

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Hearing

A Son and Daughter's Appeal to Xi Jinping to Release Their Father, Jimmy Lai

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WRITTEN TESTIMONY

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Opening Statement

Chairman, Co-Chairman, and distinguished Members of the Commission; Mr. Sebastien Lai; Mr. Mark Clifford: I thank the Commission for the invitation to appear today. My name is Steve Yates. I serve as Senior Research Fellow for China and National Security and as Chung Ju Yung Fellow at The Heritage Foundation. I appear in a personal capacity. The views expressed in this testimony are my own.

This hearing convenes eight days before President Trump is scheduled to receive Chairman Xi Jinping in Washington on September 24, 2026. That meeting will shape the next chapter of United States–China relations more decisively than any set of prepared talking points. The case of Jimmy Lai is not a peripheral human-rights item to be appended to a trade-and-security agenda. It is a test of character—of Xi Jinping's leadership, of the President's relationship with his counterpart, and of whether there remains any credible basis for the assumptions on which American policy toward Hong Kong was long constructed.

I. The Man Beijing Cannot Abide

I first met Jimmy Lai and his colleagues at Apple Daily in the late 1990s, as a young policy analyst at The Heritage Foundation, in the period immediately following Hong Kong's transfer from British to Chinese sovereignty. In the years that followed, I was privileged to meet him at his home in Hong Kong, in Taiwan, and during his visits to the United States.

Conversations with Jimmy always combined substance and character. They ranged across his extraordinary personal journey in business, public life, and faith; China's evolution under the Chinese Communist Party; and Hong Kong's historic role as the gateway at which China encountered the free world—the intersection of opportunity and control. I have been fortunate to meet many world leaders, chief executives of global enterprises, and leaders across the major religious traditions. Jimmy Lai is, nonetheless, extraordinary.

He rose from poverty as a migrant child to great success, twice, in entirely different and highly competitive industries. He carried a deep and visceral identification with the hardships borne by Chinese people under the Party's economic and political policies. As the documentaries produced before his imprisonment make

plain, he held a heartfelt desire for the genuine liberation of the Chinese people so that they might fulfill their potential.

In geopolitics, political prisoners are typically leaders of parties, dominant industries, or labor movements; candidates for office; or religious and cultural authorities. His accusers attempt to force him into those categories. The truth is that Jimmy Lai is the highest-profile political prisoner in the Party's custody not because of what he has done, but because of who he is. He represents a form of genuine Chinese identity that the Party cannot abide: a citizen who lifted himself and many others from poverty to success entirely outside the political patronage system, and a citizen who places his faith and his fellow man above the Party, in a vision widely shared by traditional Chinese families.

My colleague Mike Gonzalez of The Heritage Foundation captured the confrontation with precision: both Jimmy Lai and Xi Jinping are “obsessed with liberty”—Jimmy with expanding it, Xi with crushing it. After other publications bent the knee following the 1997 handover, Apple Daily kept advocating Hong Kong's free way of life. That, and not espionage or violence, is the offense. A newspaper, and a life, that refused to kneel before the Party.

II. The Foundations of Policy—and the Record That Followed

The foundations of America's approach to Hong Kong rest on a series of geopolitical wagers: the opening of China after the Cultural Revolution and the promises of “reform and opening” in the Deng Xiaoping era; the sunset of the British Empire marked by the Sino-British Joint Declaration; and the post–Cold War conviction that engagement and integration would bring China into alignment with widely held international norms.

The promises of “one country, two systems” and eventual universal suffrage, enshrined in Hong Kong's Basic Law, rest on those wagers. Commitments under the International Covenants of the United Nations were treated as confidence-building measures against stalling or backsliding after the transition. Many, including me, held those assumptions in good faith. The evidence from the 1990s to the present argues overwhelmingly against their wisdom. Reality intervened.

The principal checkpoints are public record. In the early 2000s, a proposed national security bill under Article 23 of the Basic Law would have amended the Crimes, Official Secrets, and Societies Ordinances to cover treason, secession, sedition, subversion, and state secrets. In 2014, a directive from Beijing constrained the process for selecting the Chief Executive and forming the Legislative Council. In 2018 came the first formal ban on a political party. In 2019, the extradition bill communicated to every resident that a person could be transferred north for prosecution. In 2020, Beijing imposed the national security law that produced a generational wave of political prisoners in Hong Kong, of whom Mr. Lai is the most widely recognized.

Original policy assumptions premised on Hong Kong's high degree of autonomy within the People's Republic have given way to the need to treat Hong Kong, with respect to national security, human rights, and increasingly financial measures, as “one country, one system.”

The Heritage Foundation reached a related conclusion in its own research products. For twenty-five consecutive years, Hong Kong ranked first in the world in the Index of Economic Freedom. In 2021, after the imposition of the national security law, the Foundation removed Hong Kong and Macau as separately ranked economies, stating that developments had unambiguously shown the relevant policies are controlled from Beijing. An institution that had held Hong Kong out for a quarter-century as the world's model of economic freedom could no longer do so in good faith.

The Sino-British Joint Declaration is treated as a historical artifact. In practice, the international covenants are disregarded. Appeals to, or by, international institutions or Great Britain have minimal effect at this stage. That assessment is not cynicism. It is the record.

III. What the Executive and Legislative Branches Can Still Do

Congress, with support from the Executive Branch, made a meaningful adjustment in 2019 with the Hong Kong Human Rights and Democracy Act and in 2020 with the Hong Kong Autonomy Act. Together, those statutes introduced a range of penalties for those who undermined the commitments of the Joint Declaration and the Basic Law.

The proposed Jimmy Lai Hong Kong Political Prisoner Accountability Act of 2026 is a welcome addition to that toolkit. It would strengthen the Executive Branch's negotiating position with Chinese counterparts. I respectfully urge its introduction and enactment.

Executive Branch leaders have raised Mr. Lai's case on multiple occasions. The prior administration issued statements condemning his prosecution and calling for his release. Senior officials raised Hong Kong's national security law and human-rights concerns in general terms. Those statements did not produce his release.

The present administration has gone further. Secretary Bessent, acting on the President's instruction, is the first official of this administration to raise Jimmy Lai's case with Chinese counterparts in the course of United States–China trade negotiations. President Trump raised the case directly with Xi Jinping in October 2025, appealing for release, citing Mr. Lai's age and health after a long trial, and suggesting that a release would serve bilateral relations and China's standing. The President raised the case again in May 2026. He subsequently observed that Chairman Xi had described it as “a tough one for him to do,” and that he, the President, was “not optimistic.”

I believe the President was moved to raise this case by Jimmy Lai's extraordinary life, and still more by the absolute devotion of Jimmy's children in making the case for their father's release. That case is more compelling today, not only because of the decline in Mr. Lai's health after years of solitary confinement, worsening medical conditions, and advanced age. Claire Lai has now shared her own cancer diagnosis publicly.

As a father who held his daughter's hand through truly terrible circumstances and ultimately lost her, I can attest that there has been no greater trial in my life. Not being permitted to hold her hand through those times would have been unimaginably worse. Xi Jinping's China should not make a dying man and a daughter confronting grave illness endure that additional cruelty in service of a political trophy.

This is no longer principally an appeal to law, foreign or domestic. It is no longer principally an appeal to policy or strategy. When the President next meets Chairman Xi, this should be an appeal to raise the case a third time—and to state that a refusal to permit the humanitarian release of a dying man to be with his daughter through the darkest challenge of their lives will affect the way the President regards Xi Jinping as a leader and as a counterpart. A release would better position the President to advocate policies aimed at strategic and economic stability. A denial would leave Congress prepared to impose consequences on those responsible, in ways they will feel.

IV. A Litmus Test for Leadership and for the Relationship

This is not solely a case about the terminal imprisonment or humanitarian release of one man. It is a litmus test of whether there remains any reason to believe there is a future in Xi Jinping's China for the kind of man Jimmy Lai is: a child of God, a lover of the real China, and, it may fairly be said, one of China's greatest entrepreneurs. The loss of that hope is what broke the old wagers on which policy was founded. This may be one of the last tests of whether that break is a temporary defect or an enduring feature of the system.

A release would not restore 1997. It would not revive Apple Daily. It would tell the world—and it would tell President Trump—that Chairman Xi can still choose mercy when the world is watching. That is a signal about leadership. It is a signal about whether any understanding with this counterpart is worth the paper on which it is written.

A refusal tells a different story. It says the Party would rather permit an elderly Catholic publisher to die in isolation than concede that a free Chinese life is not a threat. If that is the story Chairman Xi brings to Washington on September 24, Congress should answer with the Accountability Act and with every instrument already enacted. Officials who jail, prosecute, and isolate should be identified and made to bear costs.

Recommendations to the Executive Branch. Place the case of Jimmy Lai on the agenda for September 24 as a standalone humanitarian item, not a footnote to commercial or security discussions. State publicly, in advance of the meeting, that a humanitarian release would be read as a measure of Chairman Xi's seriousness as a counterpart. After the meeting, report what was asked and what answer was received.

Recommendations to the Legislative Branch. Introduce and pass the Jimmy Lai Hong Kong Political Prisoner Accountability Act of 2026 before the summit if possible, and if not, immediately thereafter. Keep the Hong Kong Human Rights and Democracy Act and the Hong Kong Autonomy Act in active use—through reports, designations, and visa restrictions—rather than as statutes of record only. Treat the condition of other political prisoners in Hong Kong as part of the same account. Mr. Lai is the name the world knows. He is not the only prisoner in the system.

This matter should not be outsourced to London or to international bodies that have already had their opportunity. It is now an American conversation with Chairman Xi, in the capital of the United States, eight days after this hearing.

Conclusion

Jimmy Lai left poverty without a Party card. He built enterprises. He built a newspaper that told the truth when others fell silent. He remained in Hong Kong when he could have departed. He prays in a cell. His children appear before this Commission to ask that a great power permit their father to die at home, or to live a little longer in the open air. That is not a complicated request.

Chairman Xi is coming to Washington. President Trump has already asked twice. He should ask a third time. The cost of refusal should be made real. The meaning of assent should be made clear: a leader still capable of the decent act when a father and a daughter are out of time.

If Chairman Xi cannot do that, the United States should cease telling itself stories about the future of this relationship that the facts will not support.

I thank the Commission for its attention. I thank Sebastien Lai and the Lai family for their steadfastness. I thank Mark Clifford for keeping the historical record honest. I ask this body to treat September 24 as the deadline that it is.

Respectfully submitted,

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