

NATIONAL COMMITTEE ON UNITED STATES-CHINA RELATIONS

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The Third Sino-American Dialogue on the Rule of Law and Human Rights September 14-16, 2010

Opening Remarks of President Stephen Orlins

Minister Ji, Secretary Lin, Judge Walker, Judge Stein, distinguished experts and friends:

I am delighted to be here today, at this, the Third Sino-American Dialogue on the Rule of Law and Human Rights, and to see so many familiar and new faces. I am very proud of the success that our two organizations, the National Committee on U.S.-China Relations and the China Foundation for Human Rights Development, had in Nantong and Xiamen, and look forward to continuing our interesting and productive discussions. First I need to thank Zuo Yiwei from CHRDF and Haini Guo of NCUSCR for putting together this dialogue. We all know what an enormous amount of work goes into these events and they have done a terrific job.

This is the first time we have held the dialogue in the United States. I am happy we can hold this meeting 15 minutes from the place where I grew up and in a city that is within the Congressional district in which I was the nominee for the U.S. Congress 19 years ago. For me, *jiushi huilaojia*. In fact I won Glen Cove overwhelmingly, but not by enough to win the entire district, losing by less than 8,000 votes of the more than 250,000 cast. Since I was so much better qualified than my opponent, I am sure that if the *zuzhibu* had decided, I would have won.

I wanted to serve in the U.S. Congress because my immigrant parents taught my brother, sister and me about the importance of public service and because I believed that my experience living and working in China would allow me to bring unique qualities and perspective to our legislative branch. The motivation for that Congressional campaign 19 years ago is the same as the motivation for the creation of the rule of law dialogue that we are holding here today. Constructive U.S.-China relations will be the foundation for peace and stability in the 21st century, and our ability to leave the world a better place for all Americans and Chinese.

The experts in this room are uniquely qualified to share their thoughts on these critical issues and to improve the rule of law in both societies. The topics that we will discuss are topics where we can share experiences and learn from each other. They are a reflection of the progress in the rule of law that China has made in the 32 years since I moved to Beijing with Jerry Cohen. Throughout the next two days, I urge everyone to put the discussion in the context of this progress.

We will discuss open government because the leaderships of both our countries have committed to a more open and transparent government. Transparent government and processes are the major bulwark against corruption which undermines the legitimacy of any political system.

We will discuss information disclosure during the law enforcement process because requirements on what the state must disclose to the accused (and/or their families and lawyers) are important checks on state and police power.

We will discuss the role of lawyers continuing a dialogue topic from our past two meetings. Lawyers can sometimes get a bad rap (I should know, I once was one!), but lawyers are the first – and often times, most important – barrier protecting the individual against abuses in the judicial system.

Finally we will also look at the role of judges, particularly when they serve as mediator rather than adjudicator. Though litigation is not always the best practice in every case, do judges who force parties to settle undermine the rule of law and the system designed to give people the right to redress grievances?

Our dialogue comes at an important time in U.S.-China Relations. In January of this year, the National Committee hosted a dinner banquet for President Hu Jintao. Next week we host lunch for Yang Jiechi here in New York City, and early next year we expect to host China's future leader, Xi Jinping, when he visits the United States. The official U.S.-China Human Rights Dialogue was held in Washington in 2010 and again in Beijing this past April.

As non-government organizations, we can move more nimbly on a Track II level than our governments can. We can facilitate U.S.-China cooperation on a people-to-people level faster and more effectively. This is how the National Committee has pioneered Sino-American relations over the last 45 years. We believe our discussions today will be beneficial to the citizens and the governments of our two countries.

As Premier Wen Jiabao told our guests at a dinner we hosted one year ago, China is both an ancient country and a new country. It has a civilization that's over 5,000 years old but is also undergoing reform and renewal and taking on rapid changes including with its legal system.

In his speech at the 17th Party Congress President Hu said, "We need to...promote the spirit of the rule of law, [and] creat[e] a social environment in which people study, abide by and apply laws of their own accord. We must respect and safeguard human rights and ensure the equal right to participation and development for all members of society in accordance with the law."

President Obama is fond of quoting one of his heroes Martin Luther King who said, "The arc of the moral universe is long, but it bends towards justice." President Obama then adds, "It bends towards justice, because each of us, in our own ways, put our hand on that arc and we bend it in the direction of justice...."

I know President Obama, President Hu and Premier Wen are pleased that we can gather together today to help bend that arc towards justice.