



ONE HUNDRED EIGHTEENTH CONGRESS
REPRESENTATIVE CHRISTOPHER H. SMITH, CHAIR
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December 15, 2023

The Honorable Merrick Garland
Attorney General
Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Attorney General Garland:

We are writing to seek a report from you on the violence that occurred during the Asia-Pacific Economic Cooperation (APEC) leaders' summit in San Francisco. The video evidence, as well as anecdotes from human rights advocates attending the event, is deeply concerning and requires additional investigation as to whether the violence was planned or instigated by elements of the Chinese Communist Party or Chinese diplomats in the United States. Those who came to peacefully protest ongoing human rights abuses by the People's Republic of China (PRC) in San Francisco faced obstacles, intimidation, and aggression from pro-Chinese Communist Party (CCP) counter-protestors who expressed support for General Secretary Xi Jinping.

We would like to know what evidence has been amassed about the counter-protestors and the violence that occurred at the APEC summit and whether they were part of a coordinated transnational repression operation of the CCP in the United States, an issue which the Department of Justice has made a priority. Additionally, given that the department protects the civil rights of all Americans, we ask that you provide us with information about whether the civil rights of the peaceful protestors were violated and what steps will be taken to hold perpetrators accountable. In addition, we would like to know whether the police in San Francisco were adequately prepared to protect the civil rights of protestors.

Leading up to and throughout the APEC summit, advocacy groups gathered in San Francisco to peacefully demonstrate against China's horrendous human rights record. Many reported being attacked at various points during the week by counter-protestors using "metal rods, flagpoles, closed umbrellas, and pepper spray."^[1] A group of Tibetan youth activists claimed they were assaulted and had their banners stolen by pro-CCP demonstrators wearing masks, while Tibetan advocate Chemi Lhamo said she was surrounded and harassed for nearly 15 minutes and subjected to hair pulling, physical assault, and the stealing of her cell phone, which was tossed into nearby water, presumably because it contained evidence identifying her assailants. One human rights organization alleged that the counter-protestors may have ties to the PRC consulate or PRC police, raising concerns of official support for these attacks. There are many other reports

^[1] Zhou Chenxing, Anti-Xi Protestors Say San Francisco Police Ignored Beatings During APEC, VOA (Nov. 23, 2023) available at www.voanews.com/a/anti-xi-jinping-protesters-say-sf-police-ignored-beatings-during-apec-7367899.html

similar to this from U.S. citizens and residents, including Chinese, Uyghurs, Tibetans, and Hong Kongers, of physical attacks and attempted intimidation online.

We are concerned about these assaults by CCP-aligned actors and hope that the Department of Justice will conduct a thorough investigation into these incidents and report to us as soon as possible.

Questions:

1. Did the DOJ have knowledge of potential protests and counter-protests set to occur during the APEC summit prior to the event? Was information shared with the San Francisco Police Department (SFPD) about potential violence from counter-protestors?
2. What steps, if any, were taken by the FBI's San Francisco field office to prepare local law enforcement for protests and potential violence prior to the APEC summit?
3. Has the FBI investigated the incidents reported above, including speaking to witnesses and investigating SFPD's procedures to protect the civil liberties of protestors?
4. Has the FBI been able to link any of the assaults to official channels of the PRC, such as the Chinese consulate or the state security apparatus, including so-called "police service stations," or to United Front Work Department activities? Does the FBI have evidence that any of the counter-protestors were intimidated or coerced into participating in pro-PRC demonstrations?
5. If counter-protestor violence is connected to the PRC, what specific steps are being taken to address what amounts to transnational repression, the attempt to intimidate and silence American citizens and residents who have views critical of the PRC?
6. Will the DOJ's Civil Rights Division be opening an investigation into whether the civil rights of protestors were adequately protected?

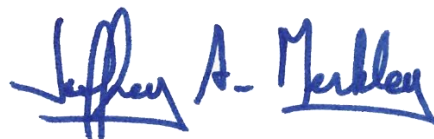
We ask you to provide us with a briefing from relevant members of the DOJ and FBI about the violence targeting peaceful protestors at the APEC summit and to answer the specific questions we have posed above.

Thank you for your consideration and for the department's efforts to address transnational repression in the United States. We look forward to your response.

Sincerely,



Representative Chris Smith
Chair



Senator Jeffrey A. Merkley
Cochair

cc: Christopher Wray, Director, Federal Bureau of Investigation
Kristen Clarke, Assistant Attorney General