



U.S. Department of Justice
National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

December 20, 2018

Via FedEx



Re: Obligation of CGTN America to Register under the Foreign Agents Registration Act

Dear :

Based upon a review of your letters of February 26, April 9, June 15, July 19, and July 31, 2018, including documents attached thereto; our meetings on February 27 and July 13, 2018; and open source information, including CGTN America's own broadcasts, we have determined that CGTN America, the Washington, D.C., bureau of the China Global Television Network ("CGTN"), has an obligation to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* ("FARA" or the "Act"). CGTN America's obligation arises from its political activities and its actions as a publicity agent and information-service employee in the United States for the Chinese government, Chinese Communist Party, China Media Group, and its predecessor CCTV, each of which constitutes a foreign principal under the Act.

FARA

The purpose of FARA is to inform the American public of the activities of agents working for foreign principals to influence U.S. Government officials or the American public with reference to the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations of a foreign country or a foreign political party.

The term "foreign principal" includes "a government of a foreign country" and "a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country." 22 U.S.C. § 611(b).

The Act defines an "agent of a foreign principal," in pertinent part, as "any person who acts as an agent . . . or . . . at the order, request, or under the direction or control" of a "foreign principal" and "(i) engages within the United States in political activities for or in the interests of such foreign principal;" or "(ii) acts within the United States as a . . . publicity agent, [or] information-service employee . . . for or in the interests of such foreign principal." 22 U.S.C. § 611(c)(1)(i)-(ii). As described below, CGTN America meets that

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definition for three independent reasons based on its activities for its foreign principals: (1) it engages in political activities; (2) it acts as an information-service employee; and (3) it acts as a publicity agent.

Relevant Entities

CGTN America—formerly known as CCTV America—is the Washington, D.C., bureau of the China Global Television Network.¹ “CGTN is a division of China Central Television (“CCTV”), a state-owned media/broadcasting company.”²

CGTN America “operates as a U.S. limited liability corporation subject to U.S. law.”³ It produces six hours of English-language content each day “as a part of CGTN’s 24-hour English-language channel.”⁴ CGTN America’s content is transmitted to CGTN’s Beijing bureau, which broadcasts the content internationally via satellite to video distributors—including U.S. video distributors (e.g., cable companies)—as part of the English-language channel.⁵ CGTN America also streams its content live from a social-media platform it maintains in the United States.⁶

On March 21, 2018, the Chinese government announced the merger of CCTV with other Chinese state-owned media enterprises to form the China Media Group, which has also been called Voice of China.⁷ The merger “occurred as a result of state action, specifically the adoption of a ‘Plan for Deepening the Institutional Reform of the Party and State,’ at the Third Plenary Session of the 19th Central Committee of the Communist Party of China (CPC), and adoption and approval of a ‘State Council Institutional Reform

¹ Letter from [REDACTED], Counsel to CGTN America, to [REDACTED], Chief, FARA Registration Unit at 1, 5 (Apr. 9, 2018) (hereinafter, CGTN America April 9 Letter).

² *Id.*

³ CGTN News Style Guide, Washington Broadcast Center Handbook at 61 (Jan. 1, 2017) (CGTNAM000214) (hereinafter, CGTN Style Guide); *see also* CGTN America April 9 Letter at 1 (stating that “[b]ecause CGTN America is not a legal entity separate from CCTV, it is covered by CCTV’s registration to do business in the District of Columbia as a foreign (non-D.C.) nonprofit corporation under the District of Columbia Business Organization Code”).

⁴ CGTN America April 9 Letter at 2. CGTN’s English-language channel was originally called “CCTV-9,” but was rebranded in 2004 as “CCTV International,” and again in 2010 as “CCTV News.” John Jirik, *CCTV News and Soft Power*, 10 Int’l J. of Comm’n 3536, 3538 (2016). CCTV News was rebranded as “CGTN” on January 1, 2017. Amendment No. 1 to The Agreement of Rebroadcasting CGTN (formerly CCTV-News) in DTV and Comcast in San Francisco at 1 (CGTNAM000354).

⁵ CGTN America April 9 Letter at 2.

⁶ CGTN America April 9 Letter at 2 n.2.

⁷ *See* http://www.cnrmg.cn/xwzx/jtyw/20180322/t20180322_524173384.html; Hilton Yip, *China’s \$6 Billion Propaganda Blitz Is a Snooze*, Foreignpolicy.com (Apr. 23, 2018), <https://foreignpolicy.com/2018/04/23/the-voice-of-china-will-be-a-squeak/>.

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Proposal.”⁸ The China Media Group operates “directly under the State Council, with its work under the guidance of the Publicity Department of the CPC Central Committee,”⁹ otherwise known as the Central Propaganda Department of the Chinese Communist Party.¹⁰

Prior to the merger, CCTV was overseen by the State Administration of Press, Publication, Radio, Film and Television of the People’s Republic of China (“SAPPRFT”),¹¹ previously known as the State Administration of Radio, Film and Television (“SARFT”).¹² Some press reports have indicated that SAPPRFT was abolished after the creation of the China Media Group.¹³ SAPPRFT/SARFT was a “Ministry-level organ of the Chinese Government, under the State Council.”¹⁴ In addition to other responsibilities, SAPPRFT/SARFT reported to the Chinese Communist Party and played a role in censoring broadcasts of foreign media in China.¹⁵

Historically, the Chinese Communist Party has divided propaganda work between the Central Propaganda Department—responsible for Chinese domestic propaganda—and the Office of Foreign Propaganda (also called the State Council Information Office)—

⁸ Letter from [REDACTED], Counsel to CGTN America, to [REDACTED] Chief, FARA Registration Unit at 1, 5 (July 19, 2018) (hereinafter, CGTN America July 19 Letter); *see also* Letter from China Media Group to CGTN America (July 13, 2018) (attached to CGTN America July 19 Letter) (hereinafter, China Media Group Letter).

⁹ CGTN America July 19 Letter at 2; *see also* Yip, *China’s \$6 Billion Propaganda Blitz*, *supra* (“Voice of China will . . . be directly overseen by the State Council and managed by the Communist Party’s Central Publicity Department.”); Wade Bennett, *China is Creating World’s Largest Propaganda Machine – ‘Voice of China,’* American Military News (Mar. 24, 2018), <https://americanmilitarynews.com/2018/03/china-is-creating-worlds-largest-propaganda-machine-voice-of-china/> (“The conglomerate will also report directly to the Communist Party.”).

¹⁰ *See* Anne Nelson, *CCTV’s International Expansion: China’s Grand Strategy for Media?* at 11 (Oct. 22, 2013), available at http://www.centerforinternationalmediaassistance.org/wp-content/uploads/2015/02/CIMA-China-Anne-Nelson_0.pdf; *China’s Communist Party Takes (Even More) Control of the Media*, ChinaFile (Apr. 11, 2018), <http://www.chinafile.com/conversation/chinas-communist-party-takes-even-more-control-of-media>.

¹¹ CGTN April 9 Letter at 3.

¹² John Jirik, *CCTV News and Soft Power*, *supra* at 3539 n.2.

¹³ Patrick Frater, *China to Put Media Under Cabinet-Level Control, Abolish SAPPRFT*, Variety (Mar. 13, 2018), <https://variety.com/2018/film/asia/china-media-under-cabinet-level-control-abolish-sapprft-1202725104/>.

¹⁴ CGTN America April 9 Letter at 3.

¹⁵ *See* Cooperation Agreement, China International Television Corporation, Star (China) Limited, Guangdong Cable TV Networks Co., Ltd, Fox Cable Networks Services, LLC (Dec. 2001) (CGTNAM000250, 269) (hereinafter, Cooperation Agreement) (describing procedures for dealing with “reckless broadcasting” related to Chinese policies, Chinese leaders, and the like); Nelson, *CCTV’s International Expansion*, *supra* at 11-12 (describing how SARFT answers to the Department of Publicity/Propaganda Department and “provides the central government’s daily administrative oversight, including censorship of sensitive content, while the propaganda department issues guidelines and ‘thought directives’”).

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responsible for external propaganda.¹⁶ “The two bureaucracies are very closely linked and coordinated.”¹⁷

Bases for Requiring CGTN America to Register Under FARA

1. The Chinese Government, Chinese Communist Party, China Media Group, and CCTV are “Foreign Principals” under the Act¹⁸

FARA defines “foreign principal” to include “a government of a foreign country and a foreign political party.” 22 U.S.C. § 611(b)(1). The Chinese government and the Chinese Communist Party, therefore, are both foreign principals under the Act. Indeed, because China is a single-party state, there is no relevant distinction between the Chinese Government and the Chinese Communist Party.¹⁹

FARA also defines “foreign principal” to include “a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 22 U.S.C. § 611(b)(3). CCTV and China Media Group both meet that definition. You have stated that CCTV is a “state-owned media/broadcasting company” that is registered to do business in the District of Columbia as a “foreign (non-D.C.) nonprofit.”²⁰ CCTV is “organized under Chinese law as a ‘public institution.’”²¹ Indeed, a U.S. public-relations firm that worked for CCTV has registered under FARA due to its work on the

¹⁶ Anne-Marie Brady, *Guiding Hand: The Role of the CCP Central Propaganda Department in the Current Era*, 3(1) *Westminster Papers in Comm’n & Culture* at 60-61 (2006), available at <https://www.westminsterpapers.org/articles/abstract/10.16997/wpcc.15/>; Xiaoling Zhang, *Chinese State Media Going Global*, 10(1) *East Asian Policy* 42, 44 (Jan/Mar 2010), available at https://research.mus.edu.sp/cai/wp-content/uploads/sites/2/2017/11/Vol2No1_ZhangXiaoling.pdf.

¹⁷ Brady, *Guiding Hand*, *supra* at 60.

¹⁸ As discussed in further detail below, CGTN America operates as an agent under the direction and control of these foreign principals.

¹⁹ See, e.g., CGTN Style Guide at 7-8 (CGTNAM000160-61) (stating that “[t]he Communist Party of China governs in cooperation with eight minor political parties” and listing the Central Committee of the Communist Party of China as a “Chinese Government Bod[y]”); Brady, *Guiding Hand*, *supra* at 62 (discussing the “near inseparable bond between Party/State in China”); Xiaoling Zhang, *Chinese State Media*, *supra* at 49 (“China’s reach for the international audience is primarily a government undertaking driven by the party-state’s political imperatives”); Yang Zhang, *China Global Television Network’s International Communication: Between the National and the Global* at 69 (Jan. 2018) (unpublished Ph.D. thesis, University of Calgary) (hereinafter, *Zhang Thesis*), available at https://prism.ucalgary.ca/bitstream/handle/1880/106362/ucalgary_2018_zhang_yang.pdf?sequence=1&isAllowed=n (referring to the China’s government as the “Party government”).

²⁰ CGTN America April 9 Letter at 1; see also *id.* at 3 (describing CCTV as a “state-owned media enterprise”).

²¹ Letter from [REDACTED], Counsel to CGTN America, to [REDACTED], Chief, FARA Registration Unit at 1 (July 31, 2018) (hereinafter, *CGTN America July 31 Letter*).

roll out of CGTN America's predecessor, CCTV America.²² CCTV and China Media Group—which absorbed CCTV in the recent merger—are, therefore, both foreign principals under Section 611(b)(3).

2. *CGTN America Engages in "Political Activities"*

Information from a variety of sources shows that CGTN America's conduct on behalf of the Chinese government, the Chinese Communist Party, and state-owned CCTV and China Media Group are "political activities" intended to "influence . . . the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party." 22 U.S.C. § 611(o).

In reaching this conclusion, based on the evidence outlined below, we begin with the clear direction from Congress that "bona fide news or journalistic activities" are *not* exempt from the statute's reach unless they are undertaken by organizations in the United States that are controlled by U.S. citizens. 22 U.S.C. § 611(d). With respect to foreign media organizations, the registration requirement does not depend on the accuracy of reporting, or the viewpoint (or viewpoints) expressed in it, but rather on whether the organization intends to influence the American public and policy makers on relevant topics, such as U.S. policy or foreign relations. Journalism designed to influence American perceptions of a foreign nation's activities or its leadership qualifies as "political activities" under the statutory definition, regardless of whether it is also "balanced" or aims to balance reporting by other networks. Such influence activities are particularly salient when undertaken on behalf of a foreign government or political party. That standard is easily met by the evidence recounted below, which reflects that CGTN, as a matter of policy, is designed and intends to influence American attitudes toward China, its policies, and its leaders, and does so on behalf of the Chinese state. Numerous examples of CGTN's reporting exemplify that.

a. *CGTN America's Own Style Guide, Statements by Current and Former Chinese Government Officials, and Information from Academics and Experts Show that CGTN America Intends to Influence American Perceptions of China*

CGTN America is required to report the policy positions of the Chinese government and the Chinese Communist Party. CGTN America's Style Guide, which you provided on April 9, 2018, tells reporters "[w]e don't expect you to write stories from China's point-of-view only. We *do* expect you to *include* China's point-of-view."²³ That is expected because "China's policy position[s]" about certain topics may not be found in "western media stories," and when

²² Exhibits to Registration of Ogilvy Public Relations Worldwide (Jan. 25, 2012), available at <http://www.fara.gov/docs/5807-Exhibit-AB-20120125-11.pdf>.

²³ CGTN Style Guide at 20 (CGTNAM000173) (emphases in original).

they are, “may not be reported fairly or accurately.”²⁴ The Style Guide directs reporters to “[m]ake it a habit to check Chinese sources” and provides a “list of primary sources for information about China.”²⁵ Every one of those “primary sources” is a Chinese government entity.²⁶ As stated on the website of CGTN America’s predecessor, CCTV America,²⁷ CGTN America thus “aims to provide alternative global coverage with a China perspective.”²⁸

Sources with first-hand knowledge of CGTN America and CCTV have confirmed that CGTN—including CGTN America—is intended to be a mouthpiece for Chinese state policy. Jim Laurie, a consultant to CGTN America’s predecessor, said in a 2012 interview for a PBS News Hour report: “Clearly, the Chinese want to have their perspectives on the international stage. They feel that there are areas of the world that are important to China that are undercovered, they’re not covered sufficiently by the traditional networks.”²⁹ According to Philip Cunningham, who has appeared on CCTV talk shows more than 100 times, “the agenda, the hidden agenda, the political commissars who examine and help control and shape the daily news and what the topics will be are not working for the sake of letting chips fall where they may. They’re working for the greater reputation of China.”³⁰ As reported in Foreign Policy magazine, CGTN America’s “coverage of U.S domestic issues is professional and not clearly slanted in one direction or another. But any China-related reports strictly follow Chinese Communist Party media guidelines, presenting China as a positive, peaceful force whose geopolitical interests are righteous.”³¹

John Jirik, who spent a number of years working for CCTV News—now CGTN—reported that, based on his discussions with management, “the goal of CCTV News was twofold: to project China’s voice globally, and to join channels such as Al Jazeera, BBC, and CNN in shaping the global retail news agenda.”³² According to Jirik, even many of the “foreign

²⁴ CGTN Style Guide at 20 (CGTNAM000173).

²⁵ CGTN Style Guide at 20 (CGTNAM000173).

²⁶ CGTN Style Guide at 20-22 (CGTNAM000173-75).

²⁷ CCTV America changed its name to CGTN America on December 31, 2016. See About CGTN America, <https://web.archive.org/web/20170201172320/http://america.cgtn.com/2016/12/28/about-cgtn> (Dec. 28, 2016) (as archived on the Internet Wayback Machine).

²⁸ About CGTN America, <https://web.archive.org/web/20170201172320/http://america.cgtn.com/2016/12/28/about-cgtn> (Dec. 28, 2016) (as archived on the Internet Wayback Machine). The current version of the CGTN America’s website refers to a “Chinese perspective.” About CGTN America, <https://america.cgtn.com/2016/12/28/about-cgtn> (Oct. 5, 2018).

²⁹ *China’s Programming for U.S. Audiences: Is it News or Propaganda* at 2, PBS News Hour (Mar. 22, 2012), https://www.pbs.org/newshour/show/world-jan-june12-cctv_03-23 (hereinafter, PBS Report).

³⁰ PBS Report at 3.

³¹ Bethany Allen-Ebrahimian & Elia Groll, *China’s Flagship TV Network Hasn’t Registered as a Foreign Agent*, Foreign Policy (Dec. 19, 2017), <https://foreignpolicy.com/2017/12/19/why-isnt-chinas-flagship-tv-network-registered-as-a-foreign-agent-fara-russia-cctv-america-beijing/>.

³² Jirik, *CCTV News and Soft Power*, *supra* at 3537.

professionals who joined CCTV News from the likes of the BBC, CNN, and Sky V appeared comfortable in their role as mouthpieces for the CPC and Chinese state.”³³

Chinese government and CCTV officials have openly discussed the purpose of the state’s international-facing media to influence its audience. In remarks on February 13, 2018, the acting president of CGTN, Sun Yusheng,³⁴ stated that CGTN “seek[s] to focus on nations and regions often ignored by Western media” and “to present a truthful and comprehensive view of China to a global audience.”³⁵

CGTN’s standard for “truthful and comprehensive,” however, is influenced by its foreign principals. In a visit to CCTV in 2016, Chinese president Xi Jinping said “[t]he media run by the party and the government are the propaganda fronts and must have the party as their family name.” According to Xi, “[a]ll the work by the party’s media must reflect the party’s will, safeguard the party’s authority, and safeguard the party’s unity. . . . They must love the party, protect the party, and closely align themselves with the party leadership in thought, politics and action.”³⁶ As reported by CNN, a recently released Chinese Communist Party document related to the creation of China Media Group states that the merged entity “is tasked with ‘propagating the party’s theories, directions, principles and policies’ as well as ‘telling good China stories.’”³⁷

Reporting China’s policy positions and presenting them in a positive light are primary reasons for CGTN’s existence. The formation of the 24-hour, English language news service that became CGTN—originally called CCTV-9—was part the Chinese government’s and Communist Party’s “going out” project.³⁸ The channel “was aimed at strengthening governance, including foreign policy, through media.”³⁹ According to Xu Guangchun in 2001—the then-deputy head of the Central Publicity Department and of SARFT, who “took the going out project to CCTV”—the English-language channel was asked to “help with the government’s policy-making.”⁴⁰ In 2008, Former Chinese President Hu Jintao stated that China would “build a modern media system and enhance the power of news media for domestic and world service so

³³ Jirik, *CCTV News and Soft Power*, *supra* at 3537.

³⁴ CGTN July 19 Letter at 2.

³⁵ Quality Media – CGTN’s GPS and its Future, Summary of CCTV Vice President Sun Yusheng’s Remarks at 3 (Feb. 13, 2018) (attached to CGTN America July 19 Letter) (hereinafter, Sun Yusheng Remarks).

³⁶ Associated Press, *Xi Jinping Asks for 'Absolute Loyalty' from Chinese State Media*, *The Guardian* (Feb. 19, 2016), <https://www.theguardian.com/world/2016/feb/19/xi-jinping-tours-chinas-top-state-media-outlets-to-boost-loyalty>.

³⁷ Steven Jian, *Beijing Has a New Propaganda Weapon: Voice of China* (Mar. 21, 2018), <https://money.cnn.com/2018/03/21/media/voice-of-china-propaganda-broadcaster/index.html>.

³⁸ See, e.g., Jirik, *CCTV News and Soft Power*, *supra* at 3538-39.

³⁹ Jirik, *CCTV News and Soft Power*, *supra* at 3539.

⁴⁰ Jirik, *CCTV News and Soft Power*, *supra* at 3539; see also Nelson, *CCTV’s International Expansion*, *supra* at 14 (describing a Chinese government blog that stated the government’s expectations for state broadcasters to “help with the government’s policy-making”).

as to create a favourable social environment and atmosphere for public opinion.”⁴¹ Liu Yunshan, the former Government Propaganda minister, “has emphasized that the official mandate of CCTV is to broadcast news and programmes about China which reinforces the Soft Power policy of the Chinese Government.”⁴² Likewise, Li Changchun—a top Chinese Communist Party propaganda official—discussed the globalization of Chinese media in a speech to journalists, and stated that “Chinese media should gain a stronger voice for China, enhance China’s global influence, and build an environment of world opinion that is good for China’s modern development.”⁴³ Cui Yuying—another high-ranking Chinese propaganda official—stated in 2013 that “[i]t is urgent to increase the knowledge and understanding of China’s big policy statements and foreign policies by the international community.”⁴⁴ And the then-president of CCTV, Hu Zhanfan, stated that “[t]he first social responsibility and professional ethic of media staff should be understanding their role clearly and being a good mouthpiece.”⁴⁵ According to Zhanfan, “[j]ournalists who think of themselves as professionals, instead of as propaganda workers, were making a fundamental mistake about identity.”⁴⁶

Scholars and commentators agree that CGTN serves as a mouthpiece of the Chinese government and Communist Party, which created the channel as part of a “soft power” strategy aimed at imparting a positive impression of China across the globe. “From the outset . . . the Party and government made clear that CCTV News existed to promote China’s image abroad and influence the conditions under which China would attempt to expand its international standing.”⁴⁷ CGTN’s coverage “is designed to improve global understanding of China and Chinese culture, but also to be an authoritative voice of Chinese government views of global developments.”⁴⁸ “China’s reach for the international audience is primarily a government undertaking driven by the party-state’s political imperatives rather than the economic benefit of the cultural and media industries.”⁴⁹ As one commentator stated regarding CGTN (then called CCTV International):

⁴¹ Si Si, Expansion of International Broadcasting, The Growing Global Reach of China Central Television, Reuters Institute for the Study of Journalism at 6 (working paper) (July 2004), <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2018-01/Expansion%20of%20International%20Broadcasting.pdf>.

⁴² Si Si, Expansion of International Broadcasting, *supra* at 13.

⁴³ Zhang Thesis at 49.

⁴⁴ Zhang Thesis at 51.

⁴⁵ PBS Report at 4.

⁴⁶ PBS Report at 4.

⁴⁷ Jirik, *CCTV News and Soft Power*, *supra* at 3538.

⁴⁸ Si Si, Expansion of International Broadcasting, *supra* at 6; *see also id.*, at 19 (“There is no doubt that within China CCTV is understood to be the mouthpiece of the Chinese Communist Party and the government.”).

⁴⁹ Xiaoling Zhang, *Chinese State Media*, *supra*, at 49; *see also* Bennett, *China Is Creating World’s Largest Propaganda Machine*, *supra* (describing the recent merger of state media as “designed to boost the party’s ability to shape and alter public opinion” and to “serve as a vital means for China to project its image to the world”); Xiaoling Zhang, *China’s International Broadcasting: A Case Study of CCTV International in Soft Power in China*, Public

The roles and missions of CCTV International are obvious: they are to tell China's story to foreign audiences. By its very nature, it is neither a platform for criticism nor a channel whereby "balanced" views can be presented. In other words, CCTV International is not playing the role of a "neutral" observer.⁵⁰

The Chinese government's and Chinese Communist Party's influence on CGTN America's programming is evident in CGTN America's Style Guide. With regard to the sensitive issue of Taiwan, for example, the Style Guide states, "CGTN does not call Taiwan's leader its 'president.' CGTN does not show Taiwan's flag, *ever*. We do not alter the flag's appearance in photos or video. We simply crop it out."⁵¹ Reporters must refer to "'Taiwan authorities,' *not* Taiwan government officials."⁵² Similarly, the Style Guide reflects China's more friendly posture with North Korea, requiring reporters to refer to it as the "Democratic People's Republic of Korea," not "North Korea."⁵³ And with regard to China's territorial disputes with Japan in the East China Sea and other nations in the South China Sea, reporters must use "only" China's names for disputed islands after noting the names used by China's adversaries.⁵⁴ Each of these policies reflects an intent to influence opinions of issues related to "the political or public interests, policies, or relations of a government of a foreign country," namely China and its neighbors, and reflects that CGTN, by design, engages in what FARA defines as "political activities." 22 U.S.C. § 611(o).

b. CGTN's Content Evinces an Intent to Influence Its Audience About China's Government, Policies, and Leaders

Numerous examples of CGTN's content—including content produced by CGTN America—demonstrate an intent to influence its audience and illustrate how it engages in political activities by serving as a mouthpiece for Chinese government and Communist Party policies.

Diplomacy through Communication 60 (Jian Wang ed., 2011) ("Since its inception, CCTV International has been one of China's important platforms to 'improve the international opinion environment.' It has played a major role in defining, shaping, and projecting China's image and in promoting China's viewpoint concerning a variety of global issues."); *id.* at 66 ("Based on my interviews with CCTV International managers, the channel was set up to influence foreign public opinion and was intended to be a non-profit making operation.").

⁵⁰ Zhang, *China's International Broadcasting*, *supra* at 63; *see also* Zhang Thesis at 68 ("[CGTN] is . . . used to construct a desired national identity and to promote the national interest in the context of globalization. The Party government uses the channel to present a positive national image to the world and to propagate its government policies (such as the foreign policy, etc.). This is consistent with the Communist Party's standpoint that the propaganda role of the news media is more crucial than objective reporting.").

⁵¹ CGTN Style Guide at 12 (CGTNAM000165).

⁵² CGTN Style Guide at 10 (CGTNAM000163) (emphasis in original).

⁵³ CGTN Style Guide at 15 (CGTNAM000168).

⁵⁴ CGTN Style Guide at 22 (CGTNAM000175) (requiring use of the terms "Diaoyu Islands" and "Huangyan Island").

- Regarding China's actions in the South China Sea, including island building, CGTN reporters may use "only" China's names for disputed islands after noting the names used by its adversaries.⁵⁵ With regard to an adverse ruling of an international tribunal at the Hague regarding China's island-building in the South China Sea, and U.S. government statements regarding the same, "CGTN America referred to the ruling as a 'so-called award' and presented the U.S. position as hypocritical and aimed at containing China."⁵⁶
- With regard to political conditions in China, an interview broadcast by CGTN America was "heavily edited" to exclude discussions of Tibet, increased press freedom, and "having elections" in China.⁵⁷ CGTN America's predecessor also failed to report on corruption at CCTV that otherwise received worldwide attention.⁵⁸
- CGTN also works to bolster the image of Chinese President Xi Jinping. One example is a CGTN program entitled "China: Time of Xi (Episode 1) - People's Republic," which aired on CGTN on Oct 22, 2017. This program puts forth the message that Xi Jinping's early experiences may have shaped his vision for the "Chinese Dream" and driven him to publicly commit to ending poverty for the 50 million Chinese still living below the United Nations' poverty line. In that regard, Danny Forster, identified as a TV host and designer for unspecified entities, states that a clear refrain from Xi Jinping's speeches is that "he talks of people, he talks of poverty, and he talks of social justice."⁵⁹ Kevin Rudd, identified as the former prime minister of Australia, states in the conclusion of the video that "Xi Jinping is a leader who dreams very big dreams."⁶⁰ The program, however, does not approach the slightest criticism of Xi Jinping, or address issues such as human rights abuses or the suppression of political dissent in China. Such coverage is consistent with the reemergence of a new cult of personality surrounding Xi Jinping.⁶¹

⁵⁵ See Bethany Allen-Ebrahimian, Elias Groll, *China's Flagship*, supra; cf. CGTN Style Guide at 22 (CGTNAM000175).

⁵⁶ Allen-Ebrahimian & Groll, *China's Flagship*, supra.

⁵⁷ PBS Report at 4.

⁵⁸ Qian Liu, *Ambivalence in China's Quest for "Soft Power": A Case Study of CCTV-America's Multiple News Standpoints* at 26-27 (2014) (unpublished master's thesis, Simon Fraser University), available at http://summit.sfu.ca/system/files/iritems1/14521/etd8604_QLiu.pdf.

⁵⁹ *China: Time of Xi (Episode 1) – People's Republic*, CGTN, broadcast of October 22, 2017, available at <https://youtu.be/xrV5GpogjDg>, at 9:55 of the broadcast.

⁶⁰ *Id.* at 13:22, 42:10.

⁶¹ See, e.g., *China Tilts Back Towards a Cult of Personality*, Financial Times (Oct. 25, 2017), <https://www.ft.com/content/628bab6e-b973-11e7-9bfb-4a9c83ffa852>; Javier C. Hernández, *For Xi Jinping, Being a Man of the People Means Looking the Part*, NY Times (Sept. 28, 2018), <https://www.nytimes.com/2018/09/28/world/asia/xi-jinping-china-propaganda.html>; *Beware the Cult of Xi*, The Economist (Apr. 2, 2016), <https://www.economist.com/leaders/2016/04/02/beware-the-cult-of-xi>.

- Finally, CGTN has worked to influence the U.S. government and public with regard to the recent trade disputes between the U.S. and China. For example, CGTN recently produced a short English-language animated video featuring a caricature of President Trump that China Plus News distributed on Twitter. The message of the video is that President Trump's trade actions will hurt U.S. soybean producers in the Midwest and potentially hurt Republicans and President Trump in future U.S. elections.⁶²

c. Because CGTN America is Foreign-Owned, It Is Irrelevant Whether It Is Engaged in Bona Fide News Journalism

You have argued that CGTN America need not register under FARA because, according to your characterization of its content, CGTN America engages exclusively in bona fide news journalism.⁶³ As explained above, however, Congress has allowed entities engaged in “bona fide news or journalistic activities” to forgo registration only if they are at least 80 percent owned by U.S. citizens. 22 U.S.C. § 611(d). CGTN America does not meet that requirement. Not only is CGTN owned and controlled by foreign entities, it also undertakes its activities on behalf of the Chinese government and the Chinese Communist Party. Therefore, even if CGTN America is engaged in bona fide news or journalistic activities, that is not relevant to the determination of whether it needs to register under FARA as an agent of those entities.

Based on all of the above, it is clear that CGTN America engages in “political activities” under FARA. 22 U.S.C. § 611(o).

3. CGTN America Acts as a “Publicity Agent” and “Information-Service Employee”

FARA defines a “publicity agent” to include “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of . . . broadcasts, motion pictures or otherwise.” 22 U.S.C. § 611(h). CGTN America’s production of English-language programming and transmission of that programming to Beijing for international distribution, including the United States, meets that definition.

CGTN’s activities also establish that it is an “information-service employee” for its foreign principals. The Act defines “information-service employee” to include “any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts or conditions of any country other than the United States or of any government of a foreign country.” 22 U.S.C. § 611(i). As described with multiple examples above, *see supra* Point 2, CGTN America is “furnishing” such material by producing English

⁶² See <https://twitter.com/ChinaPlusNews/status/1020239699468677122>.

⁶³ CGTN America July 31 Letter at 4.

language content for CGTN that must “include China’s point of view.”⁶⁴ As Sun Yusheng—CCTV’s Vice President—said in his remarks on February 13, 2018, (that you provided) CGTN “seek[s] to present a truthful and comprehensive view of China to a global audience.”⁶⁵ CGTN America “disseminates” such material when it transmits its content to Beijing for immediate international broadcast via satellite.⁶⁶

You have asserted that “CGTN America has no involvement in the distribution, dissemination or broadcast . . . of any programming.”⁶⁷ But in fact, CGTN America’s own website states that “CGTN America is the U.S. production and broadcast arm of CGTN News.”⁶⁸ CGTN creates content for broadcast and then transmits it to CGTN’s Beijing bureau, from where it is “immediately broadcast . . . by satellite to the various media companies (including U.S. cable and satellite operators)” that provide it to viewers.⁶⁹ CGTN does not lose its status as a broadcaster and disseminator just because its signal first travels to Beijing before it is “immediately” uplinked to a satellite for further distribution to countries including the United States. In any event, CGTN America’s live-streaming of its content through its U.S. social media platform⁷⁰ constitutes a direct broadcast and dissemination of its content. Additionally, you have stated that CGTN America is not legally distinct from CCTV, which you admit transmits CGTN’s signal to a satellite for international broadcast.⁷¹ That alone establishes that CGTN America is involved in distribution, dissemination, and broadcast.

4. CGTN America Operates at the Direction and Control of the Chinese Government, Chinese Communist Party, China Media Group, and CCTV

Your correspondence with the FARA unit establishes that CGTN America operates under the direction or control of the Chinese government and the Chinese Communist Party. CGTN’s parent—the newly merged China Media Group—“operate[s] directly under the State Council.”⁷² Likewise, you acknowledged that China Media Group’s work is “under the guidance of the Publicity Department of the CPC Central Committee.”⁷³ Those admissions are sufficient to

⁶⁴ CGTN Style Guide at 20 (CGTNAM000173).

⁶⁵ Sun Yushen Remarks at 3.

⁶⁶ CGTN America April 9 Letter at 2.

⁶⁷ CGTN America July 31 Letter at 9.

⁶⁸ About CGTN America, <https://america.cgtn.com/2016/12/28/about-cgtn> (Oct 5, 2018).

⁶⁹ CGTN America April 9 Letter at 2.

⁷⁰ CGTN America April 9 Letter at 2 n2.

⁷¹ CGTN America April 9 Letter at 1-2.

⁷² CGTN America July 19 Letter at 2.

⁷³ CGTN America July 19 Letter at 2; *see also* Hilton Yip, *China’s \$6 Billion Propaganda Blitz*, *supra* (“Voice of China will . . . be directly overseen by the State Council and managed by the Communist Party’s Central Publicity Department.”).

establish that CGTN America operates at the direction or control of the Chinese government and the Chinese Communist Party (CPC), respectively.

Your letters further acknowledge that CGTN America operates at the direction or control of the Chinese government and Communist Party. On April 9, you stated that CGTN America is not even a distinct legal entity from CCTV; it is merely the Washington bureau of CGTN, a division of CCTV.⁷⁴ CCTV—and therefore CGTN America—is “a state-owned media/broadcasting company.”⁷⁵ “As a state-owned media enterprise, CCTV,” and therefore CGTN America, “is responsible to the Chinese Government.”⁷⁶

According to the contracts you provided, CCTV “is the state television broadcaster of the People’s Republic of China.”⁷⁷ President Xi has stated in no uncertain terms that state media’s primary obligations are to the Chinese Communist Party.⁷⁸ Indeed, Chinese government and Communist Party control of CCTV and CGTN America is so complete that they were merged into China Media Group through “state action” by the State Council and Chinese Communist Party.⁷⁹ And because CCTV and CGTN are state-controlled entities, “there are no merger agreements” consummating the merger.⁸⁰

You have asserted that “CGTN America enjoys editorial independence,” but your letters, the documents you submitted, public reporting, and research show otherwise. CGTN’s Style Guide, for example, requires reporters to include the Chinese government’s point of view in their stories.⁸¹ Furthermore, you admit that CGTN America’s Director General Ma Jing reports to CCTV, including with regard to its “overall performance.”⁸² The top editors of CGTN America—Ma Jing, senior editor Guo Chun, and deputy senior editor Yao Hung—have each had careers spanning multiple decades with CCTV and were trained in journalism or literature at Chinese universities.⁸³ Those editors are therefore steeped in the traditions of Chinese state- and party-controlled media and censorship.

The need for direct censorship by officials located China, therefore, is limited. As PBS reported in 2012, “[t]he leaders of CCTV are Chinese Communist Party officials from the

⁷⁴ CGTN America April 9 Letter at 1.

⁷⁵ CGTN America April 9 Letter at 1.

⁷⁶ CGTN America April 9 Letter at 1.

⁷⁷ Agence France-Presse Subscription Agreement at 1 (CGTNAM000109).

⁷⁸ See Associated Press, *Xi Jinping Asks for ‘Absolute Loyalty,’ supra*.

⁷⁹ CGTN America April 9 July 19 Letter at 1.

⁸⁰ CGTN America July 19 Letter at 1.

⁸¹ CGTN Style Guide at 20 (CGTNAM000173).

⁸² CGTN America April 9 Letter at 1.

⁸³ CGTN America Staff CVs (CGTNAM000002 – 6).

propaganda apparatus and increasingly from their internal security apparatus.”⁸⁴ “Those who reach the position of senior editor are ‘encouraged’ to become party members, thus putting them under two disciplinary systems, both that of the State and the CCP. Any political mistake will be borne by the senior editors, which tends to make them extremely conservative in their editorial decisions.”⁸⁵ The Chinese government and Communist Party, therefore, can rely on self-censorship by remote news bureaus like CGTN America.⁸⁶ As John Jirik described based on his experience with CGTN’s predecessor, CCTV News:

[W]hatever was not explicitly prohibited from broadcast was permitted. Absolute interdictions existed. Typical examples were: do not discuss the families of the leadership unless they are legitimately in the news; do not report any story related to the leadership that Xinhua (China’s state news agency) has not reported; use Xinhua as an editorial guide; only report negatively on the Dalai Lama; do not report on the Catholic Pope; ignore Taiwan unless the report is apolitical or serves China’s interests; do not question China’s foreign policy; do not report positively about Japan unless so doing enhanced China’s interests; and so on.⁸⁷

You have also implied that China is only interested in controlling and censoring the content of domestic broadcasts in China.⁸⁸ Commentators have noted, however, that even though CGTN America has more “editorial autonomy” than producers of content for China’s domestic audience, “Beijing determines the editorial line” of CGTN’s international content.⁸⁹ Furthermore, CGTN America’s signal is routed through Beijing for broadcast, giving authorities in China “final control” over broadcast content.⁹⁰

CGTN ensures that entities other than the Chinese government or Communist Party cannot alter its content. CGTN’s contracts with video distributors require its distributors to provide the channel to viewers, as broadcast from Beijing, 24 hours a day, 7 days a week, unaltered and uninterrupted.⁹¹ And whereas video distributors typically contract for limited opportunities to sell

⁸⁴ PBS Report at 4.

⁸⁵ Brady, *Guiding Hand*, *supra* at 63.

⁸⁶ Jirik, *CCTV News and Soft Power*, *supra* at 3540.

⁸⁷ Jirik, *CCTV News and Soft Power*, *supra* at 3540.

⁸⁸ See CGTN America April 9 Letter at 5.

⁸⁹ Jirik, *CCTV News and Soft Power*, *supra* at 3539.

⁹⁰ Jirik, *CCTV News and Soft Power*, *supra* at 3539; see also CGTN America April 9 Letter at 2 (CGTN America’s six hours of daily programming “is transmitted to CGTN’s Beijing bureau and immediately broadcast internationally from there by satellite. . .”).

⁹¹ E.g., Cooperation Agreement ¶ 5.1 (CGTNAM000252); Cooperation Agreement, Supplemental Agreement No. 7 ¶ 2.8 (CGTNAM000298); Agreement Between China Central Television and World Today Television on the Rebroadcast of CCTV-News and CCTV-9 Documentary ¶¶ 6, 8 (executed Sept. 2016) (CGTNAM000316-17); CMMB America & CCTV Agreement for Channel Capacity Leasing ¶¶ 3, 7.i (executed

and place advertising on a channel, the contracts you provided show that CGTN's predecessors have been unwilling to allow distributors to insert such ads, even in reciprocal contracts where Chinese distributors negotiate such rights for themselves.⁹²

CGTN America operates for the financial benefit of the Chinese government and Communist Party. CCTV is "required to remit 15% of its income to the Chinese Ministry of Finance annually," although the exact amount is "within the discretion" of that Ministry.⁹³ And although you assert that CCTV's current revenues are derived only from advertising and subscription/re-transmission fees, the Chinese government has invested large sums in CCTV in the past.⁹⁴

Prior to the merger that created China Media Group, there was no doubt among commentators that CGTN and its predecessors operated under the direction and control of the Chinese government and Communist party.⁹⁵ "The central government oversees CCTV via two interlocking systems, the ideological system of the party's Propaganda Department, which provides mostly guidelines and thought directives, and the administrative system of [SARFT], which performs the actual daily oversight, including censorship of sensitive content."⁹⁶ And while foreign-language state media such as CGTN America "have the capability to experiment more than Chinese-language media, there are still tight controls on their operations and program production."⁹⁷

Feb. 21, 2012) (CGTNAM000322, 24); The Agreement of Rebroadcasting CCTV-News in DTV and Comcast in San Francisco ¶¶ 6, 14 (executed 2014) (CGTNAM000350, 352).

⁹² See Cooperation Agreement ¶ 10.1 (CGTNAM000255-56) (granting ad-insertion rights to Guangdong Cable TV for its broadcast of Star Service, but no corresponding rights to Fox for distribution of CCTV-9, CGTN's predecessor).

⁹³ CGTN America April 9 Letter at 3. See also Nelson, *CCTV's International Expansion*, *supra* at 10 ("CCTV's budget is the product of domestic advertising, fueled by the booming Chinese economy. This makes CCTV answerable only to the Chinese Communist Party, which determines the allocation of its profits.").

⁹⁴ See Nelson, *CCTV's International Expansion*, *supra* at 17 ("China has invested \$8.9 billion in 'external publicity work,' much of it focused on the new 24-hour news operations."); Jirik, *CCTV News and Soft Power*, *supra* at 3545 ("In 2009, media reported that the government had earmarked 45 billion yuan (U.S. \$ 6.6 billion) for overseas expansion of China's central media, and CCTV was a major recipient." (citation omitted)).

⁹⁵ See, e.g., Jirik, *CCTV News and Soft Power*, *supra* at 3539-40; PBS Report (describing CGTN America's predecessor as "Chinese government-owned and -operated"); Allen-Ebrahimian & Groll, *Chinas Flagship*, *supra* (CGTN America's "China-related reports strictly follow Chinese Communist Party media guidelines . . ."); Nelson, *CCTV's International Expansion*, *supra* at 6 ("CCTV effectively reports to the Chinese Communist Party (via the state broadcasting agency), and the party will determine both its initiatives and its no-go areas for the foreseeable future."); Zhang Thesis at 61 (explaining that "SAPPRFT is the 'parent' of CCTV," and that CCTV is "also managed and controlled by the Propaganda Department of the Communist Party of China's Central Committee.").

⁹⁶ Ying Zhu, *Two Billion Eyes, The Story of China Central Television 4* (2012).

⁹⁷ Zhang Thesis at 69.

The merger served to further centralize and consolidate the government and Party's direction and control.⁹⁸ As China Media Group stated in its letter to CGTN America on July 13, 2018, the merger "is meant . . . to enhance exchanges and understanding between China and the world."⁹⁹

CGTN America also operates as an agent under the direction and control of the China Media Group, CCTV's new parent. In a letter you provided from China Media Group to CGTN America on July 13, 2018, China Media Group stated that "[t]he merger will neither change CGTN America's existing management, operations and program production, nor alter its comprehensive, objective, impartial and independent reporting principals."¹⁰⁰ China Media Group thus has sufficient control of CGTN America to do all of those things, even if it chooses not to at this time.

Prior to the merger, and to the extent CCTV still exists as an entity within China Media Group, CGTN America was also an agent under the direction and control of CCTV. You have stated that CGTN America "is not a distinct legal entity" from CCTV, but is "a unit within [CGTN], a division of [CCTV]."¹⁰¹ Specifically, CGTN America is the Washington bureau of CGTN.¹⁰² According to CGTN America's website, it is "[t]he U.S. production and broadcast arm of CGTN News." CGTN America, therefore, is an agent of CCTV to the extent CCTV still exists after the merger.

You have argued that CGTN America need not register as a foreign agent because it *is* the foreign principal. But that argument merely admits the completeness of control that CGTN America's principals have over it. CGTN America is not, of course, the same entity as the Chinese Government or the Chinese Communist Party. Even with regard to its foreign principals China Media Group and CCTV, CGTN America is a sufficiently distinct entity to qualify as an agent of a foreign principal for purposes of FARA. Your own documents indicate that CGTN America "operates as a U.S. limited liability corporation subject to U.S. law"¹⁰³ and is the Washington "bureau" for CGTN. Indeed, entities like the foreign principals of CGTN can only operate through their agents. It would be contrary to the purposes of the Act to find that individuals or entities acting on behalf of their entity-principals are not agents of those principals.

⁹⁸ See Lily Kuo, *China State Media Merger to Create Propaganda Giant*, *The Guardian* (Mar. 21, 2018), <https://www.theguardian.com/world/2018/mar/21/china-state-media-merger-to-create-propaganda-giant>; *China's Central Propaganda Department Takes Over Regulation of All Media*, *Radio Free Asia* (Mar. 21, 2018), <https://www.rfa.org/english/news/china/china-propaganda-03212018140841.html>.

⁹⁹ China Media Group Letter.

¹⁰⁰ China Media Group Letter.

¹⁰¹ CGTN America July 31 Letter at 1.

¹⁰² CGTN America April 9 Letter at 1.

¹⁰³ CGTN Style guide at 61 (CGTNAM000214).

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December 20, 2018

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Conclusion

For the reasons stated above, CGTN America has an obligation to register under FARA as the agent of the Chinese government, the Chinese Communist Party, China Media Group, and CCTV, for three specified categories of activities under the statute, as described above. To be clear, registration would not require CGTN America to alter the content of its programming; indeed, if registered as required, CGTN America would be free to facilitate the production, publication, and dissemination of any content it chooses. Registration would simply allow media outlets purchasing CGTN America programming, and American viewers watching such programming, to be fully informed regarding the foreign influence behind the content on the network.

Please effect CGTN America's registration within thirty (30) calendar days of the date of this letter. Useful information and forms needed for registration may be found on our website at <http://www.fara.gov>. If you have any questions regarding registration, or have additional information to provide, please contact [REDACTED] by telephone at (202) 233-0776 or by email at FARA.public@usdoj.gov.

Sincerely,

[REDACTED]
Heather H. Hunt, Chief
FARA Registration Unit

Cc: [REDACTED]