *Id.*

101. *Id.* at 123-24.

102. See 2008 ANNUAL REPORT, *supra* note 81 at § 2.

103. See *id.*; see also 2001 ANNUAL REPORT, *supra* note 94 at 129-32. These pages note the numerous religious abuses committed by the Chinese government in 2001.

104. 2008 Annual Report *supra* note 81 at § 2. Examples of harassed groups include Protestants, Catholics, Muslims and Buddhists who did not “register” with the Chinese

authorities used threats, demolition of unregistered property, extortion, interrogation, detention, physical attacks, and torture to harass leaders of unauthorized groups and their followers.”¹⁰⁵ Moreover, the Chinese government continued to abuse both Christians who worshipped in places unauthorized by the government and religious leaders, as well as expelled foreign Christians prior to the 2008 Summer Olympics.¹⁰⁶

Additionally, these abuses extended into the legal and business communities. For example, the 2008 Report cited the 2007 detention of Christian lawyer Gao Zhisheng for writing letters to a foreign government and his previous 2006 conviction for writing letters to Hu. In both incidents, he outlined religious abuses committed by the Chinese government.¹⁰⁷ Also in 2007, the Chinese government sentenced Christian Wusiman Yiming, an American company employee, to two years in a reeducation camp,¹⁰⁸ which typically results in hard labor.¹⁰⁹

Compared to the 2001 Report, the 2008 Report stated that the Chinese government might also have contributed to an increase in tension between religious groups. Unlike in 2001 where the reported tensions between religious groups appeared to be over doctrinal matters between and within religions,¹¹⁰ in 2008, religious groups began to experience societal discrimination.¹¹¹ Moreover, the 2008 Report noted that “[t]here were reports that the Government’s vilification of the Dalai Lama led to increased anti-Tibetan Buddhist sentiment throughout the country.”¹¹²

On a positive note, as was the case in 2001, the 2008 Report stated that there were no forced religious conversions.¹¹³ The Chinese government also continued to allow both domestic and international religious organizations to promote “religious education and [perform] charitable work.”¹¹⁴ Finally, the Chinese government allowed the increase in published government approved religious books.¹¹⁵

As such, from 2001 through 2008, statistics remain relatively unchanged

government, as well as members of the Falun Gong. *Id.*

105. *Id.*

106. *Id.* Additionally, the Report cited numerous reports of the detention of worshippers at “house churches.” *Id.*

107. *Id.* Alarming, the whereabouts of the lawyer was unknown at the time the report was published. *Id.*

108. *Id.* Notably, the owner of such company, an American Christian, was subsequently expelled. *Id.*

109. *Id.*

110. *See* 2001 ANNUAL REPORT, *supra* note 94 at 132. For example, The 2001 Report cited tension among Christian churches over issues such as doctrine and membership. *Id.*

111. In contrast to the 2001 Report, the 2008 Report cited tension in Tibet for Buddhists and Muslims for religious, societal and cultural matters. 2008 Annual Report, *supra* note 81.

112. 2008 ANNUAL REPORT, *supra* note 81 at § 3.

113. 2008 ANNUAL REPORT, *supra* note 81 at § 2. *See also* 2001 ANNUAL REPORT, *supra* note 94 at 132.

114. 2008 ANNUAL REPORT, *supra* note 81 at § 2.

115. *Id.*

for issues such as the amount of reported religious abuses.¹¹⁶ At the same time, many Chinese citizens continue to participate in religious activities.¹¹⁷ Likewise, Chinese policy towards allowing religious groups to promote religion in education, literature, and charities has also improved.¹¹⁸ While these positive developments appear to be relatively minor compared to the high number of reported abuses, there is hope that the government will refrain from abusing its people as religious influence increases in the society and as reports of these abuses continue to become more public. While it is unclear how much of an impact Bush's policies had towards the increased cooperation and presence among international and domestic religious organizations, Bush's push for religious liberty at least provided these organizations a powerful ally in the struggle for religious freedom in China.¹¹⁹

III. PRESIDENT BUSH'S RELIGIOUS FREEDOM DOCTRINE AND HIS PURSUIT OF CHINESE RELIGIOUS FREEDOM

A. Religious Freedom and its Connection to Bush's Foreign Policy

One of the main goals of Bush's presidency was the pursuit of not only religious freedom but the expansion of freedom and democracy throughout the world. In his Second Inaugural Address, Bush underscored the importance of freedom by stating:

We go forward with complete confidence in the eventual triumph of freedom. Not because history runs on the wheels of inevitability; it is human choices that move events. Not because we consider ourselves a chosen nation; God moves and chooses as He wills. We have confidence because freedom is the permanent hope of mankind, the hunger in dark places, the longing of the soul.¹²⁰

According to Bush, central to a free society and a freer, better world is the opportunity for people to freely practice religion. Prior to his Second Inaugural Address, he remarked, "[T]he greatest freedom we have or one of the greatest freedoms is the right to worship the way you see fit."¹²¹ A Christian,¹²² Bush

116. *Id.*

117. *See id.*

118. *See id.*

119. *See infra* Part II.

120. Second Inaugural Address, *supra* note 2.

121. James G. Lakely, *President Outlines Role of His Faith*, WASH. TIMES (Jan. 11, 2005), available at <http://www.washingtontimes.com/news/2005/jan/11/20050111-101004-3771r/>. The President's remarks offered a stark contrast between American policies towards religion and religious practices with those of the former Taliban regime in Afghanistan. *Id.*

identifies the importance religion has in the lives of Americans and the world, as well as its importance to a free society.¹²³ In turn, he used his presidency, in particular his foreign policy, to promote the allowance of all religious practices,¹²⁴ especially in places where this freedom has been restricted or non-existent.¹²⁵

B. Bush's 2005 visit to Chinese Churches and Statements on Chinese Religious Policies

Throughout his presidency, Bush emphasized his push for religious freedom in speeches and visits to China. Other parts of his administration privately pressured China to promote religious freedom;¹²⁶ however, this Note examines instances where Bush himself promoted religious freedom and their effectiveness. The instances analyzed in this Note are Bush's visit to Chinese churches in 2005, Bush's relationship with Chinese President Hu Jintao, and Bush's actions during the 2008 Beijing Summer Olympics.

To date, Bush engaged with the Chinese more than any other American President, having visited China four times, and each occasion was an opportunity to advocate policy issues with Chinese leaders in areas such as terrorism, North Korea, and religious freedom.¹²⁷ Notably, "critics of the

122. See *id.* Lakely references criticism faced by Bush against his openness to speak about religion. *Id.* Additionally, some religious leaders and American liberals have criticized Bush for his use of religion, and in particular Christianity, in the realms of patriotism and the War on Terrorism. See Amanda Harmon Cooley, *God and Country: The Dangerous Intersection of Religion and Patriotism in the First Term of the George W. Bush Administration*, 16 KAN. J. L. & PUB. POL'Y 157 (2006-2007); BILL SAMMON, *THE EVANGELICAL PRESIDENT: GEORGE BUSH'S STRUGGLE TO SPREAD A MORAL DEMOCRACY THROUGHOUT THE WORLD* 20-21, 27 (Regnery Publishing, Inc. 2007). Even amongst his critics, Bush remained adamant that he did not use his religion to attack one's patriotism but instead respected one's right to practice or not to practice religion and wants all people to have the same opportunity people of free nations have to practice religion. See Lakely, *supra* note 121.

123. See Lakely, *supra* note 121.

124. See SAMMON, *supra* note 122 at 24 (quoting Bush's former Chief of Staff Joshua Bolten, a Jewish believer, who stated, "[t]he misperception is that [Bush] is essentially intolerant . . . And he . . . couldn't be more tolerant").

125. See 10th Anniversary, *supra* note 3; Lakely, *supra* note 121. As noted, Bush made the promotion of religious freedom an integral part of his foreign policy. See *supra* Part I. D. Additionally, Bush continued a tradition of prior American Presidents by annually celebrating a "Religious Freedom Day." On one such occasion, Bush used it as an opportunity to promote international religious freedom by stating, "Religious freedom belongs not to any one nation, but to the world, and my Administration continues to support freedom of worship at home and abroad." George W. Bush, President, Religious Freedom Day 2008, A Proclamation by the President of the United States of America (last visited Dec. 23, 2009) (transcript available at <http://georgewbush-whitehouse.archives.gov/news/releases/2008/01/20080114-5.html>). Religious freedom is not limited to America but is vital for all nations of the world. *Id.*

126. For a list of government actions towards China in the area of religion, see generally 2008 Annual Report, *supra* note 81.

127. Michael Abramowitz, *Bush Says It's 'Important to Engage' China, A Mixed Appraisal on Eve of Visit*, WASH. POST, Aug. 4, 2008, at A01, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/04/AR2008080402460>

president say he . . . emerged as an unexpected diplomat with China, conducting a personal campaign to woo the senior Chinese leadership.”¹²⁸ As unexpected as it may be, Bush’s ascendance as a “diplomat” to the Chinese during his presidency served as an opportunity to achieve political victories¹²⁹ and take his message of religious freedom straight to the Chinese government and people.¹³⁰ Bush even said that during his presidency his “main objective in . . . discussions on religious freedom [was] to remind this new generation of [Chinese] leadership that religion is not to be feared but to be welcomed in society.”¹³¹

In the fall of 2005, Bush visited China for the third time and used this visit to promote religious freedom.¹³² Notably, prior to meetings with Hu, Bush attended a worship service at the Protestant Gangwashi church.¹³³ There, Bush praised the Chinese government for allowing its citizens to practice religion¹³⁴ and said, “[M]y hope is that the Government of China will not fear Christians who gather to worship openly. A healthy society is a society that welcomes all faiths.”¹³⁵ Additionally, as shall be discussed further, he encouraged the Chinese government to meet with the Dalai Lama and to invite members of the Vatican for formal discussions.¹³⁶ By attending a worship service with the Chinese people, Bush provided at least symbolic support for religious leaders seeking to make China a more tolerant society for religious practices. After the worship services had concluded, Bush began discussing the freedom of religion with Hu.¹³⁷

During these discussions, Bush emphasized that religious freedom is essential to political freedom.¹³⁸ Speaking directly both to Hu and the Chinese government, Bush publicly declared, “[A] society which recognizes religious freedom is a society which will recognize political freedom as well.”¹³⁹ Harking on that theme, Bush tried to convince Hu to reach an agreement with

_pf.html. Abramowitz noted that previous American Presidents did not visit China more than once. *Id.*

128. *Id.*

129. For example, “U.S. officials contend that Bush’s ability to engage China has been a major reason for the recent breakthrough with North Korea, in which the communist state provided an inventory of its nuclear program in return for being taken off the U.S. list of state sponsors of terrorism.” *Id.*

130. *See id.*

131. *Id.*

132. *Bush’s Coming Visit Bends on Cooperation*, PEOPLE’S DAILY (Beijing), Nov. 21, 2005, available at http://english.peopledaily.com.cn/200511/17/eng20051117_222053.html.

133. Jane Macartney, *Bush Preaches Religious Freedom: The President uses a Pulpit in Beijing to Speak up for the Persecuted Christian Minority in China*, TIMES (London), Nov. 21, 2005, available at <http://www.timesonline.co.uk/tol/news/world/article592458.ece>.

134. Bush stated, “It wasn’t all that long ago that people were not allowed to worship openly in this society.” *Id.*

135. *Id.*

136. *Id.*

137. *Id.*

138. *See id.*

139. *Id.*

the Dalai Lama, and to seek opportunities to discuss how to bridge the differences between the Chinese and the Roman Catholic Church.¹⁴⁰ In addition to promoting freedom of religion and politics in China, Bush believed that enhancing China's relationship with the Dalai Lama and the Roman Catholic Church would also help China ease tensions with Tibet and Taiwan.¹⁴¹ However, Hu and other government officials were not interested in Bush's proposal.

The Dalai Lama has not been a welcomed guest of the Chinese government because the Chinese government believes that the Dalai Lama is seeking for an independent Tibet.¹⁴² In response to this concern, Bush said, "I thought it would be wise for the Chinese Government to invite the Dalai Lama, so he can tell them exactly what he told me in the White House the other day, that he has no desire for an independent Tibet."¹⁴³ Bush again highlighted this course of action two years later as vital for religious and political freedom, but was met with much greater resistance by the Chinese.¹⁴⁴ In addition, Bush's suggestions for the Chinese to meet with the leaders of the Roman Catholic Church did not fare any better.

The Chinese government is opposed to meeting with Roman Catholic Church leaders because of the Church's alliance with Taiwan.¹⁴⁵ More importantly, in 2005 "[t]he Vatican, which recognizes Taiwan, ha[d] been seeking for some months through goodwill gestures to obtain normalization in relations with Beijing. [However,] China has said that the Vatican must sever its diplomatic ties with Taiwan."¹⁴⁶

In sum, Bush used his 2005 visit to promote not only religious freedom but also political freedom. To a casual observer, it is easy to believe that Bush merely used this visit to promote freedom only for Christians to worship and practice. However, by encouraging the Chinese to have discussions with the Dalai Lama, as well as using language such as "all faiths,"¹⁴⁷ Bush remained consistent with his promise that he would encourage the right of all individuals to worship in a manner of their choosing or to abstain from practicing religion.¹⁴⁸ More importantly, he articulated the interconnection of religious and political freedom, with each as a vital tool to advance not only American interests, but in Bush's view, the betterment of the free world.¹⁴⁹

140. *See id.*

141. *See id.*

142. *See id.*

143. *Id.*

144. *See infra* Part II.C.

145. Macartney, *supra* note 133.

146. *Id.*

147. *Id.*

148. *See* Lakely, *supra* note 121. Bush remarked, "I fully understand that the job of the president is and must always be protecting the great right of people to worship or not worship as they see fit." *Id.*

149. *See* Macartney, *supra* note 133. This point is reasonably implied by Bush's remark that "[a] healthy society is a society that welcomes all faiths." *Id.*

C. Bush's Relationship with Hu Jintao and Hu's Influence on Chinese Religious Freedom

Bush's 2005 visit to China also illustrated another important aspect of his attempt to ensure religious freedom in China, namely, his relationship with Hu Jintao. Since 1964, Hu has been a member of the Chinese Communist Party, having served various positions in the Chinese government prior to his ascension to the presidency in 2003.¹⁵⁰ While publicly viewed as a Party reformer in the area of religion,¹⁵¹ questions remain as to whether Hu's government has internally heeded Bush's calls for religious freedom.

For example, during Bush's 2005 visit to China, Bush promoted religious freedom and encouraged the Chinese government (specifically Hu) to meet with the Dalai Lama and the Vatican for formal discussions on religious freedom.¹⁵²

This visit also marked Bush's first visit to China when Hu was President.¹⁵³ During this visit, Bush and Hu appeared to have a positive relationship. Speaking of Hu, Bush said, "[He] is a thoughtful fellow, and he listened to what I had to say."¹⁵⁴ In turn, Hu used the opportunity to say his people enjoy democracy.¹⁵⁵

While Hu and Bush have different ideas of democracy,¹⁵⁶ their relationship opened the door for discussions and reform in the area of religious freedom. Since his 2005 visit, Bush used his meetings and discussions with Hu to "speak candidly . . . about human rights, particularly religious freedom, and [to] . . . share his religious beliefs with Hu . . . [by urging him] to lift restrictions on underground churches."¹⁵⁷

In many ways, Hu's conversations with Bush appear to have had a positive effect on religious freedom in China, at least publicly. While the Communist Party officially subscribes to atheism,¹⁵⁸ during his presidency Hu has outwardly "indicate[d] a desire to incorporate [religious] believers into the party's quest for continued economic progress and more social harmony."¹⁵⁹

150. Hu served as Vice President of the PRC from 1998 until his election as President in 2003. Hu Jintao, *supra* note 8.

151. See Cody, *supra* note 16. Under Hu, the Communist Party has viewed religion as "useful in encouraging social harmony because it urges its followers to hew to a moral code." *Id.*

152. See Macartney, *supra* note 133.

153. Bush's first two visits to China occurred while Hu was Vice-President. See *Bush Preaches Democracy to China*, BBC NEWS (London) (Feb. 22, 2002), available at <http://news.bbc.co.uk/2/hi/asia-pacific/1835129.stm>.

154. Macartney, *supra* note 133.

155. See *id.*

156. This is due to the restrictions and abuses implemented on the Chinese people by the Chinese government. See *supra* Part I.A-B, E.; Zissis & Bhattacharji, *supra* note 24.

157. Abramowitz, *supra* note 127. Abramowitz also notes that Bush discussed religious freedom with Hu's predecessor Jiang Zemin. *Id.*

158. Cody, *supra* note 16.

159. *Id.*

For example, Hu invited religious leaders to Communist Party events,¹⁶⁰ attempted to eliminate corruption,¹⁶¹ and commissioned governmental studies to detail “the expanding role of religion in China.”¹⁶² Importantly, Hu also included religion in discussions at the National People’s Congress.¹⁶³ As seen through changes in Party leaders’ religious attitudes away from hostility to relative openness, these efforts to bridge the gap between religion and the government appear to have altered some government misconceptions of religion’s value in a Chinese society.¹⁶⁴

Some Chinese religious leaders have noticed these positive contributions under Hu’s government. One religious leader noted, “Religion has become such an important concept in China that the party can no longer try to understand it in the traditional Marxist framework.”¹⁶⁵ Even Hu himself acknowledged such sentiments by stating, “We must strive to closely unite religious figures and believers among the masses around the party and government . . . and struggle together with them to build an all-around moderately prosperous society while quickening the pace toward the modernization of socialism.”¹⁶⁶ Thus, at least outwardly the Chinese President agreed with Bush’s call for more inclusion of religion in the Chinese society.

However, skeptics maintain that for all of Hu’s public affection for religion and its increasing acceptance within the government, privately, Hu and the government use religion for purposes other than expanding individual freedom. For example, “Ren Yanli, a religion specialist at the government-sponsored Chinese Academy of Social Sciences, noted that the party’s recent overtures were aimed at enlisting religious beliefs as a force for economic and social progress.”¹⁶⁷ Additionally, Yanli believes that “nowhere did the party acknowledge faith and religion as ideals to be pursued in their own right.”¹⁶⁸

160. For example, Hu invited Bishop Liu Bainain of the Chinese Patriotic Catholic Association to an official Communist party New Year’s tea party. *Id.* However, Bishop Liu was a government-appointed official and not approved by the Vatican. *Id.*

161. *See id.* For example, “[G]overnment controls over religious activity have loosened markedly in recent years. Political connotations, such as those attached to Buddhism in Tibet or Islam in the autonomous Xinjiang region of northwestern China, have become the major targets of police surveillance in most areas.” *Id.*

162. *Id.*

163. *See id.* (noting that Hu was the first leader to include religion during a session of the National People’s Congress). Additionally, Cody notes that Hu believes that “[r]eligion should no longer be considered sabotage of the party’s economic and social plans . . . but rather a positive force that can be enlisted to help put the plans into effect.” *Id.*

164. *See id.* In addition, many Chinese leaders “grew up with the Marxist idea that religion is a hostile force.” *Id.* However, some leaders now are publicly embracing religion. For example, Jia Qinglin of the Politburo Standing Committee stated, “We must take full advantage of the positive role that religious figures and believers among the masses can play in promoting economic and social development.” *Id.*

165. *Id.* (quoting Chan Kim-kwong of the Hong Kong Christian Council).

166. *Id.*

167. *Id.*

168. *Id.* Additionally, Anthony Lam of the Hong Kong Holy Spirit Study Center believes

This concern for whether Hu and the government acknowledge religion as a right as opposed to a political device is evidenced in the government's interaction with the Vatican and the Dalai Lama.¹⁶⁹ There has been only minimal progress towards connecting the Vatican with the Chinese Catholic Church.¹⁷⁰ For example, conflict remains between the two entities about the issue of the appointment of Bishops over the Catholic Churches in China.¹⁷¹ The Chinese government believes it should have the power to appoint Bishops to lead Catholic Churches in China, but the Vatican believes it should have final approval of Bishops.¹⁷² This issue is important not just for the Chinese national government but for local governments as well, because should the Vatican have final approval of Bishops, it will affect issues such as land deals.¹⁷³

The Chinese government and especially Hu have made some progress in alleviating that dispute. For instance, in 2005, Hu organized a committee to help end this disagreement.¹⁷⁴ However, while Hu has publicly made an effort to help end this dispute, as of 2008, there has been no formal resolution, and the government generally continues to appoint Bishops without Vatican approval.¹⁷⁵

Yet, prior to the Beijing Olympics, relations did improve on this matter. As author Edward Cody stated, "Two [Catholic] bishops were ordained with papal approval last month, following on the appointment of a Vatican-approved bishop for Beijing in September."¹⁷⁶ Additionally, as of 2008, the Vatican and the Chinese government have resumed low-level diplomatic discussions.¹⁷⁷ As such, while publically Hu has made efforts to show the Vatican that the government is willing to compromise on this issue, behind the scenes there has been minimal progress.¹⁷⁸

Finally, it appears that until there is replacement of the older generation of local party leaders, the fear is that a compromise on this issue will have little or no practical effect. While Hu publicly seems to be interested in reaching a deal with the Vatican, "conservatives in the Chinese party leadership, backed by local bureaus, have prevented a final deal because they are hesitant to abandon the doctrine that the Vatican is a foreign power that should have no

the Communist party's "overall attitude is that religion, particularly Christianity and Islam, is a portal through which foreign ideas and loyalties can make their way into Chinese society." *Id.*

169. *See id.*

170. *See id.*

171. *See id.*

172. *See id.*

173. *Id.* Currently at the local level, being a Catholic Bishop means the national government determines salaries, societal status, and housing. *Id.* As such, an increase in the influence of the Vatican also affects not only who would lead the church, but potentially the leadership of the local community. *See id.*

174. *Id.*

175. *Id.*

176. *Id.*

177. *Id.*

178. *Id.*

authority in China.”¹⁷⁹ As such, while Hu publicly seems to have acted on Bush’s call to have discussions with the Vatican,¹⁸⁰ religion continues to be a political device.¹⁸¹ This issue of appointment of Catholic Bishops will test the resolve of Hu; whether he will continue to push for reform against the opposition of his party is yet to be determined.

The Chinese government’s relationship with the Dalai Lama is another example of Hu’s public actions not corresponding to the internal policy of the government. While Bush encouraged Hu’s government to discuss religious freedom with the Dalai Lama,¹⁸² a strong resistance by the Chinese government continues to permeate, perhaps even affecting China’s relationship with the United States in other political areas.¹⁸³

For example, in 2007 Bush met with the Dalai Lama¹⁸⁴ at the White House and awarded him a Congressional gold medal.¹⁸⁵ However, the Chinese government strongly condemned their meeting and the awarding of the Congressional gold medal.¹⁸⁶ Furthermore, the Chinese government condemned the efforts of the Dalai Lama to gain autonomy for Tibet, saying he is attempting to grant independence for Tibet apart from the PRC.¹⁸⁷

Furthermore, the meeting between Bush and the Dalai Lama also had an effect on American-Chinese relations not just in the issues of religious freedom but also with other international issues. For example, the Chinese government condemned the United States’ actions by calling on it “[to] cancel the extremely wrong arrangements . . . [because] it seriously violates the norm of international relations and seriously wounded the feelings of the Chinese people and interfered with China’s internal affairs.”¹⁸⁸ The White House responded by reaffirming Bush’s emphasis on religious freedom, stating, “The president believes that people all over the world should be able to express their religion and practice their religion in freedom. And that’s why the president wants to meet with him . . . He believes he should be honored as a great spiritual leader.”¹⁸⁹

Moreover, on the same day the Dalai Lama was to receive this award, there was also a meeting scheduled with world leaders (including Chinese leaders) regarding Iran’s nuclear program.¹⁹⁰ However, the Chinese

179. *Id.*

180. *See id.*; *see also* Macartney, *supra* note 133.

181. *See* Cody, *supra* note 16.

182. *See* Macartney, *supra* note 133.

183. *See* Magnier, *supra* note 22.

184. The Dalai Lama received the 1989 Nobel Peace Prize, is the leader of Tibetan Buddhism, and has worked to “expand autonomy [for Tibet and] not establish a separate state.” *Id.*

185. *Id.* The gold medal is “Congress’ highest civilian honor.” *Id.*

186. *Id.*

187. *Id.*

188. *Id.*

189. *Id.*

190. *Id.*

government pulled out of the meetings.¹⁹¹ While the Chinese government denied that it pulled out of the meetings because of Bush's meeting with the Dalai Lama, it is evident that Bush's meeting was at the very least an underlying cause and illustrates where the push for religious freedom may have consequences for American-Chinese relations.¹⁹²

While the White House did attempt to please the Chinese government by not releasing photographs of Bush's meeting with the Dalai Lama,¹⁹³ it seems the Chinese government still used religion as an excuse in order to avoid having to deal with tough political issues.¹⁹⁴ More importantly, this is an example where Hu's critics probably would claim Hu and his government merely used religion as a mechanism for political gain.¹⁹⁵ Thus far, it appears that China under Hu's leadership has made minor improvements towards promoting religious freedom, in that publicly it provides an opposing viewpoint to the traditional party rhetoric on religion.¹⁹⁶ It appears that Bush's relationship with Hu also had the appearance of some positive effect, especially in light of Hu's public statements toward religion and the resumption of diplomatic talks with the Vatican.¹⁹⁷

Yet as illustrated by the Chinese government's issues with the Vatican and the Dalai Lama, these actions by Hu appear to be only small steps towards greater acknowledgment of religious freedom in China.¹⁹⁸ Until Hu's statements concerning religion implement real change at the national and local levels of government, Hu's government would only be serving to use religion as a vehicle for political gain.¹⁹⁹ In that case, Hu's government would be undermining Bush's purpose for promoting religious freedom, namely, that it is a natural right of all people.²⁰⁰

D. Bush's Push for Religious Freedom during the 2008 Beijing Summer Olympic Games

A final example of where Bush called for Chinese religious freedom was during the 2008 Summer Olympic Games in Beijing. This is important because

191. *Id.*

192. *Id.* While the Chinese state that they did not attend the meeting due to "technical reasons," the State Department said China "balked at attending the Berlin meeting . . . since it would be on the same day as the congressional award ceremony." *Id.* Thus, there appears to be a strong correlation between the Chinese not attending the meeting and the Dalai Lama's visit to the White House. *See id.*

193. *Id.*

194. *See id.*

195. *See* Cody, *supra* note 16.

196. *See id.*

197. *See id.*

198. *See supra* notes 169-92 and accompanying text.

199. *See* Cody, *supra* note 16.

200. *See supra* Part II. A.; *see also* International Religious Freedom Act of 1998, 22 U.S.C. § 6401(a)(2) (1998).

prior to the Olympics, there was much debate whether he should boycott the opening ceremonies. On the one hand, there was domestic²⁰¹ and foreign²⁰² political pressure on Bush to either consider boycotting or actually boycott the opening ceremonies because of China's human rights violations.²⁰³ Conversely, the European Union stated that such a "boycott could signify actually losing an opportunity to promote human rights and could, at the same time, cause considerable harm to the populations of China as a whole."²⁰⁴ Additionally, Canada²⁰⁵ and the Dalai Lama also urged free nations to attend the ceremonies.²⁰⁶

Ultimately, Bush decided to attend the opening ceremonies. In support of his decision, Bush rebuked the free world's calls for boycotts and isolation of China. Specifically, Bush stated that he saw the Olympics as an opportunity for the world "to come and see China the way it is, and let the Chinese see the world and interface and have . . . the opportunity to converse with people from

201. For example, current Secretary of State and former 2008 Democratic Presidential Candidate Hillary Clinton called on Bush to boycott the Olympic opening ceremonies if China did not "improve[] human rights." Steve Holland & Toby Zakaria, *Clinton Urges Bush to Boycott Beijing Olympics*, REUTERS, Apr. 7, 2008, available at <http://www.reuters.com/article/newsOne/idUSN0642976020080407>. Speaker of the House Nancy Pelosi (D-CA) also urged Bush to consider such a boycott. See *id.* Additionally, current President Obama also urged Bush to boycott the opening ceremonies if the Chinese did not curb its human rights abuses. See Caren Bohan, *Obama says Bush Should Weigh Boycott of Olympic Ceremony*, REUTERS, Apr. 9, 2008, available at <http://www.reuters.com/article/politicsNews/idUSN0945363820080409>. Finally, 2008 Republican Presidential nominee Sen. John McCain (R-AZ) urged Bush to consider a boycott of the opening ceremonies and stated that if he were President, he would boycott the ceremonies. See Posting of Dan Balz to The Trail, http://voices.washingtonpost.com/44/2008/04/10/mccain_urges_olympic_ceremony.html (last visited Oct. 9, 2009).

202. For example, while not specifically calling for Bush to boycott the opening ceremony, notably, German Chancellor Angela Merkel did not attend the Olympic opening ceremonies. Ian Traynor & Jonathan Watts, *Merkel says She will not attend Opening of Beijing Olympics*, THE GUARDIAN (London), Mar. 29, 2008, available at <http://www.guardian.co.uk/world/2008/mar/29/germany.olympicgames2008>.

203. An example of human rights violations that these political leaders cited was the Chinese reluctance to aid in ending the violence in Darfur and "improve human rights in Tibet." Bohan, *supra* note 201. See also Holland & Zakaria, *supra* note 201.

204. Jennifer L. Zegel, New Development, *A Funny Thing Happened on the way to the Boycott: Why We Should Respond to China's Religious Persecution and Human Rights Violations by means other than a Boycott of the 2008 Beijing Olympic Games*, 9 RUTGERS J OF L & RELIGION 17 (2008) (quoting AP, *Amid Tibet Protests, EU Parliament President Says Don't Rule Out Boycott*, ESPN.COM (Mar. 22, 2008), <http://sports.espn.go.com/espn/print?id=3306522&type=story> (last visited Mar. 28, 2008)).

205. Canada was concerned that a boycott might cause harm to the Olympic athletes stating, "[T]hings may not be happening in China as quickly as we would like but to use the athletes as pawns is entirely inappropriate, past boycotts have shown that." Zegel, *supra* note 204 (quoting *Olympics Winter Games Host Canada Won't Boycott Beijing Olympics*, YAHOO NEWS (Mar. 18, 2008), http://news.yahoo.com/s/afp/20080318/w1_anada_afp/oly2008chncanboycott_080318205 (last visited Mar. 31, 2008)).

206. Zegel, *supra* note 204 (quoting reference omitted).

around the world.”²⁰⁷ Essentially, by attending the Olympic ceremonies, Bush reiterated his rejection of isolating China from the rest of the world and adhered to his policy of actively engaging the Chinese.²⁰⁸

In terms of using the Olympics as a vehicle to encourage religious freedom, as with other visits to China, Bush promoted religious freedom for all citizens and religious groups, and attended worship services at the Kuanjie Protestant Church,²⁰⁹ a Government sponsored Chinese Church.²¹⁰ As writer Tim Johnson stated, “During Bush’s visit to Beijing . . . he mentioned religious freedom four times in public, pressing Chinese authorities to provide greater religious freedom to the nation’s 1.3 billion people.”²¹¹ Incidentally, Bush again used the media to his advantage by remarking about the importance and universality of God alongside the Pastor of the Chinese church and some of the worship attendees.²¹² Bush also used this visit to Beijing to meet with Hu to discuss the topic of religious freedom.²¹³

Yet for all of Bush’s public appearances and statements on religious freedom, it is important to note that during this visit, the Chinese government controlled the church visit. For example, the government prohibited some members of underground, i.e. non-government sponsored churches, from attending the worship service with Bush.²¹⁴ Furthermore, other citizens outside the church had negative predispositions of Bush’s agenda from the Chinese media.²¹⁵ Because of the media manipulation and intimidation by government officials, some doubted the sincerity of Bush’s religious freedom message.²¹⁶

Despite the controls and intimidation tactics, Bush’s message did reach many Chinese citizens and did receive a positive reaction from many people.²¹⁷

207. Transcript of Interview by Bob Costas’ with President George W. Bush, President, Beijing, P.R.C., (Aug. 10, 2008), available at <http://www.prnewschannel.com/absolutenm/templates/?a=749> [hereinafter Interview of the President].

208. See Abramowitz, *supra* note 127.

209. Though it is an official church, it reportedly is supportive of underground/house churches. Michael Abramowitz & Edward Cody, *Bush Sharpens Public Critique of China’s Idea of Freedom*, WASH. POST, Aug. 10, 2008, at A12, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/09/AR2008080901260.html>.

210. Bill Schiller, *Bush urges Religious Freedom: As U.S. President, Family attend Beijing Church, Some Faithful are Left Outside on Street*, TORONTO STAR, Aug. 11, 2008, available at <http://www.thestar.com/News/World/article/475906>.

211. Johnson, *supra* note 95.

212. Schiller, *supra* note 210. Standing next to the Pastor, Bush stated publically, “You know, it just goes to show that God is universal and God is love, and no state, man or woman should fear the influence of loving religion.” *Id.*

213. See Interview of the President, *supra* note 207.

214. For example, Hua Huiqi, a Chinese underground Christian pastor, was told that if he went to the worship service, the police would “break [his] legs.” Johnson, *supra* note 95.

215. For example, one elderly citizen stated after reading the Chinese newspapers, he believed Bush had killed many people and doubted whether God would save Bush. See Schiller, *supra* note 210.

216. See *id.*

217. For example, a seventy three year-old man “was thrilled Bush had come to the church [and that] he and his 13-year-old granddaughter . . . got to shake the president’s hand. ‘It was a

Overall, Bush used the visit to speak to Hu and the Chinese people and to summarize his positions on religious freedom.²¹⁸ While Bush concedes that his visit to a Chinese Christian church was to a church sponsored by the government,²¹⁹ he nevertheless contended that, “It gave me a chance to say to the Chinese people, religion won't hurt you, you ought to welcome religious people. And it gave me a chance to say to the Chinese government, why don't you register the underground churches and give them a chance to flourish?”²²⁰ Deciding to attend the opening ceremonies enabled Bush to put religious freedom at the forefront of the world stage and have one more opportunity to show China's leaders and its people the value and importance of the freedom of religion.

IV. AN EARLY ASSESSMENT OF BUSH'S LEGACY IN PROMOTING CHINESE RELIGIOUS FREEDOM

As illustrated, Bush used his presidency²²¹ to promote religious freedom, especially in China.²²² He said religious freedom is a key component to the spread of democracy and freedom throughout the world, which is a policy used in the fighting of the War on Terrorism and rogue regimes.²²³ As this section will explain, Bush's long-term impact on the increase in religious freedom in China is hard to gauge. But for now, it is clear that his efforts were a positive step forward for American-Chinese relations, the Chinese people, and the world.

Throughout most of his presidency, Bush forged a relationship with Hu to help modernize China on this issue and served as a strong ally for reform. In his own words, Bush appears to have viewed his relationship as a positive step in China's pursuit of religious freedom. In assessing the amount of leverage the United States has on Chinese religious policy, Bush said, “I think you should look at the relationship as one of constructive engagement, where you can find common areas . . . but also be in a position where they respect you enough to

blessing from God' [the man said].” *Id.*

218. See Interview of the President, *supra* note 207.

219. According to Chinese lawyer Li Baiguang, Bush “expressed willingness to visit a house church.” Abramowitz & Cody, *supra* note 209. However, White House officials decided against such a visit to “avoid provoking the Chinese.” *Id.* It is important to note that Bush had previously cited his meeting with Baiguang when he marked the Tenth Anniversary of the International Religious Freedom Act. See 10th Anniversary, *supra* note 3.

220. Interview of the President, *supra* note 207.

221. While this Note discussed Bush promoting international religious freedom in China, it is important to note that Bush used his presidency to create the Office of Faith Based and Community Initiatives to aid faith based organizations in “providing social services.” White House Faith-Based & Community Initiative, <http://georgewbush-whitehouse.archives.gov/government/fbci/president-initiative.html> (last visited Oct. 9, 2009). Additionally, after the Sept. 11, 2001 terrorist attacks, Bush created the Office of USA Freedom Corps to work with non-profit religious and secular organizations to promote volunteerism and service. USA FREEDOM CORPS, ANSWERING THE CALL TO SERVICE 2008 at 5-6 (on file with the author).

222. See *supra* Part II.

223. See generally Second Inaugural Address, *supra* note 2.

listen to your views on religious freedom and political liberty.”²²⁴

For its part, the Chinese government has certainly listened and, more importantly, taken some small but positive steps towards greater religious freedom. For example, the Chinese government enacted further domestic laws protecting the freedom to practice and not practice religion,²²⁵ implemented lower level diplomatic talks with the Vatican,²²⁶ allowed the increase in published religious materials,²²⁷ and continues to work with international religious organizations.²²⁸ In addition, China at least statistically boasts a higher number of those practicing religion.²²⁹ Finally, Hu and his government have publically emphasized the importance of religion for a peaceful society.²³⁰

However, the overall negative impact on China because of its religious policies continues to outweigh its positives affects. Despite some progress in recent years, the 2008 Annual Report on Religious Freedom shows that China continues to see numerous reports of religious abuses.²³¹ While Chinese laws allow the freedom of religion, only five religions are officially recognized, and the government controls those.²³² Additionally, the Chinese government continues to resist the efforts of the Dalai Lama²³³ and the efforts of domestic non-government sponsored places of worship.²³⁴ Finally, while Hu has publically acknowledged religious freedom, evidence suggests that Hu and his government are merely using religion and the concept of “social harmony” for political and economic gain,²³⁵ as well as a tool to continue using restrictive government controls over the content of religion.²³⁶

Bush acknowledged that while it is early and difficult to assess his impact on China’s religious policies,²³⁷ his presidency at least enabled him to bring religious freedom to the forefront of foreign policy negotiations with the

224. Interview of the President, *supra* note 207.

225. *See generally* Regulations on Religious Affairs, *supra* note 45, art. 1.

226. *See* Cody, *supra* note 16.

227. *See* 2008 ANNUAL REPORT, *supra* note 81, § 2.

228. *See supra* Part I.C.

229. *See* 2008 ANNUAL REPORT, *supra* note 81, § 1.

230. *See China urges Promoting Equality over Different Cultures*, CHINA DAILY (Nov. 11, 2008), available at http://www.chinadaily.com.cn/china/2008-11/14/content_7204841.htm (noting that the Chinese Ambassador to the United Nations Zhang Yesui stated, “Religious and cultural diversity is an asset of the human society and an important driving force for social development, cultural exchange and world peace”); *see also supra* Part II.C.

231. *See* 2008 ANNUAL REPORT, *supra* note 81, § 2; *see also supra* Part I.E.

232. *See* 2008 ANNUAL REPORT, *supra* note 81, § 1.

233. *See* Magnier, *supra* note 22; *see also supra* Part II.C.

234. *See* 2008 ANNUAL REPORT, *supra* note 81, § 2.

235. *See* Cody, *supra* note 16.

236. *See* Clifford Coonan, *Bush Steps up Pressure on China with Call for Religious Freedom*, THE INDEPENDENT (London) (Aug. 11, 2008), available at <http://www.independent.co.uk/sport/olympics/bush-steps-up-pressure-on-china-with-call-for-religious-freedom-890295.html> (stating that as of 2008, China continues to control Christian churches and Chinese citizens may still only worship in government approved churches).

237. *See generally* Interview of the President, *supra* note 207.

Chinese.²³⁸ While much work remains in respect to China improving its record on religious freedom, Bush believes that once “religion takes hold in [China] it can’t be stopped. . . . This is a very positive development, in my view, for peace.”²³⁹ In addition, as religion continues to take hold in China, Bush believes that it will provide the incentive for the Chinese to make more reforms.²⁴⁰

Unlike any previous American president, Bush championed religious freedom and strongly pressured the Chinese government to allow true religious freedom in China.²⁴¹ Additionally, according to Chinese lawyer Li Baiguang, Bush’s visits to Chinese churches aided the push for religious freedom in China and “sen[t] a message to the Chinese government and the rest of the world that the United States regards religion as important.”²⁴² The Bush administration’s willingness to engage the Chinese, demonstrated by his decision to attend the Olympic ceremonies, provided the Obama administration with a solid foundation to work with the Chinese on international issues, including international religious freedom.²⁴³

Beyond religious freedom, Bush’s interactions and discussions with the Chinese and Hu have “witnessed the solidification of a healthy working rapport between the United States and China.”²⁴⁴ From the perspective of Chinese leaders, it appears they too viewed China’s overall relationship with Bush as positive, especially in the dialogues between Bush and Hu.²⁴⁵ Hence, Bush’s efforts have produced significant growth of the American-Chinese relationship.

Going forward, Bush hopes America will continue to engage the Chinese on religious freedom.²⁴⁶ In doing so, it will create a freer China and a more peaceful world.²⁴⁷ While much work remains for China to become a truly open society in terms of religious practices, there are small signs of improvement.²⁴⁸

Most importantly, by placing religious freedom at the forefront of foreign policy, it gives hope to those in China working for religious freedom and provides them with a powerful ally to aid their cause. Bush’s discussions and

238. For example, Bush stated that during meetings with Hu, he “pressed the point” of religious freedom. *Id.*

239. *Id.*

240. *Id.*

241. See Abramowitz, *supra* note 127.

242. Abramowitz & Cody, *supra* note 209.

243. See generally Yoichi Funabashi, *Keeping up with Asia: America and the New Balance of Power*, FOREIGN AFF. (Sept./Oct. 2008), available at <http://www.foreignaffairs.org/20080901faessay87508/yoichi-funabashi/keeping-up-with-asia.html>.

244. *Id.*

245. See Tao Wenzhao, *Bush Leaves Positive Legacy for Sino-U.S. Ties*, CHINA DAILY, Jan. 14, 2009, available at http://www.chinadaily.com.cn/opinion/2009-01/14/content_7395581.htm. Wenzhao “is a researcher with the Institute of American Studies under the Chinese Academy of Social Sciences.” *Id.*

246. Interview of the President, *supra* note 207.

247. See generally Second Inaugural Address, *supra* note 2.

248. See 2008 ANNUAL REPORT, *supra* note 81, § 2.

positive relationship with Hu give the Obama administration the ability to take stronger actions in the pursuit of Chinese religious freedom. Through his strong and aggressive diplomatic relationship with Hu, his public emphasis of the importance of religious freedom, and the small improvements in Chinese religious freedom, Bush leaves a positive legacy in terms of American-Chinese relations on religious freedom.

V. RECOMMENDATIONS FOR THE OBAMA ADMINISTRATION TO ENHANCE CHINESE RELIGIOUS FREEDOM

The Obama administration must continue to promote religious freedom as a key component to freedom and democracy prospering throughout the world.²⁴⁹ As part of that, Obama must continue to pressure the Chinese government to enact and enforce true reforms and permit true religious freedom. The final part of this Note outlines a few policy suggestions the Obama administration should consider to aid China's development of religious freedom.

A. Build a Relationship with Hu Jintao and Develop Benchmarks on Religious Freedom

First, Obama should forge a close relationship with Hu similar to the relationship Hu had with Bush.²⁵⁰ In these discussions, Obama must encourage Hu to lift government restrictions on religion, recognize all religious groups, and permit them to practice religion freely.²⁵¹ In doing so, Obama can illustrate that the only way China's religious laws will be viewed credibly by the Chinese people is by enforcing its laws, recognizing the right of all religious groups to practice religion, and permitting domestic non-government approved places of worship. Moreover, Obama must continue to forge diplomatic talks with the Chinese government and the Vatican,²⁵² as well as encourage the Chinese to engage the Dalai Lama, while peacefully resolving the issues of Tibet and Taiwan.²⁵³

In addition, just as Obama pledged to make the American government more transparent and open to the American people,²⁵⁴ Obama should urge the

249. As such, just like Bush and as outlined under the International Religious Freedom Act, Obama must make religious freedom a central part of his foreign policy. *See* International Religious Freedom Act of 1998, 22 U.S.C. § 6401(a)(2) (1998); *see also* 10th Anniversary, *supra* note 3.

250. *See supra* Part II.C.

251. *See generally* 2008 ANNUAL REPORT, *supra* note 81.

252. *See supra* Part II.C.

253. *See* Magnier, *supra* note 22.

254. Obama pledged, "My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government." Memorandum from

Chinese government to do likewise. This means working with the Chinese government and encouraging them to report statistics on issues such as religious membership, positive developments, and reports of abuses. This report would serve as a complement to the Annual Report on Religious Freedom and would help form a more accurate picture of China's religious policies.²⁵⁵

Coinciding with his pledge for transparency, Obama and Hu should work together to develop a series of benchmarks²⁵⁶ to measure China's progress in adhering to principles of religious freedom. While the United States should lead on this issue, American allies should also aid in these efforts to oversee China's progress. These benchmarks must include, but are not limited to, the recognition of all religions, including those operated by underground churches, and allow free worship and religious publications without abusive government restrictions on domestic and international religious groups.²⁵⁷ Moreover, China must end government sponsored religious abuses²⁵⁸ and end the enforcement of harsh measures on religion under the guise of "social harmony."²⁵⁹ Finally, China must find a peaceful resolution to the conflicts with the Dalai Lama and the Vatican.²⁶⁰

Most importantly, Obama must advocate that China should implement laws and policies at all levels of government that support the belief that freedom of religion is a natural right of all people.²⁶¹ By having these discussions and benchmarks, it would aid the international community in marking true progress for China.²⁶² Conversely, by publicly taking and adhering to this pledge, the Chinese government would show its people a true commitment to religious freedom by going beyond mere rhetoric²⁶³ and actually implementing real change. By taking these steps, it will embolden the Chinese people and signal to the world that China is serious about being a real partner with the rest of the free world.

President Barack Obama for the Heads of Executive Departments and Agencies, Subject: Transparency and Open Government, Feb. 19, 2009, *available at* http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment/.

255. *See* 2008 Annual Report, *supra* note 81.

256. These benchmarks could be similar to the series of military, economic, and political benchmarks established by President George W. Bush, the United States, and Iraq to measure Iraqi political progress in the development of its democracy. *See* Lionel Beehner, *What are Iraq's Benchmarks*, COUNCIL FOREIGN REL., Mar. 11, 2008, *available at* <http://www.cfr.org/publication/13333/>.

257. This would be in contrast to the restrictions currently imposed under Chinese law. *See supra* Part I.B, E.

258. *See* 2008 ANNUAL REPORT, *supra* note 81 at § 2.

259. *See id.*; *see also* XIAN FA art. 36, (1982) (P.R.C.); Cody, *supra* note 16.

260. *See* Magnier, *supra* note 22.

261. *See* International Religious Freedom Act of 1998, 22 U.S.C. § 6401(a)(2) (1998).

262. By having a cooperative partnership with the Chinese, the international community could mark true progress as opposed to relying on official government media. *See generally* Zissis & Bhattacharji, *supra* note 24.

263. *See generally* Cody, *supra* note 16.

B. Work with Allies and Religious Organizations in China

Obama must also continue to reach out to allies of religious freedom, such as the Vatican, the Dalai Lama, and international religious organizations based in China, to pressure the government to allow more freedom of religion. Obama should use his Office of Faith-based and Neighborhood Partnerships²⁶⁴ to reach out to American and international religious organizations in China to assist in their efforts to promote the freedom to practice religion. This support could include meeting with these leaders to determine the type of assistance that the United States could provide and even attending one of these organizations' worship services while in China to demonstrate American unity with them.

For the Dalai Lama and the Vatican, Obama should encourage each to continue to work with the Chinese government in the hopes of a peaceful resolution to their disputes. Specifically, regarding the Dalai Lama, Obama must not give in to pressure²⁶⁵ from the Chinese government but continue to recognize the Dalai Lama's efforts and communicate his intentions to the Chinese government. As for the Vatican, Obama must continue to aid diplomatic discussions between it and the Chinese government.²⁶⁶

C. Continue to Visit China and Speak Directly to the Chinese People

Finally, Obama should continue to visit China as often or more than Bush did during his presidency.²⁶⁷ For example, Obama should visit areas outside major cities²⁶⁸ to examine how much religious freedom exists in smaller towns and villages. In doing so, Obama would draw attention to the importance of religious freedom at all levels of society and government.²⁶⁹ During his visits, Obama should also attend worship services and discuss religious freedom with Hu. During each visit, Obama should visit Chinese churches and speak directly to the Chinese people about the importance of religious freedom.²⁷⁰

Aside from visiting government approved Christian churches, Obama

264. Obama renamed Bush's Office of Faith-based and Community Initiatives and has directed this White House office to serve as "a resource for nonprofits and community organizations, both secular and faith based, looking for ways to make a bigger impact in their communities." Office of the Press Secretary, Obama Announces White House Office of Faith-based and Neighborhood Partnerships (Feb. 5, 2009), available at http://www.whitehouse.gov/the_press_office/ObamaAnnouncesWhiteHouseOfficeoffaith-basedandNeighborhoodPartnerships/ [Hereinafter Faith-based and Neighborhood Partnerships].

265. Such as the Chinese government's disagreement with Bush for awarding the Dalai Lama the Congressional Gold Medal. See Magnier, *supra* note 22.

266. See Cody, *supra* note 16.

267. See Abramowitz, *supra* note 127.

268. The visits examined in this Note by Bush were to Beijing. See *supra* Part II.B, D.

269. This action would put pressure on Hu and the national government to ensure its laws are not ignored by local Communist Party leaders. See Cody, *supra* note 16.

270. Much like Bush did during his visits to Chinese churches. See *supra* Part II.B-D.

should meet with religious leaders, visit underground/house churches,²⁷¹ and visit places of worship of other faiths to emphasize the importance of freedom for all religions.²⁷² As noted, Obama could also meet with international organizations in China that are only permitted to engage with foreigners²⁷³ to illustrate to the Chinese government that these organizations are not to be feared but encouraged in the society. Furthermore, Obama should meet with religious leaders and organizations that perform community service, to show the Chinese people and the government the positive influence religious freedom has on communities. Conversely, when Chinese leaders visit the United States, Obama should encourage the Chinese delegation to include religious leaders. These religious leaders could in turn meet with members of Obama's Office of Faith-based and Neighborhood Partnerships council,²⁷⁴ thereby forging cooperation and partnership between American and Chinese religious leaders.

CONCLUSION

America must remain vigilant in its pursuit of worldwide democracy and freedom, with religious freedom as an essential part. A freer and more democratic China will ensure a more prosperous and safer world. An important step in China's road to true freedom is allowing real religious freedom in its society. However, while America must remain adamant in its pursuit of Chinese religious freedom, in the end, the Chinese government and its people must encourage and embrace religious freedom.

271. See Abramowitz & Cody, *supra* note 209 (quoting Chinese lawyer Li Baiguang who stated that if Bush would have gone to a house church, "the power of house churches in China would grow").

272. See *supra* Parts I.D., II.A.

273. For example, the Beijing International Christian Fellowship. See *supra* Part I. C.

274. The council contains both religious and secular leaders. Office of Faith-based and Neighborhood Partnerships, *supra* note 264.

