

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, LI Xiurong,
CAO Lijun, HU Yang, GAO Jinying, CUI Lina, XU Ting,
and BIAN Hexiang,

Plaintiffs,

vs.

Chinese Anti-Cult World Alliance (CACWA), Michael
CHU, LI Huahong, WAN Hongjuan, ZHU Zirou, &
DOES 1-5 Inclusive,

Defendants.

**NOTICE OF MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

No. 15-CV-1046 (SLT) (VMS)

PLEASE TAKE NOTICE that upon the Plaintiffs' Local Civil Rule 56.1 Statement, Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment, Declaration of Terri Marsh in Support of Plaintiffs' Motion for Partial Summary Judgment, and exhibits annexed thereto, Plaintiffs will move this Court before the Honorable Sandra L. Townes, at the United States Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, at a time and date to be determined by the Court, for partial summary judgment on the issue and claims set forth in the supporting papers, and for any further relief the Court deems just and proper.

Dated: New York, New York
November 13, 2017

/s/ Terri E. Marsh

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No. 15-CV-1046 (SLT) (VMS)

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY JUDGMENT**

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TABLE OF CONTENTS

	PAGE
INTRODUCTION.....	1
STATEMENT OF UNDISPUTED FACTS.....	2
A. Undisputed Facts that Falun Gong is a Religion.....	2
B. Undisputed Facts as to Defendants’ Counterclaims.....	7
STANDARD OF REVIEW FOR SUMMARY JUDGMENT	8
ARGUMENT	9
I. THERE IS NO GENUINE ISSUE OF MATERIAL FACT AND PLAINTIFFS HAVE SHOWN THEY ARE ENTITLED TO JUDGMENT AS A MATTER OF LAW THAT FALUN GONG IS A RELIGION PROTECTED BY FEDERAL AND STATE LAW ⁹	
A. Federal and New York civil rights laws protect against private conspiracies to interfere with the constitutionally-protect freedom to exercise one’s religion.....	9
B. The Belief System and Practices of Falun Gong Meet the Religious Definition Test Set Forth by the Supreme Court, the Second Circuit, and other Circuit Courts	11
1. The Supreme Court	11
2. The Circuit Courts of Appeals	12
a. Second and Third Circuits	12
b. Tenth Circuit Court of Appeals	14
c. District of Columbia and Seventh Circuit Courts of Appeals.....	15
d. Other Circuits	16
C. Other Authorities Treat Falun Gong as a Religion	16
D. Defendants’ Disagreements with the Tenets of Falun Gong Are Irrelevant	19

TABLE OF CONTENTS (cont'd)

	PAGE
II. DEFENDANTS' BASELESS AND TIME-BARRED COUNTERCLAIMS	19
A. Negligence claims incompatible with assault and battery allegations	19
B. Defendant Zhu's counterclaims	21
C. Defendant Li's counterclaims	22
D. Defendant Wan's counterclaims.....	22
CONCLUSION.....	23

TABLE OF AUTHORITIES

CASES	PAGE
<i>Africa v. Pennsylvania</i> , 662 F.2d 1025 (3d Cir. 1981).....	13
<i>Alvarado v. City of San Jose</i> , 94 F.3d 1223 (9th Cir. 1996)	16
<i>Brown v. Eli Lilly & Co.</i> , 654 F.3d 347 (2d Cir. 2011)	8
<i>Cordiano v. Metacon Gun Club, Inc.</i> , 575 F. 3d 199 (2d Cir. 2009).....	8
<i>Cutter v. Wilkinson</i> , 349 F.3d 257 (6th Cir. 2003)	16
<i>DeHart v. Horn</i> , 227 F.3d 47 (3d Cir. 2000).....	13
<i>Doswell v. Smith</i> , No. 94-6780, 1998 U.S. App. LEXIS 4644 (4th Cir. Mar. 13, 1998).....	16
<i>E.E.O.C. v. United Health Programs of America, Inc.</i> , 213 F. Supp. 3d 377 (E.D.N.Y. 2016)	8
<i>Fincher v. Depository Trust & Clearing Corp.</i> , 604 F. 3d 712 (2d Cir. 2010)	8
<i>Founding Church of Scientology v. United States</i> , 409 F.2d 1146 (D.C. Cir. 1969).....	15
<i>Heffernan v. City of Patterson</i> , 136 S. Ct. 1412 (2016)	6
<i>Int’l Soc’y for Krishna Consciousness, Inc. v. Barber</i> , 650 F.2d 430 (2d Cir. 1981).....	12, 13
<i>Jews for Jesus, Inc. v. Jewish Cmty. Relations Council of N.Y., Inc.</i> , 968 F.2d 286 (2d Cir. 1992)	9
<i>Kaufman v. McCaughtry</i> , 419 F.3d 678 (7 th Cir. 2004).....	15, 16
<i>Love v. Reed</i> , 216 F.3d 682 (8th Cir. 2000).....	16
<i>Malnak v. Yogi</i> , 592 F.2d 197 (3d Cir. 1979).....	13
<i>Mazurkiewicz v. N.Y.C. Transit Auth.</i> , 810 F. Supp. 563 (S.D.N.Y. 1993)	20
<i>Mazzafarro v. Albany Motel Enters.</i> , 127 A.D.2d 374 (3d Dep’t 1987)	20
<i>Rivera v. Smith</i> , 63 N.Y.2d 501 (1984).....	10
<i>Tatum v. City of N.Y.</i> , No. 06 Civ. 4290 (BSJ)(GWG), 2009 WL 124881 (S.D.N.Y. Jan. 20, 2009)	20
<i>Torcaso v. Watkins</i> , 367 U.S. 488 (1961)	11, 19
<i>U.S. v Ballard</i> , 322 U.S. 78 (1944).....	11, 19

TABLE OF AUTHORITIES (cont'd)

CASES	PAGE
<i>United States v. Allen</i> , 760 F.2d 447 (2d Cir. 1985)	13
<i>United States v. Meyers</i> , 95 F.3d 1475 (10th Cir. 1996).....	14, 15
<i>United States v. Seeger</i> , 380 U.S. 163 (1965).....	12
<i>United States v. Sun Myung Moon</i> , 718 F.2d 1210 (2d Cir. 1983).....	12
<i>Washington Ethical Society v. District of Columbia</i> , 249 F.2d 127 (D.C. Cir. 1957)	11
<i>Welsh v. United States</i> , 398 U.S. 333 (1970)	12
<i>Zalaski v. City of Bridgeport Police Dep’t</i> , 613 F.3d 336 (2d Cir. 2010).....	8
 STATUTES	
18 U.S.C. § 248	1, 9-10
42 U.S.C. § 1985	1, 9
New York Civil Rights Law § 79-n	1, 10
C.P.L.R. § 214.....	21
C.P.L.R. § 215	21, 22
 RULES	
Federal Rule of Civil Procedure 56	1
 CONGRESSIONAL MATERIALS	
H. Res. 304, 108 th Cong. (2004)	18
H. H. Res. 605, 111th Cong. (2010)	18
H. Res. 281, 113th Cong. (2014).....	18
S. Res. 232, 112th Cong. (2011).....	18

TABLE OF AUTHORITIES (cont'd)

BOOKS AND ARTICLES	PAGE
David Becker, “Free Exercise of Religion under the New York Constitution,” 1999 CORNELL L. REV. 1088, 1094	10
Scott Fein & Andrew Ayers, “Protections in the New York State Constitution Beyond the Federal Bill of Rights,” at 1, 19 (2017).....	10
Jim Rossi, “Institutional Design and the Lingering Legacy of Antifederalist Separation of Powers Ideals in the States,” 52 VAND. L. REV. 1167, 1218 (1999)	10
William James, <i>The Varieties of Religious Experience</i> (1910)	13
Paul Tillich, <i>Theology of Culture</i> (1959)	13
Paul Tillich, <i>Dynamics of Faith</i> (1957)	13
 OTHER	
Book of Job.....	3
Sermon on the Mount.....	3
Teachings of the Dalai Lama, “Compassion and the Individual,” <i>available at</i> www.dalailama.com/messages/compassion-and-human-values	

INTRODUCTION

Federal Rule of Civil Procedure 56(a) requires summary judgment on individual claims or defenses, as well as any “part of [a] claim,” so long as “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Plaintiffs submit this memorandum of law in support of their motion for partial summary judgment that Falun Gong is a religion protected under the federal and state laws that plaintiffs have sued under, and to dismiss several of Defendants’ counterclaims as untimely and because there is no support for them in the record.

This is an action arising from the Defendants’ campaign of intimidation and violence aimed at Plaintiffs because of their religious practice of Falun Gong, or perceived affiliation with Falun Gong. It is brought pursuant to 42 U.S.C. § 1985(3), 18 U.S.C. § 248(a)(2), New York Civil Rights Law § 79-n and New York common law. The Defendants systematically stalked, harassed, attacked, and threatened to kill the Plaintiffs based on their Falun Gong practice, or perceived practice. Almost all of these incidents occurred in the vicinity of Falun Gong’s religious sites or as Falun Gong practitioners sought to access the roadways to distribute Falun Gong religious materials or participate in Falun Gong parades.

This partial summary judgment motion is necessary and important because Defendants have tried to turn this litigation in a referendum on Falun Gong. If summary judgment is not granted here, we expect Defendants will use the trial to improperly paint Falun Gong as a “cult” and otherwise confuse the jury with strawman attacks on Falun Gong beliefs the Defendants say are “weird” or “strange.” In fact, Falun Gong beliefs are a part of broader Eastern Asian traditional beliefs and many are shared with the western world’s largest religions. There is no dispute of material fact that Falun Gong is a religion under any possible definition. It will distract and confuse the jury, and unnecessarily prolong the trial, to leave this issue unresolved, and because there is no

material dispute on the matter, the Court should grant summary judgment that Falun Gong is a religion.

Furthermore, many of Defendants' counterclaims are untimely and find no support in the record evidence. In short, Defendants pled frivolous counterclaims accusing Plaintiffs of attacking them, when, in their own depositions, the Defendants (for the most part) could not identify a single date, time, or attacker in any of these incidents. Plaintiffs' depositions, on the other hand, confirmed the particulars of each incident in which Defendants attacked them, and there is video and photographic evidence corroborating those accounts. Since these counterclaims are frivolous and were brought well past the statute of limitations, they should be dismissed on summary judgment.

STATEMENT OF UNDISPUTED FACTS

A. Undisputed Facts that Falun Gong is a Religion

It is an undisputed fact in this litigation that Falun Gong is a religion. Not only, as detailed below, do we set forth, based on expert testimony and related documents and government publications, the basis for this belief that Falun Gong is a religion, the Defendants in this case have offered no competent evidence to the contrary. In fact, at the deposition of Defendants' "expert", Dr. Xia Ming, Defendants' counsel stipulated on the record that Dr. Xia was not prepared to offer an opinion on whether Falun Gong is a religion. Falun. Pls' Local Rule 56.1 Statement (attached hereto) ¶57 (hereinafter "Pls' 56.1")

Li Hongzhi founded Falun Gong (which is also called Falun Dafa) in 1992 in China. Taught initially through lectures delivered by Mr. Li, in 1994 the core teachings of Falun Gong were written down and published in "Zhuan Falun," which serves as the equivalent of the Old and New Testaments in the lives of Falun Gong believers. Defined as the core religious text or "bible" of Falun Gong, Zhuan Falun is offered to believers as the sole guide to their religious practice, often

referred to as “cultivation.” This practice of cultivation depends on the repeated reading of Zhuan Falun, known as “Fa study.” Other writings and lectures of Mr. Li are offered only as “assisting materials” that provide illustrations of core tenets set forth in Zhuan Falun. Pls’ 56.1 ¶¶ 1-6.

Zhuan Falun includes, among other things, discussions about the divine creator and its highest manifestation, Zhen-Shan-Ren; ultimate concerns or ideas related to fundamental questions about life, death and other imponderable matters; metaphysical beliefs that address the reality which transcends the physical world; a moral/ethical system that prescribes norms of conduct; and a comprehensive set of beliefs (religious beliefs are not confined to a single question); a founder; important writings; gathering places designated for religious study; designated times for prayer, special diet; and the propagation of the religion. Pls’ 56.1 ¶¶ 7-26; *see* Ex. 3 (excerpts from Zhuan Falun)¹. The central tenets of Falun Gong that are listed below are derived solely from the core religious text of Zhuan Falun.

A Divine Creator. According to Zhuan Falun, a divine creator, known as DAFA or the Buddha FA, created time and space, the multitude of lives and species, and all of creation. Pls’ 56.1 ¶ 7. The highest manifestation of the “divine creator” is Zhen-Shan-Ren (“Truthfulness-Compassion-Tolerance”); this is the “fundamental characteristic of the universe” which plays a guiding role in the lives of Falun Gong believers at different levels. *Id.* ¶ 8. Falun Gong believers “cultivate” Zhen-Shan-Ren to “become truthful, compassionate and tolerant in their daily lives.” *Id.* ¶¶ 11, 13-18.

Ultimate Concerns. Like established religions such as Christianity, Judaism, and Buddhism, which address fundamental and ultimate questions having to do with deep and imponderable matters such as the meaning or purpose of life, death, and man’s place in the cosmos, *see*, e.g., the Book of Job; the Sermon on the Mount; teachings of the Dalai Lama, “Compassion and the Individual,” *available at* www.dalailama.com/messages/compassion-and-human-values, the core

¹ All exhibits referenced herein are annexed to the accompanying affirmation of Terri Marsh.

spiritual text of Zhuan Falun similarly addresses such ultimate concerns and questions, e.g., the causes of human suffering, and the ultimate purpose of human life. Pls' 56.1 ¶¶ 9,10.

Cultivation. The practice of cultivation, which plays a prominent role in Eastern religions as well as Falun Gong, is the practice through which believers attain wisdom, enlightenment, salvation, and/or return to their true, original selves. *Id.* ¶ 11.² The practice requires ongoing inner reflection to identify and discard attachments to greed, lust, jealousy, hatred, anger, other emotions and desires and (more generally) selfishness, *id.* ¶¶ 19-20, while assimilating more and more to Zhen-Shan-Ren and becoming more compassionate/benevolent, truthful and tolerant, *id.* ¶¶ 13-18. Any cultivator who becomes one with the Divine Creator is an enlightened one – Divine. *Id.* ¶ 11.

Ethical and Moral Codes of Conduct. Religious belief systems often prescribe a way of life that is moral or ethical. *See, e.g.*, the “Sermon on the Mount.” The ethical and moral belief structure of Falun Gong similarly describes conduct in such normative terms as “good or evil” and “right or wrong.” *Id.* ¶¶ 12-20. Through the cultivation of what is “good” or “right,” Falun Gong believers may attain enlightenment and assimilate to Zhen-Shan-Ren, the highest manifestation of the Buddha Fa.³ *Id.* ¶¶ 11, 13-20. The cultivation of compassion is especially emphasized. *Id.* ¶ 13.⁴ Other moral or ethical norms of conduct include such prescriptions as “be good to our parents and children and be considerate of others in all respects,” *Id.* ¶ 14, to avoid killing, jealousy, lust, anger, and hatred, and more generally to cultivate “*de*” (virtue). *Id.* ¶¶ 19-20.

Metaphysical Beliefs. The metaphysical realms of virtually all religions include an array of beliefs that cannot be demonstrated via empirical or theoretical science and may appear to non-

² The practice of Judaism, Christianity, Buddhism and Taoism are all modes of cultivation that offer salvation to their disciples and adherents. Li Hongzhi Lecture in Sydney, 1996, *available at* <http://en.falundafa.org/eng/lectures/1996L.html>; Exhibit 3 ¶ 1.

³ “Buddha Fa” is one designation for the “Divine Creator.” *See supra* at 3.

⁴ Believers are instructed to cultivate compassion and taught how best to become more compassionate. Pls' 56.1 ¶ 13; Ex. 2 ¶ 18 (“Practitioners, you will suddenly come across conflicts. What should you do? You should always maintain a heart of compassion and kindness. Then, when you run into a problem, you will be able to do well because it gives you room to buffer the confrontation. You should always be benevolent and kind to others, and consider others when doing anything.”).

believers as incomprehensible or preposterous. One cannot prove such deep religious convictions as the existence of Yahweh, the birth of Eve, the Fall from Grace, the immaculate conception, the Holy Ghost, the Trinity, the many miracles attributed to Jesus, the belief that saints and the Virgin Mary can perform miracles on God's behalf, the self-described mystical experiences of Yogi, Hindus, and Christian Saints, the revelation of the Absolut, and so on. The metaphysical realm of Falun Gong is similarly a matter of faith. As noted, the Falun Gong metaphysic teaches the existence of a divine creator and its highest manifestation, Zen-Shan-Ren, *id.* ¶¶ 22, 7; the existence of such deities as Buddha Sakyamuni, *id.* ¶ 24(b)-(c); and of multiple dimensions, *id.* ¶ 24(a) where other Buddhas, Daos, and Gods reside, *id.* ¶ 24 (b)-(c). The metaphysical realm further encompasses one's Main Spirit or Primary Soul (also referred to as one's "True Self"), *id.* ¶ 24(e), and such other intangible phenomena as "de" (virtue) and "gong" ("cultivation energy"), *id.*; a "Falun" (law wheel), *id.* ¶ 24(d); and reincarnation and karma, *id.* ¶ 24(f). Few of these beliefs are unique to Falun Gong. *See, e.g.,* Pls' 56.1 ¶¶ 50-51, 52-54, 60, n. 4.

Accoutrements. The tenets of Falun Gong encourage the propagation of its views, *id.* ¶ 31, offer a diet that does not include the imbibing of uncooked food or alcohol, *id.* ¶ 26, and encourage believers to perform the five exercises and study their bible together at special gathering places, *id.* ¶ 25. The iconography of Falun Gong takes the form of images of the Falun (or law wheel), of Buddhas, Taos, Bodhisattvas, and Celestial Maidens. *Id.* ¶ 26. The practice also includes the celebration of specific holidays including the celebration of Falun Dafa Day on May 13th. *Id.*

Falun Gong is part of a religious tradition with ancient roots in East Asia. As Dr. Arthur Waldron, an expert in Chinese history and the history of religion in China, has opined, Falun Gong's religious teachings are comparable to those of a broader Buddhist, Daoist, and traditional Chinese cosmology. *Id.* ¶ 52. The believers of Falun Gong refer to themselves as part of a larger "Buddhist School" of faith practices, and Zhuan Falun contains sections discussing the historical Buddha,

Sakyamuni, as well as their interpretation of Zen Buddhism and of several other figures and ideas from Buddhist history and scripture. *Id.* ¶ 52 *The* process of reincarnation described in Zhuan Falun is akin to the concept of “karma,” or the accumulated effect of good and bad deeds performed in one’s life impacting one’s subsequent incarnations, which is a feature of other Eastern religions. *Id.* The idea that there are supernatural causes for natural disasters, or unfavorable personal or national events, is a commonly held belief shared by branches of Buddhism including Tibetan Buddhism, as is the importance of maintaining compassion for all living beings. *Id.* The teachings of Falun Gong also emphasize many of the concepts and principles of Daoism, such as the need to “follow the course of nature,” instead of imposing one’s own will upon the world. *Id.*

Sincerely Held Beliefs. All of the Falun Gong Plaintiffs affirmed their sincerely held belief in the tenets and practice of Falun Gong. Pls’ 56.1 ¶¶ 27-39.⁵ Most Plaintiffs stated their regard for Zhen-Shan-Ren as divine principles that serve as guideposts to their faith practice. *Id.* ¶¶ 29(c), 33(c), 34(c), 35(c), 36(b), 37(c), 38(a). Some defined cultivation as a form of purification or spiritual elevation, *id.* ¶¶ 29(c), 33(c), or as a path to enlightenment or salvation, *id.* ¶ 36(b); discussed the ethical or moral requirements as central components of their lives as cultivators, *id.* ¶¶ 33(i), 36(e), 37(c), 38(a); voiced their solid (unshakeable) belief in the tenets of Falun Gong, *id.* ¶¶ 29(c)-(d), 30(f), 31(e), (f), (h), 32(f), 33(c)-(d), (f), 36(f), 37(g), 39(f); and in other ways evinced a deep understanding of other tenets of Falun Gong, *id.* ¶¶ 27-39.

All have described their diligent adherence to the proscribed practice of Falun Gong through early morning prayer or righteous thoughts, *id.* ¶¶ 29(f), 34(i), 35(g), 37(b), (e); their participation in

⁵ The phrase “Falun Gong” Plaintiffs” designates those Plaintiffs who believe in and strive to follow the precepts of Falun Gong. From a legal standpoint, it matters not whether the plaintiffs believe in Falun Gong, or were merely perceived to have believed in Falun Gong, when attacked. *Cf. Heffernan v. City of Patterson*, 136 S. Ct. 1412, 1414-15 (2016) (what matters for a § 1983 First Amendment retaliation claim is only that the discriminator *believed* the person was speaking on a matter of First Amendment concern when he retaliated against him because “the constitutional harm ... is the same whether or not the [defendant’s] action rests upon a factual mistake).

group religious study once a week and daily (group) meditation exercises, *id.* ¶¶ 29(a)-(b), 30(a)-(c), 31(b)-(c), 32(a)-(b), 33(a)-(b), (e), 34(a)-(b), 35(a)-(b), 36(a)-(b), (d), 37(a)-(b), 38(b), (e), 39(a)-(c); and/or the propagation of Falun Gong at the Spiritual Center sites (or tables), *id.* ¶¶ 29(f), 30(d), 31(c), 32(g), 33(f), 34(e), 35(d), 36(e), 37(e), 39(c); in spite of Defendants' twenty-five acts of violence and intimidation, *id.* ¶¶ 31(f), (h), 33(f), 34(g), 36(f), 37(g). Many indicated that they regard the founder of Falun Gong as a sacred figure, akin to a deity. *Id.* ¶¶ 29(d), 31(d), 33(d), 37(d), 38(c). Virtually all described Falun Gong as a religion. *Id.* ¶¶ 29(e), 30(g), 31(i), 32(f), (i), 33(i), 34(h), 35(f), 36(e), 37(d).

Those Plaintiffs who were arrested, persecuted, and tortured in China based on their practice of Falun Gong refused to denounce their beliefs in exchange for freedom. Nor did they discontinue their practice of Falun Gong in spite of current and future retaliatory consequence. *Id.* ¶¶ 31(f), 33(f), 36(f). Those who were asked similarly demonstrated their solid commitment to the practice of Falun Gong in the United States in spite of the violence and intimidation perpetrated against them by the Defendants. *Id.* ¶¶ 30(f), 31(h), 34(g), 37(g), 39(f).

B. Undisputed Facts as to Defendants' Counterclaims

Defendants Chu, Li, and Zhu filed a series of counterclaims in 2016 grouped in four causes of action: assault and battery (First Cause of Action), New York Civil Rights § 79-n (Second Cause of Action), intentional infliction of emotional distress (Third Cause of Action), and negligence (Fourth Cause of Action). *See* 2d Am. Answer & Countercl. at 35-39 (ECF No. 71); *see also* Answer & Countercl. (ECF No. 43); Am. Answer & Countercl. (ECF No. 52). Defendant Wan alleged essentially the same counterclaims: assault and battery (First Cause of Action), intentional infliction of emotional distress (Second Cause of Action), and negligence (Third Cause of Action). Wan 2d Am. Answer & Countercl. (ECF No. 70). The counterclaims parroted plaintiffs' claims and merely alleged that "in each of the incidents set forth in the Complaint as identified in Counterclaim, in fact

it was the Plaintiffs who” harassed or assaulted the Defendants. *See* 2d Am. Answer & Countercl. at 35 (ECF No. 71); Wan 2d Am. Answer & Countercl. at 15-16 (ECF No. 70). However, Defendants failed to describe Plaintiffs’ actions or give any details of these incidents, and depositions of the Defendants confirmed that several of these claims were patently frivolous. Defendant Wan, for instance, admitted that she assaulted Plaintiff Zhang during the January 3, 2016 incident. Pls’ 56.1 ¶ 62. In others, the Defendants could not describe specifics of what happened. Many of the counterclaims were also filed more than five years after the underlying incidents, although the longest relevant statute of limitations was three years. These include Defendant Zhu’s counterclaims against Plaintiff Zhou Yanhua, Plaintiff Bian Hexiang, Plaintiff Li Xiurong and Plaintiff Cao Lijun. They also include Defendant Li’s counterclaims against Bian Hexiang, Gao Jingying, Li Xiurong and Cao Lijun.

STANDARD OF REVIEW FOR SUMMARY JUDGMENT

Summary judgment is appropriate “only where there is no genuine issue of material fact to be tried, and the facts as to which there is no such issue warrant entry of judgment for the moving party as a matter of law. *E.E.O.C. v. United Health Programs of America, Inc.*, 213 F. Supp. 3d 377 (E.D.N.Y. 2016) (quotation marks omitted) (quoting *Kaytor v. Electric Boat Corp.*, 609 F.3d 537, 545 (2d Cir. 2010)). “A fact is material if it might affect the outcome of the suit under the governing law.” *Fincher v. Depository Trust & Clearing Corp.*, 604 F. 3d 712, 720 (2d Cir. 2010) (quotation marks omitted) (quoting *Roe v. City of Waterbury*, 542 F.2d 31, 35 (2d Cir. 2008)).

“The moving party bears the burden of establishing the absence of any genuine issue of material fact.” *Zalaski v. City of Bridgeport Police Dep’t*, 613 F.3d 336, 340 (2d Cir. 2010). “When the burden of proof at trial would fall on the nonmoving party, it ordinarily is sufficient for the movant to point to a lack of evidence to go to the trier of fact on an essential element of the non-movant’s claim.” *Cordiano v. Metacon Gun Club, Inc.*, 575 F. 3d 199, 204 (2d Cir. 2009). In turn, to defeat a

motion for summary judgement, the non-moving party “must do more than simply show that there are some metaphysical doubts as to the material facts,” *Brown v. Eli Lilly & Co.*, 654 F.3d 347, 358 (2d Cir. 2011) (quoting *Matsushita Elec. Indus. Co., v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986)), and “may not rely on conclusory allegations or unsubstantiated speculation,” *id.* (quoting *Federal Deposit Ins. Corp., v. Great Am. Ins. Co.*, 607 F. 3d 288, 292 (2d Cir. 2010)).

Applying these standards, Plaintiffs are entitled to summary judgment that Falun Gong is a religion protected under federal and state civil rights law, and certain of Defendants’ counter-claims are unsupported by admissible evidence and are barred by the statute of limitations.

ARGUMENT

I. THERE IS NO GENUINE ISSUE OF MATERIAL FACT AND PLAINTIFFS HAVE SHOWN THEY ARE ENTITLED TO JUDGMENT AS A MATTER OF LAW THAT FALUN GONG IS A RELIGION PROTECTED BY FEDERAL AND STATE LAW.

A. Federal and New York civil rights laws protect against private conspiracies to interfere with the constitutionally-protect freedom to exercise one’s religion.

Plaintiffs have brought claims against defendants for interfering with their right to religious freedom in violation of 42 U.S.C. § 1985(3), 18 U.S.C. § 248(a)(2), and New York Civil Rights Law § 79-n. A common element of each of these three statutes is that the offensive conduct must be based on or aimed at interfering with a person’s religious exercise.

A claim under 42 U.S.C. § 1985(3) lies “when a plaintiff is injured by a private conspiracy to interfere with his [or her] constitutional rights.” *Jews for Jesus, Inc. v. Jewish Cmty. Relations Council of N.Y., Inc.*, 968 F.2d 286, 291 (2d Cir. 1992) (citing *Colombrito v. Kelly*, 764 F.2d 122, 130 (2d Cir. 1985)). There must also be “some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators’ action.” *Id.* In the Second Circuit, “class-based animus” includes “discrimination based on religion.” *Id.*

The Freedom of Access to Clinic Entrances Act, 18 U.S.C. § 248(a)(2) provides civil remedies against whoever “by force or threat of force or by physical obstruction, intentionally

injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.” Thus, the plain text of § 248(a)(2) incorporates First Amendment-protected religious beliefs.

New York, likewise, protects religion from acts of bias-related violence or intimidation.

New York Civil Rights Law § 79-n(2) provides:

Any person who intentionally selects a person or property for harm or causes damage to the property of another or causes physical injury or death to another in whole or in substantial part because of a belief or perception regarding the . . . religion, [or] religious practice . . . of a person, regardless of whether the belief or perception is correct, shall be liable, in a civil action or proceeding maintained by such individual or group of individuals

The New York Court of Appeals has relied primarily on federal law from 1958 to 1999 to define religion under the free exercise clause. *See* David Becker, “Free Exercise of Religion under the New York Constitution,” 1999 CORNELL L. REV. 1088, 1094.⁶ Moreover, in the area of religious liberty protections, the New York Court of Appeals has afforded more extensive protections to religious liberty than is forthcoming under its federal counterpart.” *See* Scott Fein & Andrew Ayers, “Protections in the New York State Constitution Beyond the Federal Bill of Rights,” at 1, 19 (2017) (“the New York Court of Appeals has afforded more extensive protections to religious liberty than is forthcoming under its federal counterpart”); *cf. Rivera v. Smith*, 63 N.Y.2d 501 (1984) (sustaining a Muslim prisoner’s right to be free from frisk searches by women guards, a restriction far broader than that afforded under the free exercise clause of the U.S. Constitution). Accordingly, Plaintiffs’ beliefs and practices merit protection under Civil Rights Law § 79-n for the same reasons provided *infra* under federal law.

⁶ When a state court addresses an issue to which both the U.S. Constitution and the state constitution have applicable clauses – such as free exercise and non-establishment of religion – the state court must use the federal authority to define the minimum applicable threshold concerning individual rights. *See* Jim Rossi, “Institutional Design and the Lingering Legacy of Antifederalist Separation of Powers Ideals in the States,” 52 VAND. L. REV. 1167, 1218 (1999).

There is no genuine dispute that Falun Gong is a religion protected under 42 U.S.C. § 1985(3), 18 U.S.C. § 248(a)(2), and New York Civil Rights Law § 79-n.

B. The Belief System and Practices of Falun Gong Meet the Religious Definition Test Set Forth by the Supreme Court, the Second Circuit, and other Circuit Courts.

1. The Supreme Court

In *U.S. v Ballard*, 322 U.S. 78 (1944), the Supreme Court rejected a definition of religion based on the content of the views espoused. Grounding its approach in history, the Court noted how profoundly aware the Founding Fathers were of the varied views of religious sects, of the disagreement among them, and of the lack of any one religious creed on which all men would agree. For this reason, they fashioned the Constitution to allow the widest possible toleration of conflicting views. Accordingly, *Ballard* emphasized “[f]reedom of thought, which includes freedom of religious belief...embraces the right to maintain theories of life and of death and of the hereafter which are rank heresy to followers of the orthodox faiths.” *Id.* at 86. “Men... may not be put to the proof of their religious doctrines or beliefs.” *Id.* “Doctrines that may appear incredible or preposterous to many are not for that reason, not ‘religious.’” *Id.* at 87.

In subsequent cases, the Supreme Court reinforced the *Ballard* approach by refusing to base a definition of religion in the beliefs of one religion as opposed to others. In *Torcaso v. Watkins*, 367 U.S. 488, 495 (1961), the Court rejected a definition of religion grounded in a belief in god, emphasizing that many who fled to the United States did so to escape religious intolerance and that the Establishment Clause means that the government may not in any way privilege the religious beliefs of some religions over those of others (noting that many religions do not espouse the worship of a god or gods including Buddhism, Taoism, Ethical Culture and Humanism). *Id.* at 495 n.11.⁷ Moreover, in two conscientious objector cases, the Supreme Court held that the test of belief

⁷ See also *Washington Ethical Society v. District of Columbia*, 249 F.2d 127 (D.C. Cir. 1957) (“Washington Ethical Society could not be denied a tax exemption merely because it did not worship a deity.”)

in a religion is based in “[a] sincere and meaningful belief, which occupies in the life of its possessor a place parallel to that filled, by [...] God.” *United States v. Seeger*, 380 U.S. 163, 166 (1965); *Welsh v. United States*, 398 U.S. 333, 340 (1970) (plurality opinion). In other words, the Court has held that the central consideration in determining whether an individual’s beliefs are religious is whether these beliefs play the role of and function as a religion in his life.⁸

There is no dispute that Falun Gong beliefs, as described above and in Plaintiffs’ Local Rule 56.1 Statement, play the role of and function as a religion in the lives of the Plaintiffs and other Falun Gong practitioners.

2. The Circuit Courts of Appeals

The various Circuit Courts of Appeals have adopted five primary approaches to determining whether a belief system constitutes a religion. As discussed below, the belief system and practice of Falun Gong meets the religious definitions offered by the Second, Third, Tenth, Seventh and District of Columbia Circuit Courts.

a. Second and Third Circuits

The relevant Second Circuit test is “whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the belief by the orthodox belief in God.” *Int’l Soc’y for Krishna Consciousness, Inc. v. Barber*, 650 F.2d 430, 440 (2d Cir. 1981) (citing *United States v. Seeger*, 380 U.S. 163, 166 (1965)). “God” is used in its broadest sense as including any object that is “godlike,” whether it is or is not a specific deity. *United States v. Sun Myung Moon*, 718 F.2d 1210, 1227 (2d Cir. 1983)) (citing W. James, “The Varieties of Religious Experience” 34

⁸ The Court in *Seeger* and the plurality in *Welsh* were construing terms of a statute. However, *Seeger* and *Welch* have significantly influenced how courts approach what religion means for the purposes of the First Amendment. *See, e.g., Ford v. McGinnis*, 352 F.3d 582, 588 (2d Cir. 2003) (quoting *Fifth Ave. Presbyterian Church v. City of New York*, 293 F.3d 570, 574 (2d Cir. 2002) (quoting *United States v. Seeger*, 380 U.S. 163, 185 (1965)).

(1910)).⁹ But a “God” is not a prerequisite for religion under Second Circuit Court cases. *See Barber*, 650 F.2d at 440. Instead, the Second Circuit’s “approach treats an individual’s ‘ultimate concern’ — whatever that concern be — as his ‘religion.’” *Id.* An individual’s “ultimate concern,” a “concern that is more than intellectual,” is a belief parallel to the ultimate belief in God. *Id.* “Under this definition, a touchstone of a religion is the believer’s categorical ‘disregard [of] elementary self-interest . . . in preference to transgressing [the religion’s] tenets.’” *United States v. Allen*, 760 F.2d 447, 450 (2d Cir. 1985) (quoting *Barber*, 650 F.2d at 440).

For purposes of a free-exercise claim under 42 U.S.C. § 1983, the Third Circuit has identified two prerequisites for protection of a religious belief: “[a] court’s task is to decide whether the beliefs avowed are (1) sincerely held, and (2) religious in nature, in the claimant’s scheme of things.” *DeHart v. Horn*, 227 F.3d 47, 51 (3d Cir. 2000) (en banc). The Third Circuit has also explained that religious beliefs (1) involve discussions about god, spirituality, divine destinies, purity, blessings, miracles and other matters having to do with such deep and imponderable matters related to personal and human morality; (2) comprise a system of beliefs as opposed to an isolated teaching; and (3) include formal and external signs. *Africa v. Pennsylvania*, 662 F.2d 1025 (3d Cir. 1981).¹⁰

Plaintiffs’ belief system more than meets these tests. All Falun Gong Plaintiffs¹¹ expressed their sincerely held beliefs in the tenets of the main text of Falun Gong, known as the “Zhuan Falun.” *See supra* Statement of Undisputed Facts (“SOF”) at § “Sincerely Held Beliefs,” at 6-7; *see also* Pls’ 56.1 ¶¶ 27-39. The Falun Gong canon addresses such “ultimate concerns” as the causes of

⁹ The theologian William James defined as ‘religious’ the “feelings, acts, and experiences of individual men in their solitude, so far as they apprehend themselves to stand in relation to whatever they may consider the divine.” William James, *The Varieties of Religious Experience* (1910).

¹⁰ In *Malmak v. Yogi*, 592 F.2d 197, 208 (3d Cir. 1979), the Third Circuit noted that Paul Tillich’s thoughts have influenced the courts and commentators. Paul Tillich, a protestant liberal theologian, treated an individual’s “ultimate concern” as her or his religion. *See* Paul Tillich, *Theology of Culture* at 7-9 (1959). According to Tillich, the need to be oriented by something beyond the finite realm is a necessity that is inherent within human existence; without it, people have a gap in their existence. Paul Tillich, *Dynamics of Faith* 13 (1957) at 1-2. An “ultimate concern” fills this gap. *Id.*

¹¹ Eleven of the thirteen plaintiffs are Falun Gong believers; the other two plaintiffs were targeted and harassed by Defendants because they perceived these plaintiffs to be Falun Gong believers.

human suffering, *id.* ¶ 9, the purpose of human life, *id.* ¶ 10, how to reach salvation, *id.* ¶¶ 11, 13-20, and the constituents of a metaphysical realm, *id.* ¶¶ 21-24. These are far more than “intellectual” concerns; believers “disregard elementary self-interest in preference to transgressing” their beliefs. *Id.* ¶¶ 30(f), 31(f), (h), 33(f), 34(g), 36(f), 37(g), 39(f). The ethical requirements are arduous: Falun Gong believers are required to display compassion, tolerance, and virtue in their daily lives, *id.* ¶¶ 13-19; and to eliminate all immoral thoughts and intentions of wrongdoing, jealousy, zealotry, fighting and arguing, and deception, and bullying, *id.* ¶ 20. Falun Gong believers are furthered required to awake early in the morning to pray, practice the Falun Gong five exercises daily, engage in daily study of Falun Gong scripture, propagate the religion, *id.* ¶ 25, and avoid alcohol and uncooked food, *id.* ¶ 26. In addition, the practice includes such formalities as iconography and the celebration of specified holidays. *Id.* Falun Gong is also part of a religious tradition with ancient roots in East Asia, particularly in China. *Id.* ¶ 52.

b. Tenth Circuit Court of Appeals

In *United States v. Meyers*, 95 F.3d 1475 (10th Cir. 1996), the Tenth Circuit Court of Appeals adopted a test composed of a variety of religious factors that various courts have identified. These factors include:

- a) Ultimate ideas that address deep and imponderable matters and questions about life, purpose, and death, man’s sense of being, teleological and cosmological matters;
- b) Metaphysical beliefs, i.e., beliefs that address a reality which transcends the physical and immediately apparent world, often including other dimensions inhabited by spirits, souls, forces, deities or other intangible entities;
- c) A Moral or Ethical System, which prescribe certain acts in normative terms, such as “right and wrong,” “good and evil,” or “just and unjust,” and (often) create duties imposed by some higher power, force, or spirit, that require the believer to abnegate elemental self-interest;
- d) A Comprehension of Beliefs that coalesce to provide the believer with answers to many of the problems and concerns that confront humans. In other words, religious beliefs generally are not confined to one question or a single teaching;
- e) Accoutrements, the presence of the following are may indicate that a particular set of beliefs is religious: A Founder, Prophet, or Teacher; Important Writings; Ceremonies, Ritual or

Protocols; Holidays; Diet or Fasting; Special Gathering Places; Appearance and Clothing; Propagation;

(f) Propagation (“Most religious groups ... propagate their views and persuade others of their correctness.”)

Id. at 1482-84.

As noted, the practice and systems of beliefs of Falun Gong include all of these factors, i.e., “ultimate concerns” or “ideas,” Pls’ 56.1 ¶¶ 9-10, in addition to a well-defined metaphysic, *id.* ¶¶ 21-24; a moral and ethical system, *id.* ¶¶ 13-20; a sacred text, Zhuan Falun, *id.* ¶¶ 1-2; a comprehensive system of beliefs, *id.* ¶¶ 7-26, a founder regarded by many as a “teacher,” a “deity,” or “saint,” *id.* ¶¶ 29(d), 31(d), 33(d), 37(d), 38(c); special gathering places for Fa study and meditation, *id.* ¶ 25, a special diet that excludes uncooked meat and alcohol, *id.* ¶ 26; and opportunities and encouragement to proselytize and propagate the religion, *id.* ¶ 25.

c. District of Columbia and Seventh Circuit Courts of Appeals

The District of Columbia views religion as belief systems that address underlying theories of man’s nature or his place in the Universe, see *Founding Church of Scientology v. United States*, 409 F.2d 1146, 1160 (D.C. Cir. 1969), a definition that clearly applies to Falun Gong, as noted *supra* at 12-13. The Seventh Circuit defines as religious beliefs that deal with issues of “ultimate concern” that occupy a “place parallel to that filled by ... God in traditionally religious persons. In *Kaufman v. McCaughtry*, 419 F.3d 678 (7th Cir. 2004), the Court emphasized that a religion need not be based on a belief in the existence of a supreme being (or beings, for polytheistic faiths, *id.* at 680-82 (citing *Torasco v. Watkins*, 367 U.S. 488, 495 & n. 11 (1961)); nor must it be a mainstream faith *id.* (citing *Thomas v. Review Bd.*, 450 U.S. 707, 714 (1981); *Lindell v. McCallum*, 352 F.3d 1107, 1110 (7th Cir. 2003)). Nor are distinctions between atheists and believers in deities or a divine realm permitted. *Id.* Instead the Circuit defined as religious beliefs dealing with issues of “ultimate concern” that occupy a “place parallel to that filled by ... God in traditionally religious persons” qualify as religious. *Id.* Insofar as Falun Gong belief system addresses such ultimate concerns as the purpose and meaning

and life, includes a sophisticated metaphysic that it shares with many other Eastern religions in addition to a moral and ethical code of conduct, and a belief in a divine creator and its highest manifestation (Zhen-Shan-Ren), it qualifies as a religion under this test as well.

d. Other Circuits

The religious definition tests provided by these five circuits represent the five primary approaches with other circuits generally deferring to and applying one of these respective viewpoints. *See, e.g., Cutter v. Wilkinson*, 349 F.3d 257, 276-68 (6th Cir. 2003); *Doswell v. Smith*, No. 94-6780, 1998 U.S. App. LEXIS 4644, at *9-10 (4th Cir. Mar. 13, 1998). Occasionally the other circuits use a test for the purpose of the particular case – assuming that the test properly defines religion. *See Love v. Reed*, 216 F.3d 682, 687 (8th Cir. 2000); *Alvarado v. City of San Jose*, 94 F.3d 1223, 1229 (9th Cir. 1996). Insofar as the belief system and practice of Falun Gong meets the religious factor test of the five primary circuits, i.e., it also meets the test relied upon by the other circuits.

C. Other Authorities Treat Falun Gong as a Religion

A broad range of authoritative sources agree that Falun Gong is a religion. The U.S. Commission on International Religious Freedom (USCIRF) has described Falun Gong as a religion since 2003. Pls' 56.1 ¶ 41. These reports consistently include Falun Gong practitioners in their discussions of China's "religious demography" and document the persecution of Falun Gong as a violation of religious freedom. *See, e.g., id.* ¶ 42 (citing U.S. Commission on International Religious Freedom Reports ("USCIRF") for China (2013) stating that "Falun Gong adherents were among those reported to be held solely for their religious association"). In 2015, USCIRF reported concluded that "[f]or religious freedom, this has meant unprecedented violations against ... Falun Gong practitioners." *Id.*

The U.S. Secretary of State included Falun Gong as a religion when introducing the 2017 USCIRF Annual Report. *Id.* ¶ 43. The U.S. Department of State analysis of the persecution of Falun

Gong in China is discussed under the heading “Freedom of Religion,” and in several reports notes that Falun Gong “blends aspects of Taoism, Buddhism, and meditation techniques ... with the teachings of Li Hongzhi.” *See id.* ¶ 44 (citing Department of State, 2000 Human Rights Report on China). The Department of State Reports have treated Falun Gong as a religion up through 2009, at which point they discontinued independent reporting and included a link to the USCIRF reports, which continue to treat Falun Gong as a religion. *Id.* In 2015, the Acting Principal Deputy Assistant Secretary for Democracy, Human Rights, and Labor testified before the House Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations on July 21, 2015 and said (inter alia) the mere belief in the practices of Falun Gong, even without public expression of its tenets, is sufficient grounds for the suppression of Falun Gong believers. *Id.* ¶ 45. The U.S. Congress has passed numerous resolutions condemning the persecution of Falun Gong believers for their *peaceful religious* beliefs. *Id.* ¶ 46.

The Congressional-Executive Commission similarly characterize the practice of Falun Gong as a religion. In its 2005 Annual Report, for instance, CECC wrote: “A Party-led anti-cult campaign that targeted religious and spiritual activities in rural areas, including Falun Gong practitioners, continued through late 2004.” (CECC, 2005 Annual Report). Pls’ 56.1 ¶ 48. It is available at https://chinacommission.gov/pages/annualRpt/annualRpt05/2005_3d_religion.ph. A 2008 CECC report indicated that “the Chinese government continued to detain and punish Falun Gong practitioners and *members of other spiritual and religious groups*.” (CECC, 2008 Annual Report). *Id.* It is available at <https://www.cecc.gov/publications/annual-reports/2008-annual-report>. *Id.* In a similar vein, a 2011 CECC report included Falun Gong with other religious traditions, describing one government goal as “to prevent Buddhists, Catholics, Falun Gong practitioners, Muslims, Protestants, and Taoists from freely practicing their beliefs. CECC, 2011 Annual Report, is available at <https://www.cecc.gov/publications/annual-reports/2008-annual-report>. *Id.* More recently in the

Commission’s 2015 Annual Report, the Commission characterized the crackdown against groups deemed “cults’ as the crackdown of Buddhist, Protestant house churches and “Falun Gong – a spiritual practice that the government continued to out- law.” *Id.*¹²

U.S. congressional reports designate Falun Gong as a Religion. The U.S. Congress has also passed numerous resolutions condemning the Persecution of Falun Gong for their *peaceful religious* beliefs. *See, e.g.*, H. Res. 304, 108th Cong. (2004) (emphasizing that Falun Gong is a peaceful spiritual movement that originated in the People’s Republic of China); H. H. Res. 605, 111th Cong. (2010) (describing Falun Gong as “a traditional Chinese spiritual discipline founded by Li Hongzhi in 1992, which consists of spiritual, religious, and moral teachings for daily life, meditation, and exercise, based upon the principles of truthfulness, compassion, and tolerance”); H. Res. 281, 113th Cong. (2014) (expressing concern over “large numbers of Falun Gong practitioners imprisoned for their religious beliefs”); S. Res. 232, 112th Cong. (2011) (emphasizing that “freedom of religion includes the right of Falun Gong practitioners to freely practice Falun Gong.”). Pls’ 56.1 ¶ 46.

Plaintiffs’ expert witnesses concluded that Falun Gong is a religion, *id.* ¶¶ 51-52, 54, 58, 60, and, along with Plaintiffs, enumerated factors demonstrating Falun Gong satisfies Second and Third Circuit tests. *See supra* Statement of Undisputed Facts (“SOF”) at § “Sincerely Held Beliefs,” at 6-7; *see also* Pls’ 56.1 ¶¶ 7-26, 28-39. Defendants’ expert did not conclude that Falun Gong is not a religion. *Id.* ¶¶ 56-57.

Accordingly, since the undisputed evidence shows that the Falun Gong belief system is religious, and that Plaintiffs held a sincere belief in Falun Gong, the question of whether Falun Gong is entitled to protection under 42 U.S.C. § 1985(3) and 18 U.S.C. § 248(a)(2) and New York Civil Rights Law § 79-n should be resolved as a matter of law before trial.

¹² *See* <http://www.cecc.gov/sites/chinacommission.house.gov/files/documents/2015%20AR%20Religion.pdf>.

C. Defendants' Disagreements with the Tenets of Falun Gong Are Irrelevant.

That defendants reject Falun Gong as a religion based on their own personal disagreement with certain practices of Falun Gong, including a belief in miracles, life after death, the power of prayer, and their view on the causes of human suffering. Pls' 56.1 ¶¶ 49-50. Such personal disagreements with selected practices of a religion does not establish in any way that Falun Gong is not a religion. The Supreme Court has long rejected a content-based definition of religion, *U.S. v Ballard*, 322 U.S. 78, 87 (1944), and has instead held that the First Amendment does not privilege some religious beliefs over others, *Torcaso v. Watkins*, 367 U.S. 488, 495 (1961). As further noted by Plaintiffs, Defendants use such labels as "ridiculous," "inappropriate," "warped," "twisted," and "evil cult" to describe Falun Gong. Pls' 56.1 ¶ 49. Many established religions have been labelled cults. Defendants' expert, Xia Ming was asked to comment on the many of the so called "inappropriate" Falun Gong beliefs shared by other religions. (*See e.g.*, Dep. of Xia at 83-84 (charismatic leaders), 89-90 (belief in aliens), 91-93 (belief in supernatural abilities), 96 (religious prohibition of taking of medicine), 98 (religious views about sexuality) & 101 (apocalyptic religious teachings)). Pls' 56. ¶ 50. These labels do not create a genuine dispute of fact about the religious nature of Falun Gong.

II. DEFENDANTS' BASELESS AND TIME-BARRED COUNTERCLAIMS.

Virtually all of Defendants' counterclaims are based on wholly conclusory allegations that Plaintiffs attacked them in each of the encounters in which Defendants, in fact, initiated violence or intimidation against the Plaintiffs. These counterclaims should be dismissed because they are baseless, untimely, and legally unsupportable.

A. Negligence claims incompatible with assault and battery allegations.

As a preliminary matter, all of the Defendants' negligence counterclaims must be dismissed because they are incompatible with the Defendants' allegations that Plaintiffs purportedly assaulted

them. Therefore, Defendants Chu, Li, and Zhu's Fourth Cause of Action, and Defendant Wan's Third Cause of Action must be dismissed.

While Plaintiffs recognize that it is acceptable to plead in the alternative, "when a plaintiff brings excessive force and assault claims which are premised upon a defendant's allegedly intentional conduct, a negligence claim with respect to the same conduct will not lie." *Tatum v. City of N.Y.*, No. 06 Civ. 4290 (BSJ)(GWG), 2009 WL 124881, at *10 (S.D.N.Y. Jan. 20, 2009) (quoting *Clayton v. City of Poughkeepsie*, No. 06 Civ. 4881(SCR), 2007 WL 2154196, at *6 (S.D.N.Y. June 21, 2007)); *see also Mazurkiewicz v. N.Y.C. Transit Auth.*, 810 F. Supp. 563, 570–71 (S.D.N.Y. 1993) ("Plaintiff cannot argue that defendants engaged in intentional conduct that forms the basis of an assault and § 1983 excessive force claim and also argue that defendants were negligent towards plaintiff."); *Mazzafiero v. Albany Motel Enters.*, 127 A.D.2d 374, 376 (3d Dep't 1987) ("[O]nce intentional offensive contact has been established, the actor is liable for assault and not negligence, even when the physical injuries may have been inflicted inadvertently There is, properly speaking, no such thing as a negligent assault." (quotation marks omitted)).

Defendants' allegations are that Plaintiffs intentionally assaulted and battered them. These allegations are incompatible with a theory of negligence. Defendants also have failed to state a legal claim of negligence based on a purported duty owed to them by the Plaintiffs "to prevent harm as a result of the dangerous situations and confrontations that they intentionally created." 2d Am. Answer & Countercl. at 17 (ECF No. 70); 2d Am. Answer & Countercl. at 38 (ECF No. 71). Plaintiffs know of no New York authority recognizing a duty "to prevent harm" during a confrontation. Even Defendants' own version of events belies that Defendants were solely responsible for any physical violence. For instance, in testifying about the January 3, 2016 incident involving Plaintiff Cuiping Zhang, Defendant Wan admitted that she slapped the camera out of Ms. Zhang's hands because she believed Ms. Zhang was taking pictures of her. *See* Pls' 56.1 ¶ 62. A

person taking pictures of another person on a public street does not owe a duty to that person to avoid being illegally assaulted by them in response.

Accordingly, the Defendants' negligence counterclaims should be dismissed.

B. Defendant Zhu's counterclaims.

Many of Defendant Zhu's counterclaims are untimely. His Second, Third, and Fourth counterclaims (respectively, New York Civil Rights § 79-n, intentional infliction of emotional distress, and negligence) are untimely. They were filed in 2016, *see* Pls' 56.1 ¶¶ 63-4, and are based on incidents that (for the most part) occurred between 2009 and 2011, *id.* ¶ 65.¹³ The statute of limitations on these claims is no more than three years. *See* C.P.L.R. § 214(2) (providing a three-year limitations period for statutorily-created claims); C.P.L.R. § 214(5) (providing a three-year statute of limitations for personal injury claims other than certain intentional torts). Defendant Zhu's counterclaims for assault and battery were also filed in 2016. Pls' 56.1 ¶ 66. Several of these counterclaims are based on incidents that occurred between 2009 and 2011. *Id.* ¶ 67.¹⁴ However, these claims had a one-year statute of limitation. *See* C.P.L.R. § 215(3). Therefore, these counterclaims are time barred.

Additionally, Defendant Zhu's testimony does not support his counterclaims against Plaintiff Xu Ting. In his deposition, Defendant Zhu testified that Plaintiff Xu put a flier in front of him, allegedly placed it in his wheelchair, and "lightly scolded me." Pls' 56.1 ¶ 69. These allegations, even if they were true, do not support common law claims of assault, battery, intentional infliction of emotional distress, or negligence.

¹³ Defendant Zhu alleged counterclaimed against Plaintiffs Bian Hexiang, Zhou Yanhua, Li Xiurong, and Xu Ting. The counterclaims against Bian, Zhou, and Li involved incidents in 2011 or earlier. Pls' 56.1 ¶¶ 67-68.

¹⁴ Zhu's assault and battery counterclaims against Plaintiffs Zhou, Bian, Li and Cao all occurred between 2009 and 2011. Pls' 56.1 ¶ 64.

Accordingly, summary judgment should be granted on Defendant Zhu's Second, Third, and Fourth counterclaims against Plaintiffs Bian, Zhou, and Li; Defendant Zhu's First counterclaim against Plaintiffs Zhou, Bian, Li and Cao; and Defendant Zhu's counterclaims against Plaintiff Xu.

C. Defendant Li's counterclaims.

There is no disputed fact as to Defendant Li's assault and battery and negligence counterclaims against Gao Jingying, Li Xiurong, Cao Lijun, Wei Min and Lo Kitsuen, since Defendant Li was unable at her July 2016 deposition to identify how any of these incidents occurred much less identify any of her purported assailants. *Id.* ¶¶ 75-76. Nor did she clarify these facts at her October 2016 deposition. *Id.* Therefore, there is no admissible evidence to support these counterclaims. As regards Li's counterclaim against Plaintiff Bian, Li admitted at her July 2016 deposition that he did not assault her. Pls' 56.1 ¶ 79. Therefore, there is no admissible evidence to support Li's assault and battery claim against Plaintiff Bian.

Moreover, the counterclaims that arose from incidents that allegedly occurred between 2009 and 2011, *id.* ¶¶ 71,¹⁵ are untimely because assault and battery has a one-year statute of limitations, *see* C.P.L.R. § 215(3), negligence has a three-year statute of limitations, *see* C.P.L.R. 214 and these claims were not filed until 2016.

D. Defendant Wan's counterclaims.

As for the counterclaims filed by Defendant Wan against Plaintiff Cuiping Zhang arising from the January 3, 2016 incident, as described *supra*, Wan admitted that she slapped the camera out of Ms. Zhang's hands because she believed Ms. Zhang was taking pictures of her. *See* Pls' 56.1 ¶ 62. Thus, Defendant Wan's counterclaim that Cuiping Zhang "shoved, pushed, grabbed, clawed, hit,

¹⁵ These are the incidents involving Plaintiff Bian (incident occurred in 2009), Plaintiff Gao (incident occurred in 2011), and Plaintiffs Li Xiurong and Cao Lijun (incident occurred in 2011). Two of the incidents – involving Plaintiffs Wei and Lo occurred in 2014. Pls' 56.1 ¶ 71.

kicked, physically intimidated and threatened [Wan] with imminent bodily harm,” *see* 2d Am. Answer & Countercl. at 15-16 (ECF No. 70), is baseless.

CONCLUSION

Because there is no dispute of any material fact that Falun Gong is a religion protected by federal and state law, and Defendants’ certain counterclaims are untimely and unsupported, summary judgment is appropriate on these issues.

Dated: November 10, 2017

Sincerely,

/s/

Terri Marsh
HUMAN RIGHTS LAW FOUNDATION

Jonathan Moore
Joshua S. Moskowitz
BELDOCK LEVINE & HOFFMAN LLP

**UNITED STATES COURT
EASTERN DISTRICT OF NEW YORK**

ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, LI Xiurong,
CAO Lijun, HU Yang, GAO Jinying, CUI Lina, XU
Ting, and BIAN Hexiang,

Plaintiffs,

vs.

Chinese Anti-Cult World Alliance (CACWA), Michael
CHU, LI Huahong, WAN Hongjuan, ZHU Zirou, &
DOES 1-5 Inclusive,

Defendants.

**PLAINTIFFS' LOCAL CIVIL
RULE 56.1 STATEMENT**

No. 15-CV-1046 (SLT) (VMS)

Pursuant to Local Civil Rule 56.1, Plaintiffs submit the following undisputed, material facts in support of their motion for summary judgment that Falun Gong¹ is a religion, and certain of Defendants' counter-claims are untimely and unsupported by credible evidence.

Falun Gong Books and Articles

1. Li Hongzhi founded the Falun Gong spiritual system in 1992 in China. As the founder, he has authored the corpus of Falun Gong teachings. Ex. 1 ¶ 7.
2. Zhuan Falun is the main text of the Falun Gong School. Ex. 1 ¶ 2-5, Li Hongzhi, "Comments for Republication," http://en.falundafa.org/eng/yj_01.htm (last visited Aug. 28, 2017); Li Hongzhi Lecture in Changchun, July 1998 ("July 1998 Lecture"); Li Hongzhi Lecture in Singapore, August 1998 ("August 1998 Lecture"); Li Hongzhi Lecture in the United States, 1999 ("1999 Lecture").²
3. Zhuan Falun includes all the tenets of Falun Gong. Ex. 1 ¶ 3, 6, (August 1998 Lecture).

¹ When used as a noun, "Falun Gong" designates the belief system and practice of Falun Gong.

² All exhibits referenced herein are annexed to the accompanying affirmation of Terri Marsh.

4. The other materials posted on the Falun Gong website, www.falundafa.org are “supplementary” materials only. Ex. 1 ¶¶ 2-5 (August 1998 Lecture; 1999 Lecture).
5. The “supplementary” materials include matters addressed in lectures to Falun Gong believers in various regions. Ex. 1 ¶ 3 (August 1998 Lecture).
6. The lectures are described as “ad hominem” i.e., written to address the specific situation of the audience. Ex. 1 ¶ 3 (August 1998 Lecture).

The Tenets of Zhuan Falun³

7. Zhuan Falun teaches that the Divine Creator, DAFA/the Buddha FA, created time, space and all that exists. Ex. 2 ¶¶ 1-2 (Zhuan Falun, “Lunyu,” 2000 edition).
8. The highest manifestation of the Buddha FA is Zhen-Shan-Ren, which play a guiding role in one’s cultivation. Ex. 2 ¶ 3 (Zhuan Falun, Lecture One, “Zhen-Shan-Ren is the Sole Criterion,” 2000 edition).
9. Zhuan Falun addresses such imponderables as the causes of human suffering. Ex. 2 ¶ 38 (Zhuan Falun, Lecture One, “Genuinely Guiding People to Higher Levels,” 2000 edition).
10. Zhuan Falun addresses such ultimate concerns as the purpose of human life, i.e., to return to one’s original true self, achieve enlightenment, and/or attain salvation. Ex. 2 ¶¶ 4-8 (Zhuan Falun, Lecture One, “Genuinely Guiding People to Higher Levels,” 2000 edition).
11. Cultivation is the practice through which believers may achieve enlightenment, attain salvation and/or return to their true, original selves. Ex. 2 ¶¶ 9-13 (Zhuan Falun, “Lunyu,” 2000 edition; Zhuan Falun, Lecture One, “Genuinely Guiding People to Higher Levels,” 2000 edition; Zhuan Falun, Lecture One, “Qigong is Cultivation Practice,” 2000 edition; Zhuan Falun, Lecture One, “Characteristics of Falun Dafa,” 2000 edition); Ex. 2 ¶¶ 9-13 (Zhuan Falun, Lecture Two, “The Supernormal Ability of Precognition and Retro-cognition,” 2000 edition). Any cultivator who

³ All references to Zhuan Falun herein may be found at <http://en.falundafa.org/eng/zflus.html> (edition 2000).

becomes one with the Divine Creator is an enlightened one – Divine. Ex. 2 ¶ 10 (Zhuan Falun, “Lunyu,” 2000 edition).

12. Zhuan Falun offers a highly detailed ethical code of conduct as part of its cultivation path. *See infra* ¶¶ 13 - 20; Ex. 2 ¶¶ 9, 16-30.

13. The cultivation of compassion is an essential component of the Falun Gong ethical code of conduct. Ex. 2 ¶¶ 16-18 (Zhuan Falun, Lecture Eight, “Collecting Qi,” 2000 edition; Zhuan Falun, Lecture Four, “Transformation of Karma,” 2000 edition; Zhuan Falun, Lecture Four, “Upgrading Xinging,” 2000 edition).

14. To cultivate compassion in this school, one must respect one’s parents, educate one’s children, be good and kind to family and all others. Ex. 2 ¶ 19 (Zhuan Falun, Lecture Six, “Interference from One’s Own Mind,” 2000 edition).

15. The cultivation of truthfulness is an essential component of the Falun Gong ethical code. Ex. 2 ¶ 20 (Zhuan Falun, Lecture One, “Zhen-Shan-Ren is the sole Criterion to Discern Good and Bad”).

16. To cultivate truthfulness, one must tell the truth. Ex. 2 ¶ 20 (Zhuan Falun, Lecture One, “Zhen-Shan-Ren is the sole Criterion to Discern Good and Bad, 2000 edition).

17. The cultivation of tolerance is an essential component of the Falun Gong ethical code. Ex. 2 ¶ 20 (Zhuan Falun, Lecture One, “Zhen-Shan-Ren is the sole Criterion to Discern Good and Bad,” 2000 edition).

18. To cultivate tolerance, one may not fight back. Ex. 2 ¶ 21 (Zhuan Falun, Lecture Nine, “People with Great Inborn Quality,” 2000 edition).

19. The cultivation of virtue (in Chinese, “*de*”) is an essential component of the practice of Falun Gong. Ex. 2 ¶¶ 22-23 (Zhuan Falun, Lecture One, “Zhen-Shan-Ren is the Sole Criterion to Discern

Good and Bad People,” 2000 edition; Zhuan Falun, Lecture One, “Why Doesn’t Your Gong Increase with Your Practice,” 2000 edition).

20. One loses virtue when one commits wrongdoing. Ex. 2 ¶ 23 (Zhuan Falun, Lecture One, “Why Doesn’t Your Gong Increase with Your Practice?” 2000 edition).

- a. Wrongdoing includes swearing at, bullying, and hitting, kicking or beating-up others. Ex.2 ¶ 23 (Zhuan Falun, Lecture One, “Why Doesn’t Your Gong Increase with Your Practice?” 2000 edition).
- b. Wrongdoing includes deceiving others. Ex. 2 ¶ 24 (Zhuan Falun, Lecture One, “Genuinely Guiding People to Higher Levels,” 2000 edition).
- c. Wrongdoing includes killing. Ex. 2 ¶ 25 (Zhuan Falun, Lecture Seven, “The Issue of Killing,” 2000 edition).
- d. Zhuan Falun further requires the elimination of immoral thoughts and the intention to commit wrongdoing. Ex. 2 ¶ 26 (Zhuan Falun, Lecture One, “Why Doesn’t Your Gong Increase with Your Practice,” 2000 edition).
- e. Zhuan Falun further instructs that cultivation requires the elimination of jealousy. Ex. 2 ¶¶ 27-30 (Lecture Seven, “Jealousy”) zealotry, (Lecture Seven, “The Issue of Eating Meat”), attachments to lust, (Lecture Six, “Attracting Demons in Qigong”) and to fighting and arguing. Lecture Seven, “The Competitive Mentality” 2000 edition).

The Metaphysical Realm

21. Zhuan Falun teaches about metaphysical phenomena. *See infra* ¶¶ 22 – 30.

22. Within the Falun Gong belief system, the Divine Creator is outside of and apart from creation. Ex. 2 ¶¶ 1- 2 (Zhuan Falun, “Lunyu,” 2000 edition).

23. Zhen-Shan-Ren, as the highest manifestation of the Divine Creator, is part of the metaphysical realm. Ex. 2 ¶ 3 (Zhuan Falun, Lecture One, “Zhen-Shan-Ren is the Sole Criterion to Discern Good and Bad,” 2000 edition).
24. According to the Zhuan Falun:
- a. The lives in this dimension are different from lives in other dimensions of the universe. The lives in this dimension cannot see the lives in other dimensions; they are lost in a maze of illusion. Ex. 2 ¶ 31 (Zhuan Falun, Lecture One, “Guiding People Towards High Levels,” 2002 edition).
 - b. The “Great Enlightened Beings” inhabit paradises in other dimensions. Ex. 2 ¶ 32 (Zhuan Falun, Lecture Three, “The Buddha School Qigong,” 2002 edition).
 - c. Named “Enlightened Beings” such as Buddha Shakyamuni though not visible in this dimension offer salvation to people. Ex. 2 ¶ 32 (Lecture Three, “The Buddha School Qigong,” 2002 edition).
 - d. Zhuan Falun describes the “Falun” (or “Dharma Wheel”) as “a miniature of the universe that possesses all of the universe’s capabilities and which operates and rotates automatically. Ex. 2 ¶ 33 (Lecture One, “The Characteristics of Falun Dafa,” 2000 edition). *See also* Ex. 3 ¶ 2.⁴
 - e. The “True Self” or “Primary Soul” exists in a microscopic dimension and is part of the metaphysical realm. Ex. 2 ¶ 34 (Lecture Two, “Supernormal Abilities of Precognition and Retrocognition,” 2002 edition). To return to one’s “True Self,” one must cultivate “de” (virtue), which exists in another dimension. Ex. 2 ¶¶ 22, 35.

⁴ As Plaintiffs’ expert witness, Caylan Ford explained, “the “Falun” or “Law Wheel” is a well-known symbol of the Buddhist Dharma or body of teachings, and is never described as physically existing in the human realm, nor do Falun Gong adherents understand it as such.” (Report of Caylan Ford (“Report”) at n.17). For those unfamiliar with the significance of the “Law Wheel” in Eastern religious traditions, it is explained in more detail in “*Falun Gong*,” the book written for readers less familiar with Eastern religion, thought and culture. (*Falun Gong*, Chapter V, “Falun Law Wheel and Falun Gong,” 2001 edition.).

One's cultivation energy (or "gong") evolves from this "de," also in another dimension. Ex. 2 ¶ 37.

- f. Reincarnation is the cycle of the main consciousness in another dimension. The main consciousness or main spirit of a human or animal exists in another dimension until it adopts a shell or a "skin" and reincarnates in this dimension. (*See supra* ¶ 28, Ex. 2 ¶ 38 (Zhuan Falun, Lecture One, n. 6; Zhuan Falun, Lecture One, "Genuinely Guiding People to Higher Levels," 2000 edition"). *See also* Ex. 3 ¶ 5).
- g. Science cannot prove or disprove the existence of the metaphysical realm. Ex. 2 ¶ 39 (Lecture Nine, "Mind Intent," 2000 edition).

The Practice of Falun Gong

25. The practice of Falun Gong includes the daily practice of a set of five exercises, the daily study of Falun Gong scripture (called "Fa Study"), religious study at local gathering places, prayer at six hour intervals, and proselytizing. Ex. 3 ¶ 3.

26. The practice of Falun Gong also includes the avoidance of alcohol and uncooked meat, the celebration of special holidays including Falun Dafa Day, Ex. 3 ¶ 4, and iconographic symbols of the law wheel or Falun, Ex. 2 ¶ 42 (Lecture Five, "The Falun Emblem").⁵ Other iconographic images include images of Buddhas, Taos, Bodhisattvas, and Celestial maidens. Ex. 3 ¶ 4 ("HongYin").

Plaintiffs' Sincerely Expressed Beliefs

27. Eleven of the thirteen Plaintiffs identify as members of the Falun Gong faith-based community, including ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng, WEI Min, LO Kitsuen, LI Xiurong, CAO Lijun, HU Yang, GAO Jinying, CUI Lina, and XU Ting.

28. Each of the eleven Plaintiffs expressed their sincere belief in the belief system and practice of Falun Gong. *See infra* ¶¶ 29 - 39.

⁵ This Hindu, Jain, and Buddhist symbol is so widespread in Asia that it figures in statutes of Vishnu and in the symbols of Jainism.

Plaintiff Cao Lijun

29. Plaintiff Cao Lijun has expressed her deeply held belief in the Falun Gong system of beliefs and practice during her deposition. (*See infra* a-f).
- a. Plaintiff Cao said she practices the Falun Gong exercises outdoors in a group three or four times a week and by herself almost every day. (Dep. of Cao Lijun (“Ex. 4, Cao Dep.”) at 11:20-25) She says that it provides “a very, very nice feeling of inner peace” after practicing them. (Ex. 4, Cao Dep. at 87:8-11).
 - b. Plaintiff Cao reads the book Zhuan Falun every day. (Ex. 4, Cao Dep. at 90:8-9).
 - c. She describes the principles of Zhen-Shan-Ren as profound or divine principles that serve as guideposts to her faith practice, Ex. 4, Cao Dep. at 61:15-17, which she further defines as a form of physical purification. (Ex. 4, Cao Dep. at 100:7-8).
 - d. She refers to the founder of practice in reverential terms and treats him akin to a deity figure, *e.g.*: “I believe in my master. I believe in every word that. I believe.” (Ex. 4, Cao Dep. at 91:3-5).
 - e. She describes Falun Gong as a religion, Ex. 4, Cao Dep. at 33:24, which as she makes clear to Defendants’ counsel, she believes in without reservation. *Id.* at 91:3-5.
 - f. She engages in the ‘fa zheng nian’ mind-cleansing religious prayer while attending the spiritual sites (or tables) in Flushing and as part of her volunteer work at the spiritual sites (or tables), she distributes Falun Gong materials to passersby as part of her religious practice. (Ex. 4, Cao Dep. at 120:9-12). *See also*, Exhibit 3 ¶ 3 (Propagating Falun Gong beliefs is part of the religious practice of Falun Gong).

Plaintiff Wei Min

30. Plaintiff Wei Min has expressed his deeply held belief in the Falun Gong system of beliefs and practice during her deposition. (*See infra* a-g).

- a. At his deposition Plaintiff Wei said he practices Falun Gong exercises several times a week with his wife. Deposition of Wei Min (“Ex. 5, Wei Dep.”) at 95:8-96:20.
- b. He said he reads the Falun Gong scripture on a regular basis, if not daily. (Ex. 5, Wei Dep. at 95:12-13).
- c. He stated that he goes to the Taiwan Center to join in group scriptural study on a largely regular basis. (Ex. 5, Wei Dep. at 111:9:112:24).
- d. He said he goes to the Falun Gong spiritual center in Flushing to speak to the public about the anti-Falun Gong campaign (Ex. 5, Wei Dep. at 112:6-19).
- e. He said he attends the annual religious observance at the Global Falun Dafa Experience Sharing Conference held in New York. (Ex. 5, Wei Dep. at 285:22-286:4).
- f. He stated he engages in Falun Gong activities despite alleged intimidation and violence perpetrated by the Defendants. (Ex. 5, Wei Dep. at 162, 214, 281.)
- g. He describes Falun Gong as a religion, Ex. 5, Wei Dep. 291:18-19, which is based on a simple faith. *Id.* at 232:2 *et seq.*

Plaintiff Gao Jingying

31. Plaintiff Gao has expressed her deeply held belief in Falun Gong. *See infra* a-i.
 - a. Gao said she practices Falun Gong exercises every day. (Dep. of Gao Jingying (“Ex. 6, Gao Dep.”) at 95:16-21).
 - b. Gao said she has been reading Falun Gong scriptures since 1994, agrees with all of the contents of them, (Ex. 6, Gao Dep. at 15:10-17:18) and join the religious study at the Taiwan Center in Flushing, Queens on a weekly basis. (Ex. 6, Gao Dep. at 97:16-18).
 - c. She hands out to the public literature advocating Falun Gong’s principles of truthfulness and kindness. (Ex. 6, Gao Dep. at 107:3-5).

- d. She claims she believes that Li Hongzhi, the founder of Falun Gong, has supernatural powers. (Ex. 6, Gao Dep. at 23:7-16).
- e. When confronted with what opposing counsel characterized as irrational beliefs, she responded: “If sifu [master] has said it, I would believe it,” and when questioned as to why she would not disagree with anything the founder says, replied: “Because I respect him. He is the most respected person for me. Similarly, Christians who respect Jesus Christ.” (Ex. 6, Gao Dep. at 32:20-24).
- f. Gao was personally aware of practitioners in China she knew who were beaten to death in custody, and while in China continued practicing her faith and raising awareness about the anti-Falun Gong campaign (thus exposing herself to the same risk) which she eventually was forced to endure. (Ex. 6, Gao Dep. at 42:6-43:22).
- g. Gao said she attends the annual religious observance at the Global Falun Dafa Experience Sharing Conference held in New York. (Ex. 6, Gao Dep. at 54:12-21).
- h. She said she engages in Falun Gong activities despite alleged intimidation and violence perpetrated by the Defendants, Ex. 6, Gao Dep. at 59:2-15, 155:15-156:4-15 including the propagation of her religion at the Spiritual Center sites (or tables). *Id.* at 53:12-22.
- i. She describes Falun Gong as a religion. (Ex. 6, Gao Dep. at 141:9-12).

Plaintiff Zhou Yanhua

32. Plaintiff Zhou has expressed his deeply held belief in Falun Gong. (*See infra* at a-i).
- a. He said he practices the Falun Gong exercises in the park daily. (Dep. of Zhou Yanhua (“Ex. 7, Zhou Dep.”) at 86:12-18).
 - b. He said practiced Falun Gong with other adherents at the Botanical Gardens in 2011. (Ex. 7, Zhou Dep. at 87:11-25).
 - c. He said he participates in several Falun Gong parades. (Ex. 7, Zhou Dep. at 88:5-24).

- d. He said he participates in Falun Gong religious events throughout the year. (Ex. 7, Zhou Dep. at 87:2-88:24).
- e. He said he volunteered at the Spiritual Center sites in Flushing. (Ex. 7, Zhou Dep. at 89:5-9).
- f. When confronted with Li Hongzhi-taught beliefs that cannot be justified by empirical science, he said “Of course, we believe in him” and “Because I believe in this religion, so that’s why I believe in him” and “In my belief in this religion I just believe. What is wrong with that?” (Ex. 7, Zhou Dep. at 189:10-21).
- g. He said he goes to the Falun Gong spiritual sites every day to proselytize about how Falun Gong teaches people to be good. When asked he agreed that he has also raised awareness about the violence against Falun Gong in China at the spiritual site tables. (Ex. 7, Zhou Dep. at 147:15-148:13).
- h. He said he attends the annual religious observance at the Global Falun Dafa Experience Sharing Conference held in New York. (Ex. 7, Zhou Dep. at 185:8-11).
- i. He describes Falun Gong as a religion. (Ex. 7, Zhou Dep. at 40:2-3).

Plaintiff Hu Yang

33. Plaintiff Hu has expressed his deeply held belief in Falun Gong. (*See infra* a-i).
- a. At his deposition Hu said he practices the Falun Gong exercises in a public park daily. (Dep. of Hu Yang (“Ex. 8, Hu Dep.”) at 42:21-22).
 - b. He said he reads Falun Gong scriptures every day for at least one hour. (Ex. 8, Hu Dep. at 84:10-16).
 - c. He describes the principles of Zhen-Shan-Ren as profound or divine principles that serve as guideposts to his faith practice, which allows him to eliminate karma (and elevate). Ex. 8, Hu Dep. at 26:22-27:2, 29:42.

- d. He said: “I follow exactly what my master taught in terms of the movements, and I don't know anything else besides that.” (Ex. 8, Hu Dep. at 23:4-23) A series of questions by opposing counsel led him to respond: “What? If I don't completely believe in what my teacher/master taught me, how could I be a true practitioner?” (Ex. 8, Hu Dep. at 37:9-11).
- e. He said he participates in weekly group scriptural study and Falun Gong religious events throughout the year. (Ex. 8, Hu Dep. at 76:2-78:6).
- f. He said he protested the persecution in China at great personal risk, was abused and beaten in custody, and was forced to watch as his mother was beaten in the face with weapons by multiple police officers. (Ex. 8, Hu Dep. at 58:17-59:7) Under these circumstances, he continued the practice of Falun Gong in China and efforts to raise awareness about its spiritual nature and the campaign against it. (Ex. 8, Hu Dep. at 51:3-52:25).
- g. He stated that he has personally felt the spinning of the Falun — an entity in another dimension said to be developed in the Falun Gong practice. (Ex. 8, Hu Dep. at 149:15-150:16).
- h. He said he attends the annual religious observance at the Global Falun Dafa Experience Sharing Conference held in New York. (Ex. 8, Hu Dep. at 82:9-10).
- i. He described Falun Gong as a religion, Ex. 8, Hu Dep. at 11:14-20, that emphasizes moral improvement, (Ex. 8, Hu Dep. at 26:22-27:2).

Plaintiff Lo Kitsuen

- 34. Plaintiff Lo has expressed his deeply held belief in Falun Gong. (*See infra* a-i).
- a. Lo said he practiced Falun Gong exercises almost daily at a park in Flushing beginning in 2004 and for a number of years thereafter. (Dep. of Lo Kitsuen (“Ex. 9, Lo Dep.”) at 38:2-45:21).
- b. He said that he participates in regular group study of Falun Gong scripture. (Ex. 9, Lo Dep. at 58:2-6).

- c. He described the principles of Zhen-Shan-Ren as profound or divine principles that serve as guideposts to his faith practice. (Ex. 9, Lo Dep. at 167:2-9).
- d. He said he attends periodic gatherings and parades related to important Falun Gong dates. (Ex. 9, Lo Dep. at 47:12-16; 58:2-6).
- e. He said that he goes to the spiritual center regularly to gather and then distribute materials about Falun Gong (Ex. 9, Lo Dep. at 58:17-20) and for two years prior to the deposition attended the Falun Gong tables in Flushing daily. (Ex. 9, Lo Dep. at 61:3-25).
- f. He said he attends the annual religious observance at the Global Falun Dafa Experience Sharing Conference held in New York. (Ex. 9, Lo Dep. at 68:6-12).
- g. He said he engages in Falun Gong activities despite alleged intimidation and violence perpetrated by the Defendants. (Ex. 9, Lo Dep. at 59:9-60:22; 118:6-12).
- h. He describes Falun Gong as a religion. (Ex. 9, Lo Dep. at 181:14-24).
- i. He said he engages in the ‘fa zheng nian’ mind-cleansing prayer, often while attending the spiritual tables in Flushing. (Ex. 9, Lo Dep. at 184:16-17).

Plaintiff Cui Lina

35. Plaintiff Cui has expressed her deeply held belief in Falun Gong. (*See infra* a-g).
- a. Cui stated at her deposition that she has practiced Falun Gong since 1996 and performs two hours of Falun Gong exercises daily. (Ex. 10, Dep. of Cui Lina (“Cui Dep.”) at 140:6-22).
 - b. She said she participates in weekly group study of Falun Gong scripture. (Ex. 10, Cui Dep. at 141:12-23).
 - c. She described the principles of Zhen-Shan-Ren as profound or divine principles that serve as guideposts to her faith practice. (Ex. 10, Cui Dep. at 132:2-10).

- d. She said she attends the spiritual tables in Flushing, Queens four-five times a week as a volunteer to distribute materials about nature of Falun Gong and the persecution against it. (Ex. 10, Cui Dep. at 22:3-23:24).
- e. She said she attends the annual religious observance at the Global Falun Dafa Experience Sharing Conference held in New York. (Ex. 10, Cui Dep. at 123:4-12).
- f. She described Falun Gong as a religion. (Ex. 10, Cui Dep. at 144:9-16).
- g. She said she engages in the 'fa zheng nian' mind-cleansing prayer, often while attending the spiritual tables in Flushing. (Ex. 10, Cui Dep. at 142:20-24;176:2-177:2).

Plaintiff Zhang Peng

36. Plaintiff Zhang has expressed his deeply held belief in Falun Gong. (*See infra* a-f).
- a. Plaintiff Zhang said he performs Falun Gong exercises and reads Falun Gong scriptures in between one and two hours daily. (Dep. of Zhang Peng ("Ex. 11, Zhang P. Dep.") at 94:12-24).
 - b. He said he regards the Falun Gong principles of Zhen-Shan-Ren as profound or divine principles that serve as guideposts to his faith practice, Ex. 11, Zhang P. Dep. at 190:22-191:16, which he defines as a path to enlightenment and salvation. (*Id.* at 190-91, 164:19-165:19).
 - c. He said he attends spiritual tables in Flushing, Queens, three to four times a week as a volunteer to distribute materials about the nature of Falun Gong and the persecution against it. (Ex. 11, Zhang P. Dep. at 104:20-105:18).
 - d. He said he participates in regular religious gatherings at the Taiwanese Association with around 200 other Falun Gong peers. (Ex. 11, Zhang P. Dep. at 91:23-92:13).
 - e. He described Falun Gong as a religion with a strong moral or ethical component. (Ex. 11, Zhang P. Dep. at 191:2-24; 165:12-19).

- f. He said he had been incarcerated for “a long time” for his faith (Ex. 11, Zhang P. Dep. at 20:15-21:16) but refused to renounce his faith practice despite his knowledge that the persecution against him would cease if he did so. (Ex. 11, Zhang P. Dep. at 31:15-32:5).

Plaintiff Zhang Jingrong

37. Plaintiff Zhang has expressed her deeply held belief in Falun Gong. (*See infra* a-g).
- a. At her deposition, she said that she performs Falun Gong exercises almost daily as part of group practice in Flushing. (Dep. of Zhang Jingrong (“Ex. 12, Zhang Dep.”) at 11:13-20:14, 41:9-17).
- b. She said she engages in group Fa study and ‘fa zheng nian’ prayer weekly at the Taiwan Center (Ex. 12, Zhang Dep. at 37:125-39-10.).
- c. She said she regards the Falun Gong principles of Zhen-Shan-Ren as profound or divine principles that serve as guideposts to her faith practice, Zheng Dep. at 38:12-41:8; 43:4-12; 132:6-17 with important moral or ethical norms that are central to the practice. *Id.* at 143:7-12.
- d. She indicated that she regards the founder of Falun Gong as a sacred figure, akin to a deity. (Ex. 12, Zhang Dep. at 58:2-3) and that Falun Gong itself qualifies as a religion in the United States (Ex. 12, Zhang Dep. at 119:15-24).
- e. She said she engages in the ‘fa zheng nian’ mind-cleansing prayer, often while attending the spiritual tables in Flushing, Ex. 12, Zhang Dep. at 142:19-22, and hands out materials that describe the spiritual nature of the Falun Gong practice and beliefs. (*Id.* at 42:15-43:11).
- f. She said she cultivates “the principles of truthfulness, compassion and forbearance.” (Ex. 12, Zhang Dep. at 37:2-8).
- g. She said she engages in Falun Gong activities despite alleged intimidation and violence perpetrated by the Defendants. (Ex. 12, Zhang Dep. at 16:1-17:23, 19:1-20:23, 34:14-20).

Plaintiff Xu Ting

38. Plaintiff Xu has expressed her deeply held belief in Falun Gong. (*See infra* a-g).

- a. At her deposition, Plaintiff Xu said she regards the Falun Gong principles of Zhen-Shan-Ren as profound or divine principles that serve as guideposts to her faith practice and enable her to become a “good person.” (Dep. of Xu Ting (“Ex. 13, Xu Dep.” at 164:3-11).
- b. She practices the Falun Gong exercises regularly and when possible in public with other Falun Gong adherents. (Ex. 13, Xu Dep. at 92:1-93:24, 114:19-23, 188:6-23).
- c. She regards the founder of Falun Gong as “at least” a saint-like figure. (Ex. 13, Xu Dep. at 135:23-25).
- d. She said she believes in and practices the Falun Gong principles of truthfulness, compassion and tolerance. (Ex. 13, Xu Dep. at 30:13-15, 121:14-19).
- e. When possible she attends the Taiwanese Cultural Center in Flushing, Queens, to join scriptural study with other Falun Gong adherents. (Ex. 13, Xu Dep. at 92:19-93:4).
- f. She attends the annual religious observance at the Global Falun Dafa Experience Sharing Conference held in New York. (Ex. 13, Xu Dep. at 131:5-25).
- g. She participates in public Falun Gong religious events, including the annual parades around important Falun Gong dates. (Ex. 13, Xu Dep. at 188:10-23).

Plaintiff Li Xiurong

39. Plaintiff Li Xiurong expressed her sincerely held belief in Falun Gong. (Dep. of Li Xiurong (“Ex. 14, Li Dep.”) at 41:2-23; and *infra* a-f).

- a. Plaintiff Li said she has practiced the Falun Gong exercises and meditation since 2001, (Ex. 14, Li Dep. at 57:18-20) and that it makes her sleep “very good” at night. (Ex. 14, Li Dep. at 102:3-5): “All I know is that if I practice and meditate it will help me become a better person, better health, and as far as I’m concerned I am already satisfied.” (Ex. 14, Li Dep. at 135:23-136:2).
- b. She attends the Taiwanese Cultural Center weekly for group study of Falun Gong scripture. (Ex. 14, Li Dep. at 58:10-20).

- c. Five days a week from 2011 to 2013, she spent three hours daily practicing Falun Gong exercises on Main Street Flushing, and distributing flyers, as a form of proselytization. (Ex. 14, Li Dep. at 70:14-72:3).
- d. She attends the annual religious observance at the Global Falun Dafa Experience Sharing Conference held in New York. (Ex. 14, Li Dep. at 134:9-13).
- e. She participates in public Falun Gong religious events, including the annual parades around important Falun Gong dates. (Ex. 14, Li Dep. at 50:1-24).
- f. She continued these public activities in spite of what she alleged were the coordinated insults, attacks, and incitement by violence by the Defendants, which led her to “constant fear and nervousness” that “affected my heart... affected my emotion.” (Ex. 14, Li Dep. at 171:16-172:20).

The United States Government Considers Falun Gong a Religion

40. The Executive Branch has treated Falun Gong as a religion in its United States Commission on International Religious freedom (USCIRF) and the State Department Human Rights Reports on China. See *infra* ¶¶ 41– 48.

41. The United States Commission on International Religious Freedom (USCIRF) evaluates the treatment of religious practices across the globe and issues an annual report with individual assessments of specific countries. See U.S. Comm’n on Int’l Religious Freedom, “What USCIRF Does,” at <http://www.uscirtf.gov/about-uscirtf/who-we-arewhat-we-do> (last visited Nov. 3, 2017). (Ex. 15.A (About USCIRF)). USCIRF consistently treats Falun Gong as a religion in its official reports. Falun Gong has been included as one among the many religions focused on by the USCIRF in its review of the denial of religious freedom in China, which USCIRF classifies in Tier One – Countries of Particular Concern (CPC) since 2003. See U.S. Comm’n on Int’l Religious Freedom, “Tier 1 Countries of Particular Concern,” at <http://www.uscirtf.gov/all-countries/countries-of->

[particular-concern-tier-1](#) (last visited Nov. 3, 2017) (including China in USCIRF's list of "Tier 1 Countries of Particular Concern"). (Ex. 15.B (USCIRF 2012 Rpt.)). In its most recent Annual Report, USCIRF noted that China only recognizes five state-controlled religions and that member of all other religions including Falun Gong, Tibetan Buddhism, Catholicism and Protestantism are subjected to unlawful imprisonment and torture. It is available at <http://www.uscirtf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>. (Ex. 15.C (State-controlled and Dissident Religions)).

42. USCIRF reports consistently include Falun Gong practitioners in their discussions of China's "religious demography" and document the persecution of Falun Gong as a violation of religious freedom. *See, e.g.*, U.S. Comm'n on Int'l Religious Freedom Reports for 2013, "China," (Falun Gong adherents were among those reported to be held solely for their religious association)." *See* <https://www.state.gov/j/drl/rls/irf/2013/eap/222123.htm>. (Ex. 15. D (USCIRF 2013 Rpt.)). In 2015, USCIRF reported concluded that "[f]or religious freedom, this has meant unprecedented violations against ... Falun Gong practitioners." *See* <http://www.uscirtf.gov/sites/default/files/USCIRF%20Annual%20Report%202015%20%282%29.pdf>. (Ex. 15. E (USCIRF 2015 Report)).

43. The current Secretary of State said in his remarks at the August 15, 2017 Washington D.C. press conference announcing the release of the 2017 USCIRF Annual Report, that freedom of religion is "a core American value" as well as a "universal human right;" and yet "[t]he government [of China] tortures, detains, and imprisons thousands for practicing their religious beliefs" including Falun Gong believers, Uighur Muslims and Tibetan Buddhist religions. *See* <https://www.state.gov/secretary/remarks/2017/08/273449.htm> (Ex. 16).

44. Beginning in 2000 and up through and including 2009, the State Department Human Rights Reports on China have analyzed the persecution of Falun Gong in China under the heading

“Freedom of Religion.” The 2000 Report notes further that Falun Gong “blends aspects of Taoism, Buddhism, and meditation techniques . . . with the teachings of Li Hongzhi.” *See* Dep’t of State, 2000 Human Rights Report on China, *available at* <http://www.state.gov/j/drl/rls/hrrpt/2000/eap/684.htm> (Ex. 17.A (Definition of Falun Gong)).

In 2010, the Department of State Country Reports stopped reporting on the status of religious freedom and delegated that role to USCIRF. *See*

<https://www.state.gov/j/drl/rls/hrrpt/2010/eap/154382.htm> (Ex. 17. B). As noted, the State Department’s annual International Religious Freedom Reports (emphasis added) consistently include Falun Gong believers in their discussions of China’s “religious demography” and document the persecution of Falun Gong as a violation of religious freedom. *See supra* ¶ 42.

45. Gretchen Birkle, Acting Principal Deputy Assistant Secretary for Democracy, Human Rights, and Labor testified before the House Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations on July 21, 2015 and said (*inter alia*) the mere belief in the practices of Falun Gong, even without public expression of its tenets, is sufficient grounds for the suppression of Falun Gong believers. It is available at <https://2001-2009.state.gov/g/drl/rls/rm/2005/50110.htm>. (Ex. 18 (Remarks of G. Birkle)).

46. The U.S. Congress has treated Falun Gong as a religion in numerous resolutions condemning the persecution of Falun Gong for their *peaceful religious* beliefs. *See e.g.*, H. Res. 304, 108th Cong. (2004) (emphasizing that Falun Gong is a peaceful spiritual movement that originated in the People’s Republic of China); H. Res. 605, 111th Cong. (2010) (describing Falun Gong as “a traditional Chinese spiritual discipline founded by Li Hongzhi in 1992, which consists of spiritual, religious, and moral teachings for daily life, meditation, and exercise, based upon the principles of truthfulness, compassion, and tolerance”); H. Res. 281, 113th Cong. (2014) (expressing concern over “large numbers of Falun Gong practitioners imprisoned for their religious beliefs”); S. Res. 232,

112th Cong. (2011) (emphasizing that “freedom of religion includes the right of Falun Gong practitioners to freely practice Falun Gong”). (Ex. 19. A-D (U.S. Congressional Resolutions characterizing Falun Gong as a religion)).

47. The Congressional-Executive Commission on China (“CECC”), which comprises members of executive and congressional branches of government, was established by Congress in 2000 with a mandate to observe and report on human rights and the rule of law in China. It has included a section on the status of Falun Gong in Annual Report each year. *See, e.g.*, CECC 2016 Report at § “Freedom of Religion” and is *available at* http://www.cecc.gov/sites/chinacommission.house.gov/files/documents/AR16%20Religion_final.pdf. (Ex. 20.A (2016 CECC Rpt.)).

48. Falun Gong invariably appears in the CECC Annual Report section “Freedom of Religion.” In 2005, for instance, CECC wrote: “A Party-led anti-cult campaign that targeted religious and spiritual activities in rural areas, including Falun Gong practitioners, continued through late 2004.” (CECC, 2005 Annual Report). It is available at https://chinacommission.gov/pages/annualRpt/annualRpt05/2005_3d_religion.ph. (Ex. 20.B).

A 2008 CECC report indicated that “the Chinese government continued to detain and punish Falun Gong practitioners and *members of other spiritual and religious groups.*” (CECC, 2008 Annual Report). It is available at <https://www.cecc.gov/publications/annual-reports/2008-annual-report>. (Ex. 20.C). In a similar vein, a 2011 CECC report included Falun Gong with other religious traditions, describing one government goal as “to prevent Buddhists, Catholics, Falun Gong practitioners, Muslims, Protestants, and Taoists from freely practicing their beliefs. (CECC, 2011 Annual Report, which is available at <https://www.cecc.gov/publications/annual-reports/2008-annual-report>. (Ex. 20.D).

More recently, in the Commission’s 2015 Annual Report, the Commission characterized the

crackdown against groups deemed “cults” as the crackdown of Buddhist, Protestant house churches and “Falun Gong — a spiritual practice that the government continued to out-law.”⁶ (Ex. 20.E).

Evidence of Defendants’ Disagreement with the Tenets of Falun Gong

49. Defendants disagree with specific beliefs they ascribe to Falun Gong. They characterize such beliefs as, *e.g.*, “ridiculous,” (Deposition of Michael Chu (“Chu Dep.”) at 39, 211-12), “inappropriate” (Ex. 21), “warped,” “twisted,” and “cult-like.” (Defendant Chu, Li, and Zhu’s Second Amended Answer and Counterclaim (“2d Am. Answer & Countercl.”) of Li, Chu and Zhu)) at 24-25). *See also*, CACWA Articles of Incorporation at 2, Sept. 18, 2008. (Ex. 22).

Defendants’ CACWA Shitou newsletters describe Falun Gong as a “xiejiao” (Report of Ford (“Ford Report”), Excerpts from CACWA Shitou Newsletter at ¶¶ 2-5, 8-10) in articles Defendants republish verbatim from the (Chinese propaganda) Kaiwind website. (*Id.* at ¶¶ 2-5, 8-10). (Ex. 23 (Excerpts from CACWA’s Shitou Newsletter))

50. The beliefs Defendants disagree with are (for the most part) commonly held across a variety of religious traditions. (*See e.g.*, Dep. of Xia at 83-84 (charismatic leaders), 89-90 (belief in aliens), 91-93 (belief in supernatural abilities), 96 (religious prohibition of taking of medicine), 98 (religious views about sexuality) & 101 (apocalyptic religious teachings)). (Ex. 24).

Opinion of Plaintiffs’ Expert Dr. Arthur Waldron

51. Plaintiffs’ expert witness, Dr. Arthur Waldron, the Lauder Professor of International Relations at the University of Pennsylvania, has researched and published about the history and characteristics of religious groups in China, including the “dynamics between the Communist Party and religious groups” and the history of religious movements in China (“Waldron Report”) at 1, 4-11). Ex. 25. Dr. Waldron considers Falun Gong a religion. Waldron Report at 1-4. *Id.*

52. Dr. Waldron bases his expert conclusion on the factors enumerated below.

⁶ *See* <http://www.cecc.gov/sites/chinacommission.house.gov/files/documents/2015%20AR%20Religion.pdf>.

- a. Falun Gong is part of broader East Asia religious tradition closely related to Buddhism and Taoism. (Waldron Report at 1). Ex. 25.
- b. The basic elements of this religious tradition are the combination of cultivation of mind and soul via meditation with the use of various kinds of physical exercises to discipline the body. *Id.*
- c. These elements are also joined with moral and ethical guidelines to structure or influence the behavior of those who are members of the faith based communities. *Id.*
- d. The teachings of Falun Gong are comparable to those of a broader Buddhist, Daoist and traditional cosmology. *Id.*
- e. Zhuan Falun refers to Falun Gong as part of the Buddha School. *Id.*
- f. Zhuan Falun discusses the historical Buddha, Shakyamuni, its interpretation of Zen Buddhism and of several other figures and ideas from Buddhist History and scripture. *Id.*
- g. Shared commonalities between Falun Gong and other Buddha School religions include reincarnation, the idea of karma (that doing good deeds will result in good outcomes while evil deeds will lead to misfortune), and the importance of maintaining compassion for all living beings. *Id.* at 1-2.
- h. Commonalties with Taoism include the need to “follow the course of nature,” and instead of imposing one’s will upon the world or other individuals, to seek to “do without doing” *Id.* at 2.
- i. The association of Falun Gong teachings with Asian religious traditions is reflected in various academic analyses of Falun Gong. *Id.* at 2 & n. 1.
- j. The decision to treat a practice as a religion is politically motivated in China. *Id.* at 2.

- i. China's defines Christian Churches that refuse to put the Party above biblical canon as heterodox or illegitimate.
- ii. China defines Tibetan Buddhists as heterodox or illegitimate religions because the Dalai Lama, regarded as a Buddha by his disciples, refuses to put the Party above Buddhist doctrine and belief.
- iii. China defines as heterodox or illegitimate all but five state-controlled practices that submit completely to Party rule.

53. Dr. Waldron's conclusion also relied on other experts who concur that Falun Gong is a religion. *Id.* at 1-2 & nn.1, 3-6, 8. These include Dr. Benjamin Perry, who directly states in a book titled *The Religion of Falun Gong* that Falun Gong is "profoundly religious" and "is, in all meaningful ways, a religion." Nothing about its teachings or practices suggests that it is somehow different in kind—or somehow more "controversial" or "political"—than widespread religions such as Protestant Christianity, Catholicism, Tibetan Buddhism, Zen Buddhism, Daoism, Hinduism and so on. *Id.* at 2. (Ex. 26 (Excerpts from B. Perry)).

54. Dr. Waldron has further opined that:

- a. Li Hongzhi said that Falun Gong is not an organized religion in the excerpt shown to him by defense counsel. (Waldron Dep. at 118). (Ex. 27).
- b. There is no formal organization in Judaism (*id.* at 58-59); there have not been priests in Judaism since 71 A.D. (*Id.* at 59). (Ex. 27).
- c. Quakerism, Lutheranism, Unitarianism are among those religions which have no formal leadership. (*Id.* at 60). (Ex. 27).
- d. Defendants and their expert Dr. Xia Ming, have not addressed the content of Zhuan Falun, which in Professor Waldron's view, is tantamount to a discussion of

Christianity without acknowledgment of the Old or New Testaments. (*Id.* at 121-122). (Ex. 27).

- e. Falun Gong is a religion “[b]ecause its chief concern is the salvation of the individual and the transition from the illusory world in which we live, what the Buddhists would call the red dust, through a process of growth, to the real world which is the spiritual world. (*Id.* at 40-41). (Ex. 27.)

Testimony of Defendants’ Expert Dr. Xia Ming

55. Dr. Xia Ming, a professor of political science at the Department of Political Science and Global Affairs and the City University of New York at Staten Island, submitted an expert report on behalf of Defendants in this case.

56. Dr. Xia’s report addresses the religious status of Falun Gong but does *not* conclude that Falun Gong is not a religion. *See* Report of Dr. Xia Ming (“Xia Report”). (Ex. 28).

57. Dr. Xia stated under oath that he is not a scholar in the field of religion. (Deposition of Xia Ming “Xia Dep.”) at 148); Defendants’ attorney, Mr. Tom Fini, stipulated on the record that Dr. Xia was not asked to render an expert opinion as to whether Falun Gong is a religion (Xia Dep. at 67-68). (Ex. 24).

Expert Evidence of Plaintiffs’ Expert Caylan Ford

58. Caylan Ford submitted a rebuttal expert report on behalf of Plaintiffs in the case at bar. (Ex. 29).

59. As set forth in her report, she holds a B.A. (Hons.) in Chinese History, an M.A. in International Affairs, and is awaiting her master’s degree in International Human Rights from the University of Oxford. (*Id.* at 1).

60. Ms. Ford concludes that Falun Gong is a religion based on the following criteria:

- a. that Falun Gong is part of the Buddhist and Daoist religious traditions (*id.* at 2);

- b. that Falun Gong shares many characteristics with mainstream faiths (*id.* at 2-7);
- c. that Falun Gong teaches a moral code that emphasizes the cultivation of truthfulness-compassion-tolerance in one's daily life. (*id.* at 3); and
- d. that the leading scholars and experts researching Falun Gong agree that Falun Gong qualifies as a religion (*id.* at 9-10).

Defendants' Counterclaims

61. Plaintiffs filed their Complaint on March 3, 2016.

62. While testifying about the January 3, 2016 incident involving Plaintiff Cuiping Zhang, Defendant Wan admitted that she slapped the camera out of Ms. Zhang's hands because she believed Ms. Zhang was taking pictures of her. (Deposition of Wan Hongjuan ("Wan Dep.") at 103:9-16, 104:1-3 (Ex. 30 (Excerpts from Wan's Deposition))).

63. Defendant Zhu filed his New York Civil Rights § 79-n and negligence counterclaims against Plaintiffs Bian, Li, Cao, Zhou and Xu on September 9, 2016. ("2d Am. Answer & Countercl.") (ECF 71) at 36-37 (79-n claim), 38-39 (negligence claim).

64. Defendant Zhu filed his Intentional Infliction of Emotional Distress ("IIED") counterclaim against Plaintiffs Bian, Li, Cao, Zhou and Xu on September 9, 2016. (*Id.* at 37-38).

65. Defendant's counterclaims are based on the same incidents that Plaintiffs allege in their Complaint. These include incidents in March 2009 (Plaintiff Bian), July 2011 (Plaintiffs Li and Cao), September 2011 (Plaintiff Zhou), and September 2014 (Plaintiff Xu). (Pls.' Compl. ¶¶ 21, 23, 29, 30, 34).

66. Defendant Zhu filed an assault and battery counterclaim against Plaintiffs Bian, Li, Cao, Zhou and Xu in his first-filed Counterclaim and Answer, on April 11, 2016 (April Answer & Countercl. at 27-8); and again, on September 9, 2016 (2d Am. Answer & Countercl. at 35-6).

67. Defendant's assault and battery counterclaims are based on the same incidents that Plaintiffs allege in their Complaint. 2d Am. Answer & Countercl. ¶¶ 35-6. These include incidents in March 2009 (Plaintiff Bian), July 2011 (Plaintiffs Li and Cao), September 2011 (Plaintiff Zhou), and September 2014 (Plaintiff Xu). (Pls.' Compl. ¶¶ 21, 23, 29, 30, 34).

68. Zhu's assault counterclaims against Plaintiffs Bian, Li and Cao are based on incidents that occurred between 2009 and 2011. One of the incidents – involving Xu Ting - occurred in 2014. *See supra* ¶ 67.

69. In his deposition, Defendant Zhu testified that Plaintiff Xu put a flier in front of him, allegedly placed it in his wheelchair, and "lightly scolded me." (October Deposition of Zhu Zirou ("Zhu Dep.") at 134: 16-25, 135: 2-12, 141:18-22). (Ex. 31 (Excerpts from Zhu's Deposition)).

70. Defendant Li filed an assault and battery counterclaim against Plaintiffs Bian Hexiang, Gao Jingying, Li, Cao, Wei Min and Lo Kitsuen on April 11, 2016, which alleged that acts of assault and battery claims alleged by Plaintiffs against her were fabrications, and that it was these Plaintiffs who violated her right to be free from assault and battery. Defendants' April Answer & Counterclaim ("April Answer & Countercl.") ¶ 30. Li filed a negligence counterclaims in addition to an assault and battery counterclaim against the very same Plaintiffs on September 9, 2016, alleging that acts of assault and battery and negligence alleged by Plaintiffs against her were fabrications, and that it was the Plaintiffs who violated her right to be free from assault and battery and negligence. Defendants' 2d Am. Answer & Countercl. ¶ 36.

71. Defendant Li's assault and battery and negligence counterclaims are based on the same incidents that Plaintiffs allege in their Complaint. These include incidents in April 2011 (Plaintiff Gao), July 2011 (Plaintiffs Li and Cao), June 2014 (Plaintiff Wei), September 2014 (an unnamed person), and December 17, 2014 (Plaintiff Lo). *See* April Answer & Countercl. ¶¶ 29-30; and 2^d Am. Answer & Countercl. ¶¶ 35-6. (Pls' Compl. ¶¶ 79-80; 81,113; 84; 104; 86).

72. Defendant Li's assault and battery and negligence counterclaims against Plaintiffs allege that Plaintiffs attacked her in each of the encounters in which Defendants, in fact, initiated violence or intimidation against the Plaintiffs. April Answer & Countercl. ¶ 30; 2d Am. Answer & Countercl. ¶ 36.

73. Li's assault and battery and negligence counterclaims allege that each alleged incident occurred in precisely the same manner. *See* April Answer & Countercl. ¶ 30; 2d Am. Answer & Countercl. ¶ 36. As a result, they do not provide any detail as to how the purported assailants differently assaulted or battered Defendant Li. Nor do they in any way distinguish what actually occurred during the various incidents. *Id.*

74. As regards one counterclaimed assault and negligence claims, Li did not even identify the purported assailant by name. 2d Am. Answer & Countercl. ¶ 35 (referencing a September 2014 incident involving an unnamed lady), *See also* Pls' Compl. ¶ 104.

75. At her depositions in July 2016 and October 2016, Li was still unable to distinguish how the incidents occurred much less how they differently occurred. ((July 28, 2016 Deposition of Li ("Li July Dep." at 126:17-25, 127:2-25, 128:1-25; October 14, 2016 Deposition of Li Huahong ("Li Oct. Dep.")) at 198: 2-25, 199: 2-25, 200:2-25, 201:2-15, 204: 21-25, 205:2-25, 206:2-25, 207:2-25, 208: 2-25. (Ex. 32).

76. When asked by Plaintiffs' attorney to provide the names of the purported assailants, she was not able to recall the name of a single individual she counterclaimed assaulted or negligently harmed her apart from Bian Hexiang, whom she admits did not assault her. (Li July Dep at 126:17-25, 127:2-

25, 128:1-25, 129:1-9⁷; Li Oct. Dep.) at 198: 2-25, 199: 2-25, 200:2-25, 201:2-15, 204: 21-25, 205:2-25, 206:2-25, 207 2-25, 208 2-25. ⁸ (Ex. 32).

77. Defendant Wan filed an assault and battery counterclaim against all Plaintiffs on April 11, 2016, which alleged that acts of assault and battery claims alleged by Plaintiffs against her were fabrications, and that it was the Plaintiffs who violated her right to be free from assault and battery. Defendants Wan's April Answer and Counterclaim ("April Answer & Counterclaim") ¶ 3. On September 9, 2016, Wan filed claims for negligence and intentional infliction of emotional distress in addition to assault and battery. Second Amended Answer and Counterclaim ("2d Am. Answer & Countercl.") ¶¶ 20-25 (negligence), ¶¶ 15-19 (intentional infliction of emotional distress), ¶¶ 8-14 (assault and battery).

78. Defendant Wan's assault and battery, negligence and intentional infliction of emotional distress counterclaims are based on the same incidents that Plaintiffs allege in their Complaint. These include incidents on January 16, 2015 (Plaintiff Zhang J.), January 3, 2015 (Plaintiff Zhang C.), August 23, 2014 (Plaintiff Wei), July 21, 2014 (Plaintiffs Hu, Cui, Gao), July 24, 2014 (Plaintiffs Hu, Cui, Gao) and July 19, 2012 (Plaintiff Zhang P). Wan's April Answer & Countercl. ¶¶ 2-3; Pls' Compl. ¶¶ 101, 103, 106-09. *See also* Wan's 2d Am. Answer & Countercl. ¶¶ 2-3.

⁷ During her July 2016 deposition, Li offered the name of Chang Chan Hu as someone she counterclaimed against. However, he is not a Plaintiff in this case. The only other person identified, albeit by description and not by name, is also not a Plaintiff in the case at bar. The only Plaintiff Li was able to identify was Bian Hexiang (Li July Dep. 128:22-25).

⁸ Li was unable to offer the names of any of those she counterclaimed against during her October 2016 deposition. She did offer descriptions of two Plaintiff based solely on their attendance at the settlement meeting she attended with Defendant Chu. However, she was unsure if she had counterclaimed against the female lady who attended the deposition and again could not recall her name or the date the alleged incident occurred. Moreover, she did not counterclaim against the gentleman who attended, i.e., Plaintiff Hu Yang. *See supra* ¶ 72. Li's descriptions of a 50-year old male person (Li Dep. at 205) does not fit a description of any Plaintiff. The only other person she described, a woman in her thirties is not a Plaintiff in the case. Indeed, Li even admitted she has not seen the woman since 2008 perhaps not realizing that the incidents Plaintiffs complained of occurred no earlier than 2009. When asked if she recalled any other incidents, she was unable to recall others. (*Id.* at 208-09). Li was also unable to identify the dates of any incidents. (*Id.*). Indeed, all she could recall about the dates, after being prompted extensively by her attorney, was that they took place during the same period the incidents Plaintiffs alleged occurred. (*Id.* at 228).

79. Defendant Wan's assault and battery, negligence and intentional infliction of emotional distress counterclaims against Plaintiffs allege that Plaintiffs attacked her in each of the encounters in which Defendants, in fact, initiated violence or intimidation against the Plaintiffs. Wan Answer. & Countercl. ¶ 3; Wan 2d Am. Answer & Countercl. ¶ 3.

80. Wan's counterclaims against all Plaintiffs apart from Plaintiff Wei allege that each alleged incident occurred in precisely the same manner. *See* Wan's April Answer & Countercl. ¶ 3; Wan's 2d Am. Answer & Countercl. ¶ 3. As a result, they do not provide any detail as to how the purported assailants differently assaulted or battered Defendant Wan. Nor do they in any way distinguish what actually occurred during the various incidents. *Id.*

81. At her deposition, Wan did not identify any of the purported assailants (although she said she could) apart from Plaintiffs Zhang C. and Zheng J. (Deposition of Wan ("Wan Dep.") at 82-88 (discussing the January 16, 2015 incident counterclaimed against Zheng J); Wan Dep. at 102-104 (discussing the January 3, 2015 incident counterclaimed against Zhang C). Ex. 31.

Dated: November 10, 2017

Respectfully submitted,

/s/

Jonathan Moore
BELDOCK LEVINE & HOFFMAN LLP

Joshua S. Moskovitz
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Terri Marsh
HUMAN RIGHTS LAW FOUNDATION

cc: Tom M. Fini, Esq. (by ECF), Edmond Wong, Esq. (by ECF)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, LI Xiurong,
CAO Lijun, HU Yang, GAO Jinying, CUI Lina, XU Ting,
and BIAN Hexiang,

Plaintiffs,

vs.

Chinese Anti-Cult World Alliance (CACWA), Michael
CHU, LI Huahong, WAN Hongjuan, ZHU Zirou, &
DOES 1-5 Inclusive,

Defendants.

**DECLARATION OF TERRI
MARSH IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

No. 15-CV-1046 (SLT) (VMS)

TERRI E. MARSH, an attorney admitted to practice before this Court, declares the following under penalty of perjury:

1. I am the Executive Director and Senior Litigation partner of the Human Rights Law Foundation and Plaintiffs' counsel in this action. I am familiar with the proceedings in this matter and I submit this declaration in support of Plaintiffs' motion for partial summary judgment.

2. Annexed hereto are the following exhibits:

- Exhibit 1. Excerpts of the Core Religious "Bible" of Falun Gong: Zhuan Falun
- Exhibit 2. Excerpts of Teachings of Zhuan Falun
- Exhibit 3. Excerpts of Supplementary Teachings of Falun Gong
- Exhibit 4. Excerpts of Deposition of Cao Lijun
- Exhibit 5. Excerpts of Deposition of Wei Min
- Exhibit 6. Excerpts of Deposition of Gao Jinying
- Exhibit 7. Excerpts of Deposition of Zhou Yanhua
- Exhibit 8. Excerpts of Deposition of Hu Yang
- Exhibit 9. Excerpts of Deposition of Lo Kitsuen
- Exhibit 10. Excerpts of Deposition of Cui Lina
- Exhibit 11. Excerpts of Deposition of Zhang Peng

- Exhibit 12. Excerpts of Deposition of Zhang Jingrong
- Exhibit 13. Excerpts of Deposition of Xu Ting
- Exhibit 14. Excerpts of Deposition of Li Xiurong
- Exhibit 15. Excerpts (A-E) from U.S. Commission on International Religious Freedom Reports
- Exhibit 16. Excerpts from August 15, 2017 Remarks of Secretary of State Tillerson
- Exhibit 17. Excerpts (A-B) from Department of State Human Rights Reports on China Reports
- Exhibit 18. Excerpt from H. Com. Int'l Rel, Subcommittee on Africa, Glob. H. Rts. & Int'l Operations
- Exhibit 19. Excerpts (A-D) from United States House Resolutions
- Exhibit 20. Excerpts (A-E) from Congressional-Executive Commission on China Annual Reports
- Exhibit 21. Excerpts of Deposition of Michael Chu
- Exhibit 22. CACWA Articles of Incorporation
- Exhibit 23. Excerpts from the CACWA Shitou Newsletter
- Exhibit 24. Excerpts of Deposition of Dr. Xia Ming
- Exhibit 25. Expert Report by Dr. Arthur Waldron
- Exhibit 26. Excerpts of *The Religion of Falun Gong* by Dr. Benjamin Perry
- Exhibit 27. Excerpts of Deposition of Dr. Arthur Waldron
- Exhibit 28. Expert Report by Dr. Xia Ming
- Exhibit 29. Rebuttal Expert Report by Caylan Ford
- Exhibit 30. Excerpts of Deposition of Hongjuan Wan
- Exhibit 31. Excerpts of Deposition of Zhu Ziroui
- Exhibit 32. Excerpts of Deposition of Li Huahong

3. Certain of these exhibits, e.g., Exhibits 1, 2, and 3, are excerpts from materials that would otherwise be difficult or lengthy to produce in their original form, and have been submitted in this condensed form for the Court's convenience. We are prepared to introduce these materials at trial in their original form and we believe there will be no dispute about their admissibility.

4. We believe that these exhibits and the materials contained therein show that there is no genuine dispute of fact that Falun Gong is a religion and that certain of Defendants' counterclaims are untimely and baseless.

WHEREFORE, plaintiffs request the Court grant their motion for partial summary judgment, and for any further relief the Court deems necessary and proper.

Dated: New York, New York
November 10, 2017

/s/

TERRI E. MARSH

EXHIBIT 1:

EXCERPTS OF THE CORE RELIGIOUS “BIBLE” OF FALUN GONG: ZHUAN FALUN

Zhuan Falun is described as the core or main text of the Falun Gong School, in Falun Gong texts.

1. “The truth is, no matter how many more scriptures we publish, they are merely supplementary materials to *Zhuan Falun*. Only Zhuan Falun can truly guide your cultivation. It contains inner meanings that go from the level of ordinary people to incomparable heights. As long as you continue to cultivate, *Zhuan Falun* will always guide your elevation in cultivation.” (Comments for Republication, 1994).
2. “The Dafa book *Zhuan Falun* is for systematic cultivation. Go read it. As for the other books... they’re only supplementary materials to be read for reference.” (Teaching the Fa at the Assistants’ Fa Conference in Changchun, July 1998).
3. “The book *Zhuan Falun* contains everything. Actually, all of the things I’ve spoken about are contained in *Zhuan Falun*. It’s only that I’ve spoken more specifically to students in various regions with regard to their situations. Don’t be attached to those things, calm down, and cultivate steadily. *Zhuan Falun* is the main book, while other things are supplementary reading.” Teaching the Fa at the Conference in Singapore, August 1998.
4. “[But] I’ll tell you that if you want to cultivate in a systematic way, you have to focus on one book, *Zhuan Falun*. All other books are only for your reference. The supplementary books have different supplementary value at different levels, since different inner meanings exist at different levels. Yet if you want to cultivate systematically, go by *Zhuan Falun*. That’s why you should read *Zhuan Falun* repeatedly.” Teaching the Fa at the Eastern U.S. Fa Conference, 1999.
5. “If I talk about something too profound, many people may not understand it. As I intended, I have not systematically taught the Fa for two years already because the Fa that I gave to man has already been left in its entirety. I did not even have people record my lectures. Why is it? Many people are seeking novelty. What else has the teacher said or talked about? They are going after such things instead of practicing cultivation steadily. What I gave man for cultivation practice is Zhuan Falun, and this book is the systematic Fa. The other things that I have said are merely interpreting Zhuan Falun and they are all supplementary. If recordings are made and passed around in society, it will create interference for those genuine practitioners. The book Zhuan Falun is systematic from the lower level to the higher level, and what I am talking about now are only directed at the people present here.” 1999 Lecture in Sydney,” <http://en.falundafa.org/eng/lectures/1996L.html>
6. “Throughout the entire course of my lectures on the Fa and cultivation practice, I have been responsible to society and practitioners. The results we have received have been good, and their impact upon the entire society has also been quite good.” Li Hongzhi, Zhuan Falun, Lecture One, “Genuinely Guiding People Towards High Levels,” 2000 edition.

7. Brief Introduction to Falun Dafa

Falun Dafa (also called Falun Gong) is an advanced practice of Buddha school self-cultivation, founded by Mr. Li Hongzhi, the practice's master. It is a discipline in which "assimilation to the highest qualities of the universe—Zhen, Shan, Ren (Truthfulness, Compassion, Forbearance)—is the foundation of practice. Practice is guided by these supreme qualities, and based on the very laws which underlie the development of the cosmos." Master Li's teachings are set forth in a number of texts, among which are included Falun Gong, Zhuan Falun, The Great Perfection Way of Falun Dafa, Essentials for Further Advancement, and Hong Yin (The Grand Verses). These and other works have been translated into thirty-eight languages, and are published and distributed worldwide. (<http://en.falundafa.org/>, last visited November 8, 2017)

EXHIBIT 2

EXCERPTS OF TEACHINGS OF ZHUAN FALUN

Divine Creator

1. “It was DAFA [/the Buddha FA] that created time and space, the multitude of lives and species, and all of creation. Zhuan Falun, “Lunyu,” 2000 edition.¹
2. “It is the Buddha Fa that created the immense cosmic body, and not these Buddhas, Daos, and Gods.” Essentials for Further Advancement, “The Buddha Fa and Buddhism” (April 2001) at URL <http://en.falundafa.org/eng/jjyz75.htm>.
3. “What is the Buddha FA, then? The most fundamental characteristic of this universe, Zhen-Shan-Ren, is the highest manifestation of the Buddha FA. It is the most fundamental Buddha FA. The Buddha FA manifests different forms at different levels and assumes different guiding roles at different levels. Zhen-Shan-Ren is the highest manifestation of the Buddha FA.” Zhuan Falun, Lecture One, “Zhen-Shan-Ren is the Sole Criterion to Discern Good and Bad,” 2000 edition.

Imponderables

4. “One should return to one’s original, true self; this is the real purpose of being human. Therefore, once a person wants to practice cultivation, his or her Buddha-nature is considered to come forth,” Lecture One, “Genuinely Guiding People to Higher Levels,” 2000 edition.²
5. “The Tao School does not offer salvation to all beings. What it faces are not all kinds of people with different mentalities and levels, some of whom are more selfish and others less selfish. It selects its disciples. If three disciples are selected, only one of them receives the real teaching.” Lecture One, “Characteristics of Falun Dafa,” 2000 edition.
6. “The Buddha School [...] develops an aspiration to offer salvation to all beings.” Lecture One, Zhen-Shan-Ren is the sole Criterion to Discern Good and Bad,” 2000 edition.
7. “In providing salvation to humankind, the Buddha School does not attach any condition or seek returns, and it will help unconditionally.” Lecture One, “Genuinely Guiding People To Higher Levels,” 2000 edition.
8. “In the Buddha School, “salvation of all beings” implies bringing you out of everyday people’s most agonizing state to higher levels. You will no longer suffer, and will be set free—that is what it implies.” Lecture Two, “The Supernormal Ability of Precognition and Retrocognition,” 2000 edition.

¹ “Dafa” and the “Buddha FA” are used interchangeably in the Falun Gong School. In Essentials for Further Advancement, one article, “The Buddha Fa and Buddhism,” uses the interchangeable name, the Buddha Fa as that which “created the immense cosmic body.” See supra at ¶ 2.

² See also “Clarify the Mind, Hong Yin I “I spread the Fa, your Master, for salvation of all.”)

Cultivation Leads to Salvation

9. “If a human being is to understand the mysteries of the universe, space-time, and the human body, he must take up cultivation of a true Way and achieve true enlightenment, raising his plane of being. Through cultivation his moral character will elevate, and once he has learned to discern what is truly good from evil, and virtue from vice, and he goes beyond the human plane, he will see and gain access to the realities of the universe as well as the lives of other planes and dimensions.” *Zhuan Falun*, “Lunyu,” 2000 edition.

10. “Therefore, once a person wants to practice cultivation, his or her Buddha-nature is considered to have come forth. Such a thought is most precious, for this person wants to return to his or her original, true self and transcend the ordinary human level.” (Lecture One, “Genuinely Guiding People to Higher Levels,” 2000 edition); “And any cultivator who is able to become one with Dafa is an enlightened one—divine.” “Lunyu,” 2000 edition.

11. “Isn’t he a person who has attained the Tao through practicing cultivation? Isn’t he a great enlightened person? How can he be considered the same as an everyday person? Isn’t he an enlightened person through cultivation practice? Isn’t it correct to call him an enlightened person? In the ancient Indian language he is called a Buddha. Actually, that is it. This is what qigong is for.” *Zhuan Falun*, Lecture One, “Qigong is Cultivation Practice.”

12. “Our Falun Dafa is one of the eighty-four thousand cultivation ways in the Buddha School. During the historical period of this human civilization, it has never been made public. In a prehistoric period, however, it was once widely used to provide salvation to humankind. In this final period of Last Havoc, I am making it public again. Therefore, it is extremely precious.” (Lecture One, “Characteristics of Falun Dafa,” 2000 edition)

13. In fact, orthodox religions that have appeared in history in the world such as Christianity, Catholicism, Buddhism, Taoism, and including Judaism, could all enable the human heart to turn to goodness while, in the meantime, enabling those who genuinely wanted to move up in cultivation practice to attain the Fa and complete their cultivation practice. See Exhibit 3 at 1 (“1996 Lecture in Sydney,” available at <http://en.falundafa.org/eng/lectures/1996L.html>.)

Cultivation is Not For Healing Illness

14. “Offering salvation to humankind means you will be genuinely practicing cultivation, and not just healing illness and keeping fit.” Lecture One, “Genuinely Guiding People to Higher Levels,” 2000 edition.

15. “I do not talk about healing illness here, and neither will we heal illness. As a genuine practitioner, however, you cannot practice cultivation with an ill body. I will purify your body. The body purification will be done only for those who come to truly learn the practice and the Fa.” Lecture One, “Genuinely Guiding People to Higher Levels,” 2000 edition.

Ethical /Moral Code of Conduct

16. “It is well known that when we truly practice cultivation ... [we] practice Shan (compassion).” Zhuan Falun, Lecture Eight, “Collecting Qi,” 2000 edition.

17. “During the process of transforming karma, ... you should always maintain a heart of benevolence and a mind of kindness. ... When you always maintain a heart of benevolence and compassion (shan), you will have time to buffer the confrontation and think, should a problem arise suddenly. If you always think about competing with others and fighting back and forth, I would say that you will start a fight with others whenever there is a problem. Thus, when you encounter a conflict, I would say that it is to transform your black substance (“karma”) into the white substance ‘de.’” Zhuan Falun, Lecture Four, “Transformation of Karma,” 2000 edition.

18. “As practitioners, you will suddenly come across conflicts. What should you do? You should always maintain a heart of compassion and kindness. Then, when you run into a problem, you will be able to do well because it gives you room to buffer the confrontation. You should always be benevolent and kind to others, and consider others when doing anything. Whenever you encounter a problem, you should first consider whether others can put up with this matter or if it will hurt anyone. In doing so, there will not be any problems. Therefore, in cultivation practice you should follow a higher and higher standard for yourself.” Zhuan Falun, Lecture Four, “Upgrading Xinging,” 2000 edition.

19. “Of course, in practicing cultivation in ordinary human society, we should respect parents and educate our children. Under all circumstances, we must be good and kind to others, not to mention to our family members. We should treat everyone in the same way. We must be good to our parents and children and be considerate of others in all respects. Such a heart is thus unselfish, and it is a heart of kindness and benevolence.” Zhuan Falun, Lecture Six, “Demonic Interference From One’s Own Mind,” 2000 edition.

20. “In practicing Zhen-Shan-Ren, the Tao School emphasizes the cultivation of Zhen [truthfulness]. Therefore, the Tao School believes in the cultivation of Zhen to nurture one’s nature; one should tell the truth, do things truthfully, become a truthful person, return to the original, true self, and in the end, become a true person through cultivation. Nevertheless, it also includes Ren [tolerance] and Shan [compassion], but with an emphasis on the cultivation of Zhen. The Buddha School emphasizes cultivating Shan of Zhen-Shan-Ren. Because the cultivation of Shan can generate great, benevolent compassion, and when compassion develops one will find all beings suffering, the Buddha School thus develops an aspiration to offer salvation to all beings. It also has Zhen and Ren, but with an emphasis on the cultivation of Shan. Our Falun Dafa is based upon the highest standard of the universe, Zhen, Shan, and Ren [Truthfulness, Compassion, and Tolerance], all of which we cultivate simultaneously.” Zhuan Falun, Lecture One, Zhen-Shan-Ren is the sole Criterion to Discern Good and Bad,” 2000 edition.

21. What is a “heart of great forbearance?” As a practitioner, the first thing you should be able to do is to not fight back when you are beaten or sworn at—you must be tolerant. Otherwise, what kind of practitioner will you be? Someone says: “It’s really hard to be tolerant, and I’ve got a bad temper.” If your temper is not good, you should change it, for a practitioner must be tolerant. [...] If you cannot even get over a trifle and lose your temper easily, how can you expect to increase your gong? Someone says: “If someone kicks me while I’m walking down the street and no one around

knows me, I can tolerate it.” I say that this is not good enough. Perhaps in the future you may be slapped in the face twice, and you will lose face in front of someone whom you least want to see it. It is to see how you will deal with this issue and whether you can endure it. If you can tolerate it and yet it preys on your mind, it is still not good enough. As you know, when a person reaches the Arhat level, in his heart he is not concerned about anything. He does not care at all in his heart for any ordinary human matter, and he will always be smiling and in good spirits. No matter how much loss he suffers, he will still be smiling and in good spirits without any concern.” (Lecture Nine, “People With Great Inborn Quality,” 2000 edition.)

22. In a specified [other] dimension, there is a field that surrounds the human body. The field is the “de” (virtue, merit) that we have mentioned.³

23. “One loses *de* when one commits wrongdoing. How does a person lose *de*? When a person swears at another, he thinks that he has gained the upper hand and feels good. There is a principle in this universe called “no loss, no gain.” To gain, one has to lose. If you do not want to lose, you will be forced to lose. Who plays such a role? It is precisely the characteristic of the universe that assumes this role. Thus, it is impossible if you only wish to gain things. What will happen then? While swearing at or bullying another person, he is tossing *de* at this other person. Since the other person is the party that feels wronged and has lost something and suffered, he is compensated accordingly. While one person is here swearing, with this swearing, a piece of *de* from his own dimensional field leaves and goes to the other person. The more he swears at him, the more *de* he gives him. The same is true with beating up or bullying others. As one hits or kicks another person, one will give one’s *de* away according to how badly one beats up the other person.” Zhuan Falun, Lecture One, “Why Doesn’t Your Gong Increase with Your Practice?”

24. “Everyone sits here to learn this Dafa, so you must here conduct yourselves as true practitioners, and you must give up attachments. [...] To tell you the truth, the entire cultivation process for a practitioner is one of constantly giving up human attachments. In ordinary human society, people compete with, deceive, and harm each other for a little personal gain. All of these mentalities must be given up.” Lecture One, “Genuinely Guiding People Towards Higher Levels.”

25. “Killing does not only bring about a lot of karma, it also involves the issue of compassion. Shouldn’t we have compassion as practitioners? When our compassion emerges, we will probably find all living beings and every person suffering.” Lecture Seven, “The Issue of Killing,” 2000 edition.

26. “[Y]ou should pay attention to *xinxing* cultivation and practice cultivation according to the characteristic of the universe, Zhen-Shan-Ren. You must completely dispose of ... immoral thoughts, and the intention of wrongdoing.” Lecture One, “Why Doesn’t Your Gong Increase with Your Practice,” 2000 edition.

³ See also “Falun Gong” which also emphasizes the importance of the cultivation of “de.” (“Why is it that many people cultivate but their *gong* fails to develop? It is precisely because they don’t cultivate virtue. [...] The close to ten thousand volumes of the *Tripitaka* and the principles that Shakyamuni taught for over forty-some years all talked about one thing: virtue. The ancient Chinese books of Daoist cultivation all discuss virtue. The five-thousand-word book by Lao Zi, *Dao De Jing*, also contemplates virtue (*de*). Some people still fail to understand this.” (Falun Gong, Lecture III, “Loss and Gain,” April 2001 edition.)

27. “Thus, practitioners should be like this [jealous] even less so, as a practitioner should follow the course of nature. If something is yours, you will not lose it. If something is not yours, you will not have it even if you fight for it. Of course, that is not absolute. If it were as absolute as that, there would not be the issue of committing wrongdoing. In other words, there are some unstable factors. ... We therefore believe in following the course of nature. Sometimes, you think that something should be yours, and others also tell you that it is yours. Actually, it is not. You may believe that it is yours, but in the end it is not yours. Through this, it can be seen whether you can give it up. If you cannot let it go, it is an attachment.” *Zhuan Falun*, Lecture Seven, “Jealousy,” 2000 edition.

28. “The goal that you intend to achieve is to practice cultivation toward high levels. The attachment of jealousy must be relinquished, so I have singled out the issue in this lecture.” *Zhuan Falun*, Lecture Seven, “Jealousy,” 2000 edition.

29. “Throughout history, or from the perspective of higher dimensions, the issues of one’s desire and lust have been very critical in determining whether one can practice cultivation. So we must really regard these things with indifference.” *Zhuan Falun*, Lecture Six, *Attracting Demons in Qigong*,” 2000 edition.

30. “As practitioners, in the course of cultivation there are so many attachments to be relinquished, such as the mentality of showing off [...] the competitive mentality,⁴ and zealotry. Many different attachments must be discarded, for the loss we discuss is one in a broad sense. During the entire course of cultivation, we should lose all everyday people’s attachments and various desires. *Zhuan Falun*, Lecture Four, “Loss and Gain,” 2000 edition.

The Metaphysical Realm

31. “All of the lives in this dimension are different from those in other dimensions of the universe. The lives in this dimension cannot see the lives in other dimensions or the truth of the universe. Thus, these human beings are actually lost in a maze.” Lecture One, *Genuinely Guiding People Towards Higher Levels*,” 2000 edition.

32. “The Great Enlightened Beings all have their own paradises to which they save people. These Tathagata Buddhas such as Sakyamuni, Buddha Amitabha, and the Great Sun Tathagata each have their own paradises for saving people.” Lecture Three, “the Buddha School Qigong and Buddhism,” 2000 edition.

33. “We cultivate Falun instead of dan. Falun is a miniature of the universe that possesses all of the universe’s capabilities, and it can operate and rotate automatically. It will forever rotate in the lower abdominal area. Once it is installed in your body,⁵ year-in and year-out it will not stop and will

⁴ “Competitive mentality” is the translation of the Chinese “zhendou”, which encompasses “fighting, arguing and competing.”

⁵ The use of the English term “body” does not refer merely to one’s surface body in this dimension but to our bodies that manifest in all dimensions. As *Zhuan Falun* explains “the mingmen point in the human body is an extremely important and major point. It is called “aperture” in the Tao School and “Pass” (*guan*) by us. It is a major pass which truly resembles an iron gate, and it has numerous layers of iron gates. It is known that a human body has many layers. Our physical cells are one layer, and the molecules inside are another. There is a gate placed at each layer of

forever rotate like this. While rotating clockwise, it can automatically absorb energy from the universe. [...] Also, it emits energy while rotating counter-clockwise, releasing undesirable elements that will disperse around your body. When it emits energy, the energy can be released to quite a distance, and then it will bring in new energy again. The emitted energy can benefit the people around you.” *Zhuan Falun*, Lecture One, “The Characteristics of Falun Dafa,” 2000 edition; ‘

34. The Primordial, Main and Assistant Spirits.

“The Primordial Spirit: This is sub-divided into the Main Spirit (zhu yuanshen) and the Assistant Spirit (fu yuanshen).” *Zhuan Falun*, Lecture One, “Zhen-Shan-Ren is the Sole Criterion to Discern Good and Bad People, 2000 edition.

“The Main Spirit [designates] one’s Main soul, Main Consciousness.” *Zhuan Falun*, Lecture One, “Zhen-Shan-Ren is the Sole Criterion to Discern Good and Bad People,” 2000 edition.

“From a high level, we find that when a person is dead, his Primordial Spirit does not become extinct. Why doesn’t the Primordial Spirit become extinct? In fact, we have seen that after a person is dead, his corpse in the mortuary is nothing but a body of human cells in our dimension. In this dimension, different cell tissues of the internal organs and all cells in the entire human body slough off, while in other dimensions the bodies made of particles more microscopic than molecules, atoms, protons, etc., are not at all dead. They exist in other dimensions and still live in the microscopic dimensions.” *Zhuan Falun*, Lecture Two, “Supernormal Abilities of Precognition and Retrocognition,” 2000 edition.

35. “De” (virtue).

“Let us talk about de. What specific connection does it have? We will analyze it in detail. As human beings, we have a body in each of numerous dimensions. When we examine the human body now, the largest elements are cells, and they comprise the physical human body. If you can enter the space between cells and molecules or the spaces among molecules, you will experience being in another dimension. What does that body’s form of existence resemble? Of course, you cannot use the concepts of this dimension to understand it, and your body must meet the requirement of that dimension’s form of existence. The body in another dimension can become big or small to begin with. At that time, you will find it also a boundless dimension. This refers to a simple form of other dimensions that exist simultaneously in the same place. Everyone has a specified body in each of many other dimensions. In a specified dimension there is a field that surrounds the human body. What kind of field is it? This field is the de that we have mentioned. De is a white substance and not, as we believed in the past, something spiritual or ideological—it absolutely has a kind of material existence [in another dimension].” Lecture One, “Why Doesn’t Your Gong Increase with Your Practice, 2000 edition.

atoms, protons, electrons, the very microscopic particles, the infinitesimal microscopic particles, and from the infinitely microscopic particles down to the extremely infinite microscopic particles. Therefore, there are numerous supernormal abilities and many special capabilities locked up inside the gates of different layers. Other practices cultivate dan. When dan is about to explode, the mingmen point must first be blasted open. If it is not blasted open, the supernormal abilities cannot be released. After the Mysterious Pass forms a system at mingmen point, it will again return inside the body. Then it returns to the lower abdominal area. This is called "the Mysterious Pass returning to the position." Lecture 4, “The Mysterious Pass,” 2000 edition.

36. Karma (de and black karma).

“De (virtue) is a white substance [...] at the same time, there exists a black kind of substance that we call "karma" and Buddhism calls ‘sinful karma.’” These black and white substances exist simultaneously. What kind of relationship do these two substances have? We obtain that de through suffering, enduring setbacks, and doing good deeds; the black substance is accrued by committing bad deeds and doing wrong things or bullying people.” Zhuan Falun, Lecture One, “Why Doesn’t Your Gong Increase with Your Practice,” 2000 edition.

37. De and Gong.

“The gong that we attain through cultivating xinxing and assimilating to the characteristic of the universe evolves from our de. It determines the height of one’s level, the strength of one’s gong potency, and the Fruit Status of one’s cultivation.” (Lecture Three, “Supernormal Abilities and Gong Potency,” 2000 edition).

“We will address how de is transformed into gong. The community of cultivators has a saying: "Cultivation depends on one’s own efforts, while the transformation of gong is done by one’s master." ... It is the master who actually does this, as you are simply unable to do it. ... A human body’s transformation process in other dimensions is quite intricate and complex. You cannot do such things at all.”

38. Reincarnation and Karma.

“Buddhism holds that one must go through samsara (the cycle of reincarnation) if one has not reached beyond [...] the three realms.” Zhuan Falun, Lecture One, note 6, 2000 edition. See also, Exhibit 3 ¶ 5.

“Resulting from past wrongdoing, one has illnesses or tribulations; suffering is repaying a karmic debt, and thus nobody can casually change this.” (Emphasis added.). Lecture One, “Guiding People Towards High Levels,” 2000 edition.

“A Buddha is mighty capable, and he could wipe out all of humankind’s illnesses with a wave of his hand. Why doesn’t he do it? Besides, there are so many Buddhas. Why don’t they show their mercy by curing your illness? It is because ordinary human society is supposed to be this way. Birth, old age, illness, and death are just such conditions. They all have karmic reasons and are of karmic retribution. You must repay the debt if you have it.” (Zhuan Falun, Lecture Seven, “Hospital Treatment and Qigong Treatment, 2000 edition);” [T]here is such a principle in the universe: Ordinary human affairs, according to the Buddha School, all have predestined relationships. Birth, old age, illness, and death exist as such for ordinary people. Due to karma resulting from past wrongdoing, one has illnesses or tribulations; suffering is repaying a karmic debt, and thus nobody can casually change this. Changing it means that one would not have to repay the debt after being in debt, and this cannot be done at will. Zhuan Falun, "Genuinely Guiding People to Higher Levels." "The black substance is karma that can be eliminated through suffering" (Zhuan Falun Lecture Four, "Transformation of Karma," 2000 edition).

“In other words, we must pay attention to cultivating “xinxing.” At the same time “xinxing” is cultivated, karma is eliminated and transformed into de so that you can ascend to a higher level; these go hand in hand.” Lecture Four, “Transformation of Karma,” 2000 edition.

39. “To understand these ‘supernormal’ things, one cannot apply everyday people’s deductive methods and their ways of understanding things. Lecture Nine, “Mind Intent,” 2000 edition.

Other Factors

40. Cultivators are not Monks or Nuns. “For those practitioners who practice cultivation among everyday people, our school of practice does not ask you to become a monk or nun. Young practitioners should still have families. So how should this issue be treated? I have said that our school of practice directly targets one’s mind. It does not make you actually lose anything in terms of material benefits. Instead, you are to temper your “xinxing” amidst the material benefits of everyday people. What is truly upgraded is your “xinxing.” If you can give up the attachment, you are able to abandon everything; when you are asked to give up material benefits, you will certainly be able to do it. If you cannot let the attachment go, you will not be able to discard anything. Therefore, the real purpose of cultivation is to cultivate your heart. The cultivation practices in temples force you to lose these things so as to get rid of this attachment of yours. By not letting you think about it, they force you to completely reject them; and they have adopted such a method. But we do not require you to do so. We ask you to care less about the material interests that lie right before you. [...] We do not ask you to become monks and nuns.” (Lecture Six, “Demonic Interference in Cultivation,” 2000 edition.

41. Illness and Cultivation

“Qigong practice and true cultivation practice will not lead to illness.” Lecture Six, “Cultivation Insanity,” 2000 edition.

“Can hospitals heal illnesses? Of course, they can. If hospitals could not heal illnesses, why would people believe in them and go there for treatments?” (Lecture Seven, “Hospital Treatment and Qigong Treatment,” 2000 edition).

42. Iconography. “The symbol of our Falun Dafa is Falun.” (Zhuan Falun, Lecture Five, the Falun Emblem, 2000 edition).

EXHIBIT 3

EXCERPTS OF SUPPLEMENTARY TEACHINGS OF FALUN GONG

1. “In fact, orthodox religions that have appeared in history in the world such as Christianity, Catholicism, Buddhism, Taoism, and including Judaism, could all enable the human heart to turn to goodness while, in the meantime, enabling those who genuinely wanted to move up in cultivation practice to attain the Fa and complete their cultivation practice.” “Lecture in Sydney,” 1996.
2. “Q: What does the Falun consist of? A: The Falun is an intelligent being consisting of high-energy substances. It transforms Gong (cultivation energy) automatically and it does not exist in our dimension.” Falun Gong, Chapter V, “Falun Law Wheel and Falun Gong,” 2001 edition.
3. Five Exercises. “Viewed broadly, Falun Dafa has a small number of exercise movements, yet the things to be developed are numerous and comprehensive. The movements govern every aspect of the body and the many things that will be developed. All five exercises in their entirety are taught to cultivators. Right from the outset, the areas in the cultivator’s body where energy is blocked will be opened, and a great amount of energy will be absorbed from the universe. In a very short period of time the exercises will expel useless substances from the person’s body and purify it.” The Great Way of Spiritual Perfection, Chapter I, “Five Exercises that are Easy and Simple to Learn,” 2014 edition.

Daily Study of Falun Gong scripture (called “FA Study”). “We don’t need to forbid you to do anything. Nor do we need to set any regulations for you to follow. Why? Because today we have passed on the Fa and this Fa already tells you what you should do. That’s why I say that if I’m not around or if you can’t see me, you should “take the Fa as teacher” and just study this Fa. Whether you succeed and whether you can do this is all determined by this Fa” “Suggestions Given at the Beijing Falun Data Association Meeting,” December 1994.

Local Group Study of Falun Gong scripture (called “FA Study”). “No matter how busy you may get, you still must study the Fa. This is why I am recommending that the Dafa disciples who are immersed in our various projects find time to participate in the local Fa-study. The reason is, in the preceding time, many a project asked me whether it would be alright for them to find time to study the Fa on their own, and so I have been observing, looking to see whether they could have a good handle on their own cultivation and meet the standard while not participating in the large group Fa-studies. The outcome, I found, was that they couldn’t. And not only didn’t they meet that standard, I found that they were stagnating; they were handling many things terribly; and many people were using human thinking to consider, view, and handle things, and falling behind in cultivation. I have seen the severity of this problem, and that is why I’m telling you that you had best still partake in the local Fa-study. Whatever the case, you must not slack off in your Fa-study, as this is the biggest problem, it’s a fundamental issue.” “

Prayer at Six-hour Intervals. “The Two Hand Positions for Sending Forth Righteous Thoughts.” [The prayers comprise the two verses “*fa jung chin Kwuhn shyer ub! Chew Myeh; fat jung then de. Sheen sheen baom.*” June 12, 2001, available at http://en.falundafa.org/eng/jjyz2_31.htm.

Proselytizing. “The second thing is that we need to make a priority of clarifying the truth. You need to know that clarifying the truth is extremely important for Dafa disciples. You aren't just

doing personal cultivation--your own cultivation is saving the beings in the gigantic cosmic bodies that you represent. When you clarify the truth you are saving even more and even larger additional cosmic bodies and the beings in those cosmic bodies, because this is the responsibility Dafa and history have bestowed upon you [...] Of course, many students have been quietly doing large amounts of truth-clarifying work--passing out flyers, making phone calls, using the Internet, going to the consulates, and using all different forms of media to tell the world's people the truth about Dafa and to expose the evil's persecution." "Touring North America to Teach the Fa," March 2002.

4. Uncooked Meat. "So as for eating raw flesh foods, that's the worst. I remember that Yahweh told the people he created, "You should eat cooked food." For human beings, meat has to be cooked before it can be eaten." "Teaching the Fa in the City of Los Angeles," 2006.

Avoidance of Alcohol. The Buddha School does not permit drinking alcohol. Have you ever seen a Buddha carrying a wine container? No. I have said that one might not be able to eat meat, but after one gives up the attachment during cultivation practice among everyday people, it is not a problem for one to eat it again later. After quitting drinking alcohol, however, one should not drink again. Doesn't a practitioner have gong in the body? Different forms of gong and some supernormal abilities are shown on the surface of your body, and they are all pure. As soon as you drink alcohol, they will all leave the body immediately. In a split second, your body will have nothing left, as they all fear that odor. It is quite loathsome if you become addicted to this habit, for drinking alcohol can make one irrational. Why do some Great Taoist cultivation practices require drinking alcohol? It is because they do not cultivate one's Main Spirit, and drinking can make one's Main Spirit lose conscious.

Special Holidays. "May 13, 2017, is the 25th anniversary of Falun Dafa's public introduction and the 18th World Falun Dafa Day. Many cities and elected officials in the U.S. have issued proclamations declaring this May 13 'Falun Dafa Day' or sent greeting letters of congratulations to the event," available at <http://en.minghui.org/html/articles/2017/5/13/163639.html>.

The Falun Emblem. "Q. The direction in which the Falun rotates on the Falun emblem is not the same as the one on the student pass (referring to the first and second seminars). The Falun printed on the student pass for the seminar rotates counterclockwise. Why?" A: The goal is to give you something good. Its outward emission of energy adjusts everyone's body, so it does not rotate clockwise. You can see it rotating." Falun Gong, Chapter V, "Falun (Law Wheel" and Falun Gong," 2001 edition.

Iconographic Images of Buddhas, Taos, Boddhisatvas, and Celestial Maidens. "HongYin," a book of spiritual poems, features these images, as reflected in attachment one. These images are also on display at Falun Dafa Experience Sharing Religious Conferences.

5. "But for those who cultivate among ordinary people, we don't encourage you to go that route. If everyone cultivated in Falun Dafa and no one got married, then they wouldn't propagate future generations and human beings would become extinct. That wouldn't do." "Teaching the Fa and Answering Questions in Guangzhou," 1997.

6. "Since in the process of transmigration a person carries karma with him, the more wrongdoing a person does, the more karma he has. When he reincarnates into a plant the plant will be covered with karma. Human eyes can't see this, since karma exists in a dimension lower than the

layer of the largest molecules. Man reincarnates into plants, objects, animals, or he may even reincarnate into soil or stones when transmigrating, so karma is everywhere.” “Teaching the Fa at the U.S. Western Falun Dafa Conference,” 1999.

ATTACHMENT ONE



Buddha

Page 8 from Hong Yin (洪吟), ISBN 1-58613-052-8; URL:
<http://gb.falundafa.org/chigb/hongyin.htm#51>



Bodhisattva

Page 12 from Hong Yin (洪吟), ISBN 1-58613-052-8; URL:

<http://gb.falundafa.org/chigb/hongyin.htm#51>



Bodhisattva

Page 11 from Hong Yin (洪吟), ISBN 1-58613-052-8; URL:
<http://gb.falundafa.org/chigb/hongyin.htm#51>



Celestial maiden

Page 15 from Hong Yin (洪吟), ISBN 1-58613-052-8; URL:
<http://gb.falundafa.org/chigb/hongyin.htm#51>



Dao

Page 59 from Hong Yin (洪吟), ISBN 1-58613-052-8; URL:
<http://gb.falundafa.org/chigb/hongyin.htm#51>

EXHIBIT 4

EXCERPTS OF DEPOSITION OF LIJUN CAO

Page 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
INDEX NO. 15-CV-1046
-----x
ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,
Plaintiffs,
- against -
Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong,
WAN Hongjuan, ZHU Zirou, and DOES
1-5 Inclusive,
Defendants.
-----x
October 19, 2016
3:15 p.m.
VIDEOTAPE DEPOSITION of LIJUN
CAO, taken by the Defendants, pursuant to
notice, held at the offices of Veritext
Legal Solutions, 1250 Broadway, New York,
New York, before Debbie Zaromatidis, a
Notary Public of the State of New York.

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2 A P P E A R A N C E S:

3

4 HUMAN RIGHTS LAW FOUNDATION

5 Attorneys for Plaintiffs

6 1875 K Street, NW

7 Washington, D.C. 20036

8 BY: TERRI MARSH, ESQ.

9

10 CATAFAGO FINI, LLP

11 Attorneys for Defendants Chinese

12 Anti-Cult World Alliance, Michael Chu,

13 and Zhu Zirou

14 The Empire State Building

15 350 Fifth Avenue, Suite 7412

16 New York, New York 10118

17 BY: THOMAS M. FINI, ESQ.

18

19 ALSO PRESENT:

20 JAMES LING, Interpreter

21 DEVERELL WRITE, VIDEOGRAPHER

22 DANA CHAN

23

24

25

1 CAO

2 places do you go to practice the
3 exercises?

4 A. A park that is on the Botanical
5 Garden, which is very close to where I
6 live.

7 Q. And where do you live?

8 A. 83-55 Kissena Boulevard.

9 Q. And how do you get from where
10 you live to the park by the Botanical
11 Garden?

12 A. Yes. Well, it is very close to
13 where I live. From this block I cross to
14 another block and another block that was
15 the Botanical Garden.

16 Q. Right. And how do you
17 get -- how often did you go to the park by
18 the Botanical Garden to do the Falun Gong
19 exercises?

20 A. Well, it is difficult to say.
21 However, because I work three days a week,
22 so for the remaining four days sometimes I
23 go there three times, sometimes four
24 times, plus it is always better to
25 practice Falun Gong outside than indoors.

1 CAO

2 Q. Okay. And do you both find
3 that --

4 MR. FINI: Strike that.

5 Q. Do you find that doing Falun
6 Gong meditation gives you a sense of inner
7 piece?

8 A. Well, I cannot even describe how
9 I felt, the peace after I practice the
10 meditation. It gave a very, very nice
11 feeling of inner piece.

12 Q. So do you do meditations every
13 day?

14 A. Whenever time is available.

15 Q. And do you do it mostly every
16 day?

17 A. Well, if I have enough time
18 every day I would practice it.

19 Q. And on the typical week if you
20 take your average week, which has seven
21 days, on average how many days per week do
22 you do the meditations?

23 A. Four to five days.

24 Q. Okay. And because you practice
25 it, the meditations four or five days a

1 CAO

2 works as works that you've read?

3 A. I read this book Zhuan Falun
4 every day.

5 Q. And what about any of the other
6 works on that list? Have you read any of
7 those other books?

8 A. I can only tell you Zhuan Falun
9 I read it every day, but for other
10 occasionally I pick up some books but long
11 time ago. I don't even remember.

12 Q. Okay. Are you aware that Li
13 Hongzhi has taught that there were
14 separate heavens for separate races?

15 A. But people have different
16 religion though.

17 Q. What I am asking you is a yes or
18 no question. Are you aware that Li
19 Hongzhi has taught that there are separate
20 heavens for separate races?

21 A. I don't remember.

22 Q. You don't remember. If Master
23 Li did write that there are separate
24 heavens for separate races, would you
25 accept that as the truth because he wrote

1 CAO

2 would grab me.

3 Q. Okay. You're -- you're bigger
4 than Li Huahong, correct?

5 A. Well, let me ask you did you see
6 Li Huahong before.

7 Q. Yes, I have, but I am not
8 answering your questions. I am going to
9 ask my question again.

10 So here is my question. Are you
11 taller than Li -- wait. I have -- here
12 is my question. Are you taller than Li
13 Huahong?

14 A. Okay. Li Huahong, I am tell
15 taller than Li Huahong; however, I have to
16 tell you I believe in truthfulness,
17 compassion, forbearance. I would not hit
18 her. I want to continue.

19 Q. But wait. Hold on a second.

20 Didn't you make a gesture that
21 you went like this, that you smashed your
22 elbow to break free from her touch? Didn't
23 you show that on the video a couple of
24 minutes ago?

25 A. Is it my turn? Because she

1 CAO

2 Also they -- they question
3 about how many people actually died, how
4 many people actually injured as a member
5 of -- as members of Falun Gong. Now, I
6 can tell you exactly why I joined Falun
7 Gong. I was very sick before. My
8 master give me a second life.

9 Q. Okay. But do you think -- but
10 I want to ask you a question.

11 Do you think there is anything
12 wrong? Are you trying to stop with this
13 lawsuit those signs about Li Hongzhi's
14 houses and that there are less Falun Gong
15 hurt than they say there are? Are you
16 trying to stop them from saying those
17 things on the street?

18 A. Well, they did those types of
19 propaganda. I have no way I could
20 intervene with that action, but I did not
21 finish. Would you like me to continue?

22 Q. But if you are -- are you saying
23 that you are not trying to stop them from
24 holding up signs talking about Li
25 Hongzhi's houses? Are you saying you are

1 CAO

2 that?

3 A. I believe in my master. I
4 believe in every word that he said. I
5 believe.

6 Q. Okay. Do you believe that there
7 are separate heavens for separate races,
8 so that a white person has a different
9 heaven than a black person?

10 A. Well, I only believe in what my
11 master said. However, I did not know
12 anything about the question you asked.

13 Q. Okay. Would you be curious to
14 know that your master has said that there
15 is a separate heaven for white people and
16 a separate heaven for black people and a
17 separate heaven for Asian people.

18 Would you be curious to know
19 about that idea?

20 A. I am not curious at all, but I
21 believe in every word of my master.

22 Q. So even though your master said
23 it, you're not curious about what your
24 master says? Is that what your testimony
25 is?

1 CAO

2 Falun Gong activities and most of the time
3 you are traveling to those activities by
4 foot; is that correct?

5 A. Yes, very close to where I live.

6 Q. Okay. And has anyone -- has
7 any --

8 MR. FINI: Strike that.

9 Q. Has anyone ever stopped you from
10 traveling to any of the Falun Gong events
11 that you wanted to attend?

12 A. You mean in U.S. or in China?

13 Q. In the United States.

14 A. No, U.S. people are free.

15 Q. Okay. Do you engage in --

16 MR. FINI: Strike that.

17 Q. Has anyone in the United States
18 ever stopped you from practicing your
19 Falun Gong exercises or engaging in Falun
20 Gong prayer?

21 A. No. No person.

22 Q. Do you consider Falun Gong to be
23 a religion?

24 A. Yes, Falun Gong is a religion.

25 Q. Okay. And in the United States

1 CAO

2 that?

3 A. I believe in my master. I
4 believe in every word that he said. I
5 believe.

6 Q. Okay. Do you believe that there
7 are separate heavens for separate races,
8 so that a white person has a different
9 heaven than a black person?

10 A. Well, I only believe in what my
11 master said. However, I did not know
12 anything about the question you asked.

13 Q. Okay. Would you be curious to
14 know that your master has said that there
15 is a separate heaven for white people and
16 a separate heaven for black people and a
17 separate heaven for Asian people.

18 Would you be curious to know
19 about that idea?

20 A. I am not curious at all, but I
21 believe in every word of my master.

22 Q. So even though your master said
23 it, you're not curious about what your
24 master says? Is that what your testimony
25 is?

1 CAO

2 communicate about Falun Gong, and again
3 that is just a paraphrase. It's from my
4 notes.

5 So my question is a follow-up.

6 MR. FINI: Do you want to
7 translate that first?

8 MS. MARSH: Excuse me.

9 Q. Okay. Is -- when you -- when
10 you engage in fa zheng nian, is that part
11 of your religion? Do you do that as part
12 of your religion?

13 MR. FINI: Objection.

14 A. Yes. Yes.

15 Q. And when you give out religious
16 material, meaning material that talks
17 about the religion of Falun Gong, is that
18 part of your religion?

19 MR. FINI: Objection.

20 A. Yes.

21 Q. Okay.

22 A. I just did not express it aloud.

23 That's all. I don't have that chance.

24 That's all.

25 Q. Okay. Do you ---do you

EXHIBIT 5

EXCERPTS OF DEPOSITION OF MIN WEI

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -x

ZHANG Jingrong, ZHOU Yanhua, ZHANG
Peng, ZHANG Cuiping, WEI Min, LO
Kitsuen, CAO Lijin, HU Yang, GUO
Xiaofang, GAO Jinying, CUI Lina,
XU Ting, BIAN Xexiang,

Plaintiffs,

-against-

CHINESE ANTI-CULT WORLD ALLIANCE
(CACWA) , Michael CHU, Li Xiurong,
Bian Hexiang, ZHU Ziwei, and DOES 1-5
Inclusive,

Defendants.

- - - - -x

1
2 DEPOSITION of MIN WEI, one of the
3 Plaintiffs in the above-entitled action,
4 held at the above time and place, taken
5 before Gretchen A. Milton, a Shorthand
6 Reporter and Notary Public of the State of
7 New York, pursuant to the Federal Rules of
8 Civil Procedure, Notice and stipulations
9 between Counsel.

10 * * *

11
12 APPEARANCES:

13 HUMAN RIGHTS LAW FOUNDATION
14 Attorneys for Plaintiffs
15 1615 L Street, NW, Suite 1100
16 Washington, D.C. 20036

17 BY: TERRI ELLEN MARSH, ESQ.

18 CATAFAGO FINI, LLP
19 Attorney for Defendants
20 Chinese Anti-Cult World Alliance
21 Michael Chu
22 Li Xiurong
23 Zhu Zirou
24 The Empire State Building
25 350 Fifth Avenue, Suite 7412
New York, New York 10118

BY: TOM M. FINI, ESQ.

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APPEARANCES:
(Continuing)

ALSO PRESENT:

ARTHUR KWOK,
Mandarin Language Interpreter
(Official Interpreter for this
Deposition)
EIBER TRANSLATION, INC.

DEVERELL WRITE,
Videographer,
VERITEXT LEGAL SOLUTIONS

JANET CHIU,
Mandarin Language Interpreter
HUMAN RIGHTS LAW FOUNDATION
YI YANG XIA
(A.M. Session Only)

* * *

1 MIN WEI

2 also gives her a feeling of tranquility?

3 A. Not only does she tell me it
4 brought her tranquility by practicing it,
5 she also said that it brought her back
6 from the edge of being... of being... of
7 death.

8 Q. And how often today, meaning in
9 the present time, how often during the
10 week do you meditate using Falun Gong
11 practices?

12 A. As long as we are free, we
13 practice it every day.

14 Q. And when you say "as long as we
15 are free," do you mean as long as you have
16 time in the day, given your work schedule?

17 A. Yes.

18 Q. So, on an average, if you take an
19 average week today, during your current
20 life, on average, during the week, how
21 many hours do you meditate?

22 THE INTERPRETER: Wait -- wait.

23 A. Well, we have five movements or
24 five exercises. So, we can all do that
25 within an hour. Okay. For meditation,

1 MIN WEI

2 you need it, one hour, to do that. But
3 there are four other exercises or
4 movements that together only require one
5 hour.

6 Q. So, on a typical week, during the
7 present time in your life, do you spend
8 one hour a week on average, two hours,
9 five hours, ten hours?

10 I'm trying to get an overall
11 sense, during the week all together, if
12 you added the hours up during the week,
13 how many hours do you spend doing Falun
14 Gong mediation and exercises?

15 A. About one hour per day.
16 Sometimes if I have extra time, two hours
17 per day.

18 Q. So, about one to two hours per
19 day; correct?

20 A. Yes.

21 Q. And you find that it currently
22 gives you a sense of tranquility; is that
23 correct?

24 A. Yes. Very much so.

25 Q. So, you're generally, as result

1 MIN WEI

2 Q. Do you go to the Spiritual Center
3 in Flushing?

4 A. Yes. I pass by every day.

5 Q. Do you interact with other Falun
6 Gong practitioners at the Spiritual Center
7 in Flushing?

8 A. Yes. Yes, we interact.

9 Q. And do you interact with Falun
10 Gong practitioners at the Spiritual Center
11 almost every day?

12 A. No.

13 Q. How many times a week?

14 A. Once, possibly, per week.

15 Q. But do you pass by the Spiritual
16 Center more than once a week?

17 A. Yes.

18 Q. And when you go to the Spiritual
19 Center in Flushing, how do you get there?

20 A. I walk over.

21 Q. How far is it from where you
22 live?

23 A. Twenty minutes by walking.

24 Within 20 minutes.

25 Q. And when is the last three times

1 MIN WEI

2 you went to the Spiritual Center in

3 Flushing?

4 A. Okay. Can I have the question

5 again?

6 Q. What is the last three times you

7 went to the Spiritual Center in Flushing?

8 A. Okay. The last one was two weeks

9 ago, I went once. And I don't remember --

10 okay -- I don't remember when I went the

11 other two times.

12 But we also have a lot of tables

13 in Flushing on location. Five... okay.

14 Five spiritual tables or advertising

15 tables. And every week we have a lot of

16 members, Falun Gong members, who go to

17 Taiwan Center to learn the spiritual

18 teachings, rules, scriptures from

19 Teacher Li.

20 Q. When's the last time you went to

21 the Taiwan Center?

22 A. Most recent one for myself was

23 half a year ago that I went to Taiwan

24 Center.

25 Q. Why haven't you gone there more

1 MIN WEI

2 Center?

3 A. I don't know. I just know they
4 coordinate some activities. I was not --
5 I did not care or look into who was the
6 leader.

7 Q. I didn't ask you if you can care.
8 I am tired of your not answering my
9 questions. You have an organization
10 called Falun Gong. It's an
11 organization --

12 MS. MARSH: Objection.

13 Q. -- correct?

14 MS. MARSH: Objection.

15 A. I don't know how they are
16 organized. I just know they have someone
17 to coordinate activities.

18 Q. Right. Like when you wanted to
19 go to Barclays; right?

20 A. I'm not sure I understand what
21 you mean by that.

22 Q. Yeah. You went to Barclays to
23 see the master; right?

24 A. Prior to attending Barclays, we
25 had no idea whether he was going to be

1 MIN WEI

2 there. We merely went there to have a
3 meeting. No idea whether master would
4 show or not.

5 Q. But you knew he might show up;
6 right?

7 A. Yes. Possible. But I don't
8 know. Can't be sure.

9 Q. Right. But a minute ago, you
10 said you had no idea whether he'd show up.
11 And now you just admitted that --

12 MS. MARSH: Objection.

13 Q. -- of course you know he was
14 probably going to show up?

15 MS. MARSH: Objection.

16 A. I just said that I have no idea.
17 Don't know whether he will appear or
18 attend, or not. I don't know the
19 difference between the Chinese and the
20 English expressions.

21 Q. Yeah. Well, when you wanted to
22 go to Barclays, you testified earlier that
23 you had to get -- you had to talk to
24 somebody to go. You can't just go.

25 The general public can't just go;

1 MIN WEI

2 Gong. You can openly practice it here.

3 Q. Okay. So, give me some examples

4 as to how presently, in the present, you

5 and your wife publicly practice Falun

6 Gong.

7 A. These days we can go with other

8 people to the park and practice Falun Gong

9 there.

10 Q. Which park do you go to?

11 A. The Kissena Park.

12 Q. Where is that located?

13 A. I only know that... I only know

14 that it's in Flushing, next to Main

15 Street.

16 Q. Do you own a car?

17 A. No.

18 Q. How do you get from where you

19 live to the park you're describing?

20 A. Walk over.

21 Q. How long does it take you to

22 walk?

23 A. About 15, 20 minutes.

24 Q. How often do you go with your

25 wife to --

1 MIN WEI

2 MR. FINI: Strike that.

3 Q. How often do you go to that park,
4 on an average month, to practice Falun
5 Gong?

6 A. These days? These days, it's
7 possible I just go once a month.

8 Q. Did you use to go more
9 frequently?

10 A. Yes. More frequent, when I first
11 arrived in the states.

12 Q. Why is it less frequent now?

13 A. Because of the work that I have
14 that is different in nature. And also
15 need to take care of the kids.

16 Q. Okay. And in addition to going
17 to the park, are there other places that
18 you and your wife go to practice Falun
19 Gong?

20 A. During activities, events, we
21 also went to locations to practice Falun
22 Gong.

23 Q. Which locations?

24 A. Central Park one time, for
25 example.

1 MIN WEI

2 Q. Who chooses who the coordinator
3 is?

4 A. I don't know. But in Chinese, if
5 they want to use "cult" in Chinese, that
6 is not acceptable.

7 Q. Who chooses who the coordinator
8 is?

9 A. I don't know.

10 Q. Sounds a lot like the Communist
11 Party. Secret decision making. No
12 democracy. Bring on this lawsuit. Bring
13 it on. Let's roll.

14 A. It's not a government.

15 Q. All right.

16 MR. FINI: I have no further
17 questions.

18 A. (Continuing) We're not a
19 government. It's a religion.

20 Q. Okay.

21 MR. FINI: I have no further
22 questions.

23 THE COURT REPORTER: Do you have
24 any further questions, ma'am?

25 MS. MARSH: No, I don't.

1 MIN WEI

2 A. I just, I just believe.

3 Q. You just believe it because
4 Li Hongzhi wrote it?

5 MS. MARSH: Objection.

6 A. Before I became Falun Gong, I
7 already believed aliens. I already
8 believed that aliens came to Earth.

9 Q. And what was the basis? What led
10 you to believe that?

11 A. Well, as I mentioned before, lots
12 of people talk about it, including NASA.
13 NASA had mentioned it as well.

14 Q. So, you believe that NASA -- the
15 United States entity called NASA -- your
16 understanding is they maintain that aliens
17 visited us within the last 200 years?

18 A. Everybody had discussed -- had
19 discussions about it; that aliens had
20 visited Earth. I merely just believe it.

21 Q. Okay. Is it your understanding
22 that NASA believes aliens have visited
23 Earth? Is that your understanding of
24 NASA?

25 A. I don't know. That I don't know.

1 MIN WEI

2 disseminate could cause hatred from the
3 people in Flushing. And would cause them
4 to use violence to destroy Falun Gong.
5 And they use languages like they want to
6 kick Falun Gong out of the community,
7 local community. My son was attacked by
8 them. Was really afraid. Scared.

9 They had a table there
10 continuously, season after season,
11 disseminating materials that could cause
12 violence. And for people who doesn't know
13 the truth, it could cause people to
14 misunderstand and create hatred. And it
15 causes a feeling of loss of safety in the
16 community. I want it to end, such an
17 environment and situation, so that I could
18 freely practice Falun Gong in my own
19 community, in my local community, freely,
20 without fear.

21 Q. Are you -- so, you are seeking to
22 stop the defendants from distributing the
23 materials that you find offensive?

24 MS. MARSH: Objection to the
25 form.

1 MIN WEI

2 Q. What color are the pamphlets that
3 you've seen?

4 A. I don't remember exactly. But
5 all kinds of color. Green. Yellow.
6 White color. Several other colors. I
7 don't remember exactly. Because after
8 reading it, I realized what kind of
9 material, and I didn't read it again.

10 Q. When was the last time you read a
11 specific pamphlet that you think Michael
12 Chu disseminated?

13 A. 2014. 2013. Exactly when, I
14 don't remember. Possibly 2013 as well. I
15 have seen it in 2013 as well.

16 Q. Other than the two incidents you
17 mentioned, that you have described today,
18 any other physical incidents that you
19 suffered; that you allegedly suffered?

20 A. Not on -- not -- not against me.
21 Not against me. However, these two
22 incidents are sufficient to strike fear in
23 me. I am already very scared from these
24 two incidents. And I am afraid to imagine
25 what else could happen.

Page 280

1 MIN WEI
2 know, just "cult" as opposed to "evil
3 cult" or "dangerous cult"?
4 MR. FINI: Objection.
5 THE INTERPRETER: You know
6 what --
7 (The requested portion of the
8 record was read.)
9 Q. Let me make it easier. Is there
10 one word? That's the point. Is there one
11 word that just says "cult"?
12 MR. FINI: Objection.
13 A. To use one word to express --
14 Q. Just "cult."
15 A. -- "cult"? I am not sure --
16 Q. Okay.
17 A. -- how to use one word to express
18 cult.
19 Q. Okay. That's fine. I just
20 thought maybe there would.
21 Okay. So, do you -- you do still
22 travel in Flushing. As you have
23 testified, you walk. You take the subway.
24 You visit the Falun Gong spiritual sites.
25 You go to the Falun Gong Spiritual Center.

Page 281

1 MIN WEI
2 When you do this, do you still
3 feel afraid that one of the defendants
4 might confront or threaten you?
5 MR. FINI: Objection.
6 A. Yes, yes. Very much afraid.
7 Q. Another question related to this
8 is you spoke a lot about the inner calm
9 that you feel, the tranquility that you
10 feel from the mediation exercises, the
11 five movements, and, more generally, from
12 the practice of Falun Gong.
13 Does this tranquility eliminate
14 all fear?
15 MR. FINI: Objection.
16 A. No.
17 Q. There was quite a bit of
18 testimony in response to questions
19 about -- in quotes -- "unusual beliefs" of
20 the Falun Gong religion. And do you
21 remember these questions?
22 A. Yes.
23 Q. In your answers, you repeatedly
24 showed how the so-called "unusual beliefs"
25 in Falun Gong were very similar to unusual

EXHIBIT 6

EXCERPTS OF DEPOSITION OF JINYING GAO

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

INDEX NO. 15 CV 1046

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Xiurong, CAO Lijun, HU Yang, GAO Jinying,
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Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong,
WAN Hongjuan, ZHU Sirou, and DOBS
1-5 Inclusive,
Defendants.

-----x
VIDEOTAPE DEPOSITION of the
Plaintiff JINYING GAO, held at the offices
of Baldock Levine Hoffman & Goodman, LLP,
pursuant to Notice, before Debbie
Saromatidis, a Notary Public of the State
of New York.

1

2 **A P P E A R A N C E S:**

3

4 **HUMAN RIGHTS LAW FOUNDATION**

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9

10 **CATAFAGO FINI LLP**

11 **Attorneys for Defendants Chinese Anti-Cult**

12 **World Alliance, Michael Chu, Li Huahong**

13 **and Zhu Zirou**

14 **The Empire State Building**

15 **350 Fifth Avenue, Suite 7412**

16 **New York, New York 10118**

17 **BY: TOM M. FINI, ESQ.**

18

19

20 **ALSO PRESENT:**

21 **ARTHUR KWOK, MANDARIN INTERPRETER**

22 **DANA CHENG, MANDARIN INTERPRETER**

23 **JONATHAN POPHAM, Videographer**

24

25

1 GAO

2 Chinese word that she is using?

3 Q. Struggle with what?

4 THE INTERPRETER: Xia jiao.

5 A. Both in China all the Chinese
6 understand that word xia jiao are words
7 that insight violence. I don't really
8 care if they use anything else. I want to
9 speak other words. That is their
10 freedom. That is up to them.

11 Q. Okay. Do you engage in
12 meditation practice, Falun Gong meditation
13 practice or exercise?

14 A. Yes.

15 Q. Do you do that every day?

16 A. Yes. I practice the movement
17 on a daily basis.

18 Q. Does the meditation and exercise
19 make you feel peaceful?

20 A. Correct. That's correct. It
21 gives me a peace of mind.

22 Q. Are you -- as a result of that
23 meditation practice, are you generally a
24 happy peaceful person?

25 A. Yes, correct.

1 GAO

2 Wong.

3 Q. Okay. And how did you get
4 introduced to Falun Gong?

5 A. I believe they attended sifu's
6 classes, and they learned it there, and
7 then they first taught it to me after
8 that. So they want me to teach it to
9 others.

10 Q. Okay. So when were you first
11 introduced to Falun Gong?

12 A. December 1994.

13 Q. How did you get introduced in
14 December 1994? What happened?

15 A. We were neighbors, and that
16 person said why don't you practice Falun
17 Gong. It's pretty -- it's very good.

18 Q. And what happened next in terms
19 of your introduction to Falun Gong?

20 A. After that I started practicing
21 Falun Gong.

22 Q. Did you read any books or
23 literature by Li Hongzhi?

24 A. Yes. I have read them, yes.

25 Q. When you first got introduced in

Page 16

1 GAO
2 1994, did you read a book by him?
3 A. Yes. At the time the person
4 with the last name Wong gifted one to me.
5 Q. What was the --
6 A. Gave me one.
7 Q. What was the name of it?
8 A. It was the first edition of the
9 Zhuan Falun. Zhuan Falun.
10 Q. Okay. Did you read that in
11 1994?
12 A. In '94 I read the book Falun
13 Gong. In either January or February, I
14 don't remember exactly, I was given a copy
15 of Zhuan Falun.
16 Q. And how many times between then
17 and now have you read those books that you
18 just identified?
19 A. I don't remember exactly. I
20 would read it when I had free time.
21 Q. Okay. Have you read those books
22 more than four times?
23 A. Yes.
24 Q. More than ten times?
25 A. I don't remember.

Page 17

1 GAO
2 Q. Okay. Have you read any other
3 works or writings by Li Hongzhi?
4 A. I have read some and not read
5 others.
6 Q. Have you read anything he has
7 written that you don't agree with or that
8 you are skeptical of?
9 MR. MOSKOVITZ: Objection.
10 A. No.
11 Q. So every word he has written you
12 agree with?
13 MR. MOSKOVITZ: Objection.
14 Mischaracterizes her testimony.
15 Q. So every word he has written you
16 agree with. Is that the case?
17 MR. MOSKOVITZ: Objection.
18 A. Yes, I agree with them all.
19 Q. Have you -- are you aware that
20 Li Hongzhi has said that he has visited
21 aliens?
22 MR. MOSKOVITZ: Objection.
23 A. I don't remember.
24 Q. Well, do you know what an alien
25 is?

1 GAO

2 So the meditation practice, does
3 your husband also do meditation practice
4 with you?

5 A. That is correct. Sometimes we
6 do it together, sometimes separately, and
7 any free time I would meditate.

8 Q. Okay. And has your Falun Gong
9 practice with her husband actually helped
10 your marriage be a happy marriage?

11 A. Correct.

12 Q. And do you and your husband
13 sleep well at night meaning peacefully,
14 calm sleep, uninterrupted sleep?

15 A. Correct.

16 Q. Okay. How often do you go to
17 the Taiwan Center?

18 A. Generally speaking once a week.

19 Q. Okay. How many people
20 approximately are at the Taiwan Center
21 when you go?

22 A. Approximately 200 or so. I
23 don't know the exact number of attendees.

24 Q. Okay. Do you travel outside of
25 New York City for Falun Gong events?

1 GAO

2 that you distribute?

3 A. Well, it does have writings
4 about Falun Gong, truth, kindness and
5 beauty.

6 Q. Have you --

7 A. As well as -- and also
8 instructions on how to meditate, how to
9 practice Falun Gong.

10 Q. Have you ever heard Li Hongzhi
11 say that China, the Country of China has
12 suffered things like earthquakes because
13 of the bad deeds of the Chinese
14 government?

15 MR. MOSKOVITZ: Objection.

16 A. No, I have not heard that.

17 Q. Do you think that the geography
18 of China has suffered things like
19 earthquakes to punish for the bad actions
20 of the Chinese government?

21 A. Well, my understanding is that
22 when humans do bad deeds they get bad
23 karma and including us. As long as one
24 does bad deeds it brings bad karma. We
25 practice and meditate to get rid of bad

1 GAO

2 question, and she answered your question.

3 If you don't like that, you can call the

4 magistrate.

5 MR. FINI: I have a problem

6 with your interruption.

7 Q. Do you understand what the word

8 god means? A god, do you understand what

9 that means?

10 MR. MOSKOVITZ: Objection.

11 A. We practice towards God,

12 religion, believe in God, so --

13 Q. Do you believe that Li Hongzhi

14 has supernatural powers?

15 MR. MOSKOVITZ: Objection.

16 A. I believe yes.

17 Q. What kind of supernatural powers

18 does he have?

19 MR. MOSKOVITZ: Objection.

20 A. The Fa theory he taught were

21 very deep.

22 Q. Can he fly?

23 MS. MOSKOVITZ: Objection.

24 A. I have not witnessed it.

25 Q. Have you heard that he can

1 GAO

2 the original writing. Possibly I read it
3 in the New York Times that he did say
4 aliens have visited.

5 Q. Do you think aliens have visited
6 earth?

7 A. I lack the knowledge, so --

8 Q. What about --

9 A. I lack the knowledge. I can't
10 really say. I don't really know.

11 Q. But what about if Li Hongzhi
12 said it is so, does that make it so?

13 MS. MARSH: Objection.

14 A. If sifu has said it, I would
15 believe it.

16 Q. Why -- why aren't you willing to
17 disagree with anything -- with anything he
18 says?

19 MR. MOSKOVITZ: Objection.

20 MS. MARSH: Objection.

21 A. Because I respect him. He is
22 the most respected person for me.

23 Similarly like Christians who respect
24 Jesus Christ.

25 Q. Well, you know, in Christian

1 GAO

2 Q. Okay. And after you got out
3 and before your second arrest, what did
4 you do with your life if you weren't able
5 to work?

6 A. After I returned home, they sent
7 four people to watch over me and
8 was -- they kept me under watch 24 hours a
9 day. If I go out shopping, for example,
10 two of them would walk alongside me beside
11 me, and if another person who also
12 practices approached me that person would
13 be arrested immediately. I was home
14 under surveillance for eight days, and two
15 fellow practitioners came to visit and was
16 arrested. After eight days I avoided the
17 surveillance of these people, and I
18 escaped. After that I basically was
19 homeless, no where to go.

20 Q. Did you live with your husband?

21 A. No. Well, there were five of
22 us, four others and myself. So five of us
23 fellow practitioners we stayed together.
24 We lived together. We escaped to
25 different locations. We moved do

1 GAO

2 different locations, and in less than a
3 year two fellow practitioners were
4 arrested, and they were persecuted to
5 death. One -- one of the -- his name is
6 Wong Sing Zung, he was only 23 years old,
7 and another person's name is Wong Fung
8 Wei. Wong Sing Zung was beaten to death
9 seven days after he was arrested. Wong
10 Fung Wei after a few months was beaten to
11 death.

12 Q. How do you know?

13 A. They were fellow practitioners
14 who I rely on a day-to-day basis that we
15 survive together.

16 Q. How do you know they were beaten
17 to death?

18 A. Because we were together, and
19 then at night that person went out and put
20 up some Falun Gong posters -- posters.
21 After Wong Sing Zung was arrested one
22 person escaped and told me about it.

23 MR. FINI: Ask her if we should
24 take a break.

25 MR. MOSKOVITZ: Let's take a

1 GAO

2 United States to do whatever you want with
3 respect to Falun Gong practice?

4 MR. MOSKOVITZ: Objection.

5 A. Yes.

6 Q. The meetings -- when you gave
7 that list you said meetings. Where are
8 these meetings that you referred to?

9 A. Manhattan as well as Brooklyn, a
10 facility -- a hall, a big hall in Brooklyn
11 there were meetings.

12 Q. Is one of the meetings you are
13 referring to at the Barclay's Center? It's
14 a very big complex.

15 A. Yes. Yes.

16 Q. And Li Hongzhi appeared there;
17 is that correct?

18 A. Yes.

19 Q. And you attended that; is that
20 correct?

21 A. I did.

22 Q. Okay. Approximately when was
23 that?

24 A. For this year approximately it
25 was around May, June.

1 GAO

2 Q. And how many people
3 approximately were at that meeting?

4 A. I don't know. It was full
5 attendance.

6 Q. So would it be safe to say that
7 there were thousands of people attending?

8 A. I don't really know exactly how
9 many people, but the entire whole place
10 was filled up.

11 Q. The entire hall in Barclay's
12 Center, correct?

13 A. Yes.

14 Q. And was the room you were in
15 like a gigantic room that would be for a
16 concert or a sporting event? Could you
17 describe the room?

18 A. I don't really know, but it is a
19 flat space with level seats on all three
20 sides.

21 Q. Right. But to give -- just to
22 make clear the size, it was far, far
23 bigger than the room we are sitting in
24 today, correct?

25 A. Yes. It -- it is a stadium of

1 GAO

2 Q. Right, but those are tables in
3 the public street that anybody could walk
4 by, correct?

5 A. Yes.

6 Q. Okay. And how often do you
7 visit those tables on Main Street,
8 Flushing?

9 A. Generally I go there three times
10 a week.

11 Q. Okay. And how do you get
12 to -- how do you get there from your home?

13 A. I take -- I take the subway
14 from -- I take the F and then the 7 train,
15 transfer to the 7.

16 Q. Okay. Is it true that unlike in
17 China you and your friends who practice
18 Falun Gong can do and say whatever you
19 want about Falun Gong here in the United
20 States?

21 MR. MOSKOVITZ: Objection.

22 A. Yes.

23 Q. Do you know who Michael Chu is?

24 A. Michael Chu. Michael Chu
25 what -- what is his Chinese name?

1 GAO

2 assault any of the defendants I've just
3 mentioned?

4 A. No.

5 MS. MARSH: Okay.

6 That's -- nothing further.

7 MR. MOSKOVITZ: Xie xie.

8 MS. MARSH: Yes. Xie xie.

9 Thank you.

10 MR. FINI: Are you done?

11 MS. MARSH: Yes.

12 MR. FINI: Okay. I have some
13 follow-up questions.

14 EXAMINATION BY MR. FINI:

15 Q. You testified earlier today that
16 you and your husband go to whatever Falun
17 Gong activities that you wish to go to,
18 correct?

19 MR. MOSKOVITZ: Objection.

20 A. Yes.

21 Q. Okay.

22 A. If I want to go, I could go.

23 Q. Right, and you go to any that
24 you feel like going to, correct?

25 A. Yes. If anybody inform

1 GAO

2 me -- if they inform me and I am able to
3 go I want to. I could go. I would go.

4 Q. Okay. And you come and go AS
5 you please to anywhere you want in Main
6 Street, Flushing, correct?

7 A. Yes, I am able to go in and out
8 freely. However, however, I would be
9 scared though. As a Falun Gong, I
10 shouldn't abandon my beliefs because of
11 fear.

12 Q. I understand. So to be clear,
13 despite the fear you come and go to all
14 the Falun Gong events you want to,
15 correct?

16 A. Yes, if I choose to go I could
17 go. I would go.

18 Q. Right. And you go to any that
19 you want to go, correct?

20 MR. MOSKOVITZ: Objection.
21 That is literally the third time you've
22 asked that question in a row. Do you
23 have a different question? I am
24 instructing her not to answer this. You
25 asked her two or three other times in this

1 GAO

2 Q. Yes. So the next line of
3 questions I am going to ask will be for
4 the year August 2015 to August 2016; in
5 other words, approximately the last twelve
6 months.

7 A. Okay. What are you asking me
8 2015, 2016?

9 Q. I am about to. I am about to
10 ask some questions.

11 A. Okay.

12 Q. What types of Falun Gong
13 activities have you participated in during
14 the last twelve months?

15 A. I attended the meetings. I
16 participated or attended the parades.

17 Q. What else?

18 A. And every week I also
19 participate in learning the movement or
20 teachings, and I volunteer at the table
21 giving out information, handing out
22 fliers.

23 Q. Okay. And is it true that in
24 the United States including the last year,
25 the last twelve months you are free in the

1 GAO

2 has written that Falun Gong is not a
3 religion?

4 MR. MOSKOVITZ: Objection.

5 A. Well, my understanding is that
6 in China it is not a religion. Religions
7 have a temple. We don't have a facility
8 like that, like a temple, like a church.
9 Well, in the States, we are a religion
10 because we have gatherings. We learn the
11 movements or the teachings, and we also
12 have writings, scriptural writings.

13 Q. But the writings exist in China
14 too, don't they?

15 MR. MOSKOVITZ: Objection.

16 A. What do you mean by that?

17 Q. The books, Li Hongzhi books
18 are --

19 A. I don't have that book that's in
20 your hand. What is that book that's in
21 your hand?

22 Q. I am not referring to any
23 specific book. What I am saying is --

24 MR. FINI: Translate that so
25 far.

EXHIBIT 7

EXCERPTS OF DEPOSITION OF YANHUA ZHOU

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
INDEX NO. 15 CV 1046

-----x
ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,
Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong,
WAN Hongjuan, ZHU Zirou, and DOES
1-5 Inclusive,
Defendants.

-----x

October 13, 2016

9:50 a.m.

VIDEOTAPE DEPOSITION of ZHOU

Yanhua, taken by the Defendants, pursuant
to notice, held at the offices of Veritext
Legal Solutions, LLP before
Debbie Zaromatidis, a Notary Public of the
State of New York.

1

2 A P P E A R A N C E S:

3

4 HUMAN RIGHTS LAW FOUNDATION

5 Attorneys for Plaintiffs

6 1615 L Street, NW, Suite 1100

7 Washington, D.C. 20036

8 BY: TERRI MARSH, ESQ.

9

10 CATAFAGO FINI LLP

11 Attorneys for Defendants Chinese

12 Anti-Cult World Alliance, Michael Chu,

13 and Zhu Zirou

14 The Empire State Building

15 350 Fifth Avenue, Suite 7412

16 New York, New York 10118

17 BY: THOMAS M. FINI, ESQ.

18

19

20 ALSO PRESENT:

21 KEVIN GALLAGHER, Videographer

22 ANNIE LEE, Videographer

23 HUA DU

24

25

1 ZHOU

2 the United States from 2009, is it correct
3 that you have been completely free to
4 practice Falun Gong?

5 A. Yes, in U.S.

6 Q. Can you please describe the
7 different ways week to week that you go to
8 Falun Gong locations or practice Falun
9 Gong as a general matter week to week?

10 Could you describe your Falun Gong
11 practice?

12 A. We have a location to practice
13 Falun Gong, so every day we went there.

14 Q. Where is this location?

15 A. Kissena Park.

16 Q. And how often do you go to
17 Kissena Park to practice Falun Gong?

18 A. Every day. Very often.

19 Q. Okay. Did you go to Kissena
20 Park --

21 MR. FINI: Strike that.

22 Q. What year after you -- after you
23 came to the United States, what year did
24 you start to go to Kissena Park on a daily
25 basis?

1 ZHOU

2 A. Well, at the the beginning we
3 had practiced in Botanical Garden.

4 Q. Okay. So when you came to the
5 United States in 2000 -- 2009. When you
6 came to the United States in 2009, where
7 did you start to practice Falun Gong,
8 which park?

9 A. I mentioned to you at the
10 beginning we practice in Botanical Garden.

11 Q. Okay. And when you -- in 2009
12 in addition to the Botanical Garden, did
13 you also go to the Taiwanese Cultural
14 Center?

15 A. Well, we have various locations
16 for practice -- for practice. The reason
17 is some of these locations we rented. So
18 sometime, you know, we found that
19 this -- this location not practical, and
20 then we will move on to another one. So
21 there were various locations.

22 Q. In 2011, what locations and
23 parks were you going to to practice Falun
24 Gong?

25 A. 2011 Botanical Garden.

Page 88

1 ZHOU

2 Q. And did you go anywhere else to
3 participate in Falun Gong events?

4 MS. MARSH: Objection.

5 A. Yes, other -- I participated in
6 other Falun Gong activities.

7 Q. Where? Where were they located?

8 A. Too many locations. Too many.

9 Q. Name some that come to mind.

10 A. You mean activities, right, not
11 just practice? Not just practice --

12 Q. Everything. All of them.

13 A. We have a new year parade
14 annually.

15 Q. Okay.

16 Q. What else?

17 A. We have another parade -- parade
18 in April 25 we call fall 25 parade each
19 year.

20 Q. What else?

21 A. Also we have activities in May.

22 Q. What about the five tables on
23 Main Street?

24 A. Yes.

25 Q. Did you -- in 2011, did you from

Page 89

1 ZHOU

2 time to time go to those five tables on
3 Main Street?

4 A. Yes. Yes.

5 Q. What about what some people call
6 the spiritual center near the library? Did
7 you go to the spiritual center near the
8 library?

9 A. Yes.

10 Q. Okay. And in 2011, how would
11 you typically get to those various
12 locations that you just identified? So,
13 for example, let's take the five tables.
14 How would you get from your home to the
15 five tables?

16 A. By bike.

17 Q. Okay. And in 2011, how would
18 you get to the spiritual center by the
19 library?

20 A. By bike.

21 Q. What about the Botanical Garden,
22 how would you get to the Botanical Garden?

23 A. Same, by bike.

24 Q. Bike. And in 2011 for that
25 year, were you at all times perfectly free

1 ZHOU

2 explained.

3 Q. But the reality is that there
4 are a lot of people who simply think there
5 is not enough evidence to conclude, to
6 actually know for sure that aliens have
7 landed, yet you are willing to believe
8 that because your master has said it,
9 correct?

10 A. We believe in him. What is
11 wrong that we believe in him?

12 Q. Why not believe somebody else?
13 What is it about him? Why not believe what
14 anybody else says?

15 A. Because I believe in this
16 religion, so that's why I believe in him.

17 Q. But you can't prove it? You
18 can't prove he is right and Jesus was
19 wrong, right?

20 A. In my belief in this religion I
21 just believe. What is wrong with that?

22 Q. And what is wrong with Michael
23 Chu saying and I just believe you are a
24 cult? Why can't you both just believe what
25 you believe?

1 ZHOU

2 Q. True, correct?

3 A. Yes.

4 Q. You are the only witness, the
5 only other witness to this statement that
6 you suddenly remember was killed in a car
7 accident, correct?

8 MS. MARSH: Objection.

9 A. I also wanted to add some more.
10 Li Huahong did not have a job. Her only
11 job is to set up that table to face us
12 every day. So where is the money coming
13 from, money that she gave to people, the
14 participants.

15 Q. Do you go to -- do you go to
16 your tables every day?

17 A. Yes.

18 Q. Do you have a job other than
19 going to the tables every day?

20 A. Yes.

21 Q. What is your job?

22 A. Oh. So when I have my off time,
23 I would go to the piano store to help to
24 modify the pianos. Also I give tutoring
25 to students for musical instrument when I

1 ZHOU

2 have my spare time.

3 Q. Did you know that Li Huahong has
4 also worked during the times that she has
5 been staffing the tables or you made an
6 assumption that she's never worked?

7 A. Well, you could see that she was
8 there every day. How could her have a
9 job.

10 Q. But you're at tables every day?

11 A. Yes, I went there every day;
12 however, I used my spare time to make
13 extra money.

14 Q. How do you know what she does in
15 her spare time?

16 A. Yes, she also -- she may also
17 have off time, but what type of skill she
18 have.

19 Q. How do you know -- how would you
20 know what skills she has? You don't have
21 any knowledge of what skills she has.
22 You're just making assumptions, aren't
23 you? Aren't you just making assumptions
24 about her?

25 A. To my knowledge, she did not

1 ZHOU

2 with him calling you a strange, bizarre
3 religion? Are you okay with that?

4 A. That I don't care, but whenever
5 he said that we are an evil religion and
6 also they try to douzheng with us or PK
7 with us, this is absolutely unacceptable.

8 Q. Did you go to Barclay's Center
9 and see Li Hongzhi this year speak at
10 Barclay's Center in Brooklyn?

11 A. Yes, I did.

12 Q. Did he say that cell phones are
13 made with alien technology, technology
14 that we got from other planets, that
15 extraterrestrials brought to the earth?

16 A. What's the meaning of explaining
17 about this topic?

18 Q. I am asking you when you went to
19 Barclay Center did he say that cell phones
20 are made from alien technology?

21 A. I just want to know that, you
22 know, what is the purpose for you to
23 investigate this topic.

24 Q. I am just -- I am defending my
25 client who called you a cult, and I want

1 ZHOU

2 A. Yes, personally I think so.

3 Q. Okay. So in the United States,
4 are you familiar with that when you go to
5 school if you are a child and you are a
6 young child and you go to school that we
7 don't teach religion in school to young
8 children? Are you familiar with that idea?

9 A. I don't know about these.

10 Q. Well, the idea is that a young
11 mind is a very impressionable, and
12 religion is controversial. There are a
13 lot of different religions. So we have
14 separation of church and state. If you
15 go to school you learn subjects, and then
16 your parents could send you to whatever
17 church they want on your own time, on
18 family time.

19 So what made you think as an
20 adult teacher with power over children,
21 what made you think that it was
22 appropriate for you to hand out religious
23 material during the school day to
24 children, to young children?

25 A. Because China is different from

EXHIBIT 8

EXCERPTS OF DEPOSITION OF YANG HU

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EHANG Jingrong, SHOU Yanhua, EHANG)	
Peng, SHANG Cuiping, WEI Min, LO)	
Kitsuen, CAO Lijun, HU Yang, GUO)	
Xiaofang, GAO Jinying, CUI Lina,)	
XU Ting, BIAN Hexiang,)	INDEX NO.
)	15 CV 1046
Plaintiffs,)	(SLT) (VMS)
)	
- against -)	
)	
Chinese Anti-Cult World Alliance)	
(CACWA), Michael CHU, LI Huahong,)	
WAN Hongjuan, SHU Sirou, and DOBS)	
1-5 Inclusive,)	
)	
Defendants.)	
_____)	

1250 Broadway
New York, New York

June 24, 2016
9:47 a.m.

Videotaped deposition of the Plaintiff
YANG HU, held at the offices of VERITEXT LEGAL
SOLUTIONS, pursuant to Notice, before LINDA
DEVECKA, a Notary Public of the State of New
York.

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APPEARANCES:

HUMAN RIGHTS LAW FOUNDATION

Attorneys for Plaintiffs

1615 L Street, NW, Suite 1100

Washington, D.C. 20036

BY: TERRI MARSH, ESQ.

CATAFAGO FINI LLP

Attorneys for Defendants Chinese Anti-Cult World

Alliance, Michael Chu, Li Huahong and Zhu Zirou

The Empire State Building

350 Fifth Avenue, Suite 7412

New York, New York 10118

BY: TOM M. FINI, ESQ.

ALSO PRESENT:

ARTHUR KWOK, MANDARIN INTERPRETER

ROBERT BENIMOFF, VIDEOGRAPHER

DANA CHENG, MANDARIN INTERPRETER

1 Hu

2 A. No.

3 Q. In other words, what I am asking you is
4 did you have any doubt or skepticism at first?

5 A. No, not really. I did not practice Falun
6 Gong out of any particular reason. So there's no
7 such thing as a need to prove anything or get
8 anything.

9 Q. Describe what happened then. You started
10 to do the exercises and what happened?

11 A. So what happened after I started
12 practicing these movements?

13 Q. So you went to the park, you did the
14 exercises?

15 A. Yes.

16 Q. You were finished.

17 A. After that my mom went back to normal
18 work.

19 Q. Then when is the next encounter with Falun
20 Gong you had?

21 A. What do you mean by again? I was always
22 in contact. Every day I go to the park and practice.

23 Q. That's what I mean. By the way, you are
24 answering the questions. Part of it is the
25 translation.

1 Hu

2 A. Well, I don't remember hearing that, but
3 what I do remember was he talked about we, each
4 individual, should do our utmost what we are supposed
5 to do.

6 Q. How many hours a day do you either read
7 Falun Gong material or meditate or do the exercises,
8 any type of Falun Gong activity; how many hours a
9 day?

10 A. Well, each day I would at least use one
11 hour of time to read the books, his writings. And in
12 terms of the special movements, it depends if I have
13 a lot of free time, I will spend more time that day,
14 if I have more free time to practice the special
15 movements. And less practicing of the special
16 movement if I have less time.

17 Q. Does your meditating and practicing Falun
18 Gong make you feel peaceful?

19 A. Yes.

20 Q. When you go to sleep, do you sleep well at
21 night?

22 A. Very much so.

23 Q. Do you see any medical doctors?

24 A. No. Why would I go see a doctor?

25 Q. Do you see any psychiatrist about mental

Page 26

1 Hu

2 Q. Does Master Li talk about karma?

3 A. He did talk about or mention karma. As a
4 matter of fact, most eastern beliefs such as
5 Buddhism, Taoism, Tibetan Buddhism like the Dalai
6 Lama all talked about it.

7 Q. I didn't say they didn't.

8 A. Yes. I am just expressing what I am
9 trying to say.

10 Q. But I asked you whether Master Li talks
11 about karma. I didn't ask you about whether other
12 people talked about karma. I asked you whether he
13 talks about karma.

14 A. Yes.

15 Q. Okay. Thank you.

16 Does he think you should get rid of karma?

17 A. Yes.

18 Q. How do you get rid of karma according to
19 Master Li?

20 A. How to get rid of karma?

21 Q. Yes.

22 A. Through the teachings of Teacher or Master
23 Li, and if we practice truthfulness, compassion,
24 forbearance to become a good person, to become a
25 better person and to purify our spirit, and slowly,

Page 27

1 Hu

2 bit-by-bit, you can get rid of your karma.

3 Q. Can you do that just by thinking those
4 things and acting nice to people or do you also have
5 to do the five movements?

6 A. I don't understand the question.

7 Q. I know a lot of people who are
8 compassionate to their children and their neighbors,
9 they act nice. As I understand it, Master Li would
10 say that's nice, but if you are Falun Gong and you
11 really want to get rid of the karma, you also have to
12 do the five movements. It's not enough just to be
13 compassionate. A lot of people are compassionate who
14 are not Falun Gong.

15 So what I am asking is, to get rid of the
16 karma, does Master Li teach that one of the things
17 you must do, among others, are the five movements?

18 A. Well, I don't remember which book my
19 teacher/master had written those words, and the words
20 you use I just want to point out was not original
21 quote from my teacher/master.

22 Q. I am not quoting anything. I am asking
23 you.

24 A. Well, in that case I will just say that my
25 teacher, my master taught me to start from our

1 Hu

2 but marriage is one? It's like that?

3 A. No.

4 Q. What do you want to call it? I want to
5 call it whatever you want to call it. I want to make
6 you happy.

7 A. Xiu liang.

8 Q. Xiu liang, did you say that that was
9 supplemental to the compassion? It comes as a
10 supplement?

11 A. First of all, we meditate on truthfulness,
12 compassion and forbearance. And I already did say
13 that we meditate on truthfulness, compassion and
14 forbearance. I did not say it's a supplement.

15 Q. I am talking about the five movements.

16 A. For the five movements, then it's two
17 words, xiu liang.

18 Q. I asked you whether xiu liang was
19 something that the master taught one needed to do to
20 get rid of the karma?

21 A. Yes. So your question is whether that's
22 true. So, yes.

23 Q. The master taught that?

24 A. No. I am talking about the practitioners
25 of the xiu liang. So, to get rid of karma, you have

1 Hu

2 correct?

3 MS. MARSH: Objection.

4 A. That's really confusing. All I said was I
5 follow exactly what my master taught in terms of the
6 movements, and I don't know anything else besides
7 that.

8 Q. But do you agree with him that only those
9 five are going to really get rid of the karma, that
10 it has to be those five movements?

11 MS. MARSH: Objection.

12 A. Oh, my, what does that mean? When you say
13 "movements" it's a little confusing. Are you talking
14 about my Falun Gong movement or something else? If
15 you can be more specific.

16 Q. The five movements that you talked about.

17 A. Okay. So what about the five movements?

18 Q. Do you agree with Li Hongzhi that the only
19 way to really get rid of karma in human beings is to
20 do those exact five movements?

21 MS. MARSH: Objection.

22 A. My master never said to practice those
23 movements in order to get rid of karma.

24 Q. What did he say?

25 A. Well, in Falun Gong we only have five sets

1 Hu

2 my labor I can fill my stomach with rice and put
3 clothing on my back. However, I don't know how to
4 let other people fill their stomach full, put clothes
5 on their back.

6 Q. So you acknowledge that it's possible that
7 what Master Li teaches is not the fundamental truth?

8 MS. MARSH: Objection.

9 A. What? If I don't completely believe in
10 what my teacher/master taught me, how could I be a
11 true practitioner?

12 Q. Right. So then if you truly believe what
13 he taught you, do you think that people can get rid
14 of karma through other practices that he doesn't
15 teach?

16 MS. MARSH: Objection.

17 A. Well, I believe that I could get rid of my
18 karma by xiu liang. But of course I understand that
19 other people have other means of getting rid of their
20 karma.

21 Q. Do you believe that they will be
22 successful in fully getting rid of their karma
23 without using Falun Gong?

24 MS. MARSH: Objection.

25 A. I don't know.

Page 76

1 Hu

2 China?

3 A. For example, I can publicly gather with
4 fellow Falun Gong practitioners and practice in
5 public the movements. And I am free to hand out
6 pamphlets and publicize Falun Gong to anyone.

7 Q. How often do you now on average during the
8 week, how often do you hand out pamphlets now,
9 nowadays?

10 A. Right now or back then?

11 Q. In the past month.

12 A. When I moved to Middletown last December,
13 because of the Caucasians who speak English there and
14 the fact that I don't speak English well, I was
15 unable to continue my work of sending out fliers.
16 However, instead of that, I spend time on the
17 computer, Internet, and send the content of the
18 pamphlets back to China.

19 Q. When did you move to Middletown?

20 A. December 1014.

21 Q. Do you still feel the same general freedom
22 to practice Falun Gong in Middletown however you
23 choose?

24 A. Yes.

25 Q. What are the last three Falun Gong events

Page 77

1 Hu

2 or activities you went to outside of your house?

3 A. There was a gathering April 25th, 2016, in
4 Flushing. A public gathering. And then every week
5 in Middletown we have one day where we get together
6 and study the master/teacher's writings.

7 Q. On April 25th you said you went to
8 Flushing? Did you go to Flushing?

9 A. Yes.

10 Q. How did you get there?

11 A. Drove.

12 Q. And where did you park?

13 A. I pulled over near this park in Flushing
14 and then I asked my dad to drive it to the parking
15 lot. I got out at the meeting point or starting
16 point in Flushing.

17 Q. Then how did you travel to the event?

18 A. I dropped myself off and asked my dad to
19 drive it to the parking lot. At the point where
20 everybody was supposed to meet, at the beginning
21 point of the meeting.

22 Q. Did you walk around Flushing?

23 A. Yes. We had a gathering, public
24 gathering.

25 Q. When is the next Falun Gong event you are

1 Hu

2 planning on attending?

3 A. You mean the next one?

4 Q. Yes.

5 A. I also always attend the weekly study
6 group meeting.

7 Q. Am I correct that unlike China, you walk
8 around and travel around wherever you want and
9 practice Falun Gong?

10 A. Yes.

11 Q. When is the last time you were in
12 Flushing?

13 A. Sometime this month. I don't remember
14 exactly when, but this month.

15 Q. Were you meeting with Falun Gong friends?

16 A. No.

17 Q. When is the last time you met in Flushing
18 with Falun Gong friends?

19 A. April 25th.

20 Q. I may have asked this, but did you walk
21 around Main Street?

22 A. When?

23 Q. In April.

24 A. What do you mean by "walk around"?

25 Q. Was the gathering that you went to, was it

1 Hu

2 beating, my nose was bleeding non-stop. No one asked
3 me about it at all. So that's merely my physical
4 suffering at the time. But my mental suffering went
5 way beyond that. And I did not mention my mom. I
6 just want to say before all that, they also
7 illegally, forcefully detained and took my mom away.

8 At the time they took me into the police
9 station, I was locked up on the second floor. They
10 locked my mom up on the third floor. During the
11 interrogation of me they couldn't get any valuable
12 answers that they were looking for. They then took
13 me to the same room that they locked my mom in, and
14 they tortured my mom. And I had to observe on the
15 side.

16 Q. What did they do to her?

17 A. They hit her with a stick with the rubber
18 or plastic outside about that (indicating) size, that
19 dimension. And they hit her without visible wounds
20 but with bruises. And they banged on her face around
21 her teeth. Kept banging, kept banging like that
22 (indicating). And my mom's hands were locked in the
23 back like this (indicating). And then one of the
24 policeman flipped her hand over like that
25 (indicating.) Just talking about it may not seem

1 Hu

2 extraordinary but, Attorney, maybe you can try if you
3 want that position. And also my mom was sitting on
4 an iron chair, and they used electric rods to hit the
5 chair. And they allowed me to watch right next to
6 her. There was no way for me to avoid it. I had to
7 watch under the circumstances.

8 Q. I understand.

9 Do you know that Michael Chu is a
10 defendant in this case?

11 A. Are you talking about Zhu Lichuang?

12 Q. Yes. Do you know that he is also called
13 Michael Chu?

14 A. I heard about it. However, normally I
15 call him Zhu Lichuang.

16 Q. For the purposes of this deposition since
17 your Complaint calls him Michael Chu, is it okay if I
18 call him Michael Chu?

19 A. Yes.

20 Q. Have you ever seen Michael Chu?

21 A. Yes. Quite a few times. Many times.

22 Q. Did you know that Michael Chu gave a
23 deposition in this case?

24 A. He provided testimony to whom?

25 Q. Exactly like you are doing, he answered

1 Hu

2 public in those environments.

3 Q. So did you practice Falun Gong in private?

4 A. Correct. So each one of us practiced at
5 home individually and learned the way.

6 Q. In 1999 how old were you?

7 A. 20.

8 Q. In 1999 when you were 20 years old, had
9 you visited the United States?

10 A. No.

11 Q. Had you ever been arrested other than for
12 that incident where you appeared in public with the
13 thousands of people?

14 A. Yes. Sometime in the summer of '08. I
15 don't remember exactly.

16 Q. In 2008 you were arrested in China again?

17 A. Yes. No, I was illegally taken away that
18 day.

19 Q. Who were you taken away by?

20 A. A so-called national security group from
21 Dalian. Some kind of group.

22 Q. Where did they find you?

23 A. At home.

24 Q. They knocked on the door?

25 A. Banged on the door.

1 Hu

2 Q. Someone opened the door?

3 A. Yes.

4 Q. And what happened?

5 A. Well, there were ten-plus policemen. At
6 the time I didn't see any so-called search warrants
7 or anything like that. And after they came in, they
8 were looking all over the place, including all the
9 drawers, under the bed, in the chest. My daughter
10 was one-year-old at that time. And my daughter was
11 crying, was scared by the situation where they were
12 banging on the door, knocking down the doors.

13 At the time the police found some
14 literature related to Dafa. A notebook computer. A
15 small DVD, mini DVD players, and some material that
16 relates to the truth of why Falun Gong was being
17 persecuted, and also some unused A4 white paper.

18 Q. What was the truth about why Falun Gong
19 was being persecuted?

20 A. In China we are forbidden to practice
21 Falun Gong.

22 Q. Right, but you said there was literature
23 that they found that talked about the truth about why
24 you were being persecuted.

25 A. Yes.

1 Hu

2 clearly feel that there's a -- that while I am
3 practicing the movement, I feel that wheel in my
4 stomach in reality actually is moving.

5 Q. Would it be insulting to you if someone
6 like me said that that just sounds not scientific and
7 silly?

8 A. I want to ask you a question. If you can
9 not see air, yet you believe it, would that be funny?

10 Q. But the reason I believe the things I
11 believe is because of empirical science, where
12 scientists prove it by showing it. They prove it by
13 showing it with observation. This wheel, Li Hongzhi
14 just says it. What is his proof of this?

15 A. To prove what? Why would I care what
16 other people would or would not prove if in fact I
17 personally felt a little wheel in me turning.

18 Q. Because if there's a little wheel in you
19 turning, why are all the scientists -- the brilliant
20 scientists, why can't we find the wheel?

21 A. Can the scientists see the other
22 dimension, the other space?

23 Q. I understand, but someone like me just
24 admits I don't know what is in the other dimension.
25 I don't see it. Someone like you, because Li Hongzhi

1 Hu

2 wrote it, you believe it.

3 Do you understand the struggle there is,
4 the philosophical struggle?

5 A. Well, I think I already sufficiently
6 expressed my view, and that is I personally felt a
7 little wheel turning in my stomach. Besides, science
8 continues to progress. Can you definitively say that
9 even though science has not developed up to this
10 stage, then this is not science? And if science had
11 reached the point where they could see the other
12 dimension, the other space, I believe they would be
13 able to see that wheel.

14 Q. Is it possible that Li Hongzhi says all
15 these things and maybe he is wrong?

16 A. At least I have not discovered that yet.

17 MR. FINI: I want to tell you that I
18 enjoyed speaking with you today. I thank you
19 for your patience.

20 THE WITNESS: Thank you.

21 MR. FINI: My partner and I would not
22 represent the defendants if we believed they
23 actually wanted to have any violence on a person
24 like you, and I respect your views, and I want
25 to wish you a good evening.

1 Hu

2 Falun Gong, she is very supportive of my choosing to
3 practice Falun Gong.

4 Q. And you two travel wherever you want when
5 you attend Falun Gong events?

6 MS. MARSH: Objection.

7 A. Well, yes, in the sense that when I
8 attended that parade, my wife accompanied me.

9 Q. Did you go to the Barclay Center?

10 A. Yes.

11 Q. How many people were at the Barclay
12 Center?

13 A. A lot.

14 Q. Thousands?

15 A. More.

16 Q. More than 10,000?

17 A. Should be several thousand.

18 Q. Was Li Hongzhi at the Barclay Center?

19 A. Yes. My master/teacher showed up.

20 Q. Did he seem happy?

21 A. Well, you are talking about my sifu. He
22 was too far for me to really get a read on his facial
23 expression.

24 Q. I saw a photo of the event. He was
25 smiling.

1 Hu

2 Q. What did you study?

3 A. Finance and accounting.

4 Q. Through that vocational school, what was
5 the year you graduated from that vocational school?

6 A. The specialized vocational school I
7 finished in '96 or graduated in '96.

8 Q. Through 1996, did you pass all of the
9 classes in all of the schools that you attended?

10 A. Yes.

11 Q. Were you ever disciplined in school for
12 misbehavior?

13 A. No.

14 Q. When you were growing up, through the
15 vocational school to 1996, did your parents practice
16 a religion?

17 A. My mother, yes.

18 Q. What was the religion your mother
19 practiced?

20 A. Falun Gong.

21 Q. When did she start to practice Falun Gong?

22 A. 1994.

23 Q. When you were in vocational school, you
24 graduated in 1996. What were the years of that
25 vocational school?

Page 26

1 Hu

2 Q. Does Master Li talk about karma?

3 A. He did talk about or mention karma. As a
4 matter of fact, most eastern beliefs such as
5 Buddhism, Taoism, Tibetan Buddhism like the Dalai
6 Lama all talked about it.

7 Q. I didn't say they didn't.

8 A. Yes. I am just expressing what I am
9 trying to say.

10 Q. But I asked you whether Master Li talks
11 about karma. I didn't ask you about whether other
12 people talked about karma. I asked you whether he
13 talks about karma.

14 A. Yes.

15 Q. Okay. Thank you.

16 Does he think you should get rid of karma?

17 A. Yes.

18 Q. How do you get rid of karma according to
19 Master Li?

20 A. How to get rid of karma?

21 Q. Yes.

22 A. Through the teachings of Teacher or Master
23 Li, and if we practice truthfulness, compassion,
24 forbearance to become a good person, to become a
25 better person and to purify our spirit, and slowly,

Page 27

1 Hu

2 bit-by-bit, you can get rid of your karma.

3 Q. Can you do that just by thinking those
4 things and acting nice to people or do you also have
5 to do the five movements?

6 A. I don't understand the question.

7 Q. I know a lot of people who are
8 compassionate to their children and their neighbors,
9 they act nice. As I understand it, Master Li would
10 say that's nice, but if you are Falun Gong and you
11 really want to get rid of the karma, you also have to
12 do the five movements. It's not enough just to be
13 compassionate. A lot of people are compassionate who
14 are not Falun Gong.

15 So what I am asking is, to get rid of the
16 karma, does Master Li teach that one of the things
17 you must do, among others, are the five movements?

18 A. Well, I don't remember which book my
19 teacher/master had written those words, and the words
20 you use I just want to point out was not original
21 quote from my teacher/master.

22 Q. I am not quoting anything. I am asking
23 you.

24 A. Well, in that case I will just say that my
25 teacher, my master taught me to start from our

EXHIBIT 9

EXCERPTS OF DEPOSITION OF KITSUEN LO

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

INDEX NO. 15 CV 1046

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ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WBI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,
Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong,
WAN Hongjuan, ZHU Sirou, and DOES
1-5 Inclusive,
Defendants.

-----X

September 16, 2016

9:50 a.m.

VIDEOTAPE DEPOSITION of LO

KITSUEN, taken by the Defendants, pursuant
to notice, held at the offices of Beldock
Levine Hoffman & Goodman, LLP before
Debbie Saromatidis, a Notary Public of the
State of New York.

1

2 **A P P E A R A N C E S:**

3

4 **HUMAN RIGHTS LAW FOUNDATION**

5 Attorneys for Plaintiffs

6 1615 L Street, NW, Suite 1100

7 Washington, D.C. 20036

8 **BY: TERRI MARSH, ESQ.**

9

- and -

10 **BELDOCK LEVINE & HOFFMAN, LLP**

11 99 Park Avenue

12 New York, New York 10016

13 **BY: KEITH SZCZEPANSKI, ESQ.**

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2 A P P E A R A N C E S: (CONTINUED)

3

4 CATAFAGO FINI LLP

5 Attorneys for Defendants Chinese

6 Anti-Cult World Alliance, Michael Chu,

7 and Zhu Zirou

8 The Empire State Building

9 350 Fifth Avenue, Suite 7412

10 New York, New York 10118

11 BY: THOMAS M. FINI, ESQ.

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<p style="text-align: right;">Page 38</p> <p>1 LO 2 A. So after reading their papers 3 for a while, I liked it, and then I 4 started to go to nearby location where 5 they did exercises, and I wanted to join, 6 to participate. Then after I was 7 introduced Falun Gong told me how to 8 practice -- how to do it, how to do Falun 9 Gong. 10 Q. Where was this nearby location? 11 A. Across the street from the 12 Queens Botanical Garden at a 13 corner -- across the street from the 14 Botanical Garden is Kissena Park at a 15 corner over there. 16 Any problem? 17 Q. No. 18 A. And then I went there on a daily 19 basis to practice. 20 Q. Approximately what year did you 21 first go to this park? 22 A. That was in '04, '05; however 23 actually it was a lot earlier. It was in 24 '01, '02 when I first went -- when I 25 inquired about it. They taught me a move,</p>	<p style="text-align: right;">Page 40</p> <p>1 LO 2 A. Flushing, yes. 3 Q. How do you get there? 4 A. I walked over. 5 Q. How long does it take you to 6 walk over there? 7 A. Less than ten minutes, maybe 8 five, six minutes. 9 Q. You said there came a point 10 where there was one park you used to go to 11 daily, and is it correct that at some 12 point you changed to another park that you 13 would then would go to daily; is that 14 correct? 15 MR. SZCZEPANSKI: Objection. 16 A. Yes, correct. 17 Q. What year did you start going to 18 the second park daily? 19 A. This year. 20 Q. What month of this year did you 21 start going to this other park? 22 A. Maybe June, July possibly. I 23 can't really remember. 24 Q. So I just want to make sure the 25 testimony is clear.</p>
<p style="text-align: right;">Page 39</p> <p>1 LO 2 but it was too difficult, and then I 3 slowly, slowly practiced that move at home 4 and slowly, slowly I was able to do it. 5 After I learned it, I started 6 participating every morning in their 7 exercises. 8 Q. And when did you start going 9 daily to this park? 10 A. Around '04, '05 approximately. 11 Q. Do you still go to this park? 12 A. I still go every morning, but 13 not to this spot, to a different location. 14 Q. What is the other location you 15 go to? 16 A. I can't really exactly tell you, 17 but it's a location exercise -- a 18 playground or exercise playground at the 19 intersection or near the intersection of 20 Union and Sanford. 21 Q. Is it Union Turnpike? When you 22 say Union, Union Turnpike? 23 A. Union Street. 24 Q. Union Street. Is it in 25 Flushing?</p>	<p style="text-align: right;">Page 41</p> <p>1 LO 2 MR. FINI: Would you translate 3 that. 4 Q. Am I correct that you're -- you 5 are testifying that in 2004 or '5, one of 6 those years you started to go to the 7 Kissena park daily, and you went there 8 daily to practice Falun Gong up until 9 June -- approximately June of this year; 10 is that correct? 11 MR. SZCZEPANSKI: Objection. 12 MS. MARSH: Objection. 13 A. However, during the transition 14 there was a period of time during the 15 switch that I did not participate. I did 16 not go. 17 Q. Okay. And what was the reason 18 for the switch? 19 A. Closer. This is closer. 20 Q. Okay. And how did you find out 21 about the closer location? 22 A. Because I passed by because it 23 is close, and I was told also by the 24 people. 25 Q. And when you found out about the</p>

Page 42

1 LO
2 second location, why didn't you
3 immediately start going to the second
4 location? Why did you say there was a
5 little bit of a gap?
6 A. Well, because -- well, because
7 there are several sets of Gong Fa or
8 exercise, and I believe I feel that
9 several of the exercise were excellent,
10 really good. So I extended the timing or
11 extended, elongated the time, and that
12 caused me to be out of synch in terms of
13 practice, in terms of the movements with
14 the rest of the people that were
15 practicing it, exercising. So I went and
16 practiced it myself by myself.
17 Q. Approximately how long did you
18 practice it yourself before you felt you
19 were ready to attend the second park?
20 A. I don't remember exactly, but I
21 would say approximately I did that for a
22 few years.
23 Q. There is probably -- there may
24 be a miscommunication.
25 MR. FINI: Just translate that.

Page 43

1 LO
2 THE INTERPRETER: Okay.
3 Q. I just want to make sure we have
4 the timeline correct.
5 So you started to go daily to
6 the park, the Kissena park in about 2004,
7 2005, correct?
8 A. Yes. Yes.
9 Q. And you went to that park to
10 practice Falun Gong daily from 2004, 2005
11 all the way until approximately June 2016,
12 correct?
13 A. No. No.
14 Q. Okay. So then you started to
15 go daily to the Kissena park in 2004,
16 2005, correct?
17 A. Yes. I started there, yes.
18 Q. And until -- I want to know how
19 many years you went there daily, so I want
20 to know when you stopped going there what
21 year did you stop going to Kissena park
22 daily? I know when it started, and now I
23 want to know when it stopped.
24 A. I don't remember. That I don't
25 remember.

Page 44

1 LO
2 Q. Okay. So I need an -- I want
3 you to do your best just to think about it
4 approximately. We are in 2016. So, for
5 example, were you going to Kissena park do
6 you think in 2015?
7 THE INTERPRETER: Can I have
8 question again.
9 (Record read.)
10 MR. FINI: Wait. He started to
11 go to Kissena park from 2004 to 2005, and
12 he went there for a period of time. I
13 want to make sure you understand this
14 concept. I am trying to find out how
15 long he went to the first park, A, which
16 is Kissena park. I am going to ask
17 another question. You got it?
18 THE INTERPRETER: I got it
19 but --
20 MR. FINI: Okay. So here it
21 is.
22 Q. You started to go to Kissena
23 park daily in 2004, 2005, correct?
24 A. Yes.
25 Q. Okay. For approximately how

Page 45

1 LO
2 many years did you go daily to Kissena
3 park to practice Falun Gong?
4 A. I don't remember exactly.
5 Maybe a few years.
6 Q. Okay. And I don't need you to
7 remember exactly. I'm trying to get the
8 best of your recollection.
9 To the best of your
10 recollection, approximately how many years
11 did you go daily to practice Falun Gong in
12 the Kissena park?
13 MR. SZCZEPANSKI: Objection.
14 A. Well, I practiced Falun Gong all
15 the way from '04, '05 until now.
16 Q. Right. And you described that
17 there was a point in time where you went
18 to Kissena park, and then you said there
19 was a point in time where you went to a
20 second park, correct?
21 A. Yes.
22 Q. Okay. And what I'm -- what I
23 need to clarify for the record is
24 approximately when you stopped going to
25 Kissena park and then started to go to the

1 LO

2 a point in time where you decided to go to
3 the second park. You don't remember the
4 year though, correct?

5 A. No, I said this year. I already
6 said this year. I started this year.

7 Q. Okay. So before this year in
8 2015, for example, last year, where would
9 you go to practice Falun Gong last year in
10 2015?

11 A. Home.

12 Q. Okay. So in 2015 did you
13 practice Falun Gong publically anywhere?

14 A. No, if you're talking about in
15 public. I did, however, go on gatherings,
16 parades.

17 Q. Okay. So is it -- is it your
18 testimony that at some point you stopped
19 going regularly to Kissena park because
20 you wanted to go to the second park, but
21 you needed to study the movements on your
22 own before you felt comfortable joining
23 the second park?

24 MS. MARSH: Objection.

25 A. No. As I mentioned before

1 LO

2 A. Yes. I participate in group
3 study of the scriptures, in gatherings and
4 parades, and the most important thing to
5 do that I do is to go to the spiritual
6 station or center.

7 THE INTERPRETER: I am going to
8 ask him to repeat the last part of the
9 answer because I didn't catch it.

10 A. To participate on a daily basis
11 at the spiritual station or gathering
12 point in Flushing.

13 Q. Where is the spiritual --

14 MR. FINI: Strike that.

15 Q. Are you calling that the
16 spiritual center?

17 A. At the spiritual center they
18 provide the materials and advertising our
19 points of view, tables. They provide
20 tables. Things like that.

21 Q. Where is that spiritual center
22 located?

23 A. 46-40 Main Street, Room 201.

24 Q. And so it's in a building,
25 correct?

1 LO

2 talk about nature of Falun Gong, what does
3 it mean to practice Falun Gong and the
4 basic requirements, the very basic, the
5 basic requirements of Falun Gong in terms
6 of being special characteristics of
7 truthfulness, compassion, truth,
8 tolerance, and also the five Gong Fa or
9 five movements, five exercise.

10 Q. Does Falun Gong believe that we
11 may be in a -- the end of days like a
12 final stage of mankind?

13 MR. SZCZEPANSKI: Objection.

14 A. Well, in terms of the end of
15 time, Christianity have some similar
16 tales. At the end of the time most
17 people will be killed.

18 Q. Yes, but I am not asking about
19 Christianity. I'm asking about you. I
20 am asking about Falun Gong and you.

21 Does Falun Gong believe that we
22 are in some end of days period right now?

23 MR. SZCZEPANSKI: Objection.

24 A. Well, in terms of these high
25 level beliefs and religions, they all have

1 LO

2 does this go?

3 A. For several years, but exactly
4 how many I cannot -- I don't remember.

5 Q. But would it be safe to say --
6 We are in 2016.

7 Is it safe to say that at least
8 for the past two years basically every day
9 you've been at one of the tables in
10 Flushing; is that correct?

11 MR. SZCZEPANSKI: Objection.

12 A. Well, there were times in the
13 past that I -- there were certain periods
14 of time in the past that I didn't go every
15 day.

16 Q. I -- I understand that. I mean
17 people get sick or they have to travel.
18 I understand we don't mean literally every
19 single day, but for the purpose of the
20 question what I am asking is generally is
21 it correct that you went to the table
22 daily, not every single day of the year
23 but generally daily for at least the past
24 two years?

25 A. Yes.

1 LO

2 Q. Do you know that Li Hongzhi
3 visited New York this year?

4 A. To New York. I don't really
5 know.

6 Q. Okay. He was at the Barclay's
7 Center in Brooklyn. Did you hear about
8 this?

9 MR. SZCZEPANSKI: Objection.

10 A. Oh, yes. Yes.

11 Q. Did you go?

12 A. I did. I did go.

13 Q. How long did he speak?

14 A. About two, three hours. I
15 don't know exactly.

16 Q. And how many people were at
17 Barclay's Center to see him?

18 MR. SZCZEPANSKI: Objection.

19 A. Maybe about 6,000, 7,000. I
20 don't remember exactly.

21 Q. Was the stage -- was Barclay's
22 Center filled with Falun Gong
23 practitioners?

24 A. Yes, Full.

25 Q. And how did you get to Barclay's

1 LO

2 A. Yes.

3 Q. Did you say that you go to that
4 location daily?

5 A. No. No. I don't go here
6 every day. I meant to say I go to the
7 gathering point or tables that are located
8 in Flushing.

9 Q. How often do you go to the
10 spiritual center room 201? How often do
11 you go there?

12 MR. SZCZEPANSKI: Objection.

13 A. Not every day. I only go when
14 there is reason to go; otherwise, I don't.

15 Q. Approximately. When is there
16 reason to go? When is there reason to go?

17 A. Nothing in particular, but, for
18 example, if I am running out of fliers,
19 materials, I will go there and pick up
20 some more.

21 Q. Okay. And do you go -- did you
22 say you go to tables in Flushing every
23 day?

24 MR. SZCZEPANSKI: Objection.

25 A. Correct.

1 LO

2 Q. Are there five tables in
3 Flushing?

4 A. Approximately five, six.

5 Q. Do you typically go to specific
6 tables or do you rotate and go to all five
7 depending on the day?

8 A. I would stay at one table on any
9 particular day.

10 Q. Right. And do you typically go
11 only to one table or over the course of a
12 week will you rotate and go to others of
13 the five tables?

14 A. It varies. It varies.

15 Q. Okay. And have -- do you
16 typically -- during the week how many days
17 of a typical week, how many days are you
18 at least at one of the tables in Flushing?

19 MR. SZCZEPANSKI: Objection.

20 Q. Out of the seven days, how many
21 days are you manning one of the tables?

22 A. Every day.

23 Q. And for how many years have you
24 been going to at least one table in
25 Flushing every day? How many years back

1 LO

2 MR. SZCZEPANSKI: Objection.

3 A. Well, I don't really know too
4 much specifics, but he organized people to
5 attack the table in front of the golden
6 mall.

7 Q. Did you see him? Did you see
8 him -- did you see --

9 A. (In English) Not him. I heard.

10 Q. You heard from who?

11 A. I cannot remember specifically.
12 I mean it was from conversation that
13 we -- we normally have.

14 Q. And is Falun Gong a religion?

15 A. It is a religion. It is a
16 religion. In China it's not a religion.
17 It's a cult. It is a heresy, but
18 in -- but in the western world it's
19 religion. We worship our God. We have
20 our scripture, and when we gather together
21 we have to learn the scripture. We have
22 to read and memorize the scripture, and
23 when we gather we also do our five
24 movements, five exercises.

25 Q. Why did Li Hongzhi say that it

1 LO

2 morning -- in the morning when we practice
3 the movement.

4 Q. Okay. And how do you practice
5 your religion at the spiritual center?

6 MR. FINI: Objection.

7 A. Well, we all gather at the
8 spiritual center, read the scripture,
9 memorize the scripture, and exchange
10 discuss -- and have discussions about it.

11 Q. How do you practice your
12 religion at the spiritual tables?

13 MR. FINI: Objection.

14 A. Well, activities include telling
15 people -- by telling the truth, giving out
16 fliers and also to broadcast or transmit
17 positive thoughts, and sometimes when
18 people accept then they would join into
19 our worship.

20 (Continued on next page.)

21
22
23
24
25

EXHIBIT 10

EXCERPTS OF DEPOSITION OF LINA CUI

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

INDEX NO. 15-CV-1046

-----x
SHANG Jingrong, SHOU Yanhua, SHANG Peng,
SHANG Cuiping, WEI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,
Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong,
WAN Hongjuan, SHU Sirou, and DOES
1-5 Inclusive,
Defendants.

-----x

October 5, 2016

9:52 a.m.

VIDEOTAPE DEPOSITION of CUI LINA,
taken by the Defendants, pursuant to
notice, held at the offices of Veritext
Legal Solutions, 1250 Broadway, New York,
New York, before Debbie Saromatidis, a
Notary Public of the State of New York.

1

2 **A P P E A R A N C E S:**

3

4 **HUMAN RIGHTS LAW FOUNDATION**

5 Attorneys for Plaintiffs

6 1615 L Street, NW, Suite 1100

7 Washington, D.C. 20036

8 **BY: TERRI MARSH, ESQ.**

9

10 **CATAFAGO FINI, LLP**

11 Attorneys for Defendants Chinese

12 Anti-Cult World Alliance, Michael Chu,

13 and Zhu Zirou

14 The Empire State Building

15 350 Fifth Avenue, Suite 7412

16 New York, New York 10118

17 **BY: THOMAS M. FINI, ESQ.**

18

19 **ALSO PRESENT:**

20 **JAMES LING, Interpreter**

21 **DEVERELL WRITE, VIDEOGRAPHER**

22 **DANA CHAN**

23

24

25

1 LINA

2 (Recess taken.)

3 THE VIDEOGRAPHER: We are back
4 on the record. The time on video monitor
5 is 4:23 p.m. This starts media 4.

6 Q. How many hours a day do you
7 practice Falun Gong?

8 A. The gong --

9 THE INTERPRETER: G-O-N-G.

10 A. -- I practice for two hours a
11 day.

12 Q. And what is that? Describe what
13 that is?

14 A. Doing the exercises, the
15 movements and meditate.

16 Q. Does your practicing Falun Gong
17 give you a sense of inner peace?

18 A. I feel quite peaceful, quite
19 comfortable after I practice.

20 Q. And you practice every day,
21 correct?

22 A. Yes.

23 Q. So, overall, you have -- is it
24 correct that you have a feeling of overall
25 inner peace?

1 LINA

2 A. Yes.

3 Q. Do you live with anybody?

4 A. I live with my daughter or
5 daughters.

6 Q. Okay. Do you travel sometimes
7 outside of New York to go to Falun Gong
8 events?

9 A. I did not participate in other
10 Falun Gong events, but I did travel to
11 another state.

12 Q. So on your typical week -- on a
13 typical week, please explain to me the
14 different Falun Gong locations and
15 activities you attend on a typical week?

16 A. Are you talking about me?

17 Q. Yes.

18 A. Me individually?

19 Q. You individually.

20 A. I would go to Taiwan association
21 once to learn Fa.

22 Q. When you say once, once a week?

23 A. Yes, once a week.

24 Q. And how did you get there?

25 A. I walk. I walk to the

1 LINA

2 content -- a paragraph, and try to
3 comprehend the whole thing. That's
4 number one. Secondly, because I am not
5 in the IT industry, so I cannot answer the
6 question. I am only a very simple
7 person, a peaceful person. I follow the
8 rule of the truthfulness, tolerance and
9 forbearance as stated in the book of Zhuan
10 Falun.

11 Q. And the jury will see that you
12 are avoiding my question because I am not
13 asking you to be an IT expert. That's
14 just silly. I am not asking you that.
15 I am asking you whether you heard Li
16 Hongzhi talk about cell phones. You
17 don't need to be an IT expert to remember
18 whether he spoke about cell phones, and we
19 all know that.

20 So I am asking you again. Did
21 he speak about cell phones? I am not
22 asking you for IT expertise.

23 MS. MARSH: Objection.

24 Objection.

25 A. I disagree with your point of

Page 22

1 LINA

2 Ms. Marsh said, but I am going to move on.

3 Q. Do you volunteer to be at the
4 tables that are in Flushing on or around
5 Main Street?

6 A. Yes.

7 Q. Okay. How often do you come
8 and go to the spiritual center which is
9 across from the library on Main Street?

10 A. In general, I would go there two
11 or three times a week.

12 Q. Do you come and go to the
13 spiritual center whenever you choose? Are
14 you free to come and go whenever you
15 choose?

16 A. It is my choice.

17 Q. Has anybody, any person ever
18 stopped you from coming and going whenever
19 you choose to the spiritual center?

20 MS. MARSH: Objection.

21 A. The spiritual center has not
22 found anybody who tried to prevent anybody
23 from going in and out of the building.

24 Q. Okay. Are you happy that in the
25 United States you have this freedom to

Page 23

1 LINA

2 wake up and walk where ever you want
3 including Falun Gong -- to practice Falun
4 Gong? Are you happy with that freedom?

5 MS. MARSH: Objection.

6 A. Yes, I am quite happy about it.

7 Q. Are you also happy when there is
8 a dispute like we have in this case we can
9 just sit down like we are now and try to
10 figure out the facts without any yelling?

11 MS. MARSH: Objection. I want
12 to be able to say objection before she
13 answers. I didn't mean to interrupt.

14 MR. FINI: Okay. That's fine.

15 A. Your question, I really don't
16 understand the question.

17 Q. That's fine. I'll withdraw the
18 question.

19 When you -- how often do you go
20 to the tables on Main Street? How often
21 are you actually at the tables doing
22 volunteer work?

23 A. I go to spiritual table two or
24 three times a week.

25 Q. And how many hours during the

1 LINA

2 agree them all, and there is none that I
3 disagree with them.

4 Q. Okay. Have you -- did you go to
5 Barclay's Center when Li Hongzhi visited
6 New York this year and see him in
7 Barclay's Center in Brooklyn?

8 A. Are you talking about -- are you
9 referring to auditorium you are talking
10 about?

11 Q. Do you live in New York?

12 A. Yes.

13 Q. You live in Queens?

14 A. I live in Flushing.

15 Q. Is Flushing in Queens?

16 A. Possibly it is in Queens.
17 Possibly.

18 Q. Do you know that we are in
19 Manhattan right now? We are in the
20 borough of Manhattan?

21 A. Yes, I do.

22 Q. And do you know that there is
23 another borough called Brooklyn?

24 A. Yes, I do.

25 Q. You do know Brooklyn?

1 LINA

2 from your home?

3 A. Walking. I walk.

4 Q. Now, when you go to the tables,
5 are you practicing Falun Gong or are you
6 mostly handing out materials at the tables
7 at the five tables in Flushing?

8 MS. MARSH: Objection.

9 A. Over there I practice -- over
10 there I practice. I practice my religion
11 and I pray, and over there I try to
12 introduce -- to introduce people the Falun
13 Gong, and also I pass out the fliers and
14 about how the Chinese communist party
15 persecute Falun Gong and how the Chinese
16 communist party harvest organs.

17 Q. And what is the prayer? How do
18 you pray? What do you say?

19 A. This is one way of -- of
20 cultivation. This is one way to get rid
21 of the bad karma.

22 Q. What I am trying to understand
23 is I was raised Catholic, and there are
24 prayers, and what they are actually -- you
25 actually memorize them. They are actual

1 LINA

2 Taiwanese association.

3 Q. From your home?

4 A. Uh-huh.

5 Q. How long is the walk?

6 A. Ten minutes.

7 Q. And you live in Flushing,

8 Queens?

9 A. That place, that place I have a
10 problem with the English name. It is not
11 too far away from the Taiwanese
12 association, which is located behind Zhong
13 Hua --

14 THE INTERPRETER: Z-H-O-N-G
15 H-U-A.

16 A. -- supermarket.

17 Q. You live -- you live in -- do
18 you live in Flushing?

19 A. Yes, I do live in Flushing.

20 Q. And you walk once a week to the
21 Taiwanese Cultural Center to practice
22 Falun Gong, correct?

23 A. Yes. To learn the Fa, to
24 practice, to pray.

25 Q. Okay. And where else do you go

Page 176

1 LINA

2 The first question is: Did you
3 fa zhen yen at the spiritual -- at the
4 Falun Gong spiritual tables?

5 A. Yes, silently. Yes. I did
6 that some time.

7 Q. Is that part of your religious
8 practice?

9 MR. FINI: Objection.

10 A. Yes.

11 Q. And do you look inward, look
12 inward when you're at the tables walking
13 and sitting, distributing materials? Do
14 you look inward?

15 MR. FINI: Objection.

16 A. Yes, I will. I do that.

17 Q. Okay. Is that part of your
18 religious practice?

19 MR. FINI: Objection.

20 A. Yes.

21 Q. And do you give out religious
22 materials?

23 A. Yes, I do.

24 MR. FINI: Objection.

25 Q. And is that part of your

Page 177

1 LINA

2 religious practice?

3 A. Yes.

4 MR. FINI: Objection.

5 Q. Okay. You've used the word
6 cultivation throughout your answer to
7 questions today. Would you please define
8 cultivation, which is xiu lian? This is
9 the Chinese.

10 MR. FINI: Objection.

11 MS. MARSH: I am just trying to
12 move along here.

13 A. Xiu lian. Cultivation is follow
14 the universal principal of truthfulness,
15 benevolence and forbearance, and also you
16 practice inward and pray to become a
17 sincere, kind, and forbearing person.

18 Q. Is there a difference between
19 xiu lian, which is cultivation and
20 practicing exercises, and I've got both of
21 those in Chinese? You can look at it here
22 if you would like.

23 MR. FINI: Objection.

24 A. They are the same.

25 Q. Practicing the exercise is the

EXHIBIT 11

EXCERPTS OF DEPOSITION OF PENG ZHANG

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

-----X

ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, CAO
Lijun, HU Yang, GUO Xiaofang, GAO Jinying,
CUI Lina, XU Ting, BIAN Hexiang,

Plaintiffs,

- against- 15 CV 1046 (SLT) (VMS)

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong, WAN Hongjuan,
ZHU Sirou, and DOES 1-5 Inclusive,

Defendants.

-----X

May 13, 2016

10:26 a.m.

Videotaped deposition of Plaintiff
Peng Zhang, held at the offices of Catafago
Fini LLP, The Empire State Building, 350
Fifth Avenue, New York, New York, pursuant
to Notice, before NANCY SORENSEN, a Notary
Public of the State of New York.

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APPEARANCES:

HUMAN RIGHTS LAW FOUNDATION

Attorneys for Plaintiffs

1615 L Street, NW, Ste. 1100

Washington, D.C. 20036

BY: TERRI MARSH, ESQ.

- and -

LAW OFFICES OF DAVID CLEVELAND, ESQ.

1234 Mass Avenue, N.W.

#1019

Washington, D.C. 20005

CATAFAGO FINI LLP

Attorneys for Defendants Chinese Anti-Cult

World Alliance, Michael Chu, Li Huahong and

Zhu Zirou

The Empire State Building

350 Fifth Avenue, Suite 7412

New York, New York 10118

BY: TOM M. FINI, ESQ.

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APPEARANCES: (Cont'd)

ALSO PRESENT:

- JIM ROBERTS, VIDEOGRAPHER
- JARON LIU, INTERPRETER
- SOPHIA XIE, PREP INTERPRETER
- PATRICK FENG, INTERPRETER
(P.M. ONLY)

1 P. Zhang

2 came all over the world and gathered together.

3 Q. And when you got to the United
4 States, on average, just -- this is on average
5 during a day, any given day, if you just
6 averaged it, how much time do you spend reading
7 or doing the Falun Gong medication or exercises?

8 A. Are you referring to right now or
9 when you first came in 2014?

10 Q. Start with 2014 and then talk about
11 now?

12 A. So when I came in 2014, I spent a lot
13 of hours trying to study the teachings of Falun
14 Gong, and I want to find out about the truth.

15 So I spent at least a few hours a
16 day. And once I obtained my green card, I was
17 looking for a job and then -- correction, not
18 the green card, it's Social Security card, and
19 then I wanted to find work.

20 And so in 2015, I find full-time job.
21 So afterwards, I don't have too many hours as
22 before, spending time into Falun Gong activities
23 or things. So right now, I average around 1 or
24 2 hours a day.

25 Q. Does -- what word should I use to

Page 190

1 P. Zhang

2 A. The communist party propaganda was
3 the same. They wanted to eliminate Falun Gong,
4 this group of people.

5 Q. Does everyone who practices Falun
6 Gong have the same understanding of what the
7 scripture means?

8 MR. FINI: Objection.

9 Q. Religious text?

10 MR. FINI: Objection.

11 A. I believe the understanding would be
12 different. Each person has his own background
13 and the understanding might vary.

14 Q. Has your understanding of the
15 religious texts changed as you've continued to
16 cultivate?

17 MR. FINI: Objection.

18 A. In many aspects, yes.

19 MS. MARSH: For the sake of time, I'm
20 not going ask for an example.

21 Q. Could you define cultivation?

22 A. Cultivation is to cultivate the
23 person's state of mind. That means to read the
24 Dafa books to really understand what Dafa means.

25 The actual criteria of the phrase

Page 191

1 P. Zhang

2 truth, benevolent and tolerance. And then to
3 compare your own mind to see with the truth,
4 benevolence and tolerance, to see in which
5 aspect that I am still -- I still need
6 improvement. This is one of the aspects.

7 And the other aspect is the practice
8 of exercise, body movement -- movements. We
9 have five sets of practice, exercises. And one
10 of the -- one set is for the meditation by
11 sitting, meditation.

12 By doing that, one's body will be
13 able to purify naturally and healthier.

14 By practicing these two aspects, a
15 person's, both his or her mind and physical body
16 would be more purified and healthier.

17 Q. In Europe, is Falun Gong a religion?

18 A. Yes.

19 Q. And why?

20 A. Because we believe in God, we believe
21 that God exists in the universe. We read the
22 scripture on a regular basis very often. And we
23 practice, we practice it together and we
24 organize the activities together.

25 For example, we participate in the

Page 164

1 P. Zhang

2 Hongzhi say that the survivors of earth's
3 destruction were transported to another planet
4 and brought the other planet's technology to
5 earth?

6 A. No.

7 Q. Have you ever heard Li Hongzhi say or
8 write that ancient Chinese science was and is
9 far superior to modern western science?

10 A. I recall our master once said that
11 the Asian in ancient China, our science was very
12 perspective, and they followed a different path
13 compared to the path that the western science
14 followed.

15 Q. Why do you believe that a man who
16 wrote a book in 1992 has a unique and sole grip
17 on reality when China has existed for thousands
18 of years with so many smart people?

19 A. As a matter of fact, as a
20 practitioner, the person would have his own
21 experience. If you really understand the
22 actions of the -- this doctrine and sincerely
23 practice the -- practice it and try to learn
24 from it, you -- your mind will be highly
25 elevated to a much higher level for purity and

Page 165

1 P. Zhang

2 honesty.

3 Q. But why do you believe that a
4 particular movement that one man wrote could be
5 and would be the secret to salvation?

6 MS. MARSH: Objection.

7 A. You mean secret of salvation?

8 Q. To cultivation to --

9 A. As a matter of fact, western people
10 also know that there are many ways of
11 cultivation in the history.

12 In reference to Falun Dafa, he has
13 been passed over from one generation to another
14 directly. It was up to master Li who would like
15 to disclose to the general public for people to
16 practice and other people learn about this, and
17 they realize it's a really practical
18 cultivation, and it would be able to reach to a
19 certain high level of morality in mind.

20 Q. Do you have any friends who tell you
21 that they respect you, but they think that Falun
22 Gong is a little weird?

23 A. Yes.

24 Q. Who?

25 A. In China when I introduce Falun Gong

1 P. Zhang

2 Q. When is the first time you saw this
3 complaint, what date approximately?

4 A. This, I don't remember which date
5 from last year. I don't recall.

6 Q. But your -- did you receive a
7 translated version of this complaint?

8 A. I have a fellow believer that
9 translated for me, but I -- I only saw the
10 English complaint, not the Chinese one.

11 Q. What's the name of the fellow
12 believer?

13 A. I think the name is Shen S-H-E-N.

14 Q. And what is the date that you were
15 allegedly assaulted?

16 A. In 2014, July 19th.

17 Q. And were you living in Flushing at
18 that time?

19 A. Yes.

20 Q. And at that time, how often did you,
21 in July, how often were you going to Falun Gong
22 locations, how often, would you go every day?

23 MS. MARSH: Objection.

24 A. At least three to four times a week.

25 Q. And where would you go three to four

1 P. Zhang

2 times a week?

3 A. What I mentioned to you before at the
4 Main Street, both at the office and also at the
5 Taiwanese Association where we learned together.

6 Q. And when did you move to Middletown?

7 A. In January of 2015.

8 Q. And until January 2015, in other
9 words, through the end of 2014, is it fair to
10 say that you went to Falun Gong locations in
11 Flushing three or four times a week?

12 A. Yeah, pretty much.

13 Q. And are there five Falun Gong tables
14 in Flushing, Queens?

15 A. Yeah, I know we have five.

16 Q. And did you -- would you go to more
17 than one of those tables during the week?

18 A. Yes, I went to different tables.

19 Q. Can you describe what exactly
20 happened on July 19, 2014 that you called the
21 assault?

22 A. On that day, July 19th, approximately
23 late in the afternoon, 6 p.m. I was at the Main
24 Street and Roosevelt Street booth. I was
25 handing out flyers to people coming, passing by.

1 P. Zhang

2 A. Yeah, I joined this location in Main
3 Street that we practice together and learn
4 together and do Falun Gong things together.

5 Q. Is there a building where you can
6 meet indoors in Flushing?

7 A. We have a small office in a building
8 and, but when we tried to learn all these Falun
9 Gong things, we meet at the Taiwanese
10 Association.

11 Q. Where is that?

12 A. The location is at Main Street near
13 Northern Boulevard. And we have field booths on
14 Main Street, and one of them I was assaulted at
15 the booth.

16 Q. So what does Falun Gong call the
17 local organization, do they use a word like
18 chapter or a name to identify the local unit?

19 A. We only refer to that office as like
20 the action center. I don't think we have any
21 special name for calling that -- that
22 organization.

23 Q. How many, approximately how many
24 Falun Gong practitioners are members or part of
25 the local Flushing Falun Gong community?

1 P. Zhang

2 A. Normally when we learn together at
3 the Taiwanese Association, we have more people
4 showing up.

5 But usually at like the action center
6 or the office, we have less people, like maybe
7 10 plus and on the booth. Booth also less
8 people.

9 Q. Right, so in the Taiwanese center
10 when there's an event, approximately how many
11 Falun Gong members are part of that community?

12 A. I think maximum we have 200 plus
13 people.

14 Q. And what -- after you got to the
15 United States, please list for me the different
16 types of Falun Gong public activities you
17 participated in?

18 MR. FINI: Get ready to break it up
19 because I may ask him for a list. So start
20 -- so go ahead, go, and then let him --

21 THE INTERPRETER: Okay.

22 A. Mainly we were at the booth handing
23 out flyers to spread out about the truth. And
24 also when we practiced together, we learned
25 about the Falun Gong practice.

1 P. Zhang

2 truth, benevolent and tolerance. And then to
3 compare your own mind to see with the truth,
4 benevolence and tolerance, to see in which
5 aspect that I am still -- I still need
6 improvement. This is one of the aspects.

7 And the other aspect is the practice
8 of exercise, body movement -- movements. We
9 have five sets of practice, exercises. And one
10 of the -- one set is for the meditation by
11 sitting, meditation.

12 By doing that, one's body will be
13 able to purify naturally and healthier.

14 By practicing these two aspects, a
15 person's, both his or her mind and physical body
16 would be more purified and healthier.

17 Q. In Europe, is Falun Gong a religion?

18 A. Yes.

19 Q. And why?

20 A. Because we believe in God, we believe
21 that God exists in the universe. We read the
22 scripture on a regular basis very often. And we
23 practice, we practice it together and we
24 organize the activities together.

25 For example, we participate in the

1 P. Zhang

2 honesty.

3 Q. But why do you believe that a
4 particular movement that one man wrote could be
5 and would be the secret to salvation?

6 MS. MARSH: Objection.

7 A. You mean secret of salvation?

8 Q. To cultivation to --

9 A. As a matter of fact, western people
10 also know that there are many ways of
11 cultivation in the history.

12 In reference to Falun Dafa, he has
13 been passed over from one generation to another
14 directly. It was up to master Li who would like
15 to disclose to the general public for people to
16 practice and other people learn about this, and
17 they realize it's a really practical
18 cultivation, and it would be able to reach to a
19 certain high level of morality in mind.

20 Q. Do you have any friends who tell you
21 that they respect you, but they think that Falun
22 Gong is a little weird?

23 A. Yes.

24 Q. Who?

25 A. In China when I introduce Falun Gong

Page 20

1 P. Zhang

2 Q. Yes.

3 A. I'm a Falun Gong believer, and when I
4 was in China, I got abused in China.

5 MR. FINI: All right, this is going
6 to happen all day, this phrase, so I'm going
7 to give it to you. It's F-A-L-U-N G-O-N-G,
8 capital F, capital G, Falun Gong.

9 So can you read back the answer.

10 COURT REPORTER: "I'm a Falun Gong
11 believer, and when I was in China, I got
12 abused in China."

13 Q. What did you put in your application
14 about the abuse, the specifics of the abuse?

15 A. Because I'm a firm believer of Falun
16 Gong, they incarcerated me for a long time.

17 Q. In your application for asylum -- oh,
18 by the way, you have a copy of -- I'm assuming
19 you have a copy of your application for asylum
20 that you submitted to the United States?

21 A. Yes, I have.

22 Q. Okay, and in that application what --
23 when you say you were subjected to abuse, how
24 long in the application to the United States,
25 how long did you say you were abused?

Page 21

1 P. Zhang

2 MS. MARSH: Objection.

3 A. I want to clarify something. When
4 you said, "abused," like how, like the time
5 frame that I was abused or the time frame that I
6 was incarcerated?

7 Q. Well, answer both.

8 A. It start in July of 1999 until I came
9 to the U.S., and when I was incarcerated
10 illegally, I was incarcerated for 11 years.

11 MS. MARSH: I'm sorry, I didn't hear
12 you.

13 COURT REPORTER: "It start in July of
14 1999 until I came to the U.S., and when I
15 was incarcerated illegally, I was
16 incarcerated for 11 years."

17 Q. After you graduated from the
18 university, South China university, how old were
19 you?

20 A. Twenty-three years old.

21 Q. Did you attend another school after
22 that?

23 A. No.

24 Q. Did you study law?

25 A. I self-study.

1 P. Zhang

2 reason the government gave --

3 MR. FINI: It's going to be too long.

4 What you have to do, if it's starting to get

5 too long, you have to raise your hand.

6 Is it too long? I mean you have to

7 raise your hand and do it; all right?

8 Because it just seemed to be a lot.

9 So are you okay with that, that if he

10 -- I would like you not to talk too -- try

11 to break it up, and if you know that you can

12 no longer now get it all, then raise your

13 hand, translate it, and then he'll pick up;

14 okay?

15 Q. So what was the reason for the second

16 -- what is the reason that the government gave

17 for the second time you were detained?

18 A. The second time they didn't really

19 have any proof of documents of what -- what was

20 the reasoning behind.

21 After the first incident happened, I

22 went back to my university, and there's a

23 communist university that they have these, what

24 you call, security personnels.

25 Those security personnels came to me

1 P. Zhang

2 and asked me to give up my religion, to give up
3 practicing Falun Gong and, but I refused.

4 So later on then they put me in
5 detention again.

6 Q. And did they give a purported reason,
7 did they at least try to come up with some
8 reason to detain you that you're aware of?

9 A. No, nothing.

10 Q. And then in between the first and the
11 second detention, where were you living?

12 A. The South China University.

13 Q. Is housing? In other words, the
14 university has housing; is that correct?

15 A. Yes, they have this building
16 specialized for all the workers, and inside that
17 building, they have security guards that belong
18 to the university.

19 Q. And does -- did the university pay
20 for your housing and food?

21 A. No, I pay on my own from my salary.

22 Q. Then after the second arrest --
23 second detention, did you go back to the
24 university living facility?

25 A. No, I went back home to my parent's

EXHIBIT 12

EXCERPTS OF DEPOSITION OF JINGRONG ZHANG

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

INDEX NO. 15-CV-1046

-----x
SHANG Jingrong, EHOU Yanhua, SHANG Peng,
SHANG Cuiping, WEI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,
Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong,
WAN Hongjuan, SHU Zirou, and DOBS
1-5 Inclusive,
Defendants.

-----x

October 19, 2016

9:23 a.m.

VIDEOTAPE DEPOSITION of JING
RONG SHANG, taken by the Defendants,
pursuant to notice, held at the offices of
Veritext Legal Solutions, 1250 Broadway,
New York, New York, before Debbie
Saromatidis, a Notary Public of the State
of New York.

1

2 A P P E A R A N C E S:

3

4 HUMAN RIGHTS LAW FOUNDATION

5 Attorneys for Plaintiffs

6 1875 K Street, NW

7 Washington, D.C. 20036

8 BY: TERRI MARSH, ESQ.

9

10 CATAFAGO FINI, LLP

11 Attorneys for Defendants Chinese

12 Anti-Cult World Alliance, Michael Chu,

13 and Zhu Zirou

14 The Empire State Building

15 350 Fifth Avenue, Suite 7412

16 New York, New York 10118

17 BY: THOMAS M. FINI, ESQ.

18

19 ALSO PRESENT:

20 ANNIE LEE, Interpreter

21 RON MARRAZZO, VIDEOGRAPHER

22 DANA CHAN

23

24

25

1 ZHANG

2 of interference from people, people now in
3 this lawsuit. They are defendants.

4 Q. Okay. So let's talk about your
5 involvement with Falun Gong.

6 MR. FINI: Could you translate
7 that.

8 Q. What places do you go to to
9 engage in Falun Gong activities of any
10 kind?

11 A. Are you asking about in U.S.,
12 right?

13 Q. Yes. Currently week to week in
14 the past year I would like you to describe
15 generally the places you go to to engage
16 in any type of Falun Gong activity.

17 A. Most time I spend the time to go
18 to the spiritual center, and then also
19 sometimes I also go to Taiwan Community
20 Center on Northern Boulevard. Over
21 there, I practice Falun Gong with other
22 people together, and also I also go to
23 spiritual center to learn the Fa --

24 THE INTERPRETER: F-A.

25 A. -- and then to practice. And

Page 12

1 ZHANG

2 also we attend some sort of protests, some
3 sort of protests because of Chinese
4 communist party opposition, suppression,
5 and also parade.

6 Q. Okay. So after you came to the
7 United States in 2006, what year did you
8 start to engage in all of the activities
9 that you just described?

10 A. 2008 I started.

11 Q. Okay. So am I correct that
12 starting in 2008 --

13 A. Wait. I want to -- so in
14 20 -- 2008 I attended more activities
15 because those activities were in Flushing
16 area. However, in the year of 2006 when
17 I first came to America, I went to my
18 daughter's home in New Jersey. So in New
19 Jersey there was fewer activities, but in
20 the year 2008 when I was in Flushing they
21 have a lot of -- a lot of activities.

22 Q. Okay. And I want to thank you
23 for being very clear. You are very
24 clearly answering my questions, and I
25 appreciate that.

Page 13

1 ZHANG

2 A. Thank you.

3 Q. That helps me understand why
4 2008 was a change, and in 2008 where did
5 you move to in Flushing?

6 A. I lived in Flushing. I lived
7 in Flushing.

8 Q. What was the address?

9 A. So it is close to Main Street.

10 The address is 39-27 34th Avenue, second
11 floor.

12 Q. And do you still live in
13 Flushing?

14 A. Yes, I still live there. I
15 never moved. Still there.

16 Q. So since 2008 you have been at
17 that location?

18 A. Yes. Yes. I am a very steady
19 person.

20 Q. Okay.

21 A. Steady.

22 Q. And am I -- is it correct that
23 starting in 2008 because you moved to
24 Flushing you began on a regular basis to
25 engage and travel to the Falun Gong events

Page 14

1 ZHANG
2 that you've mentioned to us earlier?
3 A. Yes. Yes.
4 Q. In 2015, at the beginning of
5 2016 -- 2015, let's just start -- let's
6 just take January 2015.
7 How many days a week at the
8 beginning of 2015 would you go to one
9 Falun Gong event or another? If you took
10 seven days out of the week, how many days
11 typically would you be traveling to a
12 Falun Gong event of some sort?
13 A. Four to five days.
14 Q. Okay. Why would that for two
15 days you would not be traveling to a Falun
16 Gong event? What is the reason for that?
17 A. Well, I stayed at home to learn
18 the Fa.
19 THE INTERPRETER: F-A.
20 A. And also I also happen to take
21 care of my life, for example, doing
22 laundry, purchasing groceries. Like my
23 personal life.
24 Q. That makes total sense to me.
25 I work -- I come to the city five days a

Page 15

1 ZHANG
2 week, and on weekends I am with my family.
3 So that makes sense to me.
4 A. Yes. Yes. Very good.
5 Q. So if we went back to 2014, was
6 your routine of going to Falun Gong events
7 similar in that in 2014 you typically
8 would travel to Falun Gong events four to
9 five days a week?
10 A. Correct. It become a routine
11 normally. I just have the same routine.
12 Q. I understand.
13 MR. FINI: Could you translate
14 when I say something like I understand.
15 Q. So I just want to get a full
16 picture of your dedication to Falun Gong
17 by listing all of the events. So I am
18 going -- so I am going to start to list
19 events, and I am going to ask you
20 specifically about some that I understand
21 you engage in.
22 A. Okay.
23 Q. So do you go to any public areas
24 including parks to do any Falun Gong
25 movements or exercises with other people?

Page 16

1 ZHANG
2 A. So every morning I actually
3 practice gong in the morning between
4 a.m. to 7:30 a.m. in a small park.
5 Q. Okay. And where is that park?
6 A. Well, that little park was
7 located between 34th and -- 34th and 35th
8 Street behind where I live about a
9 five-minute walk.
10 MR. FINI: Okay. Now, the
11 translator said that park was located, and
12 I am asking all of her practices and
13 locations.
14 Q. So to clarify, is that park
15 still there?
16 A. Yes. I still go there every
17 day.
18 Q. Okay.
19 A. Unless rain or even heavy rain
20 falls. For small rainfall we will be
21 there.
22 Q. Okay. So is it correct that
23 generally from 2014 through the present
24 you've been going to this park to practice
25 gong every day from 6:30 to 7:30 a.m.?

Page 17

1 ZHANG
2 A. Yes. Sometimes -- yes,
3 sometimes I will stay there until
4 a.m. If I practiced the whole set of five
5 exercise, it would require two hours.
6 Q. Okay. And did you testify that
7 that is a five-minute walk from your home?
8 A. Yes, maximum five minutes.
9 Q. And do you in fact get there by
10 walking from your home to that location?
11 A. Yes, by walking.
12 Q. Okay. And is another Falun
13 Gong activity you engage in going to any
14 of the five tables that Falun Gong have
15 near Main Street, Flushing?
16 A. Yes. Well, we call that
17 spiritual table.
18 Q. Okay. Are there five spiritual
19 tables in Flushing?
20 A. Yes.
21 Q. Okay. And is there a spiritual
22 center in Flushing?
23 A. Yes.
24 Q. And where is the spiritual
25 center located?

Page 18

1 ZHANG

2 A. On Main Street opposite to the
3 Queens Library.

4 Q. And is it correct that the
5 spiritual center as opposed to the tables
6 is where materials -- the tables, the
7 brochures are stored, and then Falun Gong
8 practitioners take them from the spiritual
9 center and then open them and set up the
10 five tables, which are stored at the
11 spiritual center?

12 A. Correct. Correct.
13 That -- just like what you said.

14 Q. Okay. And because your
15 attorney requested it, I am -- and we had
16 so many depositions I am doing two
17 depositions today, and I appreciate you
18 answering questions because I am going to
19 hopefully be done, you know, by 1 o'clock,
20 and we will just be done, so I appreciate
21 you just answering questions. So I want to
22 thank you because you are being very
23 clear.

24 Okay. How many -- since 2014
25 on average how many days a week do you go

Page 19

1 ZHANG

2 to the tables in -- the Falun Gong tables
3 in Flushing?

4 A. You're talking about the year
5 2014? 2014, right?

6 Q. Well, so your routine of going
7 to the tables may be similar from 2014 to
8 the present or it may have slightly
9 changed, which is part of my question.

10 My question is from 2014 to
11 2016, is there a general routine or an
12 approximate number of times that you go to
13 the tables per week, and if that changed a
14 little bit over time feel free to explain
15 that?

16 A. Because I am getting old so
17 presently I went -- I go there less. I
18 would say a day or two less than before.

19 Q. And you -- when you would go a
20 little bit more, is it correct you would
21 go a little bit more frequently in 2014
22 than presently?

23 A. Yes, of course. For
24 example -- so, yes, as a matter of fact,
25 you know, in the year 2008, right, I went

1 ZHANG

2 there very often, every day because I
3 loved to talk to everybody about the
4 truth, about how to be a nice person.

5 Q. So in 2014 approximately how
6 many days a week did you go to the tables
7 in Flushing?

8 A. Four to five days at a time.

9 Q. Okay. And in 2015 how many
10 did -- approximately how many days a week
11 would you go to the tables in Flushing?

12 A. Last year five days per week.

13 Q. And 2016?

14 A. Four days this year.

15 Q. You testified because you are
16 getting a little bit older you've slowed
17 down a little bit the number of times you
18 go to the tables, but is it correct that
19 despite your age you still go every day to
20 the park in the morning; is that correct?

21 A. Yes, every day practice, and I
22 feel good, and I feel healthy after
23 practice, very good.

24 Q. I run when I can, and it makes
25 me feel so much better. So I understand

1 ZHANG

2 Q. Okay. So you have a claim
3 against --

4 A. Because I wanted to go for a --

5 Q. Okay.

6 A. -- for some time already.

7 Q. You have a claim against Wan,
8 Ms. Wan in this lawsuit, correct?

9 A. Yes.

10 Q. Okay. And my understanding is
11 that you allege that she threatened you,
12 correct?

13 A. Yes.

14 Q. Okay. Despite that threat, even
15 though that threat was made, am I correct
16 that you still regularly go to all of the
17 activities even after that threat that
18 you've described today; is that correct?

19 A. Yes, I still went there because
20 that is my belief.

21 Q. Okay. You can -- we can now
22 break. Thank you.

23 THE VIDEOGRAPHER: Stand by.
24 It is approximately 10:18 a.m. We are
25 going off the record.

1 ZHANG

2 A. Yes, because now -- yes, because
3 now I am retired. I have no job, so I
4 have no stress. For me right now, I
5 would like to cultivate myself on the
6 principles of cheerfulness, truthfulness,
7 goodness, and also the forbearance and how
8 to cultivate myself to be a better person.

9 Q. Okay. When you go to
10 this -- the Taiwanese center, Taiwanese
11 Cultural Center, what activities do you
12 engage in there once a week?

13 A. So for the activity in the
14 Taiwan Cultural Center, we basically went
15 there to learn -- go there to learn Fa.

16 THE INTERPRETER: F-A.

17 A. We basically practice and learn
18 things, ideas mostly from the book called
19 Zhuan Falun.

20 THE INTERPRETER: Z-H-U-A-N
21 F-A-L-U-N.

22 A. And we communicate with each
23 other. We learn. We talk, discuss about
24 the Fas from book.

25 Q. And do you -- do you pray --

1 ZHANG

2 MR. FINI: Strike that.

3 Q. Do you understand what I mean by
4 the word pray?

5 A. So what I understand you mean by
6 pray, you mean you know people spend a
7 time they think about wrongful doing, and
8 then they would try -- in front of their
9 God they would ask for forgiveness, and
10 then they would ask their God to bless
11 them. That is my understanding of the
12 word. That is my understanding the word
13 pray.

14 Q. Let's work with what she -- what
15 you just described, that idea that you
16 just described. I want to use that idea.
17 That's helpful.

18 Do you do that -- do you pray at
19 the Taiwanese Cultural Center?

20 A. Yes. We have a particular term
21 instead of using the word pray. We will
22 say that we initiate a right thinking.

23 Q. Okay. So what happens? Can
24 you describe what happens in the Taiwanese
25 Cultural Center?

1 ZHANG

2 A. So when I mentioned that
3 particular term to initiate a right
4 thinking, this particular part everybody
5 had to do it by themselves. It started
6 from a person silently sitting down, and
7 then that person would have the inner
8 thought thinking and evaluating his own
9 doing whether or not they were deviating
10 from the main philosophy of Falun Gong.

11 Q. Okay.

12 A. I'm talking about the
13 truthfulness, compassion, forbearance,
14 these three philosophies and think about
15 how to be a good person, how to not
16 deceive people. How to be nice to
17 people, and with that self-examination
18 this is a part to cultivate the inner
19 self, and then if during the self
20 examination we found that we have desire,
21 for example, greed, something bad, we have
22 to discard all these feelings.

23 Q. And do you --

24 A. And more. I have more to say.

25 Q. Okay.

Page 40

1 ZHANG

2 A. So I have to further explain to
3 you during the time when I think about
4 myself I will also have to think about
5 my -- how I can treat people nicely.
6 Everyone, anyone how I can treat them
7 nicely. That's the meaning of
8 truthfulness, how to be truthful to
9 others.

10 I have more. I want to
11 continue. So also I am talking about
12 forbearance. I would think about what the
13 master teaching. My master teach me when
14 people hit me I would not fight back.
15 When people curse me, I would not return
16 words. So the heart have to be very,
17 very big. That could accommodate a lot
18 of different things. We always look at
19 our self-weakness, always look at the
20 wrongdoing of the self but never look at
21 the weakness of others, never look at the
22 wrongdoing of others. This is the
23 forbearance, the philosophy.

24 So also I would -- when I see
25 two people fight, I would first

Page 41

1 ZHANG

2 self-examine myself to see whether or not
3 I also have that problem, and then I would
4 check whenever I have some sort of
5 attachment, desire emotional wrongdoing
6 and I would try to detach all those bad
7 thinking how to become a nice, nice person
8 and how to cultivate my inner self.

9 Q. Okay. And when you go to the
10 park in the mornings, how does that
11 activity differ from what you're doing at
12 the Taiwanese Cultural Center?

13 A. Well, in the park we focus on
14 practicing the Gong.

15 THE INTERPRETER: G-O-N-G.

16 A. Basically it is exercise, the
17 inner parts and also the outer part.

18 Q. So how does that differ from
19 what you're doing -- the practicing of the
20 Gong, how does that differ from what you
21 are doing at the Taiwanese Cultural
22 Center?

23 A. No, in Taiwan Cultural Center we
24 concentrate three things. One is I call
25 to initiate right thinking first part.

1 ZHANG

2 in Flushing is communicating ideas to the
3 public, correct?

4 A. Yes. Yes. We want to deliver
5 the idea that what -- you know, what Falun
6 Gong is about. It is about philosophy of
7 truthfulness, compassion, forbearance, and
8 second thing we also want to expose to
9 public because we are innocent people that
10 practice Falun Gong, but that we are being
11 suppressed by Chinese regime.

12 Q. Okay. So does part of your
13 communication at the five tables include
14 anticommunist China ideas?

15 A. No, not at all because we
16 actually -- it is a group of
17 self-cultivation, so we -- we would not be
18 interested to expose the corruption, the
19 moral value of the Chinese regime. We
20 are not interested to talk about those
21 subjects. We only want to open to the
22 public about how they suppress us, how
23 they would like to destroy us, ruin us.
24 Because we are a group that talking about
25 self-cultivation, we are not having any

1 ZHANG

2 they have punishment.

3 Q. Okay. And why don't you think
4 that Falun Gong is a xie jiao? Why is it
5 not a xie jiao?

6 A. Okay. Because of the philosophy
7 of Falun Gong we are talking about three
8 main philosophy, truthfulness, compassion,
9 forbearance. Do you consider these three
10 philosophies evil? Well, they want good
11 people to be good person, not just good
12 but better than regular good people. We
13 have to discard all the desires such as
14 greed, sexual desire, all kind of bad
15 attachment. We have to discard in order
16 to cultivate, in order to be nice and
17 good.

18 Q. But what about if Li wants to
19 focus on some of the other things Li
20 Hongzhi has taught about such as separate
21 heavens for separate races and aliens,
22 technology from other planets, and she
23 considers those ideas dangerous and evil?
24 Why do you want to stop her from
25 expressing her opinion that it is evil in

1 ZHANG

2 A. Yes, part of it.

3 Q. And do you distribute materials
4 about the nature of Falun Gong at your
5 spiritual tables?

6 MR. FINI: Objection.

7 A. Yes, instruct them about the
8 practice of Falun Gong, about the
9 free -- philosophy of Falun Gong, the
10 truthfulness, compassion, forbearance, and
11 also how to be a good person. This is
12 also essential part of cultivation.

13 Q. Okay. Good. Thank you.

14 There was some question about
15 the meaning of xie jiao and the meaning of
16 xie by itself and the meaning of jiao by
17 itself.

18 Do you remember that?

19 A. Yes.

20 Q. And do you recall being asked
21 what jiao means and what --

22 A. And I answer him religion is a
23 part of cultivation.

24 Q. Okay. Did you describe jiao as
25 as meaning just an organization?

1 ZHANG

2 A. In my heart he is a deity or
3 God.

4 Q. Okay. And in his writings have
5 you seen him talking about how evil people
6 will be destroyed?

7 A. He did not say directly just
8 like what you say. However, he said that
9 people get awarded because of the nice
10 things that they do. People get
11 punishment because of the bad things that
12 they did.

13 Q. Okay. One of the things I read
14 was that -- it's in a book, and he says
15 "The evil ones should think twice about
16 their flagrant savagery."

17 MR. FINI: Translate that.

18 MS. MARSH: Objection.

19 Q. "When heaven and earth are
20 bright again, down to the boiling caldron
21 they go."

22 Am I correct that you have read
23 things that Li Hongzhi has said like that,
24 that there will be a terrible fate for
25 evil people? Correct?

1 ZHANG

2 Q. So you do -- you want to
3 stop -- in this lawsuit part of the reason
4 for this lawsuit is to stop him from
5 saying xie jiao?

6 A. Yes. Correct. Also no more
7 physical action, no more physical
8 disturbances.

9 Q. But am I correct that you are
10 okay -- you're not trying to stop him from
11 just using the word evil in Chinese
12 against Falun Gong? It is xie jiao; is
13 that correct? It is that special word xie
14 jiao?

15 A. Yes. Yes, because in America we
16 are a religion. We are a religion, so
17 that is why we cannot be named as xie
18 jiao. In China the reason why we were
19 being named as xie jiao, that's because of
20 Jiang Zemin. He imposed this term to us
21 as a stigma, and that started the eventual
22 crack down, suppression, cruelty,
23 detention, and also the live harvesting of
24 organs.

25 Q. But none of those extreme

1 ZHANG

2 for him an answer to his follow-up
3 question the -- what Fa /SHEPB /KWREPB
4 means? Do you remember that?

5 MR. FINI: Objection --

6 MS. MARSH: Just stop there.

7 Let me rephrase.

8 Q. You also in a follow-up question
9 described what fa zheng nian encompasses?

10 A. Yes.

11 Q. Okay. And you said that fa
12 zheng nian is part of your religious
13 practice; is that right?

14 MR. FINI: Objection.

15 A. Part of the cultivation.

16 Q. And --

17 A. Very, very important content of
18 cultivation.

19 Q. And do you fa zheng nian at the
20 spiritual tables in Flushing?

21 MR. FINI: Objection.

22 A. Yes, any time very often.

23 Q. Okay. And is distributing
24 religious materials part of your religion?

25 MR. FINI: Objection.

1 ZHANG

2 The second part to study the Fa.

3 THE INTERPRETER: F-A.

4 A. The third is communication
5 between members just to share the ideas
6 and learn from each other.

7 Q. Okay. And in contrast to the
8 park and the Taiwanese Cultural Center, is
9 it correct that when you go to the tables
10 in Flushing you are not practicing Falun
11 Gong, but you are communicating ideas to
12 the public; is that correct?

13 A. Yes. Yes, for my belief.

14 Q. Okay. And --

15 A. Well, one more thing. Because
16 we are innocent victims under the Chinese
17 regime, so we would like to expose those
18 facts to the public, too.

19 Q. Okay. So what you just
20 described, exposing the facts, that's part
21 of the activity at the -- at the five
22 tables in Flushing, correct?

23 A. Yes, by distribution of fliers.

24 Q. So you would agree that the
25 activity that you are doing at the tables

1 Zhang

2 A. Yes, because now -- yes, because
3 now I am retired. I have no job, so I
4 have no stress. For me right now, I
5 would like to cultivate myself on the
6 principles of cheerfulness, truthfulness,
7 goodness, and also the forbearance and how
8 to cultivate myself to be a better person.

9 Q. Okay. When you go to
10 this -- the Taiwanese center, Taiwanese
11 Cultural Center, what activities do you
12 engage in there once a week?

13 A. So for the activity in the
14 Taiwan Cultural Center, we basically went
15 there to learn -- go there to learn Fa.

16 THE INTERPRETER: F-A.

17 A. We basically practice and learn
18 things, ideas mostly from the book called
19 Zhuan Falun.

20 THE INTERPRETER: Z-H-U-A-N
21 F-A-L-U-N.

22 A. And we communicate with each
23 other. We learn. We talk, discuss about
24 the Fas from book.

25 Q. And do you -- do you pray --

1 ZHANG

2 in Flushing is communicating ideas to the
3 public, correct?

4 A. Yes. Yes. We want to deliver
5 the idea that what -- you know, what Falun
6 Gong is about. It is about philosophy of
7 truthfulness, compassion, forbearance, and
8 second thing we also want to expose to
9 public because we are innocent people that
10 practice Falun Gong, but that we are being
11 suppressed by Chinese regime.

12 Q. Okay. So does part of your
13 communication at the five tables include
14 anticommunist China ideas?

15 A. No, not at all because we
16 actually -- it is a group of
17 self-cultivation, so we -- we would not be
18 interested to expose the corruption, the
19 moral value of the Chinese regime. We
20 are not interested to talk about those
21 subjects. We only want to open to the
22 public about how they suppress us, how
23 they would like to destroy us, ruin us.
24 Because we are a group that talking about
25 self-cultivation, we are not having any

1 ZHANG

2 A. So every morning I actually
3 practice gong in the morning between
4 a.m. to 7:30 a.m. in a small park.

5 Q. Okay. And where is that park?

6 A. Well, that little park was
7 located between 34th and -- 34th and 35th
8 Street behind where I live about a
9 five-minute walk.

10 MR. FINI: Okay. Now, the
11 translator said that park was located, and
12 I am asking all of her practices and
13 locations.

14 Q. So to clarify, is that park
15 still there?

16 A. Yes. I still go there every
17 day.

18 Q. Okay.

19 A. Unless rain or even heavy rain
20 falls. For small rainfall we will be
21 there.

22 Q. Okay. So is it correct that
23 generally from 2014 through the present
24 you've been going to this park to practice
25 gong every day from 6:30 to 7:30 a.m.?

1 ZHANG

2 A. Yes. Sometimes -- yes,
3 sometimes I will stay there until
4 a.m. If I practiced the whole set of five
5 exercise, it would require two hours.

6 Q. Okay. And did you testify that
7 that is a five-minute walk from your home?

8 A. Yes, maximum five minutes.

9 Q. And do you in fact get there by
10 walking from your home to that location?

11 A. Yes, by walking.

12 Q. Okay. And is another Falun
13 Gong activity you engage in going to any
14 of the five tables that Falun Gong have
15 near Main Street, Flushing?

16 A. Yes. Well, we call that
17 spiritual table.

18 Q. Okay. Are there five spiritual
19 tables in Flushing?

20 A. Yes.

21 Q. Okay. And is there a spiritual
22 center in Flushing?

23 A. Yes.

24 Q. And where is the spiritual
25 center located?

1 ZHANG

2 to the tables in -- the Falun Gong tables
3 in Flushing?

4 A. You're talking about the year
5 2014? 2014, right?

6 Q. Well, so your routine of going
7 to the tables may be similar from 2014 to
8 the present or it may have slightly
9 changed, which is part of my question.

10 My question is from 2014 to
11 2016, is there a general routine or an
12 approximate number of times that you go to
13 the tables per week, and if that changed a
14 little bit over time feel free to explain
15 that?

16 A. Because I am getting old so
17 presently I went -- I go there less. I
18 would say a day or two less than before.

19 Q. And you -- when you would go a
20 little bit more, is it correct you would
21 go a little bit more frequently in 2014
22 than presently?

23 A. Yes, of course. For
24 example -- so, yes, as a matter of fact,
25 you know, in the year 2008, right, I went

1 ZHANG

2 there very often, every day because I

3 loved to talk to everybody about the

4 truth, about how to be a nice person.

5 Q. So in 2014 approximately how

6 many days a week did you go to the tables

7 in Flushing?

8 A. Four to five days at a time.

9 Q. Okay. And in 2015 how many

10 did -- approximately how many days a week

11 would you go to the tables in Flushing?

12 A. Last year five days per week.

13 Q. And 2016?

14 A. Four days this year.

15 Q. You testified because you are

16 getting a little bit older you've slowed

17 down a little bit the number of times you

18 go to the tables, but is it correct that

19 despite your age you still go every day to

20 the park in the morning; is that correct?

21 A. Yes, every day practice, and I

22 feel good, and I feel healthy after

23 practice, very good.

24 Q. I run when I can, and it makes

25 me feel so much better. So I understand

EXHIBIT 13

EXCERPTS OF DEPOSITION OF TING XU

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

INDEX NO. 15 CV 1046

-----x

EHANG Jingrong, EHOU Yanhua, EHANG Peng,
SHANG Cuiping, WEI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,
Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong,
WAN Hongjuan, ZHU Sixou, and DOBS
1-5 Inclusive,
Defendants.

-----x

November 4, 2016

12:45 p.m.

VIDEOTAPE DEPOSITION of XU TING,
taken by the Defendants, pursuant to
notice, held at the offices of Veritext
Legal Solutions, LLP before
Debbie Saromatidis, a Notary Public of the
State of New York.

1

2 APPEARANCES:

3

4 HUMAN RIGHTS LAW FOUNDATION

5 Attorneys for Plaintiffs

6 1615 L Street, NW, Suite 1100

7 Washington, D.C. 20036

8 BY: TERRI MARSH, ESQ.

9

10

11 CATAFAGO FINI LLP

12 Attorneys for Defendants Chinese

13 Anti-Cult World Alliance, Michael Chu,

14 and Zhu Zirou

15 The Empire State Building

16 350 Fifth Avenue, Suite 7412

17 New York, New York 10118

18 BY: TOM M. FINI, ESQ.

19

20

21 ALSO PRESENT:

22 JONATHAN POPHAM, Videographer

23

24

25

1 XU

2 not only from the wording but also to the
3 core. So I appreciate and I can become a
4 good person, and I connect with the
5 principle of cosmos, and so -- and it is
6 not about that he -- actually it is not
7 about that -- he appear in his -- I think
8 he remind me, not only me, a lot of people
9 with good -- with his true divine self to
10 be awakened and to remind their -- their
11 memory. He kind of remind my memory and
12 also, okay, so I don't -- I don't trying
13 to -- but this is reasoning -- I am trying
14 to -- I am trying to reason he is not so
15 arrogant, but he is --

16 Q. Actually --

17 A. He --

18 Q. Hold on.

19 A. I couldn't see the other -- I
20 don't see the other teaching they are
21 copying Master Li's teaching, and also he
22 would know that the teaching has been
23 originally mentioned before in ancient
24 China he is mentioning again.

25 Q. Yes.

Page 92

1 XU
2 were -- before you came what Falun Gong
3 activities were you planning on doing as a
4 visitor?

5 A. Maybe some public held events
6 that have been organized like parade, like
7 sitting meditation.

8 Q. So you were planning on
9 participating in a parade and doing
10 meditation?

11 A. Yes.

12 Q. And were you aware -- before you
13 came were you aware of the five tables in
14 Flushing that the Falun Gong has?

15 A. I don't even -- how to say --
16 pay it too much attention about that, but
17 when I passing by -- I just pass by.
18 Nobody told me.

19 Q. Okay. So in your previous
20 visit to Flushing were you -- had you seen
21 the five Falun Gong tables or no?

22 A. I don't remember. I'm sorry.

23 Q. That's okay. And -- all right.
24 And had you been to the Taiwanese Cultural
25 Center where some Falun Gong people go?

Page 93

1 XU

2 A. Occasionally, yes.

3 Q. Okay.

4 A. When I have time.

5 Q. Were you planning on that trip,
6 the trip where this event happened, were
7 you planning on going to the Taiwanese
8 Cultural Center?

9 A. Actually when I have time I will
10 go. I did. Yes.

11 Q. Okay. And what about a park to
12 do exercises, a public park?

13 A. Actually my schedule would be
14 too -- sometimes when I have time I would
15 do some exercise, group exercise. Yes.

16 Q. Okay. So were you -- were you
17 planning on distributing literature for
18 Falun Gong?

19 A. It is not literature. It is
20 flyer.

21 Q. That is what I mean by
22 literature. Literature is just writings.
23 Were you planning on distributing fliers?

24 A. I am -- this is part of
25 my -- how to say -- activity because a lot

1 XU

2 New York at least a few more days or -- do
3 you know?

4 A. I think I -- I would be -- after
5 incident I think I come back to Canada,
6 very shortly come back. I think after
7 incident I think -- I think I -- I stay
8 very short -- short in New York and then
9 come back to Canada. I just don't
10 remember how many days I still remained.

11 Q. Okay. And do you remember what
12 you did -- if you remember, what -- after
13 the incident what did you do that was
14 Falun Gong related for the rest of the
15 trip? Did you see any Falun Gong friends
16 or have dinner with them, any interactions
17 with Falun Gong people after the incident?
18 Do you remember?

19 A. Actually I -- it is a long time.
20 Two years ago. What exactly happened
21 I -- I am normally living isolated
22 situation. I practice and exercise on
23 reading the books alone most of the time.
24 I don't -- maybe I -- I can buy some book
25 from them. Then I don't remember it any

1 XU

2 A. Yes, I agree.

3 Q. Everything he wrote? There
4 wasn't one time where you said come on?

5 A. I think I agree.

6 Q. Okay. You agree with
7 everything. Do you do cultivation
8 exercises?

9 A. Yes.

10 Q. Do you do it in public parks?

11 A. Sometimes.

12 Q. Okay.

13 MS. MARSH: You okay?

14 THE WITNESS: Yes, I'm fine.

15 MS. MARSH: Okay.

16 Q. Do you attend Falun Gong events
17 in Canada?

18 A. Yes.

19 Q. What events do you attend?

20 A. Falun Dafa day, some other
21 occasion, public parade, maybe the -- yes,
22 in July event to -- yes, calling to stop
23 persecution and sometime -- yes.

24 Q. Could you come and go to any
25 Falun Gong events you choose? Are you

1 XU

2 just God. In other words, you see God,
3 and you don't remember if you saw God?

4 A. Excuse me. I --

5 Q. You just don't remember whether
6 you saw God?

7 MS. MARSH: Objection.

8 Q. Is Li Hongzhi a God to you?

9 MS. MARSH: Objection.

10 Q. Is Li Hongzhi a God to you?

11 A. I am trying to answer you the
12 question.

13 Q. I know that. I am asking you
14 is Li Hongzhi a God to you?

15 MS. MARSH: Objection.

16 A. Master Li already tell people in
17 public places don't -- I never encourage
18 people to see me as a God. You can see
19 me as the human -- how to say -- as human
20 with all organs of human.

21 Q. But so --

22 A. Not exactly the wording.

23 Q. Do you view him as a special
24 type of person?

25 A. At least a saint.

1 XU

2 are trying to stop a lie in Flushing?

3 A. Yes.

4 Q. What is the lie you're trying to
5 stop in Flushing?

6 A. They lie about Mr. Li, whatever
7 they are trying to make him propaganda of
8 one sort or another, distributing material
9 saying that Falun Gong is cult. It is
10 evil. As you know, the other
11 historical cult happen in U.S. soil.
12 Like they -- whatever. So he like David.
13 So they are trying to defame Falun Gong,
14 which is a very are righteous practice of
15 truthfulness, compassion, and forbearance.

16 Q. So the reason you signed on to
17 the lawsuit is to stop the lies?

18 A. Yes.

19 MS. MARSH: Objection.

20 Q. Is that correct?

21 A. I want to some extent, yes, but
22 I think if I can -- if by -- by this way,
23 if I -- this is violence, yes. Lie is
24 more evil or harmful than -- it is another
25 form of violence against human kind.

1 XU

2 thing.

3 I also overhear that I was even
4 accused of you -- of cursing him to death.

5 You know, how it can -- how can it be
6 possible? I am civilized, educated person.

7 I cannot do this sort of thing in public
8 places at all. Whatever the allegation

9 in this regard is totally false

10 allegation, which I -- you know, from very

11 common sense it won't -- it's not make

12 sense. It is total lie. I don't -- I

13 don't curse him to death at the very

14 moment I encounter with him. On the

15 contrary I am trying to be nice with him,

16 and he slapped me back. Even he slap me,

17 I don't slap him back or curse him back,

18 no, with my teaching of Falun Gong of

19 compassion, forbearance, yes.

20 Q. Was the witness -- your attorney

21 has given me a piece of paper with the

22 name W-E-I and the next name J-I-A-N-G, so

23 it might be Wei Jiang. I apologize for

24 the pronunciation:

25 Do you know Wei Jiang?

Page 92

1 XU

2 were -- before you came what Falun Gong
3 activities were you planning on doing as a
4 visitor?

5 A. Maybe some public held events
6 that have been organized like parade, like
7 sitting meditation.

8 Q. So you were planning on
9 participating in a parade and doing
10 meditation?

11 A. Yes.

12 Q. And were you aware -- before you
13 came were you aware of the five tables in
14 Flushing that the Falun Gong has?

15 A. I don't even -- how to say --
16 pay it too much attention about that, but
17 when I passing by -- I just pass by.
18 Nobody told me.

19 Q. Okay. So in your previous
20 visit to Flushing were you -- had you seen
21 the five Falun Gong tables or no?

22 A. I don't remember. I'm sorry.

23 Q. That's okay. And -- all right.

24 And had you been to the Taiwanese Cultural
25 Center where some Falun Gong people go?

Page 93

1 XU

2 A. Occasionally, yes.

3 Q. Okay.

4 A. When I have time.

5 Q. Were you planning on that trip,
6 the trip where this event happened, were
7 you planning on going to the Taiwanese
8 Cultural Center?

9 A. Actually when I have time I will
10 go. I did. Yes.

11 Q. Okay. And what about a park to
12 do exercises, a public park?

13 A. Actually my schedule would be
14 too -- sometimes when I have time I would
15 do some exercise, group exercise. Yes.

16 Q. Okay. So were you -- were you
17 planning on distributing literature for
18 Falun Gong?

19 A. It is not literature. It is
20 flyer.

21 Q. That is what I mean by
22 literature. Literature is just writings.
23 Were you planning on distributing fliers?

24 A. I am -- this is part of
25 my -- how to say -- activity because a lot

1 XU

2 New York after the -- this 2014 incident?

3 A. Yes, of course. Not only
4 including this time. I visit more.

5 Q. How many times?

6 A. Maybe a couple of times.

7 Q. Is it possible it was three
8 times?

9 A. New York not -- no.

10 Q. How many times did you visit New
11 York since the 2014 incident not including
12 this visit?

13 A. A couple.

14 Q. Two?

15 A. Maximum two.

16 Q. Okay.

17 A. I just don't remember.

18 Q. And did you go see Li Hongzhi in
19 Brooklyn?

20 A. No. Li Hongzhi, my master?

21 Q. The master.

22 A. My master I -- you know,
23 I -- this visit we -- yes, we kind of in
24 Brooklyn. This -- yes, this -- the
25 center, the conference center, yes. I

1 XU

2 A. Yes, I agree.

3 Q. Everything he wrote? There
4 wasn't one time where you said come on?

5 A. I think I agree.

6 Q. Okay. You agree with
7 everything. Do you do cultivation
8 exercises?

9 A. Yes.

10 Q. Do you do it in public parks?

11 A. Sometimes.

12 Q. Okay.

13 MS. MARSH: You okay?

14 THE WITNESS: Yes, I'm fine.

15 MS. MARSH: Okay.

16 Q. Do you attend Falun Gong events
17 in Canada?

18 A. Yes.

19 Q. What events do you attend?

20 A. Falun Dafa day, some other
21 occasion, public parade, maybe the -- yes,
22 in July event to -- yes, calling to stop
23 persecution and sometime -- yes.

24 Q. Could you come and go to any
25 Falun Gong events you choose? Are you

EXHIBIT 14

EXCERPTS OF DEPOSITION OF XIURONG LI

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

INDEX NO. 15 CV 1046

-----x
EHANG Jingrong, EHOU Yanhua, EHANG Peng,
EHANG Cuiping, WEI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,
Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong,
WAN Hongjuan, SHU Sirou, and DOBS
1-5 Inclusive,
Defendants.

-----x

August 19, 2016

9:50 a.m.

VIDEOTAPE DEPOSITION of the LI
XIURONG, held at the offices of Beldock
Levine Hoffman & Goodman, LLP, pursuant to
Notice, before Debbie Zaromatidis, a
Notary Public of the State of New York.

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A P P E A R A N C E S:

HUMAN RIGHTS LAW FOUNDATION

Attorneys for Plaintiffs

1615 L Street, NW, Suite 1100

Washington, D.C. 20036

BY: TERRI MARSH, ESQ.

- and -

BELDOCK LEVINE & HOFFMAN, LLP

99 Park Avenue

New York, New York

BY: JOSHUA MOSKOVITZ, ESQ.

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APPEARANCES: (CONTINUED)

CATAFAGO FINI LLP
Attorneys for Defendants Chinese
Anti-Cult World Alliance, Michael Chu,
and Zhu Zirou
The Empire State Building
350 Fifth Avenue, Suite 7412
New York, New York 10118
BY: TOM M. FINI, ESQ.

ALSO PRESENT:

PATRICK FENG, MANDARIN INTERPRETER
ARTHUR KWOK, Mandarin Interpreter
DANA CHENG, MANDARIN INTERPRETER
JONATHAN POPHAM, Videographer

1 LI

2 Q. What is the law wheel?

3 A. Law wheel was realized in
4 another universe.

5 Q. And does that have an impact on
6 our bodies here on earth?

7 A. Yes, it has.

8 Q. What is the impact it has on our
9 bodies on this earth?

10 A. I -- after I read the book I
11 believed there was the law wheel in
12 existence in another universe.

13 Q. Okay. And is there any part of
14 you that leaves open the idea that that
15 might not be true?

16 MR. MOSKOVITZ: Objection.

17 A. I never had any doubt it is
18 true.

19 Q. Did you have that strong feeling
20 of certainty the first time you read the
21 book?

22 A. My heart became comfortable, and
23 I -- I felt better. I believed in it.

24 Q. In China other than that book,
25 were there any other books you read by Li

1 LI

2 A. Yes.

3 Q. During the week would you
4 sometimes go to those tables and have
5 discussions with those Falun Gong
6 practitioners?

7 A. No.

8 Q. Did you ever volunteer to run
9 the tables or distribute pamphlets at the
10 tables?

11 A. No.

12 Q. Do you find that Falun Gong
13 meditation makes you calm?

14 A. Yes.

15 Q. Does Falun Gong medication give
16 you inner piece?

17 A. Very peaceful.

18 Q. So from 2001 to 2013 did you
19 engage in Falun Gong meditation?

20 A. Yes.

21 Q. And from 2001 to 2013 did that
22 meditation give you a daily inner piece?

23 A. I became a little bit afraid in
24 2011.

25 Q. Okay. Prior to 2011 -- from

1 LI

2 A. No.

3 Q. As a result of your meditation
4 with -- Falun Gong meditation, do you
5 sleep well at night?

6 A. Very good.

7 Q. Are you -- it's okay.

8 MR. FINI: Please tell her that
9 I will ask one or two more questions, and
10 then the videographer needs to change
11 tape.

12 Q. Would you agree that Arthur is a
13 very nice guy?

14 MR. FINI: Translate it.

15 A. Very good. Very good.

16 MR. FINI: Let's take a break.
17 Let's take a break.

18 THE VIDEOGRAPHER: Okay. We
19 are going off the record at 2:33 p.m.
20 This marks the end of media 2.

21 (Recess taken.)

22 THE VIDEOGRAPHER: We are back
23 on the record at 2:40 p.m. This marks
24 the beginning of media 3.

25 Q. So you testified earlier that

1 LI

2 Q. So you are not aware of a Time
3 Magazine article in which he gave an
4 interview, and he said aliens came from
5 another planet? You are not aware of that?

6 MR. MOSKOVITZ: Objection.

7 A. Well, other people mentioned at
8 times something about it. He wrote
9 something about it. I couldn't read it
10 myself. However, I don't think my Sifu
11 wrote that and said that exactly. I
12 don't think my Sifu said that.

13 Q. What about if he did? If he did
14 say that, would you accept that as true
15 just because he said it?

16 MR. MOSKOVITZ: Objection.

17 MS. MARSH: Objection.

18 A. I don't understand science, and
19 I don't care about that, so I am done.

20 Q. So you don't care if he said
21 something you wouldn't care about what he
22 says?

23 A. All I know is that if I practice
24 and meditate it will help me become a
25 better person, better health, and as far

1 LI

2 as I'm concerned I am already satisfied --

3 Q. Okay.

4 A. -- if that's the case.

5 Q. Do you believe that there is a
6 different heaven for black people and
7 white people?

8 A. It is not important. I don't
9 think -- I never really thought about it.
10 Maybe they -- they do have, but I don't
11 really know.

12 Q. So you think maybe there is a
13 different heaven for white people and
14 black people, correct?

15 MR. MOSKOVITZ: Objection.

16 A. I hope if I practice enough I
17 will get to heaven, and everybody who
18 practice enough will get to their heaven.
19 That's what I think.

20 Q. Right, but the jury will see
21 that you didn't answer my question.

22 MR. MOSKOVITZ: Objection.

23 MS. MARSH: Objection.

24 MR. MOSKOVITZ: That is not a
25 question.

1 LI

2 2001 to 2011, did you have inner piece
3 from your practice of Falun Gong
4 meditation?

5 A. Prior to that that was very
6 good.

7 Q. Okay. Now, today you live in
8 Flushing, correct?

9 A. I live in Flushing.

10 Q. Okay. And do you -- if I
11 -- let's talk about the last year, the
12 last twelve months.

13 Q. During the last 12 months do you
14 go to the -- typically to the Taiwanese
15 Cultural Center once a week?

16 A. Yes.

17 Q. And do you practice Falun Gong
18 there at the Taiwanese Cultural Center?

19 A. Yes, and also study Fa and study
20 the book.

21 Q. Okay. And are you free --
22 during the past twelve months in the
23 United States have you been free to go to
24 any of the Falun Gong events you choose to
25 go to?

Page 70

1 LI

2 Q. Is that --

3 A. I do not recall the address.

4 Q. Is it an indoor facility?

5 A. It was the office, and it was

6 our practitioner center.

7 Q. Is it indoors or outdoors?

8 A. Indoor office.

9 Q. How many people can it hold when
10 you meet as Falun Gong practitioners?

11 A. It's a very small room, and it
12 could hold approximately more than a dozen
13 people.

14 Q. Okay. And how often do you go
15 to that facility?

16 A. Five days a week I went over
17 there and place inside those photos and
18 displayed items.

19 Q. So from 2001 to 2013 when you
20 went to Maryland in addition to the
21 Taiwanese Cultural Center did you also go
22 to this center that we are talking about
23 now?

24 A. Yes, I went there to place those
25 photos.

Page 71

1 LI

2 Q. How often would you go from 2001
3 to 2013 on average during the week?

4 A. Five times.

5 Q. Did you go there Monday through
6 Friday?

7 A. Yes.

8 Q. And is that because that's where
9 you stored photos and posters that you
10 would use for a table and -- on Main
11 Street?

12 A. Yes.

13 Q. Were you one of the people
14 running one of the tables on Main Street?

15 A. I was not running the table. I
16 was one of the people that were involved.

17 Q. Okay. So when I say running
18 the table, I don't mean being in charge.
19 I mean helping with the table.

20 A. I cannot say I am a helper. I
21 just practiced Gong there.

22 Q. So five days a week from 2011 to
23 2013 you would help at a table on Main
24 Street, correct?

25 A. Yes.

1 LI

2 Q. How many hours a day?

3 A. Three hours.

4 Q. Okay. And where are the cars
5 on Main Street? The cars and vehicles on
6 this diagram, where would they be? Could
7 you show where the traffic would be?

8 A. The traffic cars are traveling
9 here. There are also sidewalks on the
10 other side.

11 Q. All right.

12 A. Cars are moving like this
13 (indicating).

14 Q. Okay. Is it the closest
15 route -- the shortest from your table to
16 the center where you store your posters is
17 walking passed the anticult table,
18 correct?

19 A. Yes, I have to pass them.

20 Q. I understand.

21 So you started to walk and
22 where -- where did Ms. Li Huahong, the
23 defendant, first go up to you on this
24 diagram?

25 A. As we were passing by I did not

1 LI

2 also have mixed marriages within our
3 group, and I remember him saying that
4 those children, the mixed -- those
5 children would have a good future as well.

6 That's what I remember --

7 Q. Okay.

8 A. -- him say.

9 Q. Have you -- did you go to
10 Barclay's Center?

11 MR. MOSKOVITZ: Objection.

12 A. Brooklyn, right?

13 Q. Yes.

14 A. I remember possibly we had a
15 meeting there at one point. Yes.

16 Q. Did you go to Barclay's Center
17 this year to see Li Hongzhi?

18 A. Yes. Yes.

19 Q. Do you know that Li Hongzhi
20 believes that beings from other planets,
21 aliens have come to earth within the last
22 200 years or so? Are you aware of that?

23 MR. MOSKOVITZ: Objection.

24 A. I don't think so. I don't
25 think my Sifu said things like that.

1 LI

2 Q. What types of Falun Gong
3 activities did you engage in from 2001 to
4 2013?

5 A. We have the parade and the
6 catering. The parade on the Memorial Day
7 of the event.

8 Q. What is the Memorial Day?

9 A. For example, July 20 is the day
10 that we were persecuted in China. We had
11 the parade I participated in.

12 Q. So is that a yearly parade?

13 A. Yes.

14 Q. So there is a parade in Flushing
15 every July 20?

16 A. The memorial event was held in
17 Washington.

18 Q. So is the -- is there a parade
19 every year in Washington?

20 A. Not every year. Sometimes in
21 New York. Sometimes in Washington.

22 Q. Okay. And is there a yearly
23 parade every single year in Flushing?

24 A. Almost, yes.

25 Q. What month is that in Flushing

1 LI

2 A. To insult and curse at my Sifu.

3 Q. So you want to use this lawsuit
4 to stop insulting Li Hongzhi?

5 MS. MARSH: Objection.

6 MR. MOSKOVITZ: Objection.

7 That is at least the fifth time this has
8 been asked. This isn't going anywhere.
9 We spent the last twenty minutes going
10 over and over this.

11 MS. MARSH: She keeps saying it
12 is her personal opinion.

13 MR. FINI: Can you read back the
14 question.

15 (Record read.)

16 A. Not just that, but to stop what
17 was done in the past to incite violence to
18 attack us. To stop us from freely
19 practicing Falun Gong, to place us in a
20 constant fear and nervousness.

21 Q. Okay. Aren't you free to
22 practice Falun Gong today?

23 A. Yes, in western countries I do
24 have freedom, especially America.

25 Q. So why did you just say that

1 LI

2 they are stopping you from practicing
3 Falun Gong? Why did you just say that?

4 MR. MOSKOVITZ: Objection.

5 A. Not trying but rather we were
6 attacked by using his inciting violence
7 tricks or intelligence to attack us, but
8 that hasn't affected your ability to
9 practice? You practice all you want,
10 correct?

11 MS. MARSH: Objection.

12 MR. MOSKOVITZ: Objection.
13 Argumentative.

14 A. It was a beautiful thing
15 originally to practice Falun Gong, but
16 because of what happened it's affected me,
17 affected my heart. There shouldn't be an
18 incident where it affected my emotion, my
19 feelings. It shouldn't happen in a
20 country that allow freedom of belief.

21 Q. Did you ever witness any of the
22 defendants touching any of the other
23 plaintiffs?

24 A. No, I did not. I did not see
25 it. I did not witness it.

EXHIBIT 15

EXCERPTS (A-E) FROM
U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REPORTS

A. What USCIRF Does

The screenshot displays the official website of the United States Commission on International Religious Freedom (USCIRF). The header features the USCIRF logo and the text "United States Commission on International Religious Freedom". A navigation menu includes "ABOUT USCIRF", "REPORTS & BRIEFS", "COUNTRIES", "TOPICS", "ADVISING GOVERNMENT", and "NEWS ROOM". A search bar is located on the right side of the menu. Below the menu, the page is divided into two main sections. On the left, under the heading "About USCIRF", there is a list of links: "Welcome to USCIRF", "Who We Are / What We Do", "Commissioners", "Former Commissioners", "Professional Staff", "Employment & Internship Opportunities", "Frequently Asked Questions", "Authorizing Legislation & Amendments", "Government Organizations", and "Photo Gallery". The main content area is titled "Who We Are/What We Do" and contains a thumbnail image of a document with the caption "Click here to view the USCIRF one-pager" and another link "Click here to view the translated versions of the USCIRF one-pager". Below this, the section "WHO WE ARE" provides a detailed description of USCIRF as an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA). It states that USCIRF monitors religious freedom violations globally and makes policy recommendations to the President, the Secretary of State, and Congress. The section "WHAT IS RELIGIOUS FREEDOM" defines it as the right to believe or not believe as one's conscience leads, and live out one's beliefs openly, peacefully, and without fear. It notes that religious freedom is America's first freedom and a core human right recognized in international law and treaty, as well as a necessary component of U.S. foreign policy and national security.

WHAT USCIRF DOES

- **Issues an Annual Report** by May 1st of each year. The report assesses the U.S. government's implementation of IRFA; recommends countries that the Secretary of State should designate as "Countries of Particular Concern" for engaging in or tolerating "systematic, ongoing, egregious violations of religious freedom;" documents country conditions in around 30 countries; reports on significant trends; and recommends U.S. policies.
- **Documents Religious Freedom Conditions Abroad** by meeting with senior government officials, representatives of nongovernmental organizations, religious leaders, victims of persecution, and others in countries including: Afghanistan, Bahrain, Bangladesh, Belarus, Burma, China, Egypt, Ethiopia, Eritrea, Indonesia, Iraq, Nigeria, Pakistan, Russia, Saudi Arabia, Syria, Sri Lanka, Sudan, Tajikistan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.
- **Engages Congress** by working with Congressional offices, testifying at hearings, and holding briefings on issues including: protecting international religious freedom; Iran's human rights record under Rouhani; human rights abuses in Egypt; religious minorities in Syria; anti-Semitism; the persecution of religious and indigenous communities in Vietnam; persecuted Uighur Muslims in China.; and the plight of prisoners of conscience around the world. With the Tom Lantos Human Rights Commission, USCIRF launched the Defending Freedoms Project, working with Members of Congress to highlight religious prisoners and imprisoned human rights defenders worldwide.
- **Issues Reports with Policy Prescriptions, Press Releases, Op-Eds, and Journal Articles** including: the global use of blasphemy laws; religious violence in Pakistan; religious freedom provisions in the constitutions of Muslim-majority countries; Russia's failure to protect religious freedom; the status of religious minorities in Iran; religious violence in CAR; anti-Semitism; and the U.S. government's treatment of asylum seekers in Expedited Removal.
- **Engages Multilaterally** in meetings related to religious freedom and tolerance, including at the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the European Union, and with parliamentarians from across the globe.

Translated Versions of USCIRF One-Pagers:

[Click here to view the Arabic translation](#)

[Click here to view the Burmese translation](#)

[Click here to view the Chinese translation](#)

[Click here to view the Farsi translation](#)

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[Click here to view the Hausa translation](#)

[Click here to view the Korean translation](#)

[Click here to view the Russian translation](#)

[Click here to view the Spanish translation](#)

B. USCIRF 2012 Report

U.S. Commission *on* International Religious Freedom

Annual Report 2012



Annual Report of the
United States Commission on International Religious Freedom
March 2012
(Covering April 1, 2011 – February 29, 2012)

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Chair

Dr. Don Argue

Dr. Elizabeth H. Prodromou

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Dr. Azizah al-Hibri

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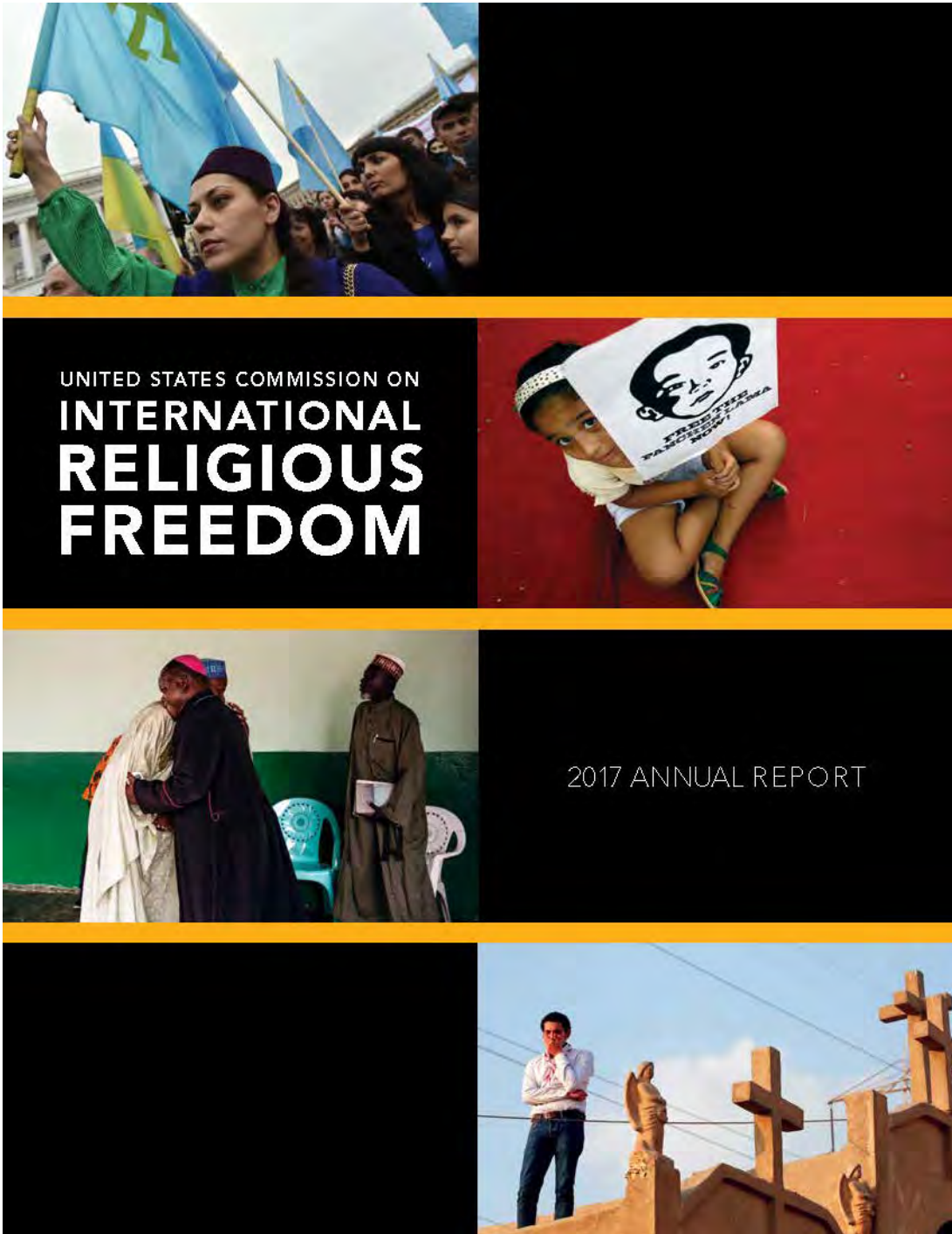
Ted Van Der Meid

Ambassador Suzan D. Johnson Cook, *ex officio*, non-voting member

Ambassador Jackie Wolcott

Executive Director

C. USCIRF 2017 Report





BACKGROUND

The year 2016 marked 50 years since the Cultural Revolution, some of the darkest days for China's religious and faith believers. Five decades later, Chinese government repression under President Xi increasingly threatens human rights, including freedom of religion or belief. For example, in 2016 China revised and enhanced its Regulations on Religious Affairs that limit the right to religious practice. New restrictions include tighter government control over religious education and clergy, and heavy fines for any religious activities considered "illegal," as well as new language formally forbidding religion from harming "national security" concerns. Earlier in the year, President Xi convened a National Conference on Religious Work where he stressed the importance of making religions more Chinese, in part by disconnecting them from foreign "infiltration" and influence. These actions coincided with the release of China's National Human Rights Action Plan (2016–2020), which includes a section on "freedom of religious belief" with undertones of restrictive government management of religion.

January 1, 2017, marked the effective date of a new Chinese law regulating foreign nonprofit and nongovernmental organizations (NGOs). Under the law, NGOs must obtain sponsorship from state bodies that will act as "supervisors," register with the police, and report their activities to the government. Some religious NGOs

expressed concern about how the law will impact their charity and aid work in China.

During 2016, the Chinese government reinforced its crackdown on lawyers and other human rights defenders. At the time of this writing, human rights lawyer and advocate Jiang Tianyong remained in detention at an unknown location after Chinese authorities detained him in November 2016 on suspicion of alleged "state subversion." In December 2016, a group of UN experts called on the Chinese government to investigate Jiang's whereabouts and expressed concern that his human rights work—including representing Tibetans, Falun

Gong practitioners, and others—puts him at risk for beatings and torture by police. Longtime human rights activist, lawyer, and political prisoner Peng Meng died in prison in late 2016. His family requested an autopsy, but according to reports, Chinese author-

ities removed some of his organs and cremated his body, ignoring the family's wishes. Nobel Peace Prize laureate and democracy advocate Liu Xiaobo remains in prison after being sentenced in December 2009 to 11 years in prison; his wife, Liu Xia, is under strict house arrest.

Through five state-sanctioned "patriotic religious associations," China recognizes five religions: Buddhism, Taoism, Islam, Catholicism, and Protestantism. The Chinese Communist Party officially is atheist, and more than half the country's nearly 1.4 billion population is unaffiliated with any religion or belief. Nearly 300 million people practice some form of folk religion, approximately

New restrictions include tighter government control over religious education and clergy, and heavy fines for any religious activities considered "illegal". . . .



250 million are Buddhist, about 70 million Christian, at least 25 million Muslim, and smaller numbers practice Taoism, Hinduism, Judaism, or some other faith.

RELIGIOUS FREEDOM CONDITIONS 2016–2017

Uighur Muslims

In 2016, the Chinese government continued to suppress Uighur Muslims, often under the rubric of countering what it alleges to be religious and other violent extremism. An estimated 10 million Uighur Muslims reside in the Xinjiang Uighur Autonomous Region in northwest China where the government presumes their guilt if they are found practicing “illegal” religious activities, including praying or possessing religious materials in their own homes. Authorities even question school-children to coerce them into revealing that their parents pray at home. To constrain what it claims to be widespread radicalism that breeds violent tendencies among Uighur Muslims, the government imposes manifold regulations and restrictions on religious and other daily practices. For example, in a move critics described as targeting Uighur Muslims, in July 2016 the regional government adopted a new counterterrorism measure, which dovetails with a national law that went into effect January 1, 2016. (The national Counterterrorism Law contains vague definitions of “religious extremism” and “terrorism,” which the government has routinely used to target the freedom to practice religion and peaceful religious expression.) Also, in June 2016, Beijing issued a white paper, *Freedom of Religious Belief in Xinjiang*, that alleged the government protects “normal” religious activities and respects citizens’ religious needs and customs. Just days later, however, the government once again imposed its annual ban on the observance of Ramadan; authorities prevented government employees, students, and children from fasting, and in some cases praying, during Ramadan. As of November 1, 2016, Uighur Muslim parents are forbidden from including their children in any religious activity, and citizens are encouraged to inform authorities about

... Uighur Muslim parents are forbidden from including their children in any religious activity, and citizens are encouraged to inform authorities about their neighbors.

their neighbors who may be involved in government-prohibited activities.

Authorities continue to restrict men from wearing beards and women from wearing headscarves and face-covering veils. According to reports, in 2016 the Chinese government destroyed thousands of mosques in Xinjiang, purportedly because the buildings were considered a threat to public safety. USCIRF received reports that Uighur Muslims must register to attend mosques—which often are surveilled by authorities—and must obtain permission to travel between villages.

Uighur Muslim prisoners commonly receive unfair trials and are harshly treated in prison. Well-known Uighur scholar Ilham Tohti is currently serving a life sentence after being found guilty in 2014 of “separatism” in a

two-day trial that human rights advocates called a sham. On October 11, 2016, Professor Tohti was awarded the 2016 Martin Ennals Award for Human Rights Defenders; China responded with anger when UN High Commissioner for Human Rights

Zeid Ra’ad Al Hussein attended the ceremony. Gulmitra Imin, who was a local government employee at the time of her arrest, also continues to serve a life sentence for her alleged role organizing the July 2009 protests in Urumqi—an allegation she denies.

Tibetan Buddhists

The Chinese government claims the power to select the next Dalai Lama with the help of a law that grants the government authority over reincarnations. The Chinese government also vilifies the Dalai Lama, accusing him of “splittism” and “blasphemy,” including in at least 13 white papers on Tibet since the 1990s. Moreover, in December 2016, Tibet’s Communist Party Chief Wu Yingjie publicly said he expects the party’s control over religion in Tibet to increase. In 2016, Tibetan activist Nyima Lhamo, the niece of prominent Tibetan Buddhist leader Tenzin Delek Rinpoche, who died in prison in July 2015, fled China to seek justice for her uncle’s death and later traveled to Europe where she gave a presentation before the 9th Geneva Summit for Human Rights and Democracy. The

Chinese government has held Gedhun Choekyi Nyima, also known as the Panchen Lama, the second-highest position in Tibetan Buddhism, in secret for more than two decades. When the Chinese government abducted the Panchen Lama at age six and replaced him with its own hand-picked choice, the Dalai Lama had just designated him as the reincarnation of the 10th Panchen Lama. Although in 2016 the government released several Tibetan prisoners who completed their sentences, such as Tibetan religious teacher Khenpo Karlse, it detained and charged several others. For example, in March 2016 Chinese police arrested Tashi Wangchuk on “separatism” charges; he is an advocate known for promoting a deeper understanding of the Tibetan language as integral to the practice of Tibetan Buddhism. As of this writing, Tashi Wangchuk’s case is still pending; he could serve up to 15 years if convicted. In protest of repressive government policies, at least 147 Tibetans have self-immolated since February 2009, including Tibetan monk Kalsang Wangdu and Tibetan student Dorjee Tsering, both in 2016.

In July 2016, the Chinese government launched a sweeping operation to demolish significant portions of the Larung Gar Buddhist Institute located in Sichuan Province. Larung Gar is home to an estimated 10,000 to 20,000 monks, nuns, laypeople, and students of Buddhism from all over the world. Local officials instituting the demolition order referred to the project as “construction” or “renovation” to reduce the number of residents to no more than 5,000 by the end of September 2017.

As a result, officials have evicted thousands of monastics, laypeople, and students, some of whom reportedly were locked out of their homes before they could collect their belongings, or were forced to sign pledges promising never to return. Many others were forced to undergo so-called “patriotic reeducation programs.” The demolition order contains language governing ideology and future religious activities at Larung Gar and gives government officials—who are largely Han Chinese, not Tibetan—greater control and oversight of the institute, including direct control over laypeople. The order also mandates the separation of the monastery from the

institute, running counter to the tradition of one blended encampment with both religious and lay education. The destruction at Larung Gar exemplifies Beijing’s desire to eviscerate the teachings and study of Tibetan Buddhism that are integral to the faith.

Protestants and Catholics

In 2016, the Chinese government continued its campaign to remove crosses and demolish churches. Since 2014, authorities have removed crosses or demolished churches at more than 1,500 locations in Zhejiang Province alone. The government also has targeted individuals opposing the campaign. In February 2016, Protestant Pastor Bao Guohua and his wife Xing Wenxiang, from Zhejiang, were sentenced to 14 and 12 years’ imprisonment, respectively, for opposing cross removals. Additional removals and demolitions have occurred elsewhere in the country. In one particularly egregious example from April 2016, Ding Cuimei, wife of church leader Li Jiagong, suffocated to death while trying to protect their house church in Henan Province from a bulldozer during a government-ordered demolition; Li survived but barely escaped the rubble. In March 2016, authorities released human rights lawyer Zhang Kai on bail after detaining him in secret for six months and coercing him to give a televised confession.

On December 27, 2016, police summoned Zhang to the police station and detained him for two days before releasing him again. Zhang is well known for his work on behalf of individuals and churches affected by the government’s cross

The destruction at Larung Gar exemplifies Beijing’s desire to eviscerate the teachings and study of Tibetan Buddhism. . . .

removal and church demolition orders.

During 2016, Chinese authorities arrested Christians for displaying the cross in their homes and printing religious materials, threatened parents for bringing their children to church, and blocked them from holding certain religious activities. In August 2016, a Chinese court found underground church leader and religious freedom advocate Hu Shigen guilty of subversion and sentenced him to seven and a half years in prison and another five years’ deprivation of political rights. In January 2017, a Chinese court sentenced Pastor Yang Hua, also known as Li Guozhi, to two and a half



years in prison. Originally detained in December 2015, Pastor Yang presided over the Living Stone Church, an unregistered house church in Guizhou Province.

China also continued to target individuals affiliated with state-sanctioned churches. On March 31, 2016, Gu “Joseph” Yuese, former pastor at Chongyi Church, a Protestant megachurch in Zhejiang Province, was released from more than two months’ detention after being arrested on embezzlement charges. Authorities detained him again in December 2016, and on January 7, 2017, Pastor Gu was formally charged with embezzlement. Pastor Gu publicly criticized the government’s cross removal campaign in Zhejiang. In addition to his arrest, he was removed from his post at Chongyi Church and his role with the local state-run China Christian Council. Also, Pastor Zhang Shaojie of the state-registered Nanle County Christian Church remains in prison after being sentenced in 2014 to 12 years in prison for “gathering a crowd to disrupt public order.”

In 2016, the Vatican and Beijing attempted to reach agreement on the appointment of Catholic bishops. Although there are several bishops both appointed by the Chinese government and recognized by the Vatican, Beijing refuses to respect papal authority, and bishops seeking Rome’s blessing do so at risk of imprisonment or other persecution. Proponents of an agreement see it as a means to repair the nearly 70-year dispute between the Vatican and Beijing and create uniformity across Catholic clergy in China. However, critics worry that by aligning with Beijing, the Vatican risks betraying the underground clergy and followers who have remained loyal to the Pope’s authority to appoint bishops. At a December meeting of China’s state-run Catholic Patriotic Association, Chinese officials stressed “sinicization,” socialism, and independence from foreign influence, a message seemingly incongruous with Beijing’s attempts to reach agreement with the Vatican. Prospects for an agreement also became strained when excommunicated Bishop Lei Shiyin participated in two ordinations approved by both the Vatican and the Chinese government in late November and early December 2016.

Falun Gong

The practice of Falun Gong has been banned since 1999 after the Chinese government labeled it an “evil cult,” and practitioners have been severely mistreated ever

since. They are regularly confined in labor camps or prisons, or disappear altogether. While detained, Falun Gong practitioners suffer psychiatric and other medical experimentation, sexual violence, torture, and organ harvesting. A new report released in June 2016 by the International Coalition to End Organ Pillaging in China revealed that 60,000-100,000 organ transplants are performed in the country each year, an alarming discrepancy from the government’s claim of 10,000. Organ donors often are nonconsenting, particularly executed Falun Gong prisoners and detainees, though individuals from other faiths also have been targeted, such as Uighur Muslims, Tibetan Buddhists, and Christians.

Organ donors often are nonconsenting, particularly executed Falun Gong prisoners and detainees. . . .

Zhiwen Wang, a Falun Gong practitioner who was persecuted and imprisoned for 15 years, was released in 2014, but the Chinese government has prevented him from receiving proper medical care and reuniting with his family in the United States. In 2016, Zhiwen was granted a passport and U.S. visa to leave China, but a customs agent at the airport nullified his passport. This occurred after Chinese police and undercover agents harassed and intimidated Zhiwen and his family for several days. For the second year in a row, in 2016 Chinese authorities attempted to suppress Chinese-born human rights advocate and Falun Gong practitioner Anastasia Lin. Chinese authorities had denied her a visa and barred her entry into mainland China from Hong Kong when the country hosted the 2015 Miss World competition. She competed in the 2016 Miss World competition in Washington, DC, but Chinese journalists and other “minders” relentlessly followed her, and pageant officials interfered with her ability to speak to the media and initially barred her from attending a screening of “The Bleeding Edge,” a movie about China’s forced organ harvesting in which she stars.

Forced Repatriation of North Korean Refugees

The Chinese government claims North Koreans entering China without permission are economic migrants, but

D. USCIRF 2013 Report



Soe Zeya Tun/Reuters

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Annual Report 2013



**Annual Report of the
U.S. Commission on International Religious Freedom**

**April 2013
(Covering January 31, 2012 – January 31, 2013)**

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Ambassador Jackie Wolcott

Executive Director

**CHINA (INCLUDES TIBET, HONG KONG, AND MACAU)
2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

Executive Summary

Reports on Tibet, Hong Kong, and Macau are appended at the end of this report.

The constitution states citizens enjoy “freedom of religious belief” but limits protections for religious practice to “normal religious activities.” The government applies this term in a manner that is not consistent with China’s international human rights commitments with regard to freedom of religion. In practice, the government restricted religious freedom. The constitution also proclaims the right of citizens to believe in or not believe in any religion. Only religious groups belonging to one of the five state-sanctioned “patriotic religious associations” (Buddhist, Taoist, Muslim, Catholic, and Protestant), however, are permitted to register with the government and legally hold worship services. The government’s respect for religious freedom overall remained low during the year. In Tibetan areas and the Xinjiang Uighur Autonomous Region (XUAR) there were particularly serious violations of religious freedom.

The government exercised state control over religion and restricted the activities and personal freedom of religious adherents when these were perceived, even potentially, to threaten state or Chinese Communist Party (CCP) interests, including social stability. The government harassed, assaulted, detained, arrested, or sentenced to prison a number of religious adherents for activities reported to be related to their religious beliefs and practices. There were also reports of physical abuse and torture in detention.

Local authorities often pressured unaffiliated religious believers to affiliate with patriotic associations and used a variety of means, including administrative detention, to punish members of unregistered religious or spiritual groups. In some parts of the country, however, local authorities tacitly approved of or did not interfere with the activities of unregistered groups.

There was societal and employment discrimination based on religious affiliation, belief, or practice. Uighur Muslims and Tibetan Buddhists experienced severe societal discrimination, especially around sensitive periods.

U.S. officials at all levels repeatedly and publicly expressed concerns and pressed for the expansion of religious freedom. U.S. officials consistently urged the government to adhere to internationally recognized rights of religious freedom,

CHINA (INCLUDES TIBET, HONG KONG, AND MACAU)

sentenced to 18 years in prison in 2000 on charges of using a heretical sect to obstruct justice, remained in prison.

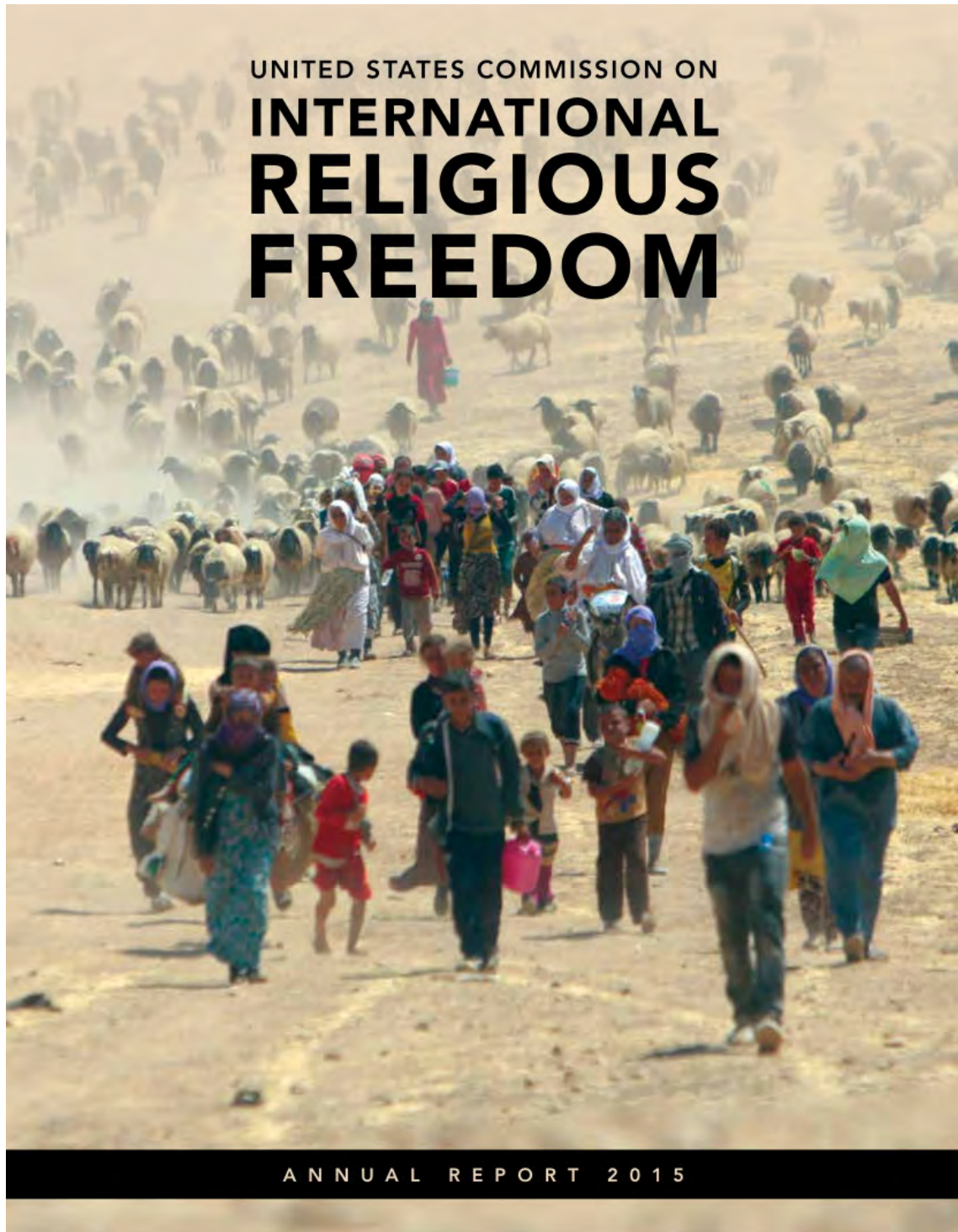
According to *Legal Daily*, a newspaper published under the supervision of the Ministry of Justice, the MPS directly administered 24 high-security psychiatric hospitals for the criminally insane (also known as *ankang* facilities). Unregistered religious believers and Falun Gong adherents were among those reported to be held solely for their religious association in these institutions. Despite October 2012 legislation banning involuntary inpatient treatment (except in cases in which patients expressed an intent to harm themselves or others), critics stated the law did not provide meaningful legal protection for persons sent to psychiatric facilities. Patients in these hospitals reportedly were given medicine against their will and sometimes subjected to electric shock treatment.

International Falun Gong-affiliated NGOs and international media reported detentions of Falun Gong practitioners continued to increase around sensitive dates. Authorities reportedly instructed neighborhood communities to report Falun Gong members to officials and offered monetary rewards to citizens who informed on Falun Gong practitioners. Detained practitioners were reportedly subjected to various methods of physical and psychological coercion in attempts to force them to renounce their beliefs. It remained difficult to confirm some aspects of reported abuses of Falun Gong adherents. Reports from overseas Falun Gong-affiliated advocacy groups estimated thousands of adherents in the country had been sentenced to administrative sentences of up to three years in RTL camps. According to an April investigative article published in a mainland Chinese magazine, officials at Liaoning Province's Masanjia Labor Camp subjected prisoners to forced labor and abuses, including torture with electric batons, forced feeding, and prolonged solitary confinement. In November the international press reported the Masanjia Labor Camp had been closed, with its last group of detainees having been released in mid-September. Officials did not confirm these reports. Overseas Falun Gong advocacy groups stated the majority of prisoners at Masanjia were Falun Gong practitioners.

Individuals belonging to or supporting other banned groups were imprisoned or administratively sentenced to RTL on charges such as "distributing evil cult materials" or "using a heretical organization to subvert the law."

On numerous occasions since his detention in 2009, prison authorities tortured Wang Yonghang, a lawyer who openly advocated for religious freedom and defended Falun Gong practitioners. He was serving a seven-year sentence for

E. USCIRF 2015 Report



ANNUAL REPORT

OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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Ambassador David N. Saperstein, *ex officio, non-voting member*

Ambassador Jackie Wolcott

Executive Director

CHINA

Key Findings

In 2014, the Chinese government took steps to consolidate further its authoritarian monopoly of power over all aspects of its citizens' lives. For religious freedom, this has meant unprecedented violations against Uighur Muslims, Tibetan Buddhists, Catholics, Protestants, and Falun Gong practitioners. People of faith continue to face arrests, fines, denials of justice, lengthy prison sentences, and in some cases, the closing or bulldozing of places of worship. Based on the alarming increase in systematic, egregious, and ongoing abuses, USCIRF again recommends China be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated China as a CPC since 1999, most recently in July 2014.

Background

The Chinese Constitution states that it guarantees freedom of religion. However, only so-called "normal religions" – those belonging to one of the five state-sanctioned "patriotic religious associations" associated with the five officially-recognized religions (Buddhism, Taoism, Islam, Catholicism, and Protestantism) – can register with the government and legally hold worship services and conduct religious activities. The government and Chinese Communist Party are officially atheist, with more than 700 million persons unaffiliated with any religion or belief. However, religious followers are strong and reportedly on the rise: more than 294 million practice folk religions, more than 240 million Buddhism, 68 million Christianity, and nearly 25 million Islam. The Chinese government monitors strictly religious activities, including by those recognized by the state, but unregistered groups and their members are especially vulnerable. For example, although Christianity is state-sanctioned, the government continues to engage in severe violations of reli-

gious freedom against both registered and unregistered Catholics and Protestants. Some have characterized the new wave of persecution against Christians that swept through China in 2014 as the most egregious and persistent since the Cultural Revolution. Nevertheless, the number of religious followers, of Christianity in particular, is considered to be growing.

In the name of fighting terrorism, Chinese officials' increased religious persecution of Uighur Muslims in the autonomous region of Xinjiang has gone hand-in-hand with the growing number of violent episodes there, creating a perpetual cycle of government repression, violent Uighur reprisals, and deadly force by the Chinese police. Both central and regional government officials have undertaken pre-emptive security and punitive legal measures.

The Chinese communist regime, which celebrated its 65th anniversary in October 2014, views ideologies that promote freedom of speech, civil society, genuine rule of law, and human rights as directly undermining

People of faith continue to face arrests, fines, denials of justice, lengthy prison sentences, and in some cases, the closing or bulldozing of places of worship.

its control. As a result, all-around repression in China worsened in 2014, including the government's aggressiveness in controlling Tibet, Xinjiang, and even Hong Kong, as well as stricter controls on the Internet and social media and targeting of human rights defenders, civil society activists, journalists and academics. For example, Pu Zhiqiang, a prominent human-rights lawyer, was charged in June 2014 with creating a disturbance, inciting ethnic hatred, and separatism based

EXHIBIT 16

EXCERPTS FROM AUGUST 15, 2017 REMARKS OF SECRETARY OF STATE TILLERSON

11/9/2017

Remarks on the 2016 International Religious Freedom Annual Report

U.S. Department of State Diplomacy in Action

Remarks on the 2016 International Religious Freedom Annual Report

Remarks
Rex W. Tillerson
Secretary of State
Treaty Room
Washington, DC
August 15, 2017

SECRETARY TILLERSON: Morning, all. We are releasing today the **2016 International Religious Freedom Report**, (<https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm>) This report is a requirement pursuant to the International Religious Freedom Act of 1998 – legislation that upholds religious freedom as a core American value under the Constitution's First Amendment, as well as a universal human right. This law calls for the government to, quote, "[Stand] for liberty and [stand] with the persecuted, to use and implement 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."

Almost 20 years after the law's passage, conditions in many parts of the world are far from ideal. Religious persecution and intolerance remains far too prevalent. Almost 80 percent of the global population live with restrictions on or hostilities to limit their freedom of religion. Where religious freedom is not protected, we know that instability, human rights abuses, and violent extremism have a greater opportunity to take root.

We cannot ignore these conditions. The Trump administration has committed to addressing these conditions in part by advancing international religious freedom around the world. The State Department will continue to advocate on behalf of those seeking to live their lives according to their faith.

The release of the **2016 International Religious Freedom Report** (<https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm>) details the status of religious freedom in 199 countries and territories, and provides insights as to significant and growing challenges. Today I want to call out a few of the more egregious and troubling examples.

As we make progress in defeating ISIS and denying them their caliphate, their terrorist members have and continue to target multiple religions and ethnic groups for rape, kidnapping, enslavement, and even death.

To remove any ambiguity from previous statements or reports by the State Department, the crime of genocide requires three elements: specific acts with specific intent to destroy in whole or in part specific people, members of national, ethnic, racial, or religious groups. Specific act, specific intent, specific people.

Application of the law to the facts at hand leads to the conclusion ISIS is clearly responsible for genocide against Yezidis, Christians, and Shia Muslims in areas it controls or has controlled.

ISIS is also responsible for crimes against humanity and ethnic cleansing directed at these same groups, and in some cases against Sunni Muslims, Kurds, and other minorities.

More recently, ISIS has claimed responsibility for attacks on Christian pilgrims and churches in Egypt.

The protection of these groups – and others subject to violent extremism – is a human rights priority for the Trump administration.

We will continue working with our regional partners to protect religious minority communities from terrorist attacks and to preserve their cultural heritage.

<https://www.state.gov/secretary/remarks/2017/08/273449.htm>

1/3

11/9/2017

Remarks on the 2016 International Religious Freedom Annual Report

As the 2016 report indicates, many governments around the world use discriminatory laws to deny their citizens freedom of religion or belief.

In Iran, Baha'is, Christians, and other minorities are persecuted for their faith. Iran continues to sentence individuals to death under vague apostasy laws – 20 individuals were executed in 2016 on charges that included, quote, "waging war against God." Members of the Baha'i community are in prison today simply for abiding by their beliefs.

We remain concerned about the state of religious freedom in Saudi Arabia. The government does not recognize the right of non-Muslims to practice their religion in public and applied criminal penalties, including prison sentences, lashings, and fines, for apostasy, atheism, blasphemy, and insulting the state's interpretation of Islam. Of particular concern are attacks targeting Shia Muslims, and the continued pattern of social prejudice and discrimination against them. We urge Saudi Arabia to embrace greater degrees of religious freedom for all of its citizens.

In Turkey, authorities continued to limit the human rights of members of some religious minority groups, and some communities continue to experience protracted property disputes. Non-Sunni Muslims, such as Alevi Muslims, do not receive the same governmental protections as those enjoyed by recognized non-Muslim minorities and have faced discrimination and violence. Additionally, the United States continues to advocate for the release of Pastor Andrew Brunson, who has been wrongfully imprisoned in Turkey.

And in Bahrain, the government continued to question, detain, and arrest Shia clerics, community members, and opposition politicians. Members of the Shia community there continue to report ongoing discrimination in government employment, education, and the justice system. Bahrain must stop discriminating against the Shia communities.

In China, the government tortures, detains, and imprisons thousands for practicing their religious beliefs. Dozens of Falun Gong members have died in detention. Police – policies that restrict Uighur Muslims' and Tibetan Buddhists' religious expression and practice have increased.

Religious freedom is under attack in Pakistan, where more than two dozen are on death row or serving a life imprisonment for blasphemy. The government marginalizes Ahmadiyya Muslims, and refuses to recognize them as Muslim. It is my hope that the new prime minister and his government will promote interfaith harmony and protect the rights of religious minorities.

Finally, in Sudan the government arrests, detains, and intimidates clergy and church members. It denies permits for the construction of new churches and is closing or demolishing existing ones.

We encourage the Government of Sudan to engage concretely on the religious freedom action plan provided by the department last year.

Unfortunately, the list goes on.

No one should have to live in fear, worship in secret, or face discrimination because of his or her beliefs. As President Trump has said, we look forward to a day when, quote, "people of all faiths, Christians and Muslims and Jewish and Hindu, can follow their hearts and worship according to their conscience," end quote.

The State Department will continue its efforts to make that a reality. Recently nominated Ambassador-at-Large for International Religious Freedom, Governor Sam Brownback, will be the highest-ranking official ever to take up this important post. We look forward to his swift confirmation.

I thank my many colleagues at the department and overseas who contributed to this report, and specifically the Office of International Religious Freedom, including Senior Advisor on Global Justice Issues Pam Pryor, Special Advisor for Religious Minorities Knox Thames, and the previous ambassador-at-large, David Saperstein.

We look forward to working with Congress, and the administration, to continue America's indispensable role as a champion of religious freedom the world over. Thank you very much.

QUESTION: Mr. Secretary, do you have any response to Kim Jong-un's decision to pull back his threat on Guam?

SECRETARY TILLERSON: No, I have no response to his decisions at all at this time. Thank you.

QUESTION: Any comments on the situation there, in North Korea?

<https://www.state.gov/secretary/remarks/2017/08/273449.htm>

11/9/2017

Remarks on the 2016 International Religious Freedom Annual Report

SECRETARY TILLERSON: We continue to be interested in finding a way to get to a dialogue, but that's up to him. Thank you.

Learn More

[Ambassador Michael Kozak Briefs on the 2016 International Religious Freedom Annual Report»](http://www.state.gov/r/pa/prs/ps/2017/08/273457.htm)

<http://www.state.gov/r/pa/prs/ps/2017/08/273457.htm>

The Office of Website Management, Bureau of Public Affairs, manages this site as a portal for information from the U.S. State Department.

External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.

Note: documents in Portable Document Format (PDF) require Adobe Acrobat Reader 5.0 or higher to view. [download Adobe Acrobat Reader](http://get.adobe.com/reader/)

<http://get.adobe.com/reader/>

EXHIBIT 17

EXCERPTS (A-B) FROM
DEPARTMENT OF STATE HUMAN RIGHTS REPORTS ON CHINA REPORTS

A. Department of State 2000 H. Rts. Report

The screenshot displays the U.S. Department of State website. At the top, the logo and name "U.S. DEPARTMENT OF STATE" are visible, along with the tagline "DIPLOMACY IN ACTION". A navigation bar includes links for "SECRETARY TILLERSON", "ABOUT", "WHAT WE DO", "POLICY ISSUES", "COUNTRIES & REGIONS", and "PRESS". A search bar is located on the right. On the left side, there are sections for "In This Section" (with a "Go Back" link) and "Quick Links" (listing Archives, Passports, Visas, Careers, Diversity Visa, Travel Warnings, and Per Diem Rates). The main content area shows a breadcrumb trail: "Home > Under Secretary for Civilian Security, Democracy, and Human Rights > Bureau of Democracy, Human Rights, and Labor > Releases > Human Rights Reports > 2000 Country Reports on Human Rights Practices > East Asia and the Pacific". The title of the report is "China (includes Hong Kong and Macau)". Below the title, it specifies "Country Reports on Human Rights Practices", "Bureau of Democracy, Human Rights, and Labor", "2000", and "February 23, 2001". A note states: "(Note: Also see the report for Hong Kong and the report for Macau.)". The main text begins with: "The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. At the national and regional levels, Party members hold almost all top government, police, and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the CCP and its hierarchy. Citizens lack both the freedom peacefully to express organized opposition to the Party-led political system and the right to change their national leaders or form of Government. Socialism continues to provide the theoretical underpinning of Chinese politics, but Marxist ideology has given way to economic pragmatism in recent years, and economic decentralization has increased the authority of regional officials. The Party's authority rests primarily on the Government's ability to maintain social stability, appeals to nationalism and patriotism, Party control of personnel, media, and the security apparatus, and the continued improvement in the living standards of most of the country's almost 1.3 billion citizens. The Constitution provides for an independent judiciary; however, in practice the Government and the CCP, at both the central and local levels, frequently interfere in the judicial process, and the Party and the Government direct verdicts in many high-profile political cases." A second paragraph states: "The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses." A third paragraph states: "The country is making a gradual transition from a centrally planned to a market-based economy. Although state-owned industry remains dominant in key sectors, the Government has privatized many small and medium state-owned enterprises (SOEs) and allowed private entrepreneurs increasing scope for economic activity. The country has large industrial and agricultural sectors and is a leading producer of coal, steel, textiles, and grains. Major exports include electronic goods, toys, apparel, and plastics. Trade and foreign investment are helping to modernize an already rapidly growing economy. The official gross domestic product (GDP) growth rate through the third quarter of the year was just over 8 percent—a decrease from the double-digit growth rates of the early 1990's, but

Since mid-1999 the Government has waged a severe political, propaganda, and police campaign against the Falun Gong spiritual movement; the campaign intensified significantly during the year. Falun Gong (or Wheel of the Law, also known as Falun Dafa) blends aspects of Taoism, Buddhism, and the meditation techniques of qigong (a traditional martial art) with the teachings of Li Hongzhi, who left the country in 1998. The Government estimates that there may be as many as 2.1 million adherents of Falun Gong; Falun Gong followers estimate that there are as many as 100 million adherents worldwide. Some experts estimate that the true number of Falun Gong adherents lies in the tens of millions. Despite the mystical nature of some of Li's teachings, Falun Gong does not consider itself a religion and has no clergy or formal places of worship. In July 1999, 3 months after 10,000 Falun Gong adherents had demonstrated peacefully in front of the Zhongnanhai leadership compound in Beijing, the Government officially declared Falun Gong illegal and began a nationwide crackdown. Around the country, tens of thousands of practitioners were rounded up and detained for several days--often in open stadiums--under poor and overcrowded conditions, with inadequate food, water, and sanitary facilities. Practitioners who refused to renounce their beliefs were expelled from schools or fired from jobs. The China Education Daily reported that "political thought and morality" assessments of applicants to take university exams were expanded to include questions to determine whether applicants were members of Falun Gong. Some detainees were government officials and Communist Party members. A few high-ranking practitioners were forced to disavow their ties to Falun Gong on national television. Government officials who were practitioners were required to undergo anti-Falun Gong study sessions and were prohibited from Falun Gong activities; some were expelled from the Party for refusing to recant their beliefs. The authorities waged an intense propaganda campaign against the group, seized and destroyed Falun Gong literature, and attempted to shut down Falun Gong Internet web sites. Also in July 1999, the Government issued a warrant for the arrest of Falun Gong leader Li Hongzhi, who was charged with holding demonstrations without appropriate permits and disturbing public order. The Government requested INTERPOL's assistance in apprehending Li, who resides abroad, but INTERPOL declined to assist, on the grounds that the offense was not a crime recognized under the INTERPOL charter, and that the request was political in nature. Late in the year, President Jiang Zemin announced that the campaign against the Falun Gong was one of the "three major political struggles" of 1999. The crackdown on "cults" intensified in late 1999, with press reports stating that restrictions would be tightened on several "cults" and various Christian groups. In late October 1999, as part of the Government's anti-Falun Gong crackdown, the Standing Committee of the National People's Congress adopted a decision to ban "cults," including Falun Gong, under Article 300 of the Criminal Law. Under the decision, cult members who "disrupt public order" or distribute publications can receive prison terms of 3 to 7 years. Cult leaders and recruiters can be sentenced to 7 years or more in prison.

Although the vast majority of practitioners detained later were released, those identified by the Government as "core leaders" were singled out for particularly harsh treatment. On November 30, 1999, Vice Premier Li Lanqing stated that authorities detained over 35,000 practitioners between July 22 and October 30 1999 (the Government later clarified Li's statement, noting that the figure represented the total number of confrontations of police with adherents and that many persons had multiple encounters with police). In August the Director of the Religious Affairs Bureau stated that 151 Falun Gong practitioners had been convicted of leaking state secrets, creating chaos, or other crimes. According to credible estimates, as many as 5,000 Falun Gong practitioners have been sentenced without trial to up to 3 years of reeducation through labor. Human rights organizations estimate that as many as 300 practitioners have been sentenced to prison terms of up to 18 years for their involvement in Falun Gong. According to the Falun Gong, hundreds of its practitioners have been confined in mental hospitals.

B. Department of State 2010 H. Rts. Report

The screenshot shows the U.S. Department of State website. At the top, there is a navigation bar with the Department of State logo and the slogan "DIPLOMACY IN ACTION". Below the navigation bar is a search bar and a "Search Site..." button. The main content area is titled "China (includes Tibet, Hong Kong, and Macau)" and is dated "April 8, 2011". The text is presented in a basic text view, with a "View PDF" button available. The content discusses the lack of legal registration for NGOs, the formation of political parties, and the freedom of religion, movement, and stateless persons.

U.S. DEPARTMENT OF STATE
DIPLOMACY IN ACTION

SECRETARY TILLERSON ABOUT WHAT WE DO POLICY ISSUES COUNTRIES & REGIONS PRESS

Search Site...

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[Careers](#)
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[Travel Warnings](#)
[Per Diem Rates](#)

Home > Under Secretary for Civilian Security, Democracy, and Human Rights > Bureau of Democracy, Human Rights, and Labor > Releases > Human Rights Reports > 2010 Country Reports on Human Rights Practices > East Asia and the Pacific

China (includes Tibet, Hong Kong, and Macau)

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
2010 Country Reports on Human Rights Practices
Report
April 8, 2011

This is the basic text view. SWITCH NOW to the new, more interactive format.

[View PDF](#)

(The section for **Tibet**, the report for **Hong Kong**, and the report for **Macau** are appended below.)

The People's Republic of China (PRC), with a population of approximately 1.3 billion, is an authoritarian state in which the Chinese Communist Party (CCP) constitutionally is the paramount authority. Party members hold almost all top government, police, and military positions. Ultimate authority rests with the 25-member Political Bureau (Politburo) of the CCP and its nine-member Standing Committee. Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military

The lack of legal registration created numerous logistical challenges for NGOs, including difficulty opening bank accounts, hiring workers, and renting office space. NGOs that opted not to partner with government agencies could register as commercial consulting companies, which allowed them to obtain legal recognition at the cost of forgoing tax-free status. Security authorities routinely warned domestic NGOs, regardless of their registration status, not to accept donations from the U.S. Government-funded National Endowment for Democracy and other international organizations deemed sensitive by the government. Authorities supported the growth of some NGOs that focused on social problems, such as poverty alleviation and disaster relief, but remained concerned that these organizations might emerge as a source of political opposition. Many NGOs working in the Tibet Autonomous Region (TAR) were forced to leave because their project agreements were not renewed by their local partners following unrest in Lhasa and other Tibetan communities in 2008.

No laws or regulations specifically govern the formation of political parties. However, the CDP remained banned, and the government continued to monitor, detain, and imprison current and former CDP members.

c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government generally did not respect these rights in practice. The government sometimes cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Authorities heightened restrictions on freedom of movement periodically, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries and visits of foreign dignitaries, and to forestall demonstrations. Freedom of movement continued to be extremely limited in the TAR and other Tibetan areas. Police maintained checkpoints in most counties and on roads leading into many towns, as well as within major cities such as Lhasa.

EXHIBIT 18

EXCERPT FROM H. COM. INT'L REL, SUBCOMMITTEE ON AFRICA, GLOB. H. RTS. & INT'L OPERATIONS

U.S. DEPARTMENT of STATE

ARCHIVE
Information released online from January 20, 2001 to January 20, 2009

NOTE: Content in this archive site is **NOT UPDATED**, and external links may not function. External links to other Internet sites should not be construed as an endorsement of the views contained therein.

GO TO CURRENT STATE.GOV WEBSITE

Home Issues & Press Travel & Business Countries Youth & Education Careers About State

You are in Under Secretary for Democracy and Global Affairs > Bureau of Democracy, Human Rights, and Labor > Releases > Remarks > 2005

China's Human Rights Record and Falun Gong

Gretchen Birkle, Acting Principal Deputy Assistant Secretary for Democracy, Human Rights, and Labor

Testimony Before the House Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations
Washington, DC
July 21, 2005

Mr. Chairman, Members of the Committee, thank you for continuing to focus the spotlight of international attention on China's poor human rights record by holding this important hearing on the human rights situation in China and the continued persecution of the Falun Gong. I am very pleased to have this opportunity to provide you with the Department's assessment of China's record on human rights and religious freedom. I would also like to briefly discuss some of the steps the State Department is taking to promote increased respect for international human rights standards and democratic principles. We seek to encourage China ultimately to travel the path to freedom, democracy, and free enterprise.

Although enormous economic and social progress has taken place in China over the past 20 years, political reform has lagged far behind, and the repression of citizens seeking to exercise their internationally recognized fundamental freedoms continues to be a systemic problem. Hopes that the pace of political reform would quicken and opportunities for public discourse would expand when the fourth generation of leaders, led by President Hu Jintao, came into power to date have not been realized. Although the leadership has demonstrated concern for the rapidly growing economic inequalities between China's urban and rural areas, the need for social safety networks, and somewhat greater transparency and accountability in its actions, those citizens who call attention to systemic problems often become targets of government repression.

Mere belief in the practices of Falun Gong, even without public expression of its tenets, is sufficient grounds for practitioners to receive punishments ranging from loss of employment, to mandatory anti-Falun Gong study sessions designed to force practitioners to renounce the Falun Gong, to imprisonment. The reeducation-through-labor (RTL) system is regularly used to incarcerate Falun Gong practitioners. Some international observers believe that at least half of the 250,000 officially recorded inmates administratively sentenced to the country's reeducation-through-labor camps are Falun Gong adherents. After release from RTL camps, hundreds of Falun Gong adherents who have refused to recant their beliefs continue to be held in legal education centers, another form of administrative detention. Falun Gong cases are often handled outside normal legal procedures by a special Ministry of Justice office, known as the 610 office. During the past year, the 610 office was implicated in many allegations of abuse.

As a result of the government's campaign against the group, during the past year, very few Falun Gong activities were conducted publicly within the country. But Falun Gong practitioners outside of China continued their efforts to focus international attention on the plight of fellow practitioners in China.

Clearly, these human rights abuses, which are spelled out in much greater detail in the annual *Country Reports on Human Rights Practices* and the *International Religious Freedom Report* are systematic. Although a genuine transformation of China and its political system can only be realized by the Chinese themselves, it is in the interest of the United States, and the international community, to continue to encourage China to reform its system and to increase its respect for human rights.

The State Department's approach is based on two basic principles: that international pressure can over time encourage China to take steps to bring its human rights practices into compliance with international standards and that there are opportunities to support those within China who see structural reform in China's best interests.

EXHIBIT 19

EXCERPTS (A-D) FROM UNITED STATES HOUSE RESOLUTIONS

A. H. Res., 304, 108th Cong (2004)

<https://www.congress.gov/bill/108th-congress/house-concurrent-resolution/304/text>

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All Legislation Examples: hr5, sres9, "health care"

Home > Legislation > 108th Congress > H.Con.Res.304 Print Subscribe Share/Save Give Feedback

H.Con.Res.304 - Expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China.
108th Congress (2003-2004)

CONCURRENT RESOLUTION Hide Overview

Sponsor: [Rep. Ros-Lehtinen, Ileana \[R-FL-18\]](#) (Introduced 10/16/2003)

Committees: House - International Relations, Judiciary

Latest Action: 10/05/2004 Received in the Senate. ([All Actions](#))

Tracker:

Introduced Passed House

More on This Bill
[CBO Cost Estimates \[0\]](#)

Subject — Policy Area:
International Affairs
[View subjects >](#)

Summary (2) **Text (3)** Actions (12) Titles (1) Amendments (0) Cosponsors (75) Committees (2) Related Bills (0)

Text: H.Con.Res.304 — 108th Congress (2003-2004)

[All Information](#) (Except Text)

There are 3 versions: Received in Senate (10/05/2004) Text available as: TXT | PDF (PDF provides a complete and accurate display of this text.) ?

Shown Here:
Received in Senate (10/05/2004)

[Congressional Bills 108th Congress]

Whereas Falun Gong is a peaceful spiritual movement that originated in the People's Republic of China but has grown in popularity worldwide and is now accepted and practiced by thousands in the United States;

B. H. Res. 605, 111th Cong. (2010)

<https://www.congress.gov/bill/111th-congress/house-resolution/605/text>

The screenshot shows the CONGRESS.GOV website interface. At the top, there is a navigation bar with links for Legislation, Congressional Record, Committees, and Members. A search bar is present with a dropdown menu set to "All Legislation" and a search input field containing "Examples: hr5, sres9, 'health care'". Below the navigation bar, the breadcrumb trail reads "Home > Legislation > 111th Congress > H.Res.605". The main heading is "H.Res.605 - Recognizing the continued persecution of Falun Gong practitioners in China on the 11th anniversary of the Chinese Communist Party campaign to suppress the Falun Gong spiritual movement and calling for an immediate end to the campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners." Below the heading, it indicates "111th Congress (2009-2010)". A "RESOLUTION" tab is active, with a "Hide Overview" button. The main content area lists: Sponsor: Rep. Ros-Lehtinen, Ileana [R-FL-18] (Introduced 06/26/2009); Committees: House - Foreign Affairs; Latest Action: House - 03/16/2010 The title of the measure was amended. Agreed to without objection. (All Actions); Roll Call Votes: There has been 1 roll call vote. A "Tracker" section shows a progress bar with "Introduced" and "Agreed to in House" stages. To the right, "More on This Bill" includes a link to "CBO Cost Estimates [0]" and "Subject — Policy Area: International Affairs" with a "View subjects" link. At the bottom of the main content area, there are tabs for "Summary (2)", "Text (2)", "Actions (10)", "Titles (2)", "Amendments (0)", "Cosponsors (81)", "Committees (1)", and "Related Bills (0)". Below this, the text "Text: H.Res.605 — 111th Congress (2009-2010)" is displayed, with a link to "All Information (Except Text)". A dropdown menu shows "There are 2 versions: Engrossed in House (03/16/2010)". At the bottom, it states "Text available as: XML/HTML | XML/HTML (new window) | TXT | PDF (PDF provides a complete and accurate display of this text.)".

Whereas Falun Gong is a traditional Chinese spiritual discipline founded by Li Hongzhi in 1992, which consists of spiritual, religious, and moral teachings for daily life, meditation, and exercise, based upon the principles of truthfulness, compassion, and tolerance;

C. H. Res. 281, 113th Cong. (2014)

<https://www.congress.gov/bill/113th-congress/house-resolution/281/text>

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Legislation Congressional Record Committees Members

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All Legislation

Examples: hr5, sres9, "health care"

Home > Legislation > 113th Congress > H.Res.281

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H.Res.281 - Expressing concern over persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience, in the People's Republic of China, including from large numbers of Falun Gong practitioners imprisoned for their religious beliefs, and members of other religious and ethnic minority groups.

113th Congress (2013-2014)

RESOLUTION Hide Overview

Sponsor: [Rep. Ros-Lehtinen, Ileana \[R-FL-27\]](#) (Introduced 06/27/2013)

Committees: House - Foreign Affairs

Latest Action: House - 07/30/2014 Ordered to be Reported (Amended) by Unanimous Consent. ([All Actions](#))

Tracker:

Introduced

More on This Bill

[CBO Cost Estimates \[0\]](#)

Subject — Policy Area: International Affairs

[View subjects *](#)

Summary (1) Text (1) Actions (8) Titles (1) Amendments (0) Cosponsors (245) Committees (1) Related Bills (0)

Summary: H.Res.281 — 113th Congress (2013-2014)

[All Information](#) (Except Text)



There is one summary for H.Res.281. [Bill summaries](#) are authored by [CRS](#).

Shown Here:

Expressing concern over persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience, in the People's Republic of China, including from large numbers of Falun Gong practitioners imprisoned for their religious beliefs, and members of other religious and ethnic minority groups.

D. S. Res. 232, 112th Cong. (2011)

<https://www.congress.gov/bill/112th-congress/senate-resolution/232/text>

CONGRESS.GOV

Legislation Congressional Record Committees Members

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Search Tools Glossary Resources Help Contact

Sign In

All Legislation

Examples: hr5, sres9, "health care"

Home > Legislation > 112th Congress > S.Res.232

Print Subscribe Share/Save Give Feedback

S.Res.232 - A resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

112th Congress (2011-2012)

RESOLUTION Hide Overview X

Sponsor: [Sen. Menendez, Robert \(D-NJ\)](#) (Introduced 07/13/2011)

Committees: Senate - Foreign Relations

Latest Action: Senate - 07/13/2011 Referred to the Committee on Foreign Relations. ([All Actions](#))

Tracker:

Introduced

More on This Bill

[CBO Cost Estimates \(0\)](#)

Subject — Policy Area:

International Affairs

[View subjects >](#)

Summary (1) **Text (1)** Actions (1) Titles (1) Amendments (0) Cosponsors (12) Committees (1) Related Bills (0)

Text: S.Res.232 — 112th Congress (2011-2012) [All Information](#) (Except Text)

There is one version of the bill.

Text available as: XML/HTML | [XML/HTML \(new window\)](#) | [TXT](#) | [PDF](#) (PDF provides a complete and accurate display of this text.) ?

Shown Here:

Resolved, That the Senate—

...

(3) emphasizes to the Government of the People's Republic of China that freedom of religion includes the right of Falun Gong practitioners to freely practice Falun Gong in China;

EXHIBIT 20

EXCERPTS (A-E) FROM
CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA ANNUAL REPORTS

A. CECC 2016 Annual Report

https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/AR16%20Religion_final.pdf

The screenshot displays the homepage of the Congressional-Executive Commission on China. At the top left is the commission's seal, and to its right is the text "CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA" with the names of the chairmen: "Senator Marco Rubio, Chairman | Representative Christopher Smith, Cochairman". On the top right, there are social media icons for Facebook, YouTube, Twitter, and Instagram, along with a "Subscribe" button and a search bar. A dark red navigation bar contains the following menu items: ABOUT, HEARINGS & ROUNDTABLES, MEDIA CENTER, ISSUES, PUBLICATIONS, RESOURCES, and CONTACT US. Below the navigation bar, a breadcrumb trail reads "Publications » Annual Reports » Publications". The main heading is "2016 Annual Report". Underneath, it says "Congressional-Executive Commission on China" followed by "2016 ANNUAL REPORT". A left-hand navigation menu lists: I. Executive Summary, Specific Findings and Recommendations, Political Prisoner Database, II. Human Rights, Freedom of Expression, and Worker Rights. On the right side, there are two search boxes: "PRC LEGAL PROVISIONS SEARCH" and "POLITICAL PRISONER DATABASE", each with an input field and a "Search" button.

The Commission did not observe any updates as to the status of the other three as of July 2016.

- Authorities in **Hebei** also have not given any information as to the whereabouts or condition of three underground Hebei bishops: Coadjutor Bishop Cui Tai of Xuanhua district, Zhangjiakou municipality (detained in August 2014);⁶⁴ Bishop Cosmas Shi Enxiang (missing since 2001; in February 2015 officials denied an unconfirmed report that he had passed away);⁶⁵ and Bishop James Su Zhimin of Baoding municipality (detained in 1996; last seen in public in 2003).⁶⁶ Family members of Bishop Su reportedly appealed to authorities for his release following a general amnesty granted to disabled elderly prisoners; following one appeal to a national-level official in January 2015, authorities subjected the family to several days of home confinement.⁶⁷

- In **Shanghai municipality**, Bishop Thaddeus Ma Daqin of the Diocese of Shanghai continued to be held under extralegal confinement at Sheshan seminary.⁶⁸ Authorities have restricted Ma's freedom of movement since his public resignation from the CPA during his ordination ceremony in July 2012⁶⁹ and reportedly shut down his microblogging account around May 2016.⁷⁰ In June 2016, Bishop Ma published a post on his personal blog stating that Christians should defer to national laws conflicting with religious doctrine and calling his "words and actions" toward the CPA a "mistake."⁷¹ Several Chinese Catholic believers and priests stated that they believed Bishop Ma posted these statements due to government pressure.⁷²

Falun Gong

The Commission noted reports of continued harassment and abuse of Falun Gong practitioners as part of a campaign launched in 1999;⁷³ this included official propaganda⁷⁴ and censorship⁷⁵ targeting the group, and harassment, arbitrary detention, abuse, and prosecution of individual practitioners.⁷⁶ The campaign has been directed by policies issued by top-level government and Party officials⁷⁷ and is overseen by the "610 Office," an extralegal, Party-run security apparatus with branches at provincial and local levels.⁷⁸

As in previous years, authorities continued to pressure Falun Gong practitioners to renounce their beliefs in a process termed "transformation through reeducation."⁷⁹ To this end, officials reportedly subjected practitioners to extreme physical and psychological coercion in prisons and in administrative detention facilities such as "legal education centers" and compulsory drug detoxification centers.⁸⁰ Human rights organizations⁸¹ and practitioners have documented coercive and violent practices against Falun Gong practitioners during custody, including electric shocks,⁸² sleep deprivation,⁸³ food deprivation,⁸⁴ forced feeding,⁸⁵ forced drug administration,⁸⁶ beatings,⁸⁷ sexual abuse,⁸⁸ and forcible commitment to psychiatric facilities.⁸⁹

Authorities also harassed, detained, and arrested those with associations with Falun Gong that ranged from social media activity to legal representation of practitioners. For example, in November 2015, the Ganyu District People's Court in Lianyungang municipi-

B. CECC 2005 Annual Report

https://chinacommission.gov/pages/annualRpt/annualRpt05/2005_3d_religion.php

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**CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA
2005 ANNUAL REPORT**

III. Monitoring Compliance With Human Rights

III(d) FREEDOM OF RELIGION

[Introduction](#) | [New Regulation on Religious Affairs](#) | [Government Persecution of Falun Gong](#) | [Religious Freedom for Tibetan Buddhists](#) | [Religious Freedom for China's Catholics and China-Holy See Relations](#) | [Religious Freedom for China's Muslims](#) | [Religious Freedom for China's Orthodox Christians](#) | [Religious Freedom for China's Protestants](#)

FINDINGS

- The Chinese government continues to harass, abuse, and detain religious believers who seek to practice their faith outside state-controlled religious venues. In 2005, the government and Party launched a large-scale implementation campaign for the new Regulation on Religious Affairs to strengthen control over religious practice, particularly in ethnic and rural areas, violating the guarantee of freedom of religious belief found in the new regulation.
- The religious environment for Tibetan Buddhism has not improved in the past year. The Party demands that Tibetan Buddhists promote patriotism toward China and repudiate the Dalai Lama, the religion's spiritual leader. The intensity of religious repression against Tibetans varies across regions, with officials in Sichuan province and the Tibet Autonomous Region currently implementing Party policy in a more aggressive manner than officials elsewhere. Sichuan authorities sometimes impute terrorist motives to Tibetan monks who travel to India without permission.
- The Chinese government continues to repress Catholics. Chinese authorities are currently detaining over 40 unregistered clergy and have taken measures this year to tighten control of registered clergy and seminaries. Despite assurances of its desire to establish diplomatic relations with the Holy See, the Chinese government has not altered its long-standing position that, as a precondition to negotiations, the Holy See must renounce a papal role in the selection of bishops and break relations with Taiwan.
- The government continues to strictly regulate Muslim practices, particularly among members of the Uighur minority. All mosques in China must register with the state-run China Islamic Association. Imams must be licensed by the state before they can practice, and must regularly attend patriotic education sessions. Religious repression in Xinjiang is severe, driven by Party policies that equate peaceful Uighur religious practices with terrorism and religious extremism.
- In the past year, the Chinese government continued a campaign begun in 2002 focused on harassing and repressing unregistered Protestant groups and consolidating control over registered Protestants. Hundreds of unregistered Protestants associated with house churches have been intimidated, beaten, or imprisoned. The Chinese government opposes the relationships that many unregistered Protestant house churches have developed with co-religionists outside China.

[Introduction](#)

Religious believers in China practice their faith in the shadow of government and Party propaganda, control, and harassment. Believers who choose to worship outside state-controlled venues face detention or arrest, and in

Chinese authorities continue to persecute practitioners of Falun Gong and other qigong disciplines that the government has designated "cults." A Party-led anti-cult campaign that targeted religious and spiritual activities in rural areas, including Falun Gong practitioners, continued through late 2004.

C. CECC 2008 Annual Report

<https://www.cecc.gov/publications/annual-reports/2008-annual-report>



The screenshot displays the homepage of the Congressional-Executive Commission on China. At the top left is the commission's seal, which features an eagle with a shield, holding an olive branch and arrows, with the text "CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA" around it. To the right of the seal, the text "CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA" is written in large, bold, blue and red letters. Below this, it says "Senator Marco Rubio, Chairman | Representative Christopher Smith, Cochairman". A dark red navigation bar contains five buttons: "ABOUT", "HEARINGS & ROUNDTABLES", "MEDIA CENTER", "ISSUES", and "PUBLICATIONS". Below the navigation bar, a breadcrumb trail reads "Publications » Annual Reports » Publications". The main heading is "2008 Annual Report" in a large, dark red serif font, underlined. Below this, the text "Congressional-Executive Commission on China" and "2008 ANNUAL REPORT" are centered. Underneath, "Table of Contents" is centered. A list of contents is shown on the left side, including "Preface", "General Overview", "I. Executive Summary and Recommendations", and "Findings and Recommendations by Substantive Area".

INSTRUMENTAL USE OF LAW FOR POLITICAL PURPOSES

... Pursuant to a 1999 Decision of the National People's Congress Standing Committee that established a ban on "cult organizations," the Chinese government continued to detain and punish Falun Gong practitioners and members of other spiritual and religious groups.

D. CECC 2011 Annual Report
<https://www.cecc.gov/publications/annual-reports/2011-annual-report>



CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Senator Marco Rubio, Chairman | Representative Christopher Smith, Cochairman

[ABOUT](#)

[HEARINGS & ROUNDTABLES](#)

[MEDIA CENTER](#)

[ISSUES](#)

[PUBLICATIONS](#)

[Publications](#) » [Annual Reports](#) » [Publications](#)

2011 Annual Report

Congressional-Executive Commission on China

2011 ANNUAL REPORT

[Table of Contents](#)

I. Executive Summary

[Introduction](#)

[Overview](#)

[Specific Findings and Recommendations](#)

I. Executive Summary INTRODUCTION

The Chinese government's misuse of the law to violate fundamental human rights continued. The Commission observed officials citing the "law" as a basis to crack down on peaceful protests; to prevent Buddhists, Catholics, Falun Gong practitioners, Muslims, Protestants, and Taoists from freely practicing their beliefs; to prevent Tibetans, Uyghurs, and other ethnic minorities from exercising autonomy despite guarantees in Chinese law; to prevent workers from independently organizing; and to clamp down on civil society organizations.

E. CECC 2015 Annual Report
<https://www.cecc.gov/publications/annual-reports/2015-annual-report>



CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Senator Marco Rubio, Chairman | Representative Christopher Smith, Cochairman

[ABOUT](#)

[HEARINGS & ROUNDTABLES](#)

[MEDIA CENTER](#)

[ISSUES](#)

[PUBLICATIONS](#)

[Publications](#) » [Annual Reports](#) » [Publications](#)

2015 Annual Report

Congressional-Executive Commission on China

2015 ANNUAL REPORT

I. Executive Summary

[Specific Findings and Recommendations](#)

[Political Prisoner Database](#)

II. Human Rights

[Freedom of Expression](#)

[Worker Rights](#)

[Criminal Justice](#)

[Freedom of Religion](#)

[Ethnic Minority Rights](#)

[Population Control](#)

[Freedom of Residence and Movement](#)

[Status of Women](#)

[Human Trafficking](#)

[North Korean Refugees in China](#)

[Public Health](#)

[The Environment](#)

III. Development of the Rule of Law

FREEDOM OF RELIGION

Regulatory and Policy Framework for Religion

During the Commission's 2015 reporting year, the Chinese government and Communist Party continued to restrict freedom of religion in China. China's Constitution guarantees "freedom of religious belief"¹ but limits protection of religious activities to "normal religious activities."² This narrow protection contravenes international human rights standards. Article 18 of the Universal Declaration of Human Rights (UDHR) and Article 18 of the International Covenant on Civil and Political Rights (ICCPR)—the latter of which China has signed³ and stated its intent to ratify⁴—recognize not only an individual's right to adopt a religion or belief, but also the freedom to manifest one's religion in "worship, observance, practice and teaching."⁵

The Chinese government continued to recognize only five religions: Buddhism, Catholicism, Islam, Protestantism, and Taoism. The 2005 Regulations on Religious Affairs (RRA) require groups wishing to practice these religions to register with the government and subject such groups to government controls.⁶ The government and Party control religious affairs mainly through the State Administration for Religious Affairs (SARA) and lower level religious affairs bureaus under the State Council,⁷ the Party Central Committee United Front Work Department (UFWD),⁸ and the five "patriotic" religious associations—the Buddhist Association of China (BAC), the Catholic Patriotic Association of China (CPA), the Islamic Association of China (IAC), the Three-Self Patriotic Movement of Protestant Churches in China (TSPM), and the Chinese Taoist Association (CTA)⁹ among other government and Party organizations.¹⁰ As documented in this section, members of both registered and unregistered religious groups who ran afoul of state-set parameters continued to face harassment, detention, imprisonment, and other abuses.¹¹

Authorities continued to carry out a crackdown against groups they deemed "cults." The crackdown spanned multiple provinces¹² and targeted different religious communities, including Buddhists,¹³ Protestant house churches,¹⁴ and practitioners of Falun Gong¹⁵—a spiritual practice that the government continued to outlaw.¹⁶ The crackdown began in 2014,¹⁷ but new legislation this year bolstered official efforts to target "cults." For example, in July 2015, the National People's Congress Standing Committee (NPCSC) passed the PRC National Security Law,¹⁸ which explicitly banned "cult organizations."¹⁹ In August 2015, the NPCSC passed an amendment to the PRC Criminal Law that increased the maximum possible sentence for "organizing and using a cult to undermine implementation of the law"—a crime under Article 300²⁰—from 15 years to life in prison.²¹

This past year, the government and Party continued to call on officials and religious groups to ensure that religious doctrine and practices adhered to government policy and Party goals. For example, at a May 2015 UFWD meeting, President and Party General Secretary Xi Jinping emphasized that "religious work . . . should comprehensively implement the Party's policy on freedom of religious belief" and to "proactively guide religion to be in keeping with

EXHIBIT 21

EXCERPTS OF DEPOSITION OF MICHAEL CHU

Page 1

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- - - - -x
ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, CAO
Lijun, HU Yang, GUO Xiaofang, GAO Jinying,
CUI Lina, XU Ting, BIAN Hexiang,

Plaintiffs,

-against- 15 CV 1046 (SLT) (VMS)

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong, WAN Hongjuan,
Zhu Zirou, and DOES 1-5 Inclusive,

Defendants.

- - - - -x

350 Fifth Avenue
New York, New York
May 12, 2016
10:08 a.m.

DEPOSITION of MICHAEL CHU, a Defendant in
the above-entitled action, held at the above
time and place, taken before Alice Schulman, a
Shorthand Reporter and Notary Public of the
State of New York, pursuant to the Federal Rules
of Civil Procedure, Agreement and stipulations
between Counsel.

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APPEARANCES:

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-and-
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HUAHONG and ZHU ZIROU
350 Fifth Avenue
New York, New York 10118

BY: TOM M. FINI, ESQ.
-and-
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Attorneys for Defendants
CHINESE ANTI-CULT WORLD
ALLIANCE, MICHAEL CHU, LI
HUAHONG, ZHU ZIROU and
WAN HONGJUAN
118-21 Queens Boulevard, Suite 516
Forest Hills, New York 11375
(P.M. only.)

ALSO PRESENT:
DANA CHENG, Mandarin Interpreter
PATRICK FENG, Mandarin Interpreter (A.M.)
HENRY YAN, Videographer

* * *

1 Michael Chu

2 frequently in your brochures. Are you aware of
3 how Zhuanhua is used in China?

4 MR. FINI: Objection.

5 A. The Zhuanhua in China and my
6 understanding of Zhuanhua here myself are quite
7 different.

8 Q. So but are you aware of how -- then
9 you are aware of how it's used in China?

10 MR. FINI: Objection.

11 A. I don't quite know how they
12 interpret it, what their Zhuanhua means. But my
13 Zhuanhua would be, okay, any individual
14 humanity. When I walk on downtown Flushing
15 Street, Chinese most of it. When I see the kind
16 of, they were practicing to the extent of --

17 THE INTERPRETER: How do you
18 translate that?

19 MR. FINI: Can you answer it in
20 English?

21 A. Okay, when they truly extreme to a
22 ridiculous, to the way marriage is not anymore
23 important, studying is not anymore important,
24 working hard is not anymore important, but
25 meditation to the Falun Gong is the most

Page 38

1 Michael Chu
 2 Q. So you don't have an opinion?
 3 MR. FINI: Objection,
 4 argumentative.
 5 THE TRANSLATOR: Okay, okay, I
 6 think there was one part I need to
 7 translate again the question. Let me
 8 translate it.
 9 A. I'm not, I don't have knowledge of
 10 the situation. I can't answer this question.
 11 Q. Okay. You're aware that Falun Gong
 12 religion or religion in quotes is characterized
 13 as a, I don't know how to pronounce it, Xie Jiao
 14 in China?
 15 A. That I know.
 16 Q. And you have also characterized
 17 Falun Gong as Xie Jiao?
 18 MR. FINI: Objection.
 19 A. Yes, why not? Because --
 20 MS. MARSH: Could you ask him to
 21 answer yes or no.
 22 MR. FINI: He's allowed to answer
 23 the question.
 24 A. I read a lot of Li Hongzhi's books.
 25 MR. FINI: Li Hongzhi. It's L-I,

Page 39

1 Michael Chu
 2 H-O-N-G-Z-H-I.
 3 A. For example, Zhuan Falun,
 4 Z-H-U-A-N, F-A-L-U-N. He said, the earth have
 5 been destroyed eight times, but it's not
 6 destroyed because he stopped it. The nice
 7 distraction was stopped by his gong power.
 8 I also read, I also read in his
 9 teaching that those people who got sick because
 10 they have not learned his teaching well.
 11 In his teaching, he said ordinary
 12 people go to hospital and take medicine. And
 13 those who follow the Falun Gong teaching, they
 14 don't, because of their elevation, they don't
 15 need to go to hospital and take medicine.
 16 And there are other ridiculous
 17 sayings. For example, gay is a penalty.
 18 (In English.) Homosexual is
 19 heaven's punishment.
 20 I can give a lot of examples. I'm
 21 not going to waste time here. That's why I
 22 think Xie Jiao.
 23 Q. Thank you very much for not wasting
 24 time.
 25 A. That's why I think it's Xie Jiao.

Page 40

1 Michael Chu
 2 MR. FINI: How do you spell that?
 3 THE COURT REPORTER: X-I-E,
 4 J-I-A-O.
 5 Q. Okay, I'm asking you to answer the
 6 next question yes or no.
 7 MR. FINI: If you can. If you ask
 8 a question that is not answerable yes or
 9 no, you can't force the witness into a
 10 corner.
 11 MS. MARSH: I understand that.
 12 MR. FINI: So if he can, in
 13 fairness, if he can, he will. But don't
 14 try to bully the witness, it's not fair.
 15 MS. MARSH: I have no intention to
 16 bully anybody, quite honestly. But many of
 17 these questions can be answered yes or no
 18 and we have a lot to get through.
 19 MR. FINI: We have to see. They
 20 might be leading, they might have things
 21 built into them. So I just want to make
 22 sure. He will try to answer the question.
 23 Michael, if you can answer the
 24 question, answer it.
 25 So go ahead, ask your question.

Page 41

1 Michael Chu
 2 MS. MARSH: The question I asked
 3 preceding was a yes or no, but that's fine.
 4 Q. You stand in the street in Flushing
 5 and shout out very loudly Falun Gong, Xie Jiao,
 6 Falun Gong, Xie Jiao very, very loudly; is that
 7 correct?
 8 MR. FINI: Objection.
 9 Q. Yes or no?
 10 MR. FINI: I'm going to repeat, if
 11 the question is not answerable yes or no,
 12 you can answer it as you choose. That's in
 13 the federal, that's in the case law. You
 14 can't force him into --
 15 MS. MARSH: I understand that. I
 16 understand that.
 17 A. Yes, I said that.
 18 Q. Okay. Are you aware that the
 19 designation Xie Jiao in China, in China, marks a
 20 dissident religious group, it could be Falun
 21 Gong, it could be another group, as an
 22 appropriate target for both arrests and what's
 23 called forced conversion?
 24 MR. FINI: Objection.
 25 A. I'm not sure. I'm not clear about

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 22 appropriate target for both arrests and what's
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EXHIBIT 22

CACWA ARTICLES OF INCORPORATION

To: Page 5 of 5

2008-09-23 20:12:45 (GMT)

1001288064 From: Olen Co

080924000406

2008 SEP 24 PM 12:17

FILED

CERTIFICATE OF INCORPORATION

OF

CHINESE ANTI-CULT WORLD ALLIANCE INC.

Under Section 402 of the Not-for-Profit Corporation Law

Filed by:
OLEN INC.
234 Hudson Ave #6566
Albany, NY 12210

September 18, 2008

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

SEP 24 2008

TAX \$
BY:



Over Type B

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2008 SEP 24 AM 9:18

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449

To: Page 2 of 3

2008-09-23 20:12:45 (GMT)

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State of New York
Certificate of Incorporation
of
CHINESE ANTI-CULT WORLD ALLIANCE INC.

Pursuant to Provisions of § 402 of the Not-For-Profit Corporation Law

It is hereby certified that:

1. The name of the corporation is:

CHINESE ANTI-CULT WORLD ALLIANCE INC.

2. The corporation is a corporation as defined in subparagraph (a)(5) of section 102 of the Not-For-Profit Corporation Law.

3. The purposes for which the corporation is formed are:

To educate society about the dangers of the Falun gong cult and its anti-human and anti-society practices.

To warn the society about emerging anti-society cults and so-called "spiritual" practices that distort human psyche.

To promote the community harmony and concord, and perform community-oriented services for harmony, mutual understanding, and peace.

4. In addition to the foregoing corporate purposes the corporation shall have all of the general powers set forth in Section 202 of the Not-For-Profit Corporation Law together with the power to solicit and receive grants, bequests and contribution for the corporate purposes.

5. The corporation is Type B corporation as defined in Section 201 of the Not-For-Profit Corporation Law.

6. The office of the corporation shall be located in the County of Queens.

7. The names and residences of the initial directors until the first annual meeting are as follows:

Shihui Li	135-25 40th Rd 2F, Flushing, NY 11354
Mike Zhou	135-25 40th Rd 2F, Flushing, NY 11354
Steven Chen	135-25 40th Rd 2F, Flushing, NY 11354

8. The Secretary of State is hereby designated as agent to the corporation upon whom process against the corporation may be served. The post office address to which the Secretary of State shall mail a copy of any such process is:

080924000406

135-25 40th Rd 2F, Flushing, NY 11354

9. Said Organization is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501 (c)(3) of the Internal Revenue Code, or corresponding section 170 (c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

No substantial part of the activities of the corporation shall be carrying on propaganda or otherwise attempting to influence legislation [except as otherwise provided by IRC Sec.501(h)] or participating in or intervening in (including the publication or distribution of statements), any candidates for public office.

In the event of dissolution, all of the remaining assets and property of the organization shall, after payment of necessary expenses thereof, be distributed to such organizations as shall qualify under section 501(c)(3) of the Internal Revenue Code of 1986.

Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the organizations then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Nothing herein shall authorize the corporation, directly or indirectly to engage in or include among its purposes any of the activities mentioned in Section 404(b) through 404(v) of the Not-For-Profit Corporation Law.

Not with standing any other provisions of these articles, the organization is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Revenue Act of 1986 and shall not carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under IRC 501(c)(3) or corresponding provisions of any subsequent tax laws.

To: Page 4 of 6

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10012889094 From: Olen Co

Nothing herein shall authorize or empower the corporation to perform or engage in any act or practice prohibited by the General Business Law Section 340 or other anti-monopoly statute of the State of New York.

In witness whereof, this certificate has been subscribed this 18 day of September, 2008, by the undersigned, who affirms that the statements herein are true under the penalties of perjury.

Dated: September 18, 2008

/s/ Shihui Li
Incorporator
Shihui Li
135-25 40th Rd 2F
Flushing, NY 11354

EXHIBIT 23

EXCERPTS FROM THE CACWA SHITOU NEWSLETTER

EXHIBIT A

Affidavit of Can Sun

My name is Can Sun.

I am fluent and competent to read, write and speak both the English and Chinese languages. I have reviewed the documents and their translations attached hereto as Attachment One and I swear that it is an accurate and correct translation to the best of my knowledge and abilities.

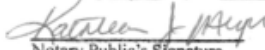
Based on my review of the documents excerpted in Attachment One, a significant portion of the anti-Falun Gong rhetoric in the Shitou Newsletters distributed by the Chinese Anti-Cult World Alliance are from Kaiwind.

Sworn to under pains and penalties of perjury according to 28 USC § 1746.


Can Sun

STATE OF Washington
COUNTY OF King

The foregoing instrument was acknowledged before me this 7 day of March, 2017, by Can Sun

 Kathleen J Meyer
Notary Public's Signature Notary Name
Personally Known OR
Type of Identification Produced



No.	Original Chinese	English Translation	Source	Status as a CCP controlled media entity
Douzheng				
1	法轮功在美国纽约皇后区法拉盛一带非常活跃，而与此同时，另一支反法轮功组织——全球华人反邪教联盟自 2008 年起也一直驻守在这里，进行着阵风相对的 斗争	Falun Gong is very active in the Flushing, Queens area of New York City, and at the same time, another, <i>anti</i> -Falun Gong organization, the Chinese Anti-Cult World Alliance, has since 2008 constantly guarded over this area, carrying out a spear-to-spear violent suppression [i.e., <i>douzheng</i>].	CACWA "Shitou Newsletter" Issue 10 Original article published by Kaiwind: http://anticult.karwind.com/kfxx/201103/10/t20110310_862364.shtml	
2	法拉盛事件后,人人痛恨 邪教 ,越来越多群众愿意公开对着“法轮功”进行反制与 斗争 。在法拉盛街头每日有十数万华人走动,反 邪教 摊子早已成为法拉盛社区反 邪教 恶势力的精神象征,是反 邪教 群众互相打气加油的小站,大大地压制 邪教 疯狂嚣张气焰。	After the Flushing incident, everyone hated the <i>xiejiao</i> , and more and more of the populace were willing to openly counter and violently suppress [i.e., <i>douzheng</i>] Falun Gong. On the streets of Flushing, every day there are hundreds of thousands of Chinese people walking around, and the [CACWA] anti- <i>xiejiao</i> booth has already become the spiritual symbol of the Flushing community's opposition to the <i>xiejiao</i> . It is the refueling and mutually-encouraging station for the anti- <i>xiejiao</i> populace, greatly suppressing the flames of the <i>xiejiao</i> 's insane clamor.		
3	我们杂志之所以在今年 6 月号上推出“ 邪教 与法轮功”特辑,是因为我们通过深入调查采访,看清了“法轮功”的真面目,并决心与“法轮功”这一 邪教斗争 到底,唤醒民众抵制“法轮功”,以确保社会的稳定和国民生活的安定。	The reason for our magazine's issuance of a special edition on ' <i>xiejiao</i> and Falun Gong' in June of this year is because we, through in-depth investigation and interviews, have discovered the truth of 'Falun Gong's' real face, and [have become] determined to violently suppress [i.e., ' <i>douzheng</i> '] this <i>xiejiao</i> , 'Falun Gong,' to the very end, awake the populace to resist it, in order to ensure social stability and the orderly life of citizens	CACWA "Shitou Newsletter" Issue 30 Original article published on Kaiwind http://anticult.karwind.com/zhk/lshg/dcflg/200711/15/t20071115_821942.shtml	
4	法轮功“惊悚失措的丑态,正暴露了他们欺世盗名、见不得天日的卑鄙、肮脏本质,也坚定了我和“法轮功” 邪	The grotesquely frantic pose of 'Falun Gong' exposed its deceitful and larcenous nature, its infernal vulgarity and baseness, and its filthy essence, and added to my	CACWA "Shitou Newsletter" Issue 29	

No.	Original Chinese	English Translation	Source	Status as a CCP controlled media entity
	数 组织 斗争 到底的决心和信心。 ... 公道自在人心。在社会各界的鼓励下,我自发成立了加拿大反邪教协会,坚决与“法轮功” 斗争 到底。	determination and confidence to violently suppress [i.e., ' <i>douzheng</i> '] the 'Falun Gong' <i>xiejiao</i> to the very end." ... "The right path is naturally within one's heart. Under the pressure of all corners of society, I voluntarily established the Canada Anti-Cult Association, determined to violently suppress [i.e., <i>douzheng</i>] until the end against 'Falun Gong.	Original article published on Kaiwind: http://anticult.karwind.com/zhk/lshg/dcflg/200711/15/t20071115_821786.shtml	
Zhuanhua				
5	以智慧转化迷者	Use wisdom to <i>Zhuanhua</i> the Confused [Falun Gong believers]	CACWA "Shitou Newsletter" Issues 9 and 10	
6	我被捕后经过干警帮助彻底认清法轮功的 邪教 本质,我自觉的教育 转化 了许多在押的法轮功学员,出狱后自觉开展反对法轮功残害信徒,危害社会的活动,教育 转化 了一批学员彻底摆脱法轮功的精神控制,使他们回归到正常社会。 ... 我从事反对你和你的法轮功的活动已经多年,而且产生了较大影响,形成了支持我的粉丝群体。在我的影响和带动下,很多人自发加入到抵制法轮功和教育 转化 身边法轮功学员的行列之中。	After being arrested [for my own former practice of Falun Gong] the police officers helped me thoroughly recognize the <i>xiejiao</i> essence of Falun Gong, and I voluntarily helped to educate and forcibly convert [i.e., ' <i>zhuanhua</i> '] many other detained Falun Gong practitioners; after being released from prison I voluntarily expanded my activities to counter Falun Gong activities' damage to its believers, and harm to society, educating and forcibly converting [i.e., ' <i>zhuanhua</i> '] a group of Falun Gong practitioners to completely separate themselves from Falun Gong's spiritual control and return to normal society." ... "My undertaking of opposition to you and your Falun Gong's activities has already lasted many years, and has produced a relatively great impact, creating a group of fans who admire me. Under my local influence and leadership, many people have chosen to enter the ranks of those who resist Falun Gong and seek to educate and forcibly convert [i.e. ' <i>zhuanhua</i> '] its practitioners.	CACWA "Shitou Newsletter" Issue 15 Original published on 天鉴网 (www.tianjian.org)	
Dehumanizing or Demonizing Language				

No.	Original Chinese	English Translation	Source	Status as a CCP controlled media entity
7	法轮功是社会的寄生虫 ... 逮住其蝇营狗苟吞食嗟来之食的尾巴	Falun Gong is a <u>parasite</u> of society ... [We will] grab their tail, which wags <u>shamelessly like a dog</u> at the food people throw at them as a result of their <u>hunting for food like flies</u>	CACWA "Shiron Newsletter" Issue 4 Original article published on Kaiwind: http://www.kaiwind.com/llyt/200806/t81397.htm	
8	反“邪教”反“人造”专刊 看“大妓院”的文章标题有感 ... 做“狗腿子”。。。发报纸、举牌子	Opposing " <u>xiejiao</u> " and " <u>the scums of humanity</u> ," a special publication on feelings after reading articles from the " <u>Great Brothel</u> " ... Acting as " <u>dog's legs</u> " ... they issue newspapers, hold up signs, etc.	Flyer of the same title (Opposing the evil cult and the dregs of humanity) Appears to be an original CACWA publication	
9	法轮功 邪教 卖国贼	Falun Gong - <u>xiejiao</u> and a Traitor Who Sold Out Its Country	Flyer distributed by CACWA calling for donations	



No.	Original Chinese	English Translation	Source	Status as a CCP controlled media entity
10		Implement the law for the people -- Attack the <u>xiejiao</u> for the benefit of the future	Flyer handed out by CACWA.	
11		Crush them [Falun Gong] with another foot	China Anti-Cult Association's "Hundred Poems and Hundred Pictures" campaign	

EXHIBIT 24

EXCERPTS OF DEPOSITION OF DR. XIA MING

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Case No. 15 CV 1046

-----x

ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,
Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong, WAN Hongjuan, ZHU
Zirou, and DOES 1-5 Inclusive,
Defendants.

-----x

July 12, 2017

1:50 p.m.

1

2 A P P E A R A N C E S:

3 HUMAN RIGHTS LAW FOUNDATION

4 Attorneys for Plaintiffs

5 1615 L Street, NW, Suite 1100

6 Washington, D.C. 20036

7 BY: TERRI MARSH, ESQ.

8 terri.marsh.hrlf@gmail.com

9 - and -

10 BELDOCK LEVINE & HOFFMAN, LLP

11 99 Park Avenue

12 New York, New York

13 BY: JONATHAN MOORE, ESQ.

14

15 CATAFAGO & FINI LLP

16 Attorneys for Defendants Chinese

17 Anti-Cult World Alliance, Michael Chu,

18 And Zhu Zirou

19 The Empire State Building

20 350 Fifth Avenue, Suite 7412

21 New York, New York 10118

22 BY: TOM M. FINI, ESQ.

23

24 ALSO PRESENT:

25 WAYNE SALINE, Videographer

1 XIA
2 Christianity begun by a charismatic
3 founder who was believed by his followers
4 to be more than human?

5 MR. FINI: Objection.

6 Q. Can you answer that question?

7 A. Yes or no. Because I think
8 on -- based upon that question I think it
9 is very difficult to give a simple answer.
10 Right.

11 Q. So let me try it this way. Do
12 you believe that Jesus Christ was a
13 charismatic founder, who was believed by
14 the followers to be -- by his followers to
15 be more than human?

16 MR. FINI: Objection.

17 A. First I am not a Christian, so I
18 respect what other Christians believe.

19 Q. Let me ask you this way: Do you
20 believe that Christianity believes that
21 Jesus Christ was a charismatic founder who
22 was believed by his followers to be more
23 than human?

24 MR. FINI: Objection.

25 A. Yes, I think -- I think. Yes,

1 XIA

2 Q. You make some comments, right?

3 A. Yes.

4 Q. Okay. Are you aware that there
5 are other religions that believe in
6 similar -- similarly to what is expressed
7 by Falun Gong with respect to alien
8 visitation?

9 MR. FINI: Objection.

10 A. I am not aware of any big
11 religions that they have taught this. I
12 am not -- I am not aware.

13 Q. Are you aware of the Mormon
14 religion that expresses that?

15 A. Sorry. I am not aware of Mormon
16 teachings.

17 Q. Specifically you are not aware
18 of whether Mormons believe in some kind of
19 alien force?

20 A. I am not aware.

21 Q. Okay. And are you aware whether
22 the Dalai Lama believes in that concept of
23 an alien visitation?

24 MR. FINI: Objection.

25 A. I can say I am a student of

1 XIA

2 cut him off but also listen to the
3 question and answer the question, but also
4 please don't cut him off. He did -- you
5 have to listen to the question. Take
6 your time. It is not a contest for speed.
7 Listen to the question and then answer the
8 question.

9 A. Because I really think when we
10 talk about individuals we have to define
11 what kind of individuals, and we do have
12 some ideas, right, in religious teachings
13 there are divine individuals. They have
14 super -- supernatural abilities.

15 Q. Right. For instance, are you
16 aware that in the Catholic religion there
17 is a belief that some individuals can and
18 have performed miracles while they have
19 been on earth? Are you aware of that?

20 A. I have never witnessed that and
21 I --

22 MR. FINI: He --

23 Q. I am not asking whether you
24 witnessed it. I am asking --

25 MR. FINI: Let me do it.

1 XIA

2 Q. I am asking whether you are
3 aware in the Catholic religion there is
4 the belief that certain individuals can
5 perform miracles or have performed
6 miracles throughout the history of
7 Catholicism?

8 A. Yes, I have -- I have read
9 something about that.

10 Q. You are aware of that?

11 A. Yes.

12 Q. And many of those people are
13 called saints, correct?

14 A. Yes, I know about that.

15 Q. All right. And on page 12 of
16 your report where you talk about -- in
17 subsection 4 you talk about Li's
18 controversial version of karma. Do you
19 see that?

20 A. Yes.

21 Q. Do you see that?

22 A. Yes.

23 Q. Are you aware of other religions
24 that have similar beliefs in karma?

25 A. Karma is a major concept in

1 XIA

2 you agree that karma is a principle that
3 is followed in Buddhism, right?

4 A. Yes.

5 Q. Okay. Now, one of the things
6 you talk about in -- under subsection 4 of
7 the controversial version of karma is that
8 Li Hongzhi's teachings are controversial
9 with respect to modern medicine, right? Is
10 that correct?

11 A. Yes.

12 Q. Are you aware of Jehovah Witness
13 teachings with respect to modern medicine?

14 A. I am not.

15 Q. Are you aware of whether Jehovah
16 Witnesses have blood transfusions?

17 A. I am not.

18 Q. Are you aware of the principle
19 of the doctrine in Jehovah Witnesses that
20 they cannot accept blood transfusions no
21 matter what the circumstances are?

22 A. I am not.

23 Q. Okay. Well, if you knew that,
24 would that change your mind about your
25 views on the -- Li Hongzhi's views about

1 XIA

2 Orthodox Judaism views homosexual acts as
3 sinful?

4 A. I am not sure. I am not aware.

5 Q. And are you aware that
6 Christian -- Christians have a variety of
7 views on the issue of homosexuality? Some
8 condemn it. Some accept it.

9 A. I am aware.

10 Q. Okay. Are you aware that
11 Pentecostal churches or the Restorationist
12 churches like Jehovah Witnesses or Mormons
13 take the position that homosexual activity
14 is sinful?

15 A. I am not aware.

16 Q. Had you been aware of that,
17 would you have made these comments about
18 Li Hongzhi's views that you attribute to
19 him about homosexuality?

20 MR. FINI: Objection.

21 Q. Does that change your mind if
22 you knew that there are a lot of religions
23 that have a view about homosexuality as
24 bad or sinful?

25 MR. FINI: Objection.

1 XIA

2 subsection 8 about how Li Hongzhi's
3 teachings are absolute directives that
4 could never be questioned. Do you see
5 that?

6 A. Yes.

7 Q. Are you aware in the Catholic
8 church that declarations of the Pope are
9 considered infallible and could not be
10 questioned?

11 MR. FINI: Objection.

12 Q. Why it's not -- I am not asking
13 you -- it is not a hard question, and I
14 don't know why you are laughing about it,
15 but are you aware of that principal --

16 A. Because -- I am laughing because
17 I have known and in my research the
18 Catholic church or Pope they have changed
19 their policies in different ways. So this
20 is why I think it is not as -- I am aware
21 of only one fact. I am aware that he has
22 different views in Catholicism.

23 Q. Are you aware in the Catholic
24 church of whether the Pope is considered
25 the direct representative God on earth and

1 XIA

2 his teaching are considered infallible?

3 Are you aware of that concept in

4 Catholicism?

5 A. At least Donald Trump is

6 contradicting that.

7 Q. I'm sorry?

8 A. At least Donald Trump is

9 contradicting that, so it is difficult for

10 me to say yes or no.

11 Q. It is funny that you would

12 relate Donald Trump to the idea of a Pope,

13 but we are beyond that.

14 One of the other controversial

15 areas you talk about on page 17 where you

16 are talking about "only the Falun Gong

17 will survive the end of days."

18 Do you see that?

19 A. Yes.

20 Q. But there are many religions,

21 are there not, that believe that those who

22 do not believe or are not believers will

23 not survive the end of days, right?

24 A. Yes, I am aware. Yes.

25 Q. Okay. And there are many

1 XIA

2 A. Yes, I have.

3 Q. And you have published academic
4 articles about Falun Gong?

5 A. Yes.

6 Q. And you published articles about
7 different aspects of Falun Gong, correct?

8 A. Yes.

9 Q. Including spiritual aspects,
10 correct?

11 A. Yes.

12 Q. And do you remember your
13 testimony earlier you said I think you
14 testified that you're not a
15 religious -- you're not a scholar of
16 religion. Do you remember you testified
17 to that?

18 A. No, I am not. Technically I am
19 a political scientist. Even I have done
20 my research through interdisciplinary
21 angle, so I have written things from a
22 sociological religious perspective beyond
23 the political prospective, but I do
24 not -- technically I am not a scholar of
25 religion.

1 XIA

2 A. Yes.

3 Q. Do you see that?

4 A. Yes.

5 Q. In your report?

6 A. Yes.

7 Q. You don't in the course of your
8 opinion render an opinion --

9 MR. MOORE: Withdraw that.

10 Q. You do not in this report render
11 an opinion as to whether you believe the
12 Falun Gong is a religion, do you, in your
13 report? In your report do you indicate,
14 state one way or the other whether you
15 believe Falun Gong is a religion?

16 MR. FINI: We will stipulate he
17 does not. He -- the answer is you do
18 not.

19 A. I think --

20 MR. FINI: That is the answer.

21 Q. Were you asked to render an
22 opinion about whether Falun Gong is a
23 religion?

24 MR. FINI: No. He was not.
25 I can stipulate you were not.

1 XIA

2 MR. MOORE: Okay.

3 A. As I said --

4 MR. FINI: That is the
5 question. It is a YES or no question.

6 MR. MOORE: So stipulated. All
7 right. Fine.

8 A. Yes.

9 Q. Okay. So are you aware of any
10 materials or sources that have accepted
11 the proposition that the Falun Gong is a
12 religion?

13 MR. FINI: Objection.

14 Q. Just yes or no. Are you aware
15 of any sources that say whether or not the
16 Falun Gong should be considered a
17 religion?

18 MR. FINI: Just to clarify
19 including academic books and --

20 MR. MOORE: Anything, any
21 source. Anybody.

22 MR. FINI: Just ye or no.

23 A. If it's controversial --

24 MR. FINI: Listen, Ming. He
25 asked whether anybody offered an opinion

EXHIBIT 25

EXPERT REPORT BY DR. ARTHUR WALDRON



Department of History
208 College Hall
Philadelphia, PA 19104-6379
Tel 215.898.8452
Fax 215.573.2089
<http://www.history.upenn.edu>

Expert Report

My name is Arthur Waldron. I have been the Lauder Professor of International Relations at the University of Pennsylvania since 1997. I received my A.B. from Harvard as *summa cum laude* Valedictorian in 1971, and my Ph.D. from Harvard in 1981. I have previously taught at Princeton University, the U.S. Naval War College, and Brown University. My publications include: *The Great Wall of China: From History to Myth* (1989); *The Modernization of Inner Asia* (1991); *How the Peace Was Lost: The 1935 Memorandum "Developments Affecting American Policy in the Far East" Prepared for the State Department by John Van Antwerp MacMurray* (1992); *From War to Nationalism: China's Turning Point, 1924-1925* (1995); and (with Daniel Moran) *The People in Arms: Military Myth and National Mobilization since the French Revolution* (2003).

In addition I have published fourteen articles in peer reviewed journals, ten chapters in books, and two edited volumes in Chinese, as well numerous scholarly and popular reviews and journalistic essays. In government, I served as one of twelve members of the highly-classified Tilelli Commission (2000-2001), which evaluated the China operations of the Central Intelligence Agency. I was also an original member of the Congressionally-mandated U.S-China Economic and Security Review Commission (2001-2003). I am a member of the Council on Foreign Relations and former Director of Asian Studies at the American Enterprise Institute. See attached curriculum vitae.

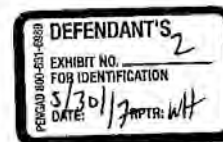
Based on my extensive research on and familiarity with China's history and society, particularly the late-Qing to early Communist period that formed the basis for current dynamics between the Communist Party and religious groups or their adherents, the opinions I express in my expert submission are as follows:

1) That Falun Gong is properly considered a religion by any relevant set of objective criteria.

This faith practice is part of a broader religious tradition with ancient roots in East Asia, particularly in China. That tradition, in turn, is closely related to both Buddhism and Daoism, but also has a more general cultural background in Chinese cosmological beliefs, cultural forms, and ethical teachings dating from the earliest historical records. The basic elements of this tradition are the combination of cultivation of the mind and soul via meditation with the use of various kinds of physical exercises to discipline the body. These elements are also joined with moral and ethical guidelines to structure or influence the behavior of those who are members of these faith communities. In each of these aspects, as well as in its social dimension as a community of believers in China and abroad, Falun Gong is more appropriately defined as a "religion" than as any other form of interpersonal grouping, e.g. one that is purely political, economic, or arts and culture oriented.

It would be difficult for any specialist in Asian religions to assert that Falun Gong does not clearly represent an example of one such religion. Falun Gong's religious teachings are comparable to those of a broader Buddhist, Daoist, and traditional Chinese cosmology. The believers of Falun Gong refer to themselves as part of a larger "Buddhist School" of faith practices, and their main religious text, *Zhuan Falun*, contains sections discussing the historical Buddha, Sakyamuni, as well as their interpretation of Zen Buddhism and of several other figures and ideas from Buddhist history and scripture. These include

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reincarnation, the idea of karma (that doing good deeds will result in good outcomes, while evil deeds will lead to misfortune), and the importance of maintaining compassion for all living beings. Meanwhile, Falun Gong adherents also emphasize many of the concepts and principles of Daoism, such as the need to "follow the course of nature" (*shun qi zi ran*) and instead of imposing one's own will upon the world or other individuals, to seek to "do without doing" (*wu wei*).¹

While the content and structure of Falun Gong as a religion are derived largely from uniquely Chinese or broader Asian traditions, its current role as a faith community in Chinese society is similar in many ways to that of Christian groups and others drawing from a wide range of global religious practices. Many of the apparently informal characteristics of Falun Gong as a religion can be explained by these circumstances, which are shared by any religious group that does not allow itself to be directly affiliated with and managed by the Communist Party. Christianity, for example, is officially recognized only in the form of the state-managed denominations the Protestant Three-Self Church, the China Christian Council, and the Chinese Patriotic Catholic Church.²

Any Christian community or church that rejects subordination to these state-run "patriotic" organizations, and the Communist Party bureaucracy that manages their affairs and decides their ideological content, is thus unrecognized and risks various forms of pressure from security forces. This can range from the removal of publicly-displayed crosses or the shutting down of festivals and masses to, in the more extreme cases, detention and imprisonment for engaging in unofficial religious activities. From the humblest "house church" of a handful of believers to the largest Protestant denominations or the whole body of Vatican-following Catholic believers, all are viewed by the Party as illegitimate if they reject its management and control.³

Falun Gong, similarly, is not recognized as a legitimate religion by the Communist Party. Instead, they use the strongest available term of condemnation to characterize it as wicked and illegitimate: *xie jiao*, literally "heretical religious teaching." However, as should be obvious, no objective observer should simply accept the Chinese Communist Party's definitions as to what is a true religion and what is heretical or illegitimate. Falun Gong exhibits all of the characteristics of a religion in its Buddhist and Daoist-influenced teachings, its traditional meditation practices, and its function as a moral and ethical community. Indeed, international observers including the U.S. State Department,⁴ the U.S. Commission on International Religious Freedom,⁵ the U.N. Special Rapporteur on Freedom of Religion or Belief,⁶ and others, rightly treat Falun Gong as a religion.

¹ All of the concepts and terms noted in this paragraph are expounded in the main religious text of Falun Gong. See Li Hongzhi, *Zhuan Falun*, (Universe Publishing Company, 1999); the association of these views with Asian religious traditions is also reflected in various academic analyses of Falun Gong, e.g., Benjamin Penny, *The Religion of Falun Gong*, (University of Chicago Press, 2012). Penny's book is an academic examination of Falun Gong texts, primarily *Zhuan Falun*, analyzed primarily in connection with their precedents in Chinese religious history. His conclusion is that Falun Gong "is, in all meaningful ways, a religion." Penny, *The Religion of Falun Gong*, at 225.

² See, e.g. Arthur Waldron, "Religion and the Chinese State," in Mark Silk, ed., *Religion on the International News Agenda*, (Pew Program on Religion and the News Media, 2000).

³ *Id.*; see also Arthur Waldron, "Religious Revivals in Communist China," *Orbis* (Spring 1998).

⁴ See, e.g. U.S. State Department, International Religious Freedom Report, 2007.

⁵ U.S. Commission on International Religious Freedom, 2013 Annual Report ("The Chinese government continued its fourteen-year campaign to eradicate Falun Gong activity and pressure practitioners to renounce their beliefs").



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2) That Chinese authorities' suppression of Falun Gong is a particularly pronounced example of a general policy of restricting or attacking religious groups outside of Communist Party control.

The Chinese Communist Party's aggressive efforts to eliminate Falun Gong and to forcibly "reeducate" its practitioners in fact stem from the latter's status as a religion. This treatment is simply an extreme example of a pattern of hostility towards religious groups that dates back to the earliest years of the PRC, if not earlier. From the 1950s on, the Communist Party used coercion and propaganda to discourage private religious activity and to seek to restrict religious expressions or affiliations. At the higher level, broad religious organizations had to be affiliated with the Communist Party either directly or via one of the aforementioned Party-affiliated religious organizations. At the local level, particular churches, mosques, and temples would be managed by the Party authorities in whose jurisdiction they fell.⁷

Harassment or arrest of those who sought to practice religious beliefs or form religious communities outside of this oversight, either at the national or local level, was a common phenomenon. Religious practice was thus severely restricted, but not outright banned. However, during the Cultural Revolution from 1966 to 1979, as part of a general assault on all ideologically-suspect individuals, groups, and practices in society. Churches, temples, shrines, and other places of worship were destroyed en masse, and religious believers targeted for often violent "struggle sessions" by Red Guards. Any public display of religious faith or affiliation could be the spark for violent assault, destruction of property, imprisonment, or other such forms of Party-sanctioned aggression.⁸

Following the Cultural Revolution, Chinese authorities gradually allowed greater religious freedom, still subject to official oversight. However, the rapid spread and revitalization of religion during this period surprised and disturbed authorities, who were concerned by any source of social authority and identity outside of Party control.⁹ By the 1990s the Party had resuscitated and even intensified the practices of management, pressure, and coercion that it had instituted during the 1950s, to ensure that no individual in Chinese society could safely and comfortably affiliate themselves with any disfavored, independent religious group.¹⁰ The campaign to suppress Falun Gong, launched in 1999, was justified in these terms, with calls for Party members to "uphold science," (meaning Marxist ideology) and to help eradicate Falun Gong as a form of heretical "superstition."¹¹

⁷ Louis Charbonneau, "U.N. envoy defends Falun Gong, 'evil cult' for China," Reuters, October 21, 2010. Available at: <http://www.reuters.com/article/us-un-religion-idUSTRE69K61O20101021>.

⁸ Waldron, *supra* note 2 at 25.

⁹ *Id.*; for accounts of the persecution faced by religious practitioners during this period, see also, e.g., Bao Ruo-wang (Jean Pasqualini) and Rudolph Chelminski, *Prisoner of Mao* (New York: Penguin, 1976).

¹⁰ Waldron, *supra* note 2 at 28; for an account of the simultaneous, related phenomenon of the loss of legitimacy of Marxism as a governing ideology, see also, e.g., X. L. Ding, *The Decline of Communism in China: Legitimacy Crisis, 1977-1989* (Cambridge: Cambridge University Press, 1994).

¹¹ Waldron, *supra* note 2 at 33.

¹² See, e.g. Congressional-Executive Commission on China, *2012 Annual Report*, 2-5 (October 10, 2012) ("A campaign to eliminate Falun Gong and 'transform' its practitioners entered its third year ... Religious worshippers of all faiths—including Buddhists, Catholics, Falun Gong practitioners, Muslims, Protestants, and Taoists—and civil society groups cannot freely associate and are subject to heavy government oversight.").



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Though the attempt to suppress Falun Gong has led to illegal detentions, acts of violence, and deaths in Party custody, it continues to persist as an independent faith community in China and abroad. Rather than simply a "marginal" phenomenon, it is one important representative of a broader, gradual pattern in which Chinese citizens are stubbornly persisting in identities and communities of faith that the Party seeks to discourage or eliminate. In doing so, they have established religion as, perhaps unexpectedly, one of the most powerful forces contributing to a nascent, independent Chinese civil society.

Based upon my years of expert study, looking at criteria as to what permits one to judge a practice as a religion in China, it is my opinion to reasonable degree of professional certainty that Falun Gong is and should be treated as a religion. Copies of all sources used to summarize or support this view have been provided to Defendants' counsel via the U.S. mail and are also listed just below in the attached appendix.

My compensation is as follows: \$2500.00 for the enclosed report; \$400.00 an hour for any testimony I provide; and such travel costs as I incur related directly to the study and testimony provided in this case.

By

/s/ Arthur Waldron

Arthur Waldron
Lauder Professor of International Relations
University of Pennsylvania

Appendix of Sources Consulted

Bao Ruo-wang (Jean Pasqualini) and Rudolph Chelminski, *Prisoner of Mao* (New York: Penguin, 1976)

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From War to Nationalism: China's Turning Point, 1924-1925 (Cambridge: Cambridge University Press, 1995). Chinese edition: Cambridge University Press/Peking University Press, forthcoming.

The Great Wall of China: From History to Myth (Cambridge: Cambridge University Press, 1989). Selection of The History Book Club, U.S.A; Italian Edition: *La Grande Muraglia: Dalla Storia al Mito* Prefazione di Gabriele Foccardi (Turin: Giulio Einaudi editore, 1993). Selection of Club degli Editori, Italy. Paperback ed. Cambridge: Canto, 1992. Chinese edition: Cambridge University Press/Peking University Press, forthcoming.

Books published only in Chinese:

Zhongguo jiaohui daxue shi luncong [Essays on the History of Denominational Colleges in China] (Chengdu: Sichuan daxue chubanshe, 1995). Editor with Gu Xuejia and Wu Zonghua

Zhong-Xi wenhua yu jiaohui daxue [Chinese and Western Culture and Denominational Colleges in China] (Wuhan: Hubei jiaoyu chubanshe, 1991). Editor with Kaiyuan Zhang.

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Mao's Road to Power: Revolutionary Writings, 1912-1949. Vols IX and X (1945-49) edited with Stuart Schram (1924-2012) Extensive introduction (Armonk, NY: Sponsored by Harvard University. (Armonk, N.Y: M. E. Sharpe, forthcoming)

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The People in Arms: Military Myth and National Mobilization since the French Revolution ed. with Daniel Moran, Cambridge University Press, 2003)

Mao Tse-Tung on Guerrilla Warfare 1961 Introduction and Translation by Samuel B. Griffith, Jr. Brigadier General, USMC, Introduction To Second Edition by Arthur Waldron and Edward O'Dowd (PhD, Col., USA Ret.) Norwalk, CT The Easton Press, 1996.

The Modernization of Inner Asia (Armonk, N.Y.: M. E. Sharpe, 1991). With Cyril E. Black, Louis Dupress, Elizabeth Endicott-West, Daniel Matuszewski and Eden Naby.

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"Introduction" China and Africa: Selected Articles from China Brief (Washington, D.C.: Carnegie Endowment and Jamestown Foundation, 2008)

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"Legacy Problems: China's Taiwan Dilemma" *Orbis* 60.4 (Fall 2016):1-24

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アーサーウオルドン 社会革命と軍事的勝利 軍事史学 51.4 平成28年3月 : 38-59

[Arthur Waldron "Social Revolution and Military Victory"] *The Journal of Military History*, ed. The Military History Society of Japan 51.4 (March 2016): 38-59.] Presented as Keynote at Fiftieth Anniversary Conference of the Society "The Total War and the Cold War: Two Wars in the 20th Century" Tokyo, Japan August 1-2, 2015.

"The China Mess: How Things Did Not Turn Out As Planned" *Orbis* 59.2 (Spring 2015): 143-166.

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"Warlordism versus Federalism: The Revival of a Debate?" *The China Quarterly* No. 121 (March 1990): 116-128.

"Theories of Nationalism and Historical Explanation" (review article) *World Politics* 37.3 (April 1985): 416-4

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"Red Scarcity" *The New Criterion* 32.2 (October 2013): 18-22.

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2016

Taipei Up Newspaper 台北上報 November 12, 2016 "林蔚：川普勝出 台灣不再是孤立之地 "After election Taiwan will become a less isolated place."

Wall Street Journal October 31, 2016 "Notable & Quotable: You Die, I Win: 'The official Chinese reaction will be, 'We have successfully intimidated Washington to the point she won't even mention us'. ' An extensive quotation from my October 2 Keynote at NYU.

Below is regarded as a major story of academic importance: that the Chinese and Taiwanese secretly colluded dealing with Kissinger and Nixon, without the slightest American knowledge. Short book in prospect.

"How secret were Washington's talks with China? Taipei had advanced knowledge of then US-president Nixon's secret China diplomacy as it progressed, long before the talks were made public" *Taipei Times* July 21, 2016, pp. 13-14.

This article made public for the first time the startling discovery that Zhou Enlai had secretly kept Chiang Kai-shek fully informed of Mr. Kissinger's "Secret" China diplomacy, from at least 1969 on, as Scholar/Diplomat Jay Taylor had determined using sources in Taiwan, and as ANW confirmed, using Chinese sources.

"Fear and Loathing in Beijing: They understand the importance of Hong Kong—we should too," *The Weekly Standard* 22.2 (September 19, 2016), pp. 22-23.

"Letter from China: Stomachs full of qi," *The New Criterion* 35.2 (October 2016), pp 30-33.

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Numerous interviews on the John Batchelor show (radio)

One hour one on one interview, 12:00-1:00 PM John Batchelor Show (radio)

Interview with Radio Australia's NPR type affiliate, with Annabelle Quince, one hour 30 March 2017.

ACADEMIC PANELS AND TALKS:

[selection]

Invited Speaker: Conference "Why We Fight Wars" Cantigny, Chicago March 24-26 2017.

Invited Guest and Speaker: Conference on Mao Zedong's Collaboration with Japanese, Professor Endo Homare, Tsukuba University and Chinese Academy of Social Sciences. Tokyo 5-6 January 2017. Proceedings to be published in Japanese.

Keynote Speaker: "**International Conference 紐約國際會議**
Neo-totalitarian Turn? Or Any Possibility for Democratization?
-Xi Jinping, Inter-elite Conflict and Societal Resistance in China"
2 October 2016 New York University

Published online as: **Chinese Leaders Are Living in a Dangerous Illusion**
by *China Change*
Arthur Waldron, October 17, 2016

Keynote Speaker at Fiftieth Anniversary Conference of the Japan Society for Military History "The Total War and the Cold War: Two Wars in the 20th Century" Tokyo, Japan August 1-2, 2015.

Japan Institute for National Fundamentals, Keynote Address Tokyo 25 December 2014

Japan Economic Times [Nihon Keizai Shimbun] Summer Forum, Speaker, 2013, 2012.

"What Did China Learn from the Disintegration of the Soviet Union?" Conference at Princeton University,

"The World 1989" October 22-25 2009.

Keynote Speaker, opening of exhibition "William Edgar Geil (1865-1925) Doylestown's Famous Evangelist Explorer." Doylestown Pennsylvania Historical Society, May 28, 2009

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EXHIBIT 26

EXCERPTS OF *THE RELIGION OF FALUN GONG* BY DR. BENJAMIN PERRY

The Religion of Falun Gong

BENJAMIN PENNY

The University of Chicago Press Chicago and London

TRANSFORMATIONS

of a movement with millions of adherents and continues as its spiritual master with privileged access to the truth.

The profoundly religious nature of Falun Gong has been a major concern of this book, but the fact remains that one thing the Chinese authorities and Falun Gong itself agree on is that it is not a religion. In the first chapter, I explained that this denial is partly due to the very particular—and politicized—definitions of *religion* that hold sway under the People's Republic of China, and the immediate consequences Falun Gong would have suffered if it claimed to be one. Moreover, Falun Gong is not regarded as religion by its practitioners partly because Li Hongzhi declares it not to be, and also because their activities do not fit with their conception of what a religion looks like. Falun Gong has no buildings, no employed professional clerics, and no objects of veneration. A Falun Gong adherent does not attend a mosque to pray, or burn incense in a temple on designated days of the year, or partake of bread and wine in a regular ritual. And probably most important, unlike the five authorized religions in the People's Republic, Falun Gong is not centuries old.

On the other hand, to reiterate observations made in chapter 1, Falun Gong practitioners revere a leader whom they believe proclaims an eternal truth; who transcends all dimensions of the cosmos; who protects them in their cultivation, no matter where they are on its path; and who alone must perform spiritual transformations for them to progress toward Consummation. Li Hongzhi teaches about a cosmos no ordinary person can see, describes the existence of gods and other beings beyond our perception, offers an explanation for our existence on the earth, and brings with him a means by which we may regain our divine status. Practitioners read and reread his scripture, which is apparently of such profundity that its language cannot be restricted by standard grammar; its every printed word contains a holy image. They live by a set of moral principles that form the material basis of the cosmos and without which their attempts at bodily cultivation would fail. They have a set of spiritual exercises they are enjoined to perform at regular intervals, and—when they are allowed to do so—join with their fellows in mass gatherings to share their spiritual insights. These aspects of Falun Gong, I contend, demonstrate that it is, in all meaningful ways, a religion.

Thus, Falun Gong has represented an important focus of religious expression in China, but the fact that practitioners have not regarded themselves as “religious” points to a major and unacknowledged transformation in contemporary Chinese religiosity—that is, to the existence of mass religion that escapes the conventional, government-defined

EXHIBIT 27

EXCERPTS OF DEPOSITION OF DR. ARTHUR WALDRON

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, LI
Xiurong, CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and BIAN Hexiang,

Plaintiffs,

-against-

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong, WAN Hongjuan, ZHU
Zirou, and DOES 1-5 Inclusive,

Defendants.

No. 15 CV 1046

May 30, 2017
1:26 p.m.

DEPOSITION of ARTHUR WALDRON,
taken by Defendants, pursuant to Court
Order, held at the offices of VERITEXT
LEGAL SOLUTIONS, 1250 Broadway, New York,
New York before Wayne Hock, a Notary
Public of the State of New York.

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Attorneys for Plaintiffs

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-and-

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BY: JOSH WOSKOVITZ, ESQ.

CATAFAGO FINI LLP

Attorneys for Defendants

CHINESE ANTI-CULT WORLD ALLIANCE

MICHAEL CHU

ZHU ZIROU

350 Fifth Avenue

New York, New York 10118

BY: THOMAS M. FINI, ESQ.

* * *

1 A. Waldron

2 practitioners. Can't they explain that?

3 What are you offering as an expert?

4 MR. WOSKOVITZ: Objection.

5 You can answer.

6 THE WITNESS: Look, I know

7 enough about Chinese religion and

8 about Falun Gong to be perfectly

9 capable to answer this.

10 Q. But you've read only a few works

11 by Li Hongzhi; correct?

12 A. I've probably read more than

13 most people have. Furthermore, in

14 graduate school, I have studied Buddhism

15 from original Chinese texts.

16 Q. You translated one; correct?

17 A. Do you have any idea how long it

18 took to translate that text?

19 Q. I understand. But it's one

20 Buddhist text.

21 It was Buddhist text you're

22 talking about?

23 A. Yes, exactly.

24 Now, do you have how long it

25 took to translate that text?

1 A. Waldron
2 have no familiarity whatsoever with
3 anything except these highly tendentious
4 lists, I have no opportunity to use my
5 expertise to help you to understand what
6 Falun Gong is about.

7 Q. So if you look at the top it
8 says, "I'd like to make it clear that we
9 are most definitely not forming some
10 organized religion here. If you want to
11 come and learn our practice, you may come.
12 And if you don't want to learn it, you may
13 leave. It's all voluntary."

14 Do you see that?

15 A. Yes, and that's what I told you
16 a few questions ago.

17 Q. So you agree that Li Hongzhi
18 stated that he was not forming some
19 organized religion; correct?

20 MR. WOSKOVITZ: Objection.

21 THE WITNESS: Organized is the
22 key word here.

23 Q. Now, in the next -- if you look
24 two down it says, "it, science, is a
25 religion."

1 A. Waldron

2 non-Jewish person -- for example, I have a
3 friend who went to high school with me and
4 then he married a Jewish woman and he
5 wanted to become Jewish. He had to take
6 classes and be recognized by the rabbi to
7 be Jewish, correct, as being Jewish;
8 correct?

9 MR. WOSKOVITZ: Objection.

10 THE WITNESS: Well, this --
11 again, you are opening an incredibly
12 complicated set of questions which is
13 what is a Jew. And the Orthodox
14 position on what is a Jew and the
15 conservative position and the reformed
16 position are very, very different.

17 Q. But there's an organization;
18 isn't there? In the Jewish religion,
19 there's a formal organization?

20 A. No.

21 Q. What about temples?

22 A. They are independent bodies.
23 They are affiliated with a number of
24 different groupings, such as Orthodox
25 Judaism which has many different

1 A. Waldron
2 subgroups; conservative Judaism which
3 breaks into sort liberal conservatism and
4 conservadox, so-called; then there is
5 reformed Judaism, which is far more how
6 shall we say permissive than Orthodox
7 Judaism, and indeed I think some Orthodox
8 consider that it's not even Judaism at
9 all.

10 If you want to start a fight, go
11 to Israel and ask who is a Jew.

12 Q. So there are places of worship
13 for Jews though; correct? Temples.

14 A. There are synagogues, yes.
15 There are no longer temple since 71 AD.

16 Q. Synagogues?

17 A. Synagogues. Quite distinct.

18 Q. And does the Falun Gong have
19 places of worship?

20 A. Not that I know of.

21 Q. Does the Falun Gong have formal
22 places of worship?

23 A. My observation of Falun Gong is
24 that they gather somewhere, often in a
25 park, and they sit and meditate.

1 A. Waldron

2 Q. Are there any Falun Gong
3 leaders?

4 A. No.

5 Q. Are there any -- is there
6 anything analogous in Falun Gong to a
7 priest or a rabbi?

8 A. No.

9 Q. Is that a factor that one should
10 consider in determining whether Falun Gong
11 is a religion?

12 A. No.

13 Q. Not given any weight at all, it
14 shouldn't be given any weight at all; is
15 that your testimony?

16 A. Well, I would ask you to
17 consider Quakerism, I would ask you to
18 consider the Lutheran doctrine of the
19 priesthood of all believers, I would ask
20 you to consider Unitarianism, I would ask
21 you to consider Baha'i. Those are only a
22 number of religions which have no formal
23 leadership.

24 Q. Is Branch Davidian a religion?

25 MR. WOSKOVITZ: Objection.

1 A. Waldron
2 about what's in that book. That's as
3 if you were asking me about
4 Christianity or Judaism but somehow
5 the Old and New Testaments never came
6 up.

7 Q. Again, Professor, you've set
8 forth your opinions in your report. My
9 job is to ask questions that I think --

10 A. I understand.

11 Q. My job is not to ask questions
12 that you happen to think would be helpful
13 for you. My job is to ask questions --

14 A. It's not helpful for me. I'm
15 just thinking I'm supposed to be an expert
16 witness. I have expertise.

17 When do I get to --

18 Q. You had that opportunity when
19 you wrote your report.

20 Do you understand that?

21 MR. WOSKOVITZ: Objection.

22 Q. Let me ask you this question:
23 Did you understand, when you wrote your
24 report, that under the federal rules, you
25 were required to lay out what your opinion

1 A. Waldron

2 visas at that time. I have probably made
3 something like forty visits to China
4 ranging from entire summers to shorter
5 visits. But I have basically been
6 everywhere in China except Tibet.

7 Q. And what years was that?

8 A. Well, it's right up to the
9 present but it's starting in 1971.

10 Q. And qigong, are those -- would
11 they be in the United States considered
12 religions?

13 A. I don't know. That would depend
14 on the law of the United States. I'm not
15 a lawyer.

16 Q. But are you offering an opinion
17 that Falun Gong is a religion?

18 A. I think it's a religion, yes,
19 absolutely.

20 Q. And why? Why do you think it's
21 a religion?

22 A. Because its chief concern is the
23 salvation of the individual and the
24 transition from the illusory world in
25 which we live, what the Buddhists would

EXHIBIT 28

EXPERT REPORT BY DR. XIA MING

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

<hr/>	X	
	:	
ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,	:	
ZHANG Cuiping, WEI Min, LO Kitsuen, CAO	:	
Lijun, HU Yang, GUO Xiaofang, GAO Jinying,	:	
CUI Lina, XU Ting, BIAN Hexiang,	:	
	:	
Plaintiffs,	:	15 CV 1046 (SLT) (VMS)
	:	
v.	:	
	:	
Chinese Anti-Cult World Alliance (CACWA),	:	
Michael CHU, LI Huahong, WAN Hongjuan,	:	
ZHU Zirou, and DOES 1-5 Inclusive ,	:	
	:	
Defendants.	:	
<hr/>	X	

EXPERT REPORT OF DR. MING XIA

I. Introduction and Summary of Expert Testimony to Be Offered

I have been retained by Defendants,¹ through their counsel, and been asked to provide my neutral, professional expertise regarding the topics that are the subject of this report.

Plaintiffs' Complaint in this case sets forth and relies on the use and meaning of a number of terms in the Chinese language. Indeed, in more than 20 paragraphs of Plaintiffs' Complaint, the Plaintiffs allege how certain terms in the Chinese language that Defendants allegedly used are relevant to the claims being asserted against the Defendants.² These Chinese-language terms include "xie jiao," "douzheng," and "PK." The Plaintiffs assert that these phrases have meanings that convey or promote violence.³ However, contrary to the Plaintiffs' allegations, these Chinese-language terms/phrases do not have meanings that convey or promote violence. In fact, Plaintiffs and the Falun Gong movement that they are a part of have used the very same terms (including the same Chinese characters) as part of a robust political and philosophical debate in which the Plaintiffs chose to engage, including on the public streets of Flushing, New York City. Because interpreting the terms at issue from Chinese to English is beyond the knowledge of the average juror, I understand that my opinions about the meanings of the Chinese-language terms at issue are a proper subject of expert testimony.

The Plaintiffs have also alleged that the context in which the Chinese-language terms are used is important.⁴ As set forth below, contrary to the Plaintiffs' assertions, the context in which the Chinese-language terms at issue have been used demonstrate that the terms at issue are not used to promote violence, but instead are terms that are used to express disagreement with political and philosophical ideas of public interest and concern.

In that regard, the Chinese-language phrases at issue are being used in the context of a movement known as the Falun Gong. The Falun Gong has become a social and political movement, including in the United States. As the Falun Gong has more aggressively promoted its political views, including in the streets of Flushing, New York City, this, combined with its controversial teachings, has caused a tension between the Falun Gong and certain segments of the Chinese-American community. This tension, while well-known among many Chinese-Americans, is not a cultural phenomenon that, in my experience, is known among the average non-Chinese American citizen. Thus, this social context in which the Chinese-language terms are being used is important and relevant background information that is also beyond the knowledge of the average juror. Put simply, the tension that exists between the Falun Gong and many in the Chinese-American community as a result of the politicization of the Falun Gong movement is a very real

¹ "Defendants" refers to Chinese Anti-Cult World Alliance, Michael Chu, Li Huahong and Zhu Zirou.

² Complaint ¶¶ 22, 37, 47, 48, 49, 51, 59, 60, 64, 66, 69, 76, 89, 92, 93, 116, 117, 118, 119, 122, 123, 139.

³ *Id.*

⁴ *See, e.g.*, Complaint ¶ 125 ("The context of [defendant] CACWA's anti-Falun Gong campaign is important. Its insidious rhetoric and attempts at instigating violence against Falun Gong could only take hold in communities with a high percentage of Chine Communist Party loyalists . . .").

phenomenon that has been widely written about and studied, including in academic works, and which is extremely important in understanding the context of the disputes underlying this litigation.

Academics and others who have studied and written about the Falun Gong (including myself) have observed that it is a movement that has become increasingly political, in particular, politically opposed to the Chinese government. As David Ownby, a professor of history, observed, “the movement has become very politicized since 1999.”⁵ The increasingly political nature of the Falun Gong and its choice to inject itself on the streets of Flushing to promote highly provocative political speech in the public domain is an important background factor in understanding the Chinese-language terms alleged to have been used. The political nature of the Falun Gong and the political message conveyed by the Falun Gong on Main Street, Flushing is also important in placing the incidents at issue in context. This background information is important in understanding not only as to what was allegedly being said and taking place during the incidents at issue, but also is highly relevant to the claims and defenses in this case.⁶

The fact that the Falun Gong is not merely a practice of qigong, but includes provocative word views that are promoted by its founder, Li Hongzhi, has been the subject of academic works. These teachings include highly controversial views such as that aliens have visited earth and are planning to take over humanity; that there are separate heavens for separate races; that women’s liberation has had a negative impact on humanity; that society should not help the disabled or help cure those who suffer illness; and that when natural catastrophes such as earthquakes occur in a nation that kills innocent people, this is punishment for “karma” that exists in the region. These controversial teachings have taken on increasingly political overtones, as Li Hongzhi repeatedly has taught that natural catastrophes and epidemics in China are just desserts in retribution to the Chinese government he condemns.

Plaintiffs have suggested that these controversial teachings are taken out of context or do not reflect accurate translations of Li Hongzhi’s writings from Chinese to English. This is not true. The English translations of the controversial teachings of Li Hongzhi, including those in this report, match the meaning conveyed in the Chinese characters. Moreover, as discussed in

⁵ David Ownby, *Falun Gong and the Future of China* (Oxford University Press 2008), at viii.

⁶ For example, as evidenced by the fact that Plaintiffs have alleged the use of Chinese-language terms in over 20 paragraphs of their Complaint, whether these foreign-language terms in fact promote violence is plainly relevant to Plaintiffs’ claims. The social and political context in which these foreign-language terms are used are also important to understanding what occurred during the incidents at issue, and are relevant to defenses raised by the Defendants. For example, whether the Defendants’ use of certain terms or actions in fact promote violence, or are instead being used as part of a political and philosophical debate involving issues of public concern, is information that is relevant to issues such as whether Defendants’ actions are protected by the First Amendment, constitute “fighting words, or are otherwise protected activity. The political context of the public debate between the parties is also relevant to whether, as to the negligence claims, the parties acted reasonably in the circumstances, and whether, as to the emotional distress claims, the conduct at issue is, measured by an objective standard, actionable. There are many other ways in which the information in this report is relevant to the claims and defenses, but I understand that those issues are for the Court to assess in a future procedural setting, and I reserve the right to provide additional information in response to any *Daubert* motion.

academic literature, Li Hongzhi's unconventional teachings are not incidental to his work, but are pervasive and central components of his political and philosophical view. This information is highly relevant in assessing whether reasonable people might consider the Falun Gong a cult, or conclude that it shares attributes of sects that are sometimes referred to in political and philosophical debate as cults.

Li Hongzhi has repeatedly taught that the Falun Gong movement is not a religion. There is much academic debate about whether the Falun Gong movement is properly characterized as a religion. This information – not commonly known to the average juror -- is relevant to the question of whether the Falun Gong is a religion for purposes of Plaintiffs' claims. This information is also relevant to whether the incidents at issue in this action involve, as the Plaintiffs allege, religious persecution, or instead involve robust debate about what are essentially political and philosophical disagreements of public concern.

One factor contributing to the tension between the Falun Gong and non-Falun Gong members of the Chinese-American community is the Falun Gong's belief that Chinese-Americans (particularly those from China) have been brainwashed by the Chinese government and thus have lower moral standards than people who are not Chinese. The notion that because people are from China or have Chinese heritage, they are presumed to be of lower moral integrity, is no different than stereotypes about other minorities based on sweeping generalizations. This is the definition of prejudice and racism: not looking at the individual or her specific actions, but instead making presumptions about the moral integrity and political loyalty of the person based on national origin or race.

The message from Li Hongzhi and some members of the Falun Gong or those that sympathize with them – including some of the plaintiffs here -- is essentially that unless a Chinese person becomes enlightened and adopts Falun Gong's particular political and world views, this Chinese person will remain in the inferior moral state she is in by virtue of being Chinese. Not surprisingly, many Chinese-Americans are deeply offended by this form of stereotyping by Li Hongzhi and some of his followers. The presence of Falun Gong members on the public streets, seeking to convert supposedly brainwashed and morally inferior Chinese-Americans to the light of the Falun Gong, has created a tension between Falun Gong activists and segments of the Chinese-American community who feel stereotyped by this polemic.

As set forth in more detail below, the proper translations of the Chinese terms that the Plaintiffs point to, and the socio-political context in which they are used, are highly relevant to the claims and defenses in this case. My expert opinions and information on these topics are set forth herein.

II. Qualifications of Witness

I am a tenured full professor of political science at the Department of Political Science and Global Affairs, the College of Staten Island, the City University of New York, and a doctoral faculty member at the CUNY Graduate Center. I am also an adjunct professor at New York University. I am currently teaching courses on the politics of East and Southeast Asia. I have also taught college courses in areas such as political sociology, including how language, religion and

culture interacts with political power. I am also teaching classes in Chinese politics and foreign relations.

I was born in Chengdu, a city in the Sichuan Province of China. I became a United States citizen in 2007. I presently reside in Staten Island, New York.

I received my education from both Chinese and American higher education institutions. In 1981, I entered the Department of International Politics, Fudan University in Shanghai, from which I received both a bachelor's and a master's degree (1985 and 1988 respectively). After having worked the same institution as an assistant professor, I came to the U.S. for my doctoral degree in 1991. In 1997 I successfully completed my study and received my Ph.D. in political science from Temple University in Philadelphia, with the distinction of the best dissertation award recipient. Upon my graduation, I started my teaching position at the City University of New York.

I have published numerous books (four single-authored books), dozens of research papers, hundreds of essays, and provided close to two thousand interviews concerning China and Chinese-American politics, culture, religion and society.

My academic research and publications have included works regarding the Falun Gong. In that regard, I co-edited two special issues for the journal *The Chinese Law and Government* titled "The Battle between the Chinese Government and the Falun Gong" (Sept.-Oct. 1999) and "The Falun Gong: Qigong, Code of Ethics, and Religion" (Nov.-Dec. 1999) from M.E. Sharpe, Inc. Included in those works were introductory articles regarding the Falun Gong that I co-authored. The publications that I co-edited include leading articles regarding the Falun Gong from multiple perspectives, including the Falun Gong, the Chinese government, academic community and the media. The works that I co-edited regarding the Falun Gong have been cited by other academics and researchers regarding the Falun Gong, for example, *Falun Gong and the Future of China* by David Ownby (2008, Oxford, pp. 281) and *Revenge of the Forbidden City: The Suppression of the Falungong in China, 1999-2005* by James Tong (2009, Oxford, p. 266).

My continued work and research on the Falun Gong is also reflected in my co-authored article, "Mounting Challenges to Governance in China: Surveying Collective Protestors, Religious Sects and Criminal Organizations" (Jae Ho Chung, Hongyi Lai and Ming Xia, *The China Journal*, No. 56, Jul., 2006, pp. 1-31), and another article, "Organizational Formations of Organized Crime in China: perspectives from the state, markets, and networks" (*Journal of Contemporary*, Volume 17, 2008, Issue 54, pp. 1-23).

For at least the past ten years I have worked with almost all media affiliated with the Falun Gong: the New Tang Dynasty TV (NTDTV), the Sound of Hope (Radio), The Epoch Times (both Chinese and English), and The Epoch Weekly. I have regularly appeared on their live TV programs, contributed long special report, and have been covered by these media for special reports about me and my works.

I have longstanding and ongoing personal knowledge of the Falun Gong, many of its followers and major activists, and their activities in the United States, including in Flushing, Queens. I have personally interacted with numerous Falun Gong practitioners, including with

respect to assisting a Falun Gong practitioner in seeking asylum in the United States. I have been interviewed by the Epoch Times numerous times and have over the years provided commentary regarding a variety of topics relating to the Falun Gong.

I am the author of *The Dual Developmental State: Development Strategy and Institutional Arrangements for China's Transition* (Ashgate 2000) and *The People's Congresses and Governance in China: Toward a Network Mode of Governance* (Routledge 2008 and 2011). I have published dozens of articles and book chapters on Chinese politics, transition, democracy movement, and local governance in China. I am also a co-producer of Oscar-nominated HBO documentary, "China's Unnatural Disaster, The Tears of Sichuan Province" (2009). With Dr. CHEN Kuide, I co-edited the Chinese book, *The Crown of Thorn: Liu Xiaobo and the Nobel Peace Prize* (Hong Kong: Morning Bell Publisher, November 2010). In 2012, I had my book (written in Chinese), *Political Venus: From Nothing Under My Name to Chinese Democracy* published by Morning Bell Publisher in Hong Kong. In 2015, I published my book, *Empire of the Red Sun: The Last Orgy of the CPC* (in Chinese, New York: Mirror Books). In addition, in the same year the movie, *Dream against the World: Mu Xin* in which I served as a history advisor and translator was released in theatres; my edited book, *The Looting and Overdrawing World* (Hong Kong: iSun Publisher, 2016) was published.

From 2009 to 2015, I had been chosen consecutively as one of the Top 100 Chinese Public Intellectuals (by the Boxun.com based in New York and Zhengzuo Jingyou Institute based in mainland China).

I am one of the first 50 overseas scholars who signed on *The Charter 2008* led by Nobel Prize winner Liu Xiaobo. I am one of the founding members of the National Committee of the DPC (Democratic Party of China) and I have served as a member of the Supervision Committee for the DPC National Committee and a member of its working committee since 2010.

I have been a residential fellow at the Sigur Center for Asian Studies at the George Washington University (2003), the Woodrow Wilson International Center for Scholars (2004), the East Asian Institute at the National University of Singapore (2004), and senior research fellow at the East Asian Institute (2011) and the Asian Research Institute (2012) at the National University of Singapore.

For the past nineteen years, I have been consulted by U.S. government agencies (including the National Security staff, Radio Free Asia, Voice of America), NGOs (e.g., Human Rights Watch and Human Rights in China), foreign governments (including Singapore, India, Canada, and Columbia) and private industries (e.g., the Barron's for Nasdaq) on a variety of issues concerning China, its internal policies and human rights violations, Chinese leaders and organized crime.

I am a co-producer of *China's Unnatural Disaster: the Tears of Sichuan Province* (2010 Oscar Nominee). In addition, I have engaged in other activities for promoting human rights and democratization in China. As a result of these activities, I have been prevented by the Chinese government from entering China since 2008.

Although I was born in China, I have spent an equal amount of my life time in both China and the U.S. I am bilingual; specifically, I can speak and write in both Chinese and English, and have interpreted and translated academic works from Chinese to English and vice versa for over 30 years as part of my work as a bilingual author and a professor. I have also written academic works in English and Chinese for over 30 years. Several of my translation works have been published both in China and the United States. For example, I translated Yale professor James Scott's "Introduction to a General Theory on Corruption" into Chinese in 1990. My recent translation works include Hua Ze's "The Ordeal of Fragrant Soul" in 2011, movies "China's Unnatural Disaster" (2009) and "Mu Xin: Dream against the World." My review essay "Dying in Dignity Is the Last Human Right" was published in *China Rights Forum*, 2012 with both English and Chinese versions.

I am being compensated for my work in this case at the rate of \$200 per hour. I have been asked to provide my neutral translations and professional expertise regarding the topics that are the subject of this report.

Attached hereto as Exhibit A are my publications within the past 10 years. Attached hereto as Exhibit B are the materials I considered in writing this report.

III. The Falun Gong: Its Practices and Controversial Beliefs

The Falun Gong is a practice that originated in China in 1992, which includes meditation and qigong exercises, along with controversial teachings discussed below. Li Hongzhi, the founder of the Falun Gong, was born in China and emigrated to the United States in 1998. Li Hongzhi is the sole authoritative source of the Falun Gong's teachings.

The Falun Gong has become a social and political movement, including in the United States. As the Falun Gong has more aggressively promoted its political views, including in the streets of Flushing, New York, this, combined with its controversial teachings, has caused a tension between the Falun Gong and certain members of the Chinese-American community. This tension, while well-known among many Chinese-Americans, is not a cultural phenomenon that, in my experience, is known among the average non-Chinese American citizen.

The tension that exists between the Falun Gong and many in the Chinese-American community is a very real cultural phenomenon that has been written about, including in academic works, and which is extremely important in understanding the context of the disputes underlying this litigation. To understand this information, an understanding of the Falun Gong's beliefs, teachings and increasingly aggressive promotion of its political message is important. Yet, as a professor in New York City who interacts with numerous college students, teachers and others of many backgrounds, it is my experience and opinion that this information is not commonly known to the average lay person, especially those who are not Chinese-American.

The fact that the Falun Gong is not merely a practice of qigong, but includes provocative word views that are promoted by its founder, Li Hongzhi, has been the subject of academic works. These teachings include controversial views such as that aliens have visited earth and are planning to take over humanity; that there are separate heavens for separate races; that women's liberation

has had a negative impact on humanity; and that when natural catastrophes such as earthquakes occur in a nation that kills innocent people, this is punishment for “karma” that exists in the region.

The controversial teachings of Li Hongzhi are a proper subject of expert testimony, and highly relevant to this litigation, for many reasons. First, I understand that the Plaintiffs have suggested, including in depositions and as part of the stipulation governing the authenticity of Li Hongzhi’s writings, that Li Hongzhi’s controversial teachings are taken out of context, that the English language translations differ significantly from the Chinese-language versions, and/or that the controversial teachings are not a central part of the Falun Gong movement. However, contrary to Plaintiffs’ assertions, Li Hongzhi has over many years repeatedly made, in different settings and before many audiences, the very same controversial teachings. In addition, the English versions of Li Hongzhi’s controversial teachings listed in this report and its exhibits in fact match the meanings of the Chinese versions that have been published and that have appeared on the Falun Dafa website. In addition, academic works regarding the Falun Gong have acknowledged that the controversial teachings discussed herein are indeed a significant aspect of Li Hongzhi’s teachings – not simply a few statements taken out of context. *E.g.*, David Ownby, *Falun Gong and the Future of China* (Oxford University Press 2008).⁷ These matters are not commonly known to the average juror, including of course because they involve reading, understanding and interpreting passages in Chinese to confirm that the English translations do indeed match the Chinese.

Li Hongzhi’s promotion of such controversial views is highly relevant to understanding the tension that exists between the Falun Gong and certain segments of the Chinese-American population, including on Main Street, Flushing. Because the Falun Gong actively runs tables on public streets of Flushing to promote its controversial views, the fact that these views include many which average Chinese-Americans find offensive helps to understand the dynamic between the groups and the causes of tension and friction in the community. This important information not only places the incidents at issue in context, but are directly relevant to the elements of Plaintiffs’ claims (as well as the Defendants’ counterclaims) and the defenses to those claims.

Li Hongzhi’s controversial teachings are also relevant to the allegation made by Plaintiffs in their Complaint that when the Defendants’ use the word cult, or xiejiao in Chinese, this terminology connotes a meaning of promoting violence toward the Falun Gong. In fact, as reflected by academic work regarding the Falun Gong, the controversial teachings of Li Hongzhi discussed herein are factors that have resulted in a robust debate among academics and those who study the Falun Gong as to whether the Falun Gong movement may appropriately be referred to as a cult. The fact that a robust intellectual debate among academics exists regarding whether the Falun Gong may appropriately be called a cult is highly relevant to the Plaintiffs’ claims, including whether use of the word cult can simply reflect reasonable disagreement with Li Hongzhi’s controversial teachings.

⁷ Even academics who are sympathetic toward the Falun Gong cannot ignore the numerous and repeated strange teachings of Li Hongzhi. Professor David Ownby, for example has written that “as a scholar I am more interested in the fact that large numbers of otherwise intelligent people either accept or overlook what appear to be Li’s nonsensical statements.” David Ownby, *Falun Gong and the Future of China*, 90.

All of these matters, including the proper translation and meaning of Chinese-language words at issue, such as “xie jiao,” are ones that are not commonly known to the average layperson or juror.

Attached hereto as Exhibit C are examples of Li Hongzhi’s writings in which he promotes views that are controversial and that many people believe lack any foundation or support in science or otherwise.⁸ These controversial views include the following topics.

1. Alien Visitation and Plans to Take Over Humanity

Li Hongzhi has repeatedly taught that the Earth is under attack from extraterrestrial aliens who are getting ready to clone and take over the human race.⁹ According to Li Hongzhi, modern technology, including computers and cell phones, is the product of alien mind control, and it is only a matter of time before the aliens possess us all because they envy humans. *See* “Interview with Li Hongzhi” Time Magazine, May 10, 1999.¹⁰

Li Hongzhi’s teachings about aliens are not some off-hand comments taken out of context or misinterpreted. As set forth in Exhibit C hereto, he has made these controversial teachings numerous times and in many of his works.¹¹ These teachings are so recurrent and strange that even academics who sympathize with the Falun Gong acknowledge that they cannot be ignored. For example, Professor Maria Hsia Chang has aptly noted that Li Hongzhi’s teachings about aliens sound “like an episode of The X-Files.”¹² Professor David Ownby, pointing to the 1999 interview

⁸ These writings, in English and Chinese, appear on the Falun Dafa website and I understand have also been produced in this action.

⁹ Li Hongzhi’s teachings about aliens has spanned over many years. Li Hongzhi claimed as far back as 1996 that aliens have “in fact visited our earth and their visits have been captured in photos, yet people still don’t believe in their existence.” Teaching the Fa in San Francisco, April 6, 1996 [C-1-00750]. In Li Hongzhi’s *Zhuan Falun*, the book that he instructs his followers to read over and over again, he clarifies how aliens visit Earth. He explains that the “flying saucers of extraterrestrials can travel back and forth at an inconceivable speed and become large or small. They have taken another alternative method of development, which is another scientific approach.” *Zhuan Falun* [C-1-00576] (references with “C” are to Bates numbers in the document productions in this action).

¹⁰ In 2016 at the Barclays center in Brooklyn, Li Hongzhi elaborated on how cell phone technology is brought to humans from aliens and it is meant to destroy us. Li Hongzhi explained that “this is aliens’ technology, and demons are utilizing it to get you hooked, get you to abandon everything you have, and have you devote yourself to it. It’s wasting your life, yet you are loath to put it down! Even from the perspective of being human you are not right, let alone in cultivation.” Fa Teaching at the 2016 New York Fa Conference, May 15, 2016 [C-1-03447].

¹¹ Over the course of over a decade, Li Hongzhi’s seminars and writings advocate that aliens are responsible for technology and even large buildings. Li Hongzhi explained in a teaching seminar in New York in 2004 that “If you say that the skyscrapers in Manhattan are the same as those in the heavens, that’s not true, because they were brought about by modern science, and modern science was brought about by aliens.” Teaching the Fa at the 2004 International Fa Conference in New York, November 21, 2004 [C-1-02525].

¹² Maria Hsia Chang, *Falun Gong: The End of Days* (Yale University Press 2004), 71.

in Time Magazine in which Li Hongzhi went into detail about aliens, agrees that “it is too easy to make fun of Li Hongzhi.”¹³

2. Separate Heavens for Separate Races

One of Li Hongzhi’s most controversial teachings is that there are separate heavens for separate races.¹⁴ Li Hongzhi similarly condemns what he calls the “mixing up” of races, even going so far as to claim that the child of mixed races has no heaven to go to. These teachings were very clearly set forth by Li Hongzhi in his own words as follows:

The races in the world are not allowed to be mixed up. Now, the races are mixed up and it has brought about an extraordinarily serious problem. Once races are mixed up, one does not have a corresponding relationship with the higher levels, and he has lost the root. Mixed races have lost their roots, as if nobody in the paradise will take care of them. They belong to nowhere, and no places would accept them. . . . [I]f you are an interracial child, it is, of course, neither your fault nor your parents’ fault. Anyway, it is just such a chaotic situation brought about by mankind, in which such a phenomenon has appeared. The yellow people, the white people, and the black people have the corresponding races in heaven.” Lecture in Sydney, Li Hongzhi, 1996, Page 42 [C-1-00714].

Li Hongzhi’s racist teachings are not taken out of context but are quite clear. For example, Li Hongzhi has taught that black people have been forgotten by the gods that created them. Specifically, a Falun Gong practitioner asked: “Question: Different races have different Heavenly Kingdoms. Why don't black people from Africa have any?” Li Hongzhi’s answer: “Master: Black people, too, have the gods that created them. *It's just that they forgot them rather early.*” *Teaching the Fa Conference in Houston*, Li Hongzhi, October 12, 1996, Page 26, C-1-02120 (emphasis added).

3. Li’s Proclaimed Supernatural Abilities

Over the years, Li Hongzhi has repeatedly claimed to have a host of supernatural abilities. As set forth in Exhibit C hereto, the supernormal powers Li Hongzhi claims to have are many, and include the ability to fly, walk through walls, travel through space and other dimensions, and cure

¹³ David Ownby, *Falun Gong and the Future of China*, 89

¹⁴ When asked at their depositions, the Plaintiffs testified that they believe that there are separate heavens for separate races. *See, e.g.*, Cui Dep. 138-139 (A. “[...]my understanding, right, this is my personal understanding there are different worlds, different heavens for different race. Q. Okay. And so if a black person dies and goes to heaven, you think that that person goes to a different heaven than if a white Caucasian person dies and goes to heaven? Is that what you believe? A. This is my personal understanding. Different race have their own kingdom, have their own heaven.”); Wei Dep. 233:2-11, Jun. 3, 2016 (“Q. Do you know that Li Hongzhi has written that there are different heavens for the different races? A. I don't know what the exact writing is. But something similar was said, based on my understanding. Q. So, you believe that there are different heavens for different races; correct? A. Yes.”).

sickness.¹⁵ Li Hongzhi has also claimed to be all knowing and omniscient.

A central teaching of Li Hongzhi is that he installs a rotating wheel into the stomachs of all Falun Gong practitioners. Li Hongzhi claims that this wheel takes energy in from the universe when it turns clock-wise, and releases energy when it turns anti-clockwise. Li teaches that this cosmic energy is therapeutic to the practitioner.¹⁶

Li Hongzhi teaches that anyone who practices Falun Gong can develop supernormal abilities. In his words, he states: “Think about it, everyone: One can develop supernormal abilities through cultivation practice.” *Zhuan Falun* [C-1-00442].

Li Hongzhi’s teachings about his supposed supernormal powers are not off-handed remarks, but appear over and over in his writings. As Professor David Ownby observed, Li Hongzhi’s alleged “supernormal powers remain central to Li Hongzhi’s teachings and to Falun Gong practice, both in the form of powers possessed by the master and powers acquired by practitioners. These are the payoff, the reward.”¹⁷ Thus, Li Hongzhi’s claims to have supernormal powers are at the core of his teachings:

Supernormal powers are thus at the very core of Falun Dafa discourse, achieved when practitioners, through moral practice and with the constant magical guidance of the master, break through the limitations of science and the human dimension to become immortals and superhumans.¹⁸

¹⁵ Li Hongzhi instructs that “A person can levitate in broad daylight. In fact, let me tell you that a person can levitate once the great heavenly circuit is opened-it is just that simple.” *Zhuan Falun* [C-1-00589]. He also instructs his followers that he can cure their illnesses. He explains that he “unconditionally help[s] people get rid of their diseases and health problems, and [...] enable[s] them to reach higher realms of mind” *Essentials for Further Advancement II*, Li Hongzhi [C-1-01847] Li Hongzhi explains in his books that he can “unconditionally help people get rid of their diseases and health problems, and [...] enable them to reach higher realms of mind.” *Essentials for Further Advancement II* [C-1-01847].

¹⁶ In *Zhuan Falun*, which Li Hongzhi instructs his followers to read as many times as they can, he describes the installation process of the wheel in the abdomen of his followers. He explains that “the practice cultivates a Falun in the lower abdomen. I personally install it for practitioners in the class. While I am teaching Falun Dafa, we install it for everyone in succession. Some people can feel it while others cannot; the majority of people can feel it. This is because people have different physical conditions. We cultivate Falun instead of dan. Falun is a miniature of the universe that possesses all of the universe’s capabilities, and it can operate and rotate automatically. It will forever rotate in your lower abdominal area. Once it is installed in your body, year-in and year-out it will not stop and will forever rotate like this.” *Zhuan Falun* [C-1-00451].

¹⁷ David Ownby, *Falun Gong and the Future of China*, 115.

¹⁸ David Ownby, *Falun Gong and the Future of China*, 121.

4. Li's Controversial Version of Karma

Li Hongzhi teaches a highly controversial version of karma. According to Li Hongzhi, karma is a black substance that builds up in a person as a result of bad acts.¹⁹ Not only does karma accumulate from past lives, but it is also inherited from ancestors.²⁰ Li Hongzhi teaches that karma is the cause of illness and disease, and even the cause of natural disasters.²¹

A central teaching of Li Hongzhi is that engaging in cultivation – the meditation and exercises proscribed by the Master – will reduce or eliminate the karma that has accumulated in one's body:

Karma is . . . a physical material for Li Hongzhi, one which can be removed from bodies, or exchanged, or transformed. . . . Li identifies karma as a black substance which must be purged in the process of cultivation. As Li says, "The human body is like the annual rings of a tree, whereby each ring contains sickness-karma. So your body must be cleaned up from the very center."²²

Li Hongzhi's version of karma contains a number of highly controversial aspects, which have been discussed in academic literature about the Falun Gong. First, as Professor Ownby observed, Li Hongzhi's version of karma is a purely negative one, as opposed to a more classic notion of karma being a process of reward and punishment:

Li Hongzhi's use of the term karma differs somewhat from the more classical definition For Li, karma is not the process of reward and punishment, but

¹⁹ In response to the question 'why do people get sick?' Li Hongzhi explains in his book *Zhuan Falun*, what the fundamental cause is. "The fundamental cause of one's being ill and all of one's misfortune is karma and the black substance's karmic field. It is something negative and bad. Those evil beings are also something negative, and they are all black. Thus, they can come because this environment suits them. This is the fundamental cause of one's being ill; it is the most principal source of illnesses." *Zhuan Falun* [C-1-00570].

²⁰ Li Hongzhi has explained that karma exists because "a person did wrong in the past that he suffers these hardships. If you have cured his illness, that is the same as violating the principle of the universe, for one can then do wrong deeds and owe someone something without having to pay for it. This is not allowed." *Zhuan Falun* [C-1-00466]. Li Hongzhi has emphasized this point in other writings: "[W]hen humans go through hardship and suffer it is so that they may pay off karma and thereby have happiness in the future." *The Essentials of Diligent Progress Vol. III*, October 8, 2008 [C-1-02798].

²¹ Li Hongzhi explained in a Fa teaching conference that "Human society experiences bad situations, including wars, earthquakes, floods, epidemics, plagues etc., and there are many, many other natural disasters." He explains further that "in fact, all of these have a purpose. They eliminate karma for mankind." Teaching the Fa at the Eastern U.S. Fa Conference, New York, March 1999 [C-1-01607].

²² David Ownby, *Falun Gong and the Future of China*, 110.

rather the fruits of bad moral behavior; in other words, karma is an exclusively negative term in Falun Dafa doctrine.²³

A second controversial aspect of his teaching is his view that since karma causes illness, when one becomes ill, this is a way for a person to pay off or reduce the karma that has accumulated.²⁴ Consequently, Li Hongzhi has cautioned against intervening to cure other people's illnesses, and has even taught that human suffering is a good thing:

The nature and etiology of disease prompted Li to counsel his followers who have achieved the supernormal ability to cure sicknesses to refrain from so doing. In attempting to cure someone's illness, Li warned, not only might the healer take on the patient's black energy (qi), the healer is also denying the patient the opportunity, via suffering, to clear his karma. The result is that although the patient may appear to be cured, she will still have to repay her karma by enduring other forms of hardship and suffering. As Li observed, "It is because of the karma resulted from committing wrong deeds in the past that one will have illnesses or tribulations, and suffering is repaying the debt of karma. Thus, nobody can change it. Changing it will mean that one does not have to repay the debt When you are suffering from an illness, your karma is truly being removed. You will recover once such removal is over People think that it is bad to suffer even a little bit. Actually, what is so terrible about suffering?"²⁵

A third controversial aspect of Li Hongzhi's teachings about karma is his view that modern medicine cannot cure illness and disease.²⁶ Li Hongzhi maintains that "everyday people have no way of knowing the actual truth about the cause of the sickness." Due to this ignorance, Li Hongzhi maintains that "the person will take medicine or seek various kinds of treatments, which in effect press the sickness back into the body again." *Essentials for Further Advancement* (2001), at 31.²⁷

²³ David Ownby, *Falun Gong and the Future of China*, 110.

²⁴ Li Hongzhi explains that illness is actually just Karma in his conferences. He explained to an audience member that "If you're saying that you have an illness, I never acknowledge the concept of "illness" since it's caused by karma." *Teaching the Fa at the Conference in Europe, Frankfurt, Germany, 1998* [C-1-00863].

²⁵ Maria Hsia Chang, *Falun Gong: The End of Days*, 76.

²⁶ As far back as a conference in 1996 Li Hongzhi explained that doctors can never actually help those who are sick. He explained that "When doctors treat health problems, they only take care of things at the surface of the body. Humans will eliminate some karma because of the suffering of falling ill, but the majority of the karma and the root cause of what in essence causes the health problem are in other dimensions. Doctors can't treat [those things] and the root cause of falling ill is still there, so in each of their many lives, people will have some karma left over." *Teaching the Fa Conference in Houston, 1996* [C-1-02121].

²⁷ I am aware that Li Hongzhi has at times not strictly forbidden the taking of medicine. However, even those who are sympathetic with the Falun Gong acknowledge that Li Hongzhi strongly discourages practitioners from seeking medical treatment. E.g., Danny Schechter, *Falun Gong's Challenge to China* (Akashic Books 2000), 50 ("Li's writing strongly discourages practitioners from seeking medical treatment, stating that once a practitioner has reached a certain level of cultivation, he or she will not get sick.").

Those who have studied the Falun Gong movement have observed that Li Hongzhi's teachings regarding illness and his skepticism of modern medicine have caused at least some Falun Gong practitioners to avoid medical treatment, or to at least be reluctant to seek medical care.²⁸ A determination as to exactly how many practitioners have been influenced by Li Hongzhi's teachings to avoid medical care is not the relevant inquiry here. Rather, what is important is that, as reflected in the academic works regarding the Falun Gong, reasonable people who are aware of the Falun Gong's teachings can and do robustly disagree as to whether Li Hongzhi's teachings regarding karma and medical care are misleading or dangerous, and whether this poses risks that can be seen as cult-like.

A fourth controversial aspect of Li Hongzhi's teachings about karma is his belief that natural disasters, such as earthquakes, occur in region because of karma.²⁹ For example, Li Hongzhi has written that "A region with a lot of karma or a region where the human heart has become corrupt is bound to be unstable," and that "ignorant people take various catastrophes as natural phenomenon." *Essentials for Further Advancement* (2001), supra note 1, at 52, 116.

Li Hongzhi's teachings that karma causes natural disasters and epidemics have taken on increasingly political overtones, as many of his works teach that catastrophes and epidemics that have taken place in China and elsewhere are payback for bad acts of individuals making policy decisions with which he disagrees.³⁰ For example, Li Hongzhi taught that a devastating earthquake that hit China was punishment for policies of the Chinese government. Similarly, Li Hongzhi attributed the SARS epidemic to bad acts of Chinese officials. A particularly unusual claim along these lines was that the economic crash in Greece was due to the fact that the Falun Gong dance company, Shen Yun, was not permitted to perform in Greece.³¹

²⁸ David Ownby, *Falun Gong and the Future of China*, 110-112, 144; Noah Porter, *Falun Gong in the United States: An Ethnographic Study* (Dissertation.Com 2003), 250 ("I cannot argue that most practitioners I have talked to show some reluctance to rely on medical care.").

²⁹ In his poetry, Li Hongzhi refers to natural disasters and why they happen. A 2005 poem includes these stanzas: "Hurricanes, tsunamis, and earthquakes/ Are paybacks for beings' lacking virtue" "Everyone hastens the moral decline/ Disaster of every sort could strike any time" *Hong Yin, Poems*, Li Hongzhi, October 9, 2005 [C-1-02693]. Li Hongzhi also explains at conferences the nature of karma and its relation to natural disasters. He explains that human society experiences many bad situations, "including wars, earthquakes, floods, epidemics, plagues etc., and there are many, many other natural disasters. In fact, all of these have a purpose. They eliminate karma for mankind." *Teaching the Fa at the Eastern U.S. Fa Conference, New York, 1999* [C-1-01607].

³⁰ In his written works Li Hongzhi has written furiously about China and what is to befall them. He explains that "what awaits the evil beings is nothing but eternally paying in Hell for all they have done to interfere with and persecute the Fa-rectification and Dafa disciples." *The Essentials of Diligent Progress Vol. III*, 2002 [C-1-02761] Li Hongzhi makes promises to his followers about how "The wicked CCP is indeed villainous, and in the near future it will surely be eliminated." *Fa Teaching Given at the 2014 San Francisco Fa Conference* [C-1-03458].

³¹ Li Hongzhi's explanation for the SARS epidemic was as follows: "SARS in China, well, back in the past the old forces decided to [use it] to eliminate eight million people in China. Instead of being repentant they're still hiding the facts there." *Teaching the Fa at the Conference in Vancouver, Canada, in 2003* [C-1-02230].

5. Li Hongzhi's Opposition to Women's Liberation

Li Hongzhi has repeatedly spoken out against and is opposed to women's liberation. His opinions on the matter are explicit. He explains, "let me tell you that this type of advocacy for women's liberation is also something that only occurs after the degeneration of humankind." Teaching the Fa at a New York Meeting, March 22, 1997 [C-1-00757].

Li Hongzhi has continuously reiterated his opposition to women's liberation in conferences around the world. He has stated that, "Nowadays some people advocate women's liberation, which is a sensitive issue. Some people say that "We women suffer too much; women should be liberated; men and women should be equal; we women should be stronger..." But...think about it, everyone: Once women's liberation is advocated, women feel they're oppressed and that they should stand up. But then what happens? Divorce, fighting, abandoned children, and other social problems emerge. The fundamental cause isn't whether women are liberated, but the degeneration of human society's morality – isn't this the cause?" Li Hongzhi, *Falun Buddha Fa: Lectures in the United States*, 38.

6. Li Hongzhi Condemns Homosexuals, Who He Teaches Will Be Destroyed

Li Hongzhi not only condemns homosexuality, but actually teaches that homosexuals will be targeted for destruction. He has stated that "gods' first target of annihilation would be homosexuals." Li Hongzhi, *Teaching the Fa at the Conference in Switzerland, September 4-5, Geneva*. He has stated at another conference in Europe that "People now want to find a partner of the same sex. Gods think that people do that because they no longer have human values. You are wantonly indulging your thoughts... The mentality that makes you homosexual was driven by postnatally-formed bad things." *Teaching the Fa at the Conference in Europe*, Li Hongzhi, May 30 & 31, 1998, in Frankfurt, Germany, Page 26. [C-1-00865] This message conflicts with the Falun Gong's public relations campaign that the movement is about compassion and benevolence. Li Hongzhi has repeatedly stated that homosexual are headed towards destruction.

Li Hongzhi's condemnation of homosexuals and homosexuals being the appropriate target of destruction is repeatedly cemented by his teaching that AIDS targets homosexuals as a just outcome. He has claimed that AIDS targets homosexuals because of karma they retain merely by being homosexual. He stated: "AIDS targets promiscuity and homosexual behavior-and they are karma of even higher density. Generally speaking, in places with more karma people will get sick. Epidemics will break out in whatever region has high-density karma, and that place is afflicted because of the large amount of karma created by human beings." *Teaching the Fa at the Founding Ceremony of the Singaporean Falun Dafa Association*, Li Hongzhi, July 28, 1996, Page 11.] [C-1-02159]

7. Li Hongzhi Has Warned Against Helping The Disabled

One aspect of Li Hongzhi's teaching of karma, is another highly controversial teaching: that the disabled should not be helped. He has repeated this unsympathetic view over the course of years in different settings. In fact, Li Hongzhi explains to his followers that the reason why they

should never help those who are disabled is because they are disabled for a reason. Li Hongzhi teaches his followers that the reason why people are disabled in the first place is because of bad karma they are paying off from another life, and that by aiding those who are disabled one takes away from their ability to pay off their karmic debt.³² Li Hongzhi was asked by his followers about how they should take care of the disabled in society. He answered by dismissing the question as unimportant and that if the disabled have it too easy that they can't repay their karma which is the cause of their being disabled in the first place.³³

In response to another question about those with mental disorders, Li Hongzhi responded "Your second question is about mental disorder. Whether it is minor or severe, we have all made it clear that: he is advised not to engage in our practice... A mentally retarded person does not have a clear consciousness himself, and we cannot save him... We do not teach those with mental illness at all, and this is for sure. Because he is an ordinary person, he will become ill and run into problems." Lecture in Sydney, Li Hongzhi, 1996, Page 36-37. [C-1-00712 – C-1-00713].

8. Li Hongzhi's Teachings Are Absolute Directives That Can Never Be Questioned

Li Hongzhi teaches his followers that you cannot change what he has written and you must follow his teachings without question: "[Y]ou must be clear that the form of cultivation practice that I leave you can never be altered. Don't do anything that I do not, and don't use anything that I do not." Li Hongzhi, *Essentials for Further Advancement* (2001), at 73 [C-1-00144]. When asked, the Plaintiffs in this case have testified that they accept *everything* Li Hongzhi has taught – no matter how controversial or unusual.³⁴ Li Hongzhi's teaching, and the absolutist views of his followers in obediently following all his directives, is highly relevant background information regarding the events and incidents at issue in this litigation.

³² "Question: How should we take care of the disabled? Teacher: Why are you asking me about things of ordinary people? Would you also ask me how to take care of your parents, or how to look after your kids? These are all things of ordinary people. I'm teaching the Fa and things of cultivating to high levels. That said, if disabled people have it too easy, then they can't repay karma. In the next life they might be disabled again." *Zhuan Falun Fajie: The Law of Zhuan Falun Explained*, Teaching the Fa and Answering Questions in Zhengzhou.

³³ "Question: Is it okay to teach patients with a slight mental illness? Teacher: I think you had better not invite this trouble, because he can't control himself and can't understand it. When his mind is controlled by external messages, any demon can interfere with him, and at that point you won't be able to deal with it. When he is in that state any demon can take control of him, so not only will he not play a positive role, he will damage Falun Dafa's reputation. That's why we have never been willing to teach mental patients. He has no control at all, and when the time comes, all kinds of demons interfere with him and everything is undermined; the practice was done in vain." *Teaching the Fa and Answering Questions at Yanji, July 16, 1997* [C-1-01033].

³⁴ See, e.g., Jinying Gao Dep. at 17 ("Q. Have you read anything he has written that you don't agree with or that you are skeptical of? . . . A. No. Q. So every word he has written you agree with? . . . Q. So every word he has written you agree with. Is that the case? Yes, I agree with them all.").

9. Only The Falun Gong Will Survive the End of Days

Li Hongzhi's teachings are clearly apocalyptic. He teaches that the end of days is imminent, and that the only way to survive is to practice Falun Gong. For example, he explained to his followers: "[T]he old forces are to be weeded out during Fa-rectification, the vile party and the evil specters will likewise be weeded out for sure, and all who have a hand in what they do will be weeded out. This is a law laid down in Fa-rectification, and it has to be done this way. If we don't go and save someone like that, he or she will be weeded out by history along with the evil." *Teaching the Fa in Canada, 2006*, Li Hongzhi, May 28, 2006, in the city of Toronto, Page 4 [C-1-02574].

Li Hongzhi's teachings are polarizing, as he makes clear that there are "ordinary people" – who will be destroyed in the coming apocalypse – and Falun Gong practitioners, who will be saved:

The Buddha Fa is most profound: it is the most intricate and extraordinary science of all theories in the world. In order to explore this domain, people must fundamentally change their conventional human notions. Failing that, the truth of the universe will forever remain a mystery to humankind, and everyday people will forever crawl within the boundaries set by their own ignorance.

...

It is futile for man, regardless of what perspective he takes, to refute the Fa and principles of the universe . . . especially when the morality of human society is on the verge of total collapse and the mighty universe has once again shown great compassion and given mankind this final chance. Mankind should treasure and cherish this hope above all. Out of selfish desires, however, man is undermining this last hope the universe has granted him, thereby incurring the wrath of the entire universe. Li Hongzhi, *Essentials For Further Advancement* (2001) at 1, 116.³⁵

10. Li Hongzhi Has Taught that the Falun Gong Is Not A Religion

Although the Plaintiffs assert for the purposes of this litigation that Falun Gong is a religion, Li Hongzhi has taught that the Falun Gong is not a religion: "We have no required religious regulations of any kind, nor are there any temples, churches, or religious rituals. People can come to learn it, or leave as they please – there is no binding membership. In what way does it have anything to do with religion?" Li Hongzhi, *Essentials for Further Advancement* (2001), at 111.⁴⁰

³⁵ See also, e.g., *Fa Teaching at the 2008 New York Conference*, Li Hongzhi, May 24, 2008, Manhattan, Page 2, C-1-02886 ("The truth is that some people simply cannot be saved and are not worthy of being saved.")

⁴⁰ Maria Hsia Chang, *Falun Gong: The End of Days*, 60 ("Li maintains that although Falun Gong has certain characteristics in common with religion . . . it does not qualify as a religion . . .") (citing Falun Dafa Yijie (The Meaning and Explanation of Great Law of the Wheel) 104.

There is considerable academic debate as to whether the Falun Gong is appropriately classified as a religion.⁴¹

IV. The Politicization Of The Falun Gong

Academics and others who have studied and written about the Falun Gong (including myself) have observed that it is a movement that has become increasingly political and that it “engage[s] in public, collective, political actions in major cities utilizing the organizational capabilities of information and communication technology.”⁴² As David Ownby, a professor of history, observed, “the movement has become very politicized since 1999.”⁴³ Stephen Noakes, a professor of politics and international relations and Asian studies, has made similar observations: that the Falun Gong has “morphed from a spiritual movement to a more overtly political one, initiating its own transnational advocacy campaign.”⁴⁴ The increasingly political nature of the Falun Gong is an important background factor in understanding the tension that exists between the plaintiffs and defendants in this litigation and understanding the context, actions and words allegedly having taken place at the incidents at issue in this case. Only by understanding this cultural phenomenon can one place the alleged incidents at issue in this litigation in proper context.

The increasingly political nature of the Falun Gong is demonstrated in a number of ways. First, the Falun Gong actively and publicly condemns the government of China, as its founder Li Hongzhi, has made clear in numerous writings and lectures. As Professor Maria Hsia Chang aptly observed, Li Hongzhi’s writings have increasingly “took on political and apocalyptic overtones.”⁴⁵ Indeed, although the Falun Gong often portrays itself as stressing forbearance, Professor Chang

⁴¹ E.g., William T. Liu, *A Sociological Perspective on Falun Gong* (printed in *The Mystery of China's Falun Gong*, Singapore University Press 1999), 37, 39 (“FLG can hardly qualify itself as a religion” . . . Li Hongzhi explicitly denied FLG is a religion”); Noah Porter, *Falun Gong in the United States: An Ethnographic Study* (Dissertation.Com 2003), v, 2, 39-42, 48-53, 145-46 (discussing that Falun Gong practitioners claim that Falun Gong is not a religion, and providing an overview of academic discussion of whether the Falun Gong is appropriately considered a religion or a cult); David Ownby, *Falun Gong and the Future of China*, 17-22 (providing overview of academic debate as to whether Falun Gong can be classified as a religion).

⁴² Weishan Huang, “*The Geopolitics of Religious Spatiality and Falun Gong’s Campaign in New York*,” in *Topographies of Faith: Religion in Urban Spaces* (Leiden: Brill 2013), at 141.

⁴³ David Ownby, *Falun Gong and the Future of China* (Oxford University Press 2008), at viii.

⁴⁴ Stephen Noakes, *Falun Gong, Ten Years On: Review Article*, 83 *Pac. Aff.* 349, 350 (2010). See also, Yuezhi Zhao, *Falun Gong, Identity, and the Struggle Over Meaning Inside and Outside China* (discussing the “Falun Gong’s interactive network of multilayered media activism” and that the “Falun Gong [is] an unprecedented force in contesting and subverting Chinese state media power”), (published in *Contesting Media Power: Alternative Media in a Networked World*, edited by Nick Couldry and James Curran (Rowman & Littlefield Publishers, Inc. 2003), 216, 219.

⁴⁵ Maria Hsia Chang, *Falun Gong: The End of Days* (Yale University Press 2004), at 15.

correctly points out that Li Hongzhi's political rhetoric has actually contemplated violent confrontation with what he views as an evil government:

In August 2002, he (Li Hongzhi) wrote that his disciples should "let go of all worldly attachments (including the attachment to the human body)," and that they must "step forward" and "achieve consummation" by facing imprisonment or death. . . . More ominous still, in a 2001 New Year's Day message, he seemed to urge his followers to escalate their struggle against the government. "The present performance of the evil," Li wrote, "shows that [the government is] . . . utterly inhuman and completely without righteous thoughts. So such evil's persecution of the *Fa* [law] can no longer be tolerated." Given that, the faithful could rightfully "go beyond the limits of forbearance" because tolerance "is not equivalent to doing nothing. . . . If the evil has already reached the point where it is unsavable and unkeepable, various measures at different levels can be used to stop it and eradicate it." He also anticipated that his disciples' struggle were leading to a transcendent event he called "the Consummation," in which only the believers would "leave" and those who remained ("all bad people") would pay for their sins with "horrible suffering" and "will be destroyed by gods." (p. 15).

A second significant development that demonstrates the increased politicization of the Falun Gong is the existence of a newspaper called The Epoch Times. In the year 2000, Falun Gong practitioners founded The Epoch Times, which has been available in print and on line since that time.⁴⁶ The Epoch Times is a publication that plainly has a strong political aspect, with an editorial stance that is plainly opposed to the Chinese government.⁴⁷

In addition to the numerous editorials and articles that condemn the Chinese government that regularly appear in The Epoch Times, in 2004, the Epoch Times published of *The Nine Commentaries on the CPC* [九评共产党], which is an overtly political diatribe. The *Nine Commentaries* is anti-Chinese government manifesto that harshly criticizes the Chinese government as "an evil cult," and makes personal attacks on China's former leader Jiang Zemin (who served from 1989 to 2003). Its polemical style is so harsh and one-sided that even academics such as Professor David Ownby, who admits that he has attempted a sympathetic understanding of Falun Gong, has written that the Nine Commentaries "lack balance and nuance, and read like anti-Communist propaganda written in Taiwan in the 1950s, or perhaps like McCarthyite boilerplate from 1950s America."⁴⁸ As a result of the polemic style of the Nine Commentaries and the pieces published by the Epoch Times editorial board, many Chinese-Americans, particularly those born in China, are put off by what they view as the Falun Gong's overly-aggressive and one-sided viewpoint against the Chinese government.

⁴⁶ David Ownby, *Falun Gong and The Future of China*, ("Falun Gong practitioners founded a newspaper, the Epoch Times, which has been available electronically and in a print version since its inception in 2000.").

⁴⁷ David Ownby, *Falun Gong and The Future of China*, ("[T]he Epoch Times is clearly political.").

⁴⁸ David Ownby, *Falun Gong and the Future of China*, 221.

A third development that demonstrates that increasingly political nature of the Falun Gong is the founding of the New Tang Dynasty television network. This television network “was set up largely to propagate the views of Falun Gong among Chinese-speaking audiences throughout the world.”⁵⁰ By incorporating the historic imperial “Tang Dynasty” in its name, this Falun Gong media outlet leaves no question about the political ambitions of the Falun Gong movement. Indeed, Li Hongzhi has the same surname (“Li”) as the Li family that founded the Tang Dynasty, which highlights the obvious use of the Tang Dynasty name in this quite public challenge to the Chinese government.

The notion of leading a new dynasty is explained in Li Hongzhi’s teachings. Many of his teachings make clear that he will lead a new era. For example, in his teaching to his followers at San Francisco on November 5, 2005, Li stated:

What's meant by "getting involved with politics," and what's meant by "cultivation form"? This is where a lot of people err. Suppose that I, Li Hongzhi, had chosen in this life to be an emperor and to lead a group of subjects to cultivate. Would that work? (*Applause*) Yes! It definitely would! As long as the Fa was upright and could truly ensure that lives elevated, and as long as the path was walked righteously, then it definitely would work! If it really were as I described, then that, too, would count as the future's choice, and it too would be the requirement of the future cosmos. San Francisco on November 5, 2005 [C-1-02592].

A fourth development demonstrating the growing political nature of the Falun Gong is the Falun Gong’s setting up of tables in the middle of busy city streets, at which they distribute literature that is political in nature and extremely critical of certain policies of the Chinese government. On Main Street in Flushing, Queens, the Falun Gong runs tables that are placed on the public sidewalks, just off to the side of the sidewalk where masses of crowds walk. The Falun Gong operates these tables almost every day of the year. I have personally seen and visited these tables, as well read the literature that is distributed at the tables. Moreover, the plaintiffs in this case have testified about these tables: that they are run virtually every day of the year, and that they distribute what one plaintiff called propaganda⁵¹ against certain policies of the Chinese government.

A fifth manifestation of the Falun Gong’s increasing political nature is the dance company Shen Yun. Shen Yun is a dance company that was founded by members of the Falun Gong. This dance company has a number of troupes that travel across the world, putting on performances that involve Chinese dance and costumes. Academics and writers at mainstream newspapers have observed that there are clear political overtones to the Shen Yen performances. I have seen a Shen Yen performance in Madison Square Garden and agree with this assessment. Many mainstream academics, such as David Davies, an associate professor for anthropology and East Asian studies, and news reporters, such as Martha Schabas, have observed that the performances interweave

⁵⁰ David Ownby, *Falun Gong and the Future of China*,

⁵¹ Cui Depo. 13:[insert line number], [insert date] (“Q. Okay. Is the spiritual center open to all Falun Gong practitioners? A. For the Falun Gong members, yes, it is. This is a place where we have tables. We have tables, and that's where also we have propaganda material.”).

sequences of lighthearted dance, with other clearly political scenes intended to depict Chinese officials as evil. Professor Davies calls Shen Yun “a heavily managed propaganda device for Falun Gong” that blends “the aesthetic of silk-robed, exotic dancing Chinese women with a strong political message.”⁵² Ms. Schabas comments that though she saw “technical grace” in Shen Yun’s program “as it stands, Shen Yun feels gauchely politically motivated.”⁵³ Having seen the performance, I concur with these observations.

V. **The Falun Gong’s Inflammatory Political Speech Results in Tension Between the Falun Gong and a Some Members of the Chinese-American Community**

As set forth above, as noted by academics and other observers of the Falun Gong, over time the Falun Gong has increasingly engaged in aggressive political speech. This speech is not only political, but is often inflammatory or exaggerated political speech using, often without providing evidence to support the claims. This political message is promoted with media outlets that include the Epoch Times, the New Tang Dynasty television network and Kan Zhongguo (Look at China, an internet website).⁵⁴ The Falun Gong also chose to inject its political invective on public streets where there is a large Chinese-American population, including Main Street, Flushing. This political speech includes polemic and sharp criticism of the Chinese government.

As a result of the increasingly aggressive and persistent political speech that the Falun Gong chooses to inject in the public forum, a very real and tangible tension has developed between the Falun Gong and a segment of the Chinese-American community which feels that the Falun Gong is simply too one-sided, absolutist and extreme about its hostility toward the Chinese government. When one adds to this mix the many controversial and sometimes outlandish teachings of Li Hongzhi as discussed above, this has lead a substantial number of Chinese-Americans to view the Falun Gong as fanatical and even cult-like.⁵⁵

⁵² Kristin Tillotson, *Shen Yun: Politics Behind the Performance*, Star Tribune, February 6, 2015 (quoting Professor Davies).

⁵³ Martha Schabas, *Inside Shen Yun’s delicate dance between politics and the stage*, The Global and Mail, Mar. 3, 2017.

⁵⁴ Vanessa Hua, *Falun Gong dispute hangs over S.F. Chinese parade*, Jul. 15, 2010, available at <http://www.sfgate.com/news/article/Falun-Gong-dispute-hangs-over-S-F-Chinese-parade-2542551.php> (“[Professor] Wang said the movement has a vast network of newspapers, radio stations and (worship) cells throughout the world and across the United States. He said he was referring to Epoch Times, New Tang Dynasty Television and Sound of Hope Radio, all U.S.-based, Chinese-language media outlets with strong ties to the movement.”); Eric Konigsberg, *A Glimpse of Chinese Culture That Some Find Hard to Watch*, N.Y. Times, Feb. 6, 2008, at B1 (“The Radio City event, [a production of New Tang Dynasty Television], “is kind of a P.R. front to try to normalize Falun Gong’s image, so that people don’t think of it as some kind of a wacko cult,” said Maria Hsia Chang, a professor of political science.”).

⁵⁵ Diane Haithman, *Art or politics? Ties to spiritual sect cast shadow on Chinese New Year Spectacular*, L.A. Times, Jan. 7, 2008 (“Falun Gong members have raised hackles in the mainstream Chinese-American community -- in part because some consider Falun Gong a fringe group or cult religion and in part because of the group’s in-your-face approach to spreading its message [...] ‘I think some of the tactics used by the Falun Gong are not very welcome,” says Peter Kwong, [who was] a sociology professor at the City

The result of this is a cultural phenomenon – a palpable tension between the Falun Gong and many non-Falun Gong members within the Chinese-American community -- that is very real.⁵⁶ This tension has been the subject of academic writings and news reports from mainstream newspapers, including those cited in this report. I also have personal knowledge of this tension based on my interactions with many hundreds of Chinese-Americans over past 20 years living in New York City.

However, this cultural phenomenon, while real, is not widely known to the average American who is not from China or a member of the Chinese-American community. Therefore, for a jury to understand the background and context of the disputes and incidents at issue in this litigation, it is extremely important for an expert such as myself to provide the cultural context and background. As Weishan Huang points out, “in order to understand the politics diversity within ethnic Chinese politics, we will have to locate the immigrant community in a global milieu. In the conflict between Falun Gong and the Chinese government, that tension has been translated to the streets of New York City, which unveils the politics of immigrant communities as a reflection of domestic politics in their home countries.”⁵⁷

One factor contributing to the tension between the Falun Gong and non-Falun Gong members of the Chinese-American community is the Falun Gong’s belief that Chinese-Americans (particularly those from China) have been brainwashed by the Chinese government and thus have lower moral standards than people who are not Chinese. For example, Li Hongzhi has taught that is difficult for Chinese people to tell right from wrong:

When Chinese people look at things with the worldview instilled by the wicked Party, it is truly hard for them, having been "reformed" in this manner, to tell right from wrong or good from evil in the human world, or for them to recognize the Fa or the Truth.

University of New York’s Graduate Center and professor of Asian American Studies at Hunter College. “They are very aggressively pushing their agenda to the extent that some people think it is giving China -- and the Chinese in general -- a bad name.”).

⁵⁶ See, Larry Tung, New Year’s Show Sparks Controversy, Gotham Gazette, March 10, 2008, available at <http://www.gothamgazette.com/index.php/civil-rights/3908-new-years-show-sparks-controversy> (discussing a New Year’s production by New Tang Dynasty in which a large number of audience members left the performance midway because of its strong political undertones); Colin Moynihan and Cara Buckley, Falun Gong Marchers are Jeered in Chinatown, N.Y. Times, May 26, 2008, available at <https://mobile.nytimes.com/2008/05/26/nyregion/26falun.html> (discussing Chinese-Americans negative reactions at a Falun Gong parade held in New York City in the wake of the 2008 earthquake in Sichuan, China); Cory Kilgannon, A Battle for Chinese Hearts and Minds in Flushing, available at <https://cityroom.blogs.nytimes.com/2011/03/07/a-battle-for-chinese-hearts-and-minds-in-flushing/comment-page-3/?mtrref=www.google.com&mtrref=cityroom.blogs.nytimes.com&gwh=F76D5B6BAFD39FE37F3C1343CFB75D36&gwt=pay> (reporting on the tensions between the Falun Gong and members of the Chinese-American community in Flushing);

⁵⁷ Weishan Huang, in *Topographies of Faith: Religion in Urban Spaces* (Leiden: Brill 2013), 142.

Li Hongzhi, *Fa Teaching at the 2007 New York Fa Conference, April 7, 2007* in Manhattan, Li Hongzhi, Page 3-4 C-1-02845 – C-1-02846.

Li Hongzhi's teachings that Chinese people find it hard to tell right from wrong is shared with Falun Gong members, including some of the plaintiffs in this litigation. I have read deposition testimony of the plaintiffs in this case, who admitted that in their view, Chinese-Americans are of a lower moral quality than Americans of other races and backgrounds, such as Caucasians.

In addition to viewing Chinese-Americans as less able to tell right from wrong, Li Hongzhi has encouraged Falun Gong practitioners to inject themselves into the streets of Chinese-American communities in efforts to convert them from their morally inferior position:

Take San Francisco, for example. I've found that the environment of the downtown area and that of the whole Bay Area still isn't up to par; the evil factors here are still abundant. The fact is, you should make these places the focus. You should go where there are a lot of Chinese people and clarify the truth, and save those badly-poisoned Chinese communities. You have all seen that the places where tourist groups from mainland China shuttle in and out are where they are concentrated. There are a lot of Chinese people in other parts of the Bay Area, too, but they are scattered. The goal of your clarifying the truth is to save as many sentient beings as possible, and those who have been poisoned the most severely are none other than the Chinese people. Superficially speaking, what Dafa disciples are doing is counteracting the persecution, but in reality your greatest duty is to save sentient beings, and that is the true embodiment of validating the Fa. The persecution that has been perpetrated upon Dafa disciples and upon the people of China was launched by the wicked Party in mainland China, and this means that you need to focus on mainland China, to focus on the people of mainland China. Chinatown is precisely the kind of place that mainland Chinese patronize the most, so you can't let up there and lose out on that place, a place where Dafa disciples stand to have a tremendous effect. For this reason you should all take pause and seriously ask yourselves: Had you been feeling that those places were a bit too evil and were you a little afraid? But think about it--who should actually be afraid of whom? San Francisco on November 5, 2005 [C-1-02588]

This view held by Li Hongzhi and certain Falun Gong members – that Chinese people find it hard to tell right from wrong, or are somehow morally inferior to Americans of other backgrounds – can be seen as a not-very-subtle form of racism, or a form of prejudice, against Americans of Chinese background. The notion that because people are from China or have Chinese heritage, they are presumed to be of lower moral integrity, is no different than close-minded and racist statements about other minorities based on sweeping generalizations and stereotypes. This is the definition of prejudice and racism: not looking at the individual or her specific actions, but instead making presumptions about the moral integrity of the person based on national origin or race.

The message from Li Hongzhi and some members of the Falun Gong or those that sympathize with them – including some of the plaintiffs here -- is essentially that unless a Chinese

person becomes enlightened and adopts Falun Gong's particular practices and world views, this Chinese person will remain in the inferior moral state she is by virtue of being Chinese. Not surprisingly, many Chinese-Americans are deeply offended by this form of stereotyping by Li Hongzhi and some of his followers. The presence of Falun Gong members on the public streets of Chinese-Americans, seeking to convert supposedly brainwashed and morally inferior Chinese-Americans to the light of Falun Gong, has created a tension between Falun Gong activists and many Chinese-Americans who feel stereotyped by this polemic.

A second factor that contributes to this tension is the fact that Falun Gong members who are passing moral judgment against people are simultaneously promoting the types of strange and controversial beliefs discussed above. This includes Li Hongzhi's teachings about alien visitation, extraterrestrial's plans to take over Earth, separate heavens for separate races, opposition to women's liberation, and Li Hongzhi's claims to be able to levitate and travel through space time. As discussed in more detail below, such strange beliefs have caused some Chinese-Americans to view the Falun Gong as a type of cult, not unlike other cults that teach racist views, make wild claims about alien visitation and a coming apocalypse. Put simply, for many Chinese-Americans, for a group that promotes such strange teachings to be passing judgment against Chinese-Americans as being morally challenged is hypocritical.

A third factor contributing to the tension between the Falun Gong and segments of the Chinese-American community is that the Falun Gong has acted secretive and misleading about its political agenda, thus leading many in the Chinese-American community to view the Falun Gong as disingenuous. Academic studies of the Falun Gong have observed the Falun Gong's unfortunate lack of candor on issues relating to its political agenda and the tension this has created. Indeed, the Falun Gong engages in a type of double-talk and hypocrisy that offends many Chinese-Americans. One set of communications, tailored mostly to practitioners, includes the many controversial teachings discussed herein. Yet, in the communications appealing to a more general audience (that is, in the public relations and Western audience), the Falun Gong underplays these teachings, and instead presents a more polished, albeit incomplete, narrative and image regarding the movement. As one Wall Street Journal reporter observed, even though the "the denials of Falun Gong links to [certain media outlets and interest groups] appear to be aimed at making it easier for [Falun Gong] to expand their audiences beyond Falun Gong followers to the global Overseas Chinese community as a whole, as well as to fend off interference from the Chinese government [...], the dissembling raises awkward questions about how committed [they] are to the values of a democratic society, including basic principles of transparency and accountability."⁵⁸

For example, as Professor David Ownby observed, "the Epoch Times illustrates certain tensions that seem to have best Falun Gong activists, or the posture of Falun Gong in general, as their fight against the Chinese state has dragged on."⁵⁹ Specifically, Falun Gong practitioners, including those who work at the Epoch Times, have denied that the Epoch Times is a "Falun Gong newspaper, "even though it was founded by Falun Gong practitioners, many of its journalists are

⁵⁸ Susan v. Lawrence, *Falun Gong Fields Media Weapons*, *The Wall Street Journal*, April 14, 2004, available at <https://www.wsj.com/articles/SB108190438992282143>.

⁵⁹ David Ownby, *Falun Gong and The Future of China*, 222.

Falun Gong practitioners, and at least part of its staff is made up [of] volunteer workers, many of whom are Falun Gong practitioners.”⁶⁰ Professor Ownby aptly points out that the lack of candor by the Falun Gong regarding the Epoch Times comes “very close to dishonesty” in attempting to promote the fiction that the Falun Gong is not promoting a political message:

[O]nly a series of half-truths allows the newspaper, or practitioners, to deny that the Epoch Times is a Falun Gong newspaper. True, it may not receive a monthly check from Li Hongzhi, and Falun Gong may not even be a financial entity, but the Epoch Times was set up by Falun Gong practitioners with their own money, and if Falun Gong practitioners ceased their work – paid or voluntary – for the newspaper, the Epoch Times would fold. . . . Ultimately, one might think of the Epoch Times as a political arm of Falun Gong, and in denying that the newspaper is Falun-Gong financed and run, practitioners get to preserve the psychologically reassuring fiction that the movement itself and individual practitioners remain apolitical. This comes very close to dishonesty (or at least a Clintonian sleight of hand) and discredits to some degree the integrity of practitioners and the movement – in addition to work at cross-purposes with the goals they hope to achieve.⁶¹

A similar type of implausible denial by the Falun Gong regarding its political aspects exists with respect to the Shen Yun dance company. Shen Yun advertises and promotes its dance company as focused on traditional Chinese dance. The Shen Yun website and its promoters deny that it is a political performance. However, academics and numerous mainstream reporters have pointed out that the performances plainly have a strong political component. As Professor Ownby observed: “The thing that irritates Chinese people everywhere is the specious claim that they’re representing traditional culture.”⁶² Similarly, Professor Emily Wilcox, a professor of modern Chinese studies, disputes Shen Yun’s claims to uniqueness as part of a political agenda: “Shen Yun’s claims that they are the only source of authentic Chinese dance is completely ridiculous and clearly part of their mission to exploit Chinese cultural experiences for their own political purposes, without regard to historical accuracy.”⁶³

A fourth factor contributing to the tension between the Falun Gong and segments of the Chinese-American community is the fact that the Falun Gong movement and particular its activists

⁶⁰ David Ownby, *Falun Gong and The Future of China*, 222. It is noteworthy that Li Hongzhi told his followers that *The Nine Commentaries* carries “the power of Dharma” and it is “an enterprise that the Master (Li Hongzhi himself) instructed to be done” (Speech in San Francisco, Nov. 5, 2005).

⁶¹ David Ownby, *Falun Gong and the Future of China*, 223; See also, Yuezhi Zhao, *Falun Gong, Identity, and the Struggle Over Meaning Inside and Outside China* (Although Epoch Times displays an indisputable ideological and organizational affinity with Falun Gong . . . the Epoch Times tries to present itself as . . . ‘independent of any political and business groups . . . and objectively and fairly reports facts and truth. . . . Notwithstanding its claims of objectivity, Epoch Times concentrates heavily on negative news of the Chinese government and sympathetic pages about Falun Gong.’”).

⁶² Kristin Tillotson, *Shen Yun: Politics Behind the Performance*, Star Tribune, February 6, 2015 (quoting Professor Ownby).

⁶³ Ada Tseng, *Shen Yun Celebrates Chinese Dance. But It Also Has a Political Edge*, LA Weekly, March 18, 2014 (quoting Professor Emily Wilcox).

are extremely sensitive to any dissent from their political and philosophical views – a factor which is also highly relevant to the background and context of the street encounters that are the subject of this litigation. The Falun Gong’s forceful and defensive reaction to any type of dissent has been the subject of academic discussion, even among academics who generally sympathize with the Falun Gong. James Lewis, a professor of religious studies, for example has said that the Falun Gong “has a dark, little-known history of forcibly silencing critics” and that “their [...] attacks [are] part of a larger effort to silence media publications and broadcasts which they judge to be false because such items are critical of their group, or because these media appear to give voice to the perspective of the People’s Republic of China (PRC) on Falun Gong.”⁶⁴ New York Times reporter Craig Smith, agrees, observing that “Falun Gong is no more tolerant of the Western press” than it is of the Chinese government’s media. He has personally experienced the Falun Gong’s resistance to any disagreement and recalls:

When I wrote in The Wall Street Journal last year about a \$600,000 New Jersey home bought by Mr. Li’s wife (Mr. Li said the house was actually a gift from a follower that was later returned), Mr. Li’s spokesman, Zhang Erping, told me on the telephone, “How does it feel to know that millions of Falun Gong practitioners in China know your name?” Afterward, I received dozens of email messages and faxes from angry Falun Gong followers, including one from Lili Feng, an assistant professor at Scripps Research Institute in San Diego, who warned, “You will get paid back for what you said and did by gods.”⁶⁵

Similarly, Heather Kavan, a lecturer and researcher of cults, extreme religion and altered states, recounts her experience with Falun Gong’s forceful and defensive reaction at the conclusion of one of her research studies:

When the research was finished, I was quoted in a press release on new religious movements, in which I said that the FBI’s definition of a potentially violent religion was so broad that several groups in New Zealand would fall into it, and cited Falun Gong as one of several examples. Falun Gong [...] were offended that they were classified with other religions that they perceived to be “totally evil”, and I received a phone call warning me that I would be deluged by a hundred callers from a Falun Gong email list. Several emotionally-charged phone calls followed, in which the callers demanded the press release be removed from the Internet... This experience nevertheless highlighted for me the similarity between Falun Gong’s view of what

⁶⁴ James R. Lewis, *Sucking the ‘De’ Out of Me: How an Esoteric Theory of Persecution and Martyrdom Fuels Falun Gong’s Assault on Intellectual Freedom*, *Alternative Spirituality and Religion Review* Volume 7, 2016, Issue 1, pp. 93-109, at 93-94.

⁶⁵ See also, Craig G. Smith, *THE WORLD: Rooting Out Falun Gong; China Makes War on Mysticism*, *N.Y. Times*, Apr. 3, 2000, available at <https://mobile.nytimes.com/2000/04/30/weekinreview/the-world-rooting-out-falun-gong-china-makes-war-on-mysticism.html>

constitutes fair media treatment and the Communist party's model, which suppresses dissenting voices."⁶⁶

The political and cultural background regarding the Falun Gong's resistance to dissent is highly relevant to a jury being able to place the Chinese language and incidents at issue in the litigation in context.

As discussed above, the Falun Gong's choice to engage in inflammatory political speech, including labeling Chinese-Americans as brainwashed, has resulted in a palpable tension between the Falun Gong and a portion of the Chinese-American community. The Falun Gong feels justified in promoting its message, one that has become increasingly political, including on the streets of Flushing virtually every day of year. At the same time, many Chinese-Americans do not appreciate being stereotyped as brainwashed based solely on their ethnic background. Many Chinese-Americans who were born in China also feel that, while their homeland is not perfect, they do not appreciate the completely one-sided, fiery and exaggerated claims made by the Falun Gong about China. That is, the invective and rhetoric used by the Falun Gong has the effect of them being seen by many as a fringe group. In addition, because the Falun Gong promotes many controversial and strange teachings, this is a factor leading many Chinese Americans to consider the Falun Gong a cult.

Thus, what results is a dynamic where the Falun Gong is forcefully promoting its views in the certainty and fury of its righteousness, while many Chinese-Americans view the Falun Gong as fanatical and intolerant of any differing view. Predictably, this leads to tension in the public street, including sharp verbal exchanges or apparently even scuffles, which have been covered by the media. This cultural background is important to understanding the social context of the incidents at issue in this litigation.

VI. There Is Debate Among Those Studying the Falun Gong As To Whether The Falun Gong is Appropriately Referred to As a Cult

Among academics and others who have studied the Falun Gong, there is an ongoing debate as to whether the Falun Gong may appropriately be referred to as a cult. Based on my experience, including interacting with hundreds of students, teachers and the general population in New York City, this debate is not known to the average prospective juror in this action. The fact that there is such a debate among educated and reasonable thinkers is highly relevant background information to understanding the foreign language used and context of the incidents at issue.⁶⁷

⁶⁶ Heather Kavan, "*Falun Gong in the media: What can we believe?*" (Paper presented at the Australian and New Zealand Communication Association Conference 2008). I have personally witnessed and experienced the Falun Gong's resistance to any disagreement. During two panel discussions over Radio Free Asia (one on November 13, 2000, one another on April 1, 2001), I expressed what I considered to be measured and reasonable criticism of some Falun Gong tendencies. The spokesman for Li Hongzhi, Zhang Erping, accused me of being part of the propaganda of the Chinese Communist Party – an assertion that has absolutely no basis in reality.

⁶⁷ I wish to be clear that, for the purposes of this report and this litigation, the relevant question in my view is not whether the Falun Gong is, in fact, a "cult." That is a matter of opinion, and reasonable people can disagree.

On one side of the aisle, there are academics who have concluded that the Falun Gong may be characterized as a cult. For example, Professor Margaret Thaler Singer, who was a clinical psychologist and professor, studied and wrote about cults. In her view, “the Falun Gong has many of the characteristics of a true cult.”⁶⁸ Professor Singer pointed to Li Hongzhi’s teachings, including “a doomsday prediction that promises salvation only through total obedience and subservience to the cult leader, [and] zero tolerance for dissent.” Similarly, Zixian Deng and Fang Shimin have argued that many aspects of Li Hongzhi’s teachings are consistent with characteristics of cults, including what they call a “total dependency theory”:

We consider Li’s teaching as advocacy of a total dependency theory. The condition of salvation is, unlike many other religions, not a teaching of self-help but waiting for the fated intervention by Li himself, who also willed the predestination of the disciples. Socially, such a belief system is what a cult needs for it provides a foundation of fear for the withdrawal of the grace by the “Master.” Removing human autonomous agency creates an opportunity for indoctrination.⁶⁹

Heather Kavan, likewise argues that:

Characteristics associated with cults include: an idolised charismatic leader who exploits people by letting them believe he – and it usually is a ‘he’ – is God’s mouthpiece; mind control techniques; an apocalyptic world view used to manipulate members; exclusivity (“only our religion can save people”); alienation from society; and a view of members as superior to the rest of humanity.

If we employ these criteria, Falun Gong could be described as a cult. By his own account Li is the exclusive saviour of the world. He teaches that members are superior to ordinary people, and they must relinquish “affection for kinsfolk, love between a man and a woman, an affection for parents, feelings, [and] friendship” (Li, 2003b, lecture 4, para. 3). Also, Falun Gong activities take up large amounts of practitioners’ time each day. To be sure, practitioners are free to exit Falun Gong whenever they want, but this freedom is a physical reality, not a psychological one. As the Chinese members I met had no exposure to other spiritual paths, they believed the peace they experienced in meditation is only available through Falun Gong. Moreover, if they are left behind in the apocalypse they will suffer horribly (Li, 2000a). (The date of this event is uncertain because Li can use his mystical powers to delay it, but participants were expecting it within the next 25 years.)⁷⁰

⁶⁸ Margaret Thaler Singer, *Cults in Our Midst: The Continuing Fight Against Their Hidden Menace* (Jossey-Bass 2003), 352.

⁶⁹ Zixian Deng and Shimin Fang, “*The Two Tales of the Falun Gong: Radicalism in a Traditional Form*,” (Paper presented at the Annual Conference of the American Family Foundation 2000).

⁷⁰ Heather Kavan, “*Falun Gong in the media: What can we believe?*”

In light of the above, it is understandable why some of the academics and others studying the Falun Gong have referred to the movement as a cult. The elements of Li Hongzhi's teachings involving, for example, alien visitation, racism, the coming apocalypse and his claim to have the unique gateway to being saved during that ultimate reckoning have led many to refer to the Falun Gong movement as a cult or other similar terminology.

On the other hand, there are academics and others who study the Falun Gong who believe that it is difficult to define what a cult is, or otherwise object to that label. Professor Maria Chang has written that the word "cult" can have various meanings in different settings, as has pointed out that some thinkers recommend that other value-neutral words be used, such as "sect." Similarly, in his study and thesis concerning the Falun Gong, Noah Porter concluded that "[w]hether you wish to label the Falun Gong negatively depends on your values." Porter, *supra*, at 44. Professor David Ownby has also provided a survey of the wide-ranging debate involving the use of the word cult, and how the Falun Gong may be characterized. Professor Ownby points out that some studying the Falun Gong prefer to view it "not as a sect but as a 'cult-like New Religious Movement.'" Ownby, *supra*, at 20.

Put simply, there is a plethora of academic studies and articles regarding the Falun Gong that make it abundantly clear that there is a robust debate among reasonable people studying the Falun Gong as to whether and to what extent the Falun Gong is appropriately referred to as a "cult." The fact that academics and those studying the Falun Gong disagree amongst themselves about whether the Falun Gong can be characterized as a cult is important to this case in light of the allegations that plaintiffs have made about the meaning, significance and context of the use of the Chinese word for "cult." The Plaintiffs point to one alleged use of the word cult, in particular the Plaintiffs' spin on how the Chinese government uses the word. This provides an incorrect and incomplete portrayal of how the thinkers, including those in the United States, use the word cult in relation to the Falun Gong.

The debate among those studying the Falun Gong about whether it may appropriately be called a cult demonstrates that the meaning of the word cult, including in Chinese, does not signal the use of violence. Rather, the word is commonly used in context to express disagreement with political or philosophical views of others.

VII. The Plaintiffs Are Incorrect In Asserting that Certain Chinese Words and Phrases Used by the Defendants Signal The Use of Violence

The Plaintiffs in this case allege that certain Chinese words and phrases, allegedly used by the Defendants, have meanings that promote violence, and imply or suggest the use of violence. However, in reality, a proper translation from Chinese to English of these phrases demonstrates that the words and phrases at issue do not mean, suggest or imply the use of violence. Moreover, the phrases that the Plaintiffs point to have a range of meanings, and, as discussed below, in context do not mean or imply the use of violence.

One Chinese term that the Plaintiffs focus much attention on is “xie jiao,” which can be translated into English as “cult.”⁷³ In Chinese, there is no single character that has the meaning that the word “cult” does in English. Instead, to capture the meaning of the English word “cult” in the Chinese language requires two characters: 邪教. The first character, xie, can be translated as “heterodox.” The second character can be translated as “teachings.” Thus, xie jiao can be understood as referring to heterodox or unorthodox teachings.⁷⁴ The phrase xie jiao can also be used to refer to groups that teach or maintain the heterodox or unorthodox teachings, what in English is commonly referred to as a cult.

The first character, xie, in capturing the concept of heterodox, can also be translated as “evil,” because a teaching that is “heterodox” or unorthodox can be seen as evil. Thus, xiejiao can be translated as both “cult” and “evil cult.”

In practice, the term xie jiao in Chinese is used to express disagreement with or disapproval of the teachings at issue or the group following such teachings -- just as cult or evil cult are terms used in English to express disagreement. However, there is nothing in the translation of xie jiao, and the two Chinese characters making up that term, which means or suggests the concept of committing violence or advocating violence. In fact, the founder of the Falun Gong, Li Hongzhi, has himself used these same terms (cult, evil cult, xie jiao) to describe other groups that he views as cults or evil cults. Specifically, in *Zhuan Falun*, Lecture Three of *Zhuan Falun*, in the subpart titled “The Buddha School Qigong and Buddhism,” Li Hongzhi uses the terms evil cults and religions to describe what he views as fringe movements, as follows:

Upon developing an attachment to fame and self-interest, they would ask the public to honor them with some titles. After that, they would found new religions, I am telling you that all of these are evil religions. Even if they do not harm people, they are still evil practices because they have interfered with people’s faith in orthodox religions. Orthodox religions can save people, but they cannot. As time passes, they do bad deeds on the sly. Recently many of these things have also been introduced to China. The so-called Guanyin sect [footnote 9] is one of them.

Li Hongzhi then labels the Guanyin sect a “cult”: “Guanyin (gwan-yeen) sect – a *cult* named after Bodhisattva Avalokitesvara, the ‘Goddess of Mercy.’” Exhibit D hereto is a true copy of the page from Li Hongzhi’s work using the word evil religion and cult.

In the Chinese-language version of this same work, Li Hongzhi uses the characters that make up the term “xie jiao” to describe the Guanyin sect -- the very same term that the Plaintiffs criticize the Defendants for allegedly using. See Exhibit D hereto.

⁷³ The Plaintiffs allege that the Defendants use the term xie jiao to mean or suggest that violence should be committed against the Defendants. Complaint ¶¶ 14, 47.

⁷⁴ *A New Century Chinese-English Dictionary* [新世纪汉英大词典] (Beijing: Foreign Language Teaching and Research Press, 2003), Xie jiao [邪教] means “(evil) cult; heresy.” In Chinese terminology, it also includes “sect” [On Cults 《论邪教》, p. 12, Guangxi People’s Publishing House, 2001]. Quite often, Chinese scholars also use it interchangeably with “superstitious sects and secret societies” (For example, Chi Po 迟坡, 铲除邪教: 共和国铲除反动会道门述实, 北京: 中央文献出版社, 1999).

Li Hongzhi again used the term “xie jiao” to reject religious movements. In 1998 Li Hongzhi taught:

I've said that religions nowadays are no longer capable of saving people. I didn't say they are evil religions... And there are some religions that talk especially about doomsday and focus on that stuff. Those are one-hundred percent evil religions. They cause social turmoil and are irresponsible to society. So it's not hard to distinguish these evil religions. I can also tell you that other than the original, upright religions, all the rest are evil ones. By original, upright religions I mean Catholicism, Christianity, Buddhism, Daoism, and Judaism. Those are the original, upright religions. In later historical periods, particularly in the later stages of Christianity, 99.9 percent of the religions that emerged were evil religions. Why is that? Even if they haven't done terribly wrong things, they hindered the upright religions in terms of saving people during the time when upright religions were still able to; they hindered people in practicing a righteous Fa, hindered people's belief in upright religions. Haven't they harmed people by leading them astray and interfering with righteous Fa? Aren't they evil? Just those sins alone are enormous. Frankfurt, May 30-31, 1998 [C-1-0880].

The Plaintiffs presumably will agree that in repeatedly using the phrase xie jiao to describe certain sects or religions, Li Hongzhi is not advocating or suggesting that violence be committed against the groups he is discussing. This highlights that the phrase xie jiao is used to express disagreement with the teachings or the group at issue, such that in English one might use the word cult or evil cult. In no way does the use of the terms cult, evil cult or xie jiao in any way suggest or mean violence.

Another example demonstrating that the term xie jiao does not mean or imply that violence should be committed is the Epoch Times' use of this exact phrase in describing the Chinese government. As discussed above, the Epoch Times is a news publication that was founded by the Falun Gong, and advocates Falun Gong political positions. As also discussed above, the Epoch Times published the political diatribe known as the “Nine Commentaries.” In the Nine Commentaries, the Epoch Times labels the Chinese government an “evil cult.” See Exhibit E hereto. In the Chinese-language version of that same work, the Chinese characters for “xie jiao” are once again used.

In light of the above, including the use of the term xie jiao by the Falun Gong's founder and the Epoch Times, it is clear that when the term xie jiao is used, it denotes that the speaker or writer is expressing disagreement with the teaching or group at issue, in a way similar to when an English speaking person labels a group a cult or a teaching cult-like. There is nothing about the use of the word xie jiao that suggests using violence.

The Plaintiffs appear to suggest that the use of the phrase xie jiao implies violence because of the way that term has allegedly been used by the Chinese government or Chinese officials. However, this argument ignores several points. First, the argument ignores the plain translation of xie jiao, which as discussed above does not mean or imply violence. Second, it is unfair and

prejudicial to the Defendants to assume or imply that because individuals other than them may use words to mean or suggest something other than their plain meaning (in another country under completely different circumstances), this somehow should be superimposed on what the Defendants mean when they allegedly use the same term.⁷⁶ Third, given the context in which the Falun Gong's founder and the Epoch Times have used the same terms, it is clear that the Falun Gong movement, as well as others who oppose the Falun Gong's political and philosophical views, each use the term xie jiao as a rhetorical device to express disagreement with the other's political and philosophical viewpoints.

Given the allegations made by the Plaintiffs in the Complaint about the purported meaning of the term xie jiao when used by the Defendants, it is extremely important for the jury to be provided the plain translation of the term xie jiao, as well as the fact that the same terms in both English and Chinese have been used by the Falun Gong's founder as well as the Epoch Times to describe groups whose political and philosophical views they disagree with. These translations and the context in which the term is used by Falun Gong itself are relevant to assessing the Plaintiffs' assertion that when the Defendants use the same term that the Falun Gong uses, it supposedly connotes violence.

It is also important to note that the above discussion regarding the politicization of the Falun Gong, and the Falun Gong's affiliation with the Epoch Times, is highly relevant background to understanding the use of the term xie jiao as alleged in the Plaintiffs' Complaint. The reality is that the terms cult, evil cult, evil religion and xie jiao were used by Li Hongzhi and the Epoch Times, including in Chinese language, to express disapproval and disagreement with certain groups and entities, including the Chinese government and certain sects. This background provides important context and demonstrates that (1) xie jiao as commonly used does not mean or suggest violence; (2) xie jiao is a rhetorical term used by the Falun Gong movement and its founder to express political and philosophical disagreement with other groups; and (3) to the extent that the Defendants have used the same term, it is being used in the same setting and context that the term was used by the Falun Gong movement and Li Hongzhi.

Another term that the Plaintiffs point to is the colloquial term "PK."⁷⁷ As used in the Chinese community and culture, this term was popularized by a famous TV singing competition program, Super girl Voices (超级女声) broadcast since 2004 in China. The term is typically used to describe situations, including sports, where there is one team competing against the other. As commonly used by people speaking Chinese, the term is not used to suggest that one should commit violence against another.

"Douzheng" is another term that the Plaintiffs alleged is used to mean or suggest that violence should be committed against the Falun Gong. The term douzheng means to struggle

⁷⁶ The Defendants object to the Plaintiffs' attempt to admit into evidence irrelevant and prejudicial information regarding actions taken by the Chinese government and actors other than the Defendants, including how the Chinese government uses certain terminology. If, over Defendants' objection, the Court permits testimony regarding how xie jiao has been used by the Chinese government, I reserve the right to address such topics.

⁷⁷ Complaint ¶¶ 14, 47.

against, and the word does not convey or imply the use of violence. The phrase has often been used in a political context to describe a “class struggle” and under most circumstances in positive way.⁷⁸ Since “Douzheng” is often put in the context of “class”, therefore, it is often used to describe an ideological, political or philosophical clash of ideas. Even in *The Nine Commentaries*, the Epoch Times pointed out the “philosophy of struggle” from the CPC and distinguished “armed (violent) struggle” from “literary (non-violent) struggle” (p. 25 in the Chinese version).⁷⁹

The other Chinese terms that the Plaintiffs point to (including “chedi dujue,”⁸⁰ “yanli daji,”⁸¹ and “zhuanhua”⁸²) similarly do not mean or convey violence, and in the context in which they were allegedly used, do not mean or connote violence or promote violence.

/s/ Ming Xia
Ming Xia

New York, New York
April 4, 2017

⁷⁸ “Douzheng (斗争): “传统用法。主要有四种含义。(1)指争斗、搏斗;(2)指战争;(3)指争讼、争辩;(4)指竞争、竞赛。1920年前很少使用,并多为负面含义。1920年后,使用次数大增,多指揭露、批评、打击。常用作“阶级斗争”,且多持肯定态度。金观涛、刘青峰,《观念史研究:中国现代重要政治术语的形成》,北京:法律出版社,2010, Pp. 605-606

⁷⁹ *A New Century Chinese-English Dictionary* defines douzheng in the Chinese characters to English as “struggle,” “fight,” “strive” and “combat.” *Id.* at 393. The examples of usage include: “fight to the end,” “combat unhealthy tendencies,” “struggle against adverse fate,” “fight injustice,” “fight against the forces of nature,” “combat one’s bad habits,” and “combat terrorism.” These examples demonstrate that, in the context used, douzheng does not mean to convey violence, but some type of struggle.

⁸⁰ *A New Century Chinese-English Dictionary* defines dujue to mean “stop,” “put an end to.” Examples of usage include “stop all corrupt practices,” “put a stop to evil customs,” and “clog up loopholes,” and “put an end to extravagance and waste.”

⁸¹ *A New Century Chinese-English Dictionary* defines yanli daji in the Chinese characters to English as “launch a tough crackdown on,” “deal a heavy blow to.” *Id.* at 305. Examples of usage include “crack down on illegal activities,” “combat or fight crime,” “strike out at illegal speculation,” “combat attempts to monopolize the market,” “combat unhealthy tendencies,” “throw cold water on or dampen the enthusiasm of the masses.”

⁸² The other terms that Plaintiffs point to also do not mean or convey violence, as shown by their plain definitions. *A New Century Chinese-English Dictionary* (“Zhuanhua”: “change, transform, translate”. Examples: “translate ideas/theories into practice;” “turn scientific research achievements into production force;” “Unfavorable factors can be turned into favorable ones.” *Id.* at 2136.); (Dui fu: (1) “seal/cope with; tackle; attend to; handle”. Examples: Deiall with a complicated situation; “Cope with difficulties”; “You can leave now, I can manage”; “He is hard to deal with”; (2) “make do”; examples: “During the war, there was an acute shortage of meat, so we had to make do without it.” “We have nothing edible in the house and have to make do with biscuits.” *Id.* at 407).

EXHIBIT 29

REBUTTAL EXPERT REPORT BY CAYLAN FORD

Expert Report of Caylan Ford

My name is Caylan Ford. I hold a B.A. (Hons.) in Chinese History from the University of Calgary and an M.A. in International Affairs from the George Washington University. I have also recently completed my dissertation in fulfillment of a M.St. in International Human Rights Law from the University of Oxford.

I am the author of several reports and articles on issues related to Falun Gong, and am currently the writer/researcher for two forthcoming feature documentaries on the topic: one on the use of administrative detention and torture in China's reeducation-through-labor camp system, and another that examines how China's state-run media has justified and encouraged political violence against Falun Gong.

Much of my research has focused on the group's suppression in China, media discourses surrounding Falun Gong, and the related dynamics within the Chinese diaspora community. I have also practiced Falun Gong since 2002, and although my research is conducted from an academic perspective, my own practice has afforded me extensive first-hand knowledge of the tenets of the faith and of the community itself.

I have written a dissertation on the Chinese party-state's efforts to extend its influence abroad, specifically through the control of Chinese-language media outlets and via the United Front Work Department and the State Council Overseas Chinese Affairs Office. Elsewhere, I have published on the Chinese government's efforts to project its preferred narratives abroad and its use of coercive tactics to marginalize opposing views in the overseas Chinese community.

The dissertation for my current Master's program considers whether Chinese leaders may be criminally responsible for genocide in the suppression against Falun Gong. It includes an analysis of whether Falun Gong should be classified as a religion under international law, and an assessment of the Communist Party's claims that Falun Gong is a "heterodox teaching" (*xiejiao*) or that it is a political, rather than a religious group.

I have previously testified before the U.S. Congressional Executive Commission on China about the Communist Party's suppression of Falun Gong. In 2015 I co-authored an article for the leading Chinese studies journal *China Quarterly* on the same topic. I have a forthcoming article in the journal *Review of Religion and Chinese Society* that examines the moral and philosophical origins of the suppression campaign. Specifically, the article focuses on claims in China's state-run media that Falun Gong represented a threat because of its "theistic" philosophy and its belief in gods and divine agency.

Publications:

"Unsanctioned religion and the challenge to Party legitimacy." in *Review of Religion and Chinese Society* (forthcoming)

"When Soft Power Turns Hard: Miss World, Coercion and China's Cultural Diplomacy." *E-International Relations*, 3 March 2017

(With Stephen Noakes) “Managing Political Opposition Groups in China: Explaining the Continuing Anti Falun Gong Campaign.” *China Quarterly*, Sept 2015.

“China’s policies toward spiritual movements,” Testimony for the Congressional-Executive Commission on China roundtable, 18 June 2010.

“An underground challenge to China’s status quo,” *Christian Science Monitor*, 21 October 2009.

The opinions I express in my expert submission, and the basis for each, are as follows:

I. Falun Gong is a religion, and shares many characteristics with major, mainstream faiths.

By any relevant criteria, Falun Gong is a religion. It has no significant differences in its belief system, social organization, or ethical positions from the various mainstream religions that enjoy full protection under U.S. and international law. Its status as a religion has been recognized by many governments, including that of the United States,¹ by experts and investigative bodies operating under the United Nations,² concerned NGOs and civil society organizations,³ and by the community of academic experts on the study of Chinese religion.⁴ As just one especially clear example, in a book titled *The Religion of Falun Gong*, Dr. Benjamin Penny, who is recognized as one of the preeminent authorities on Falun Gong and Chinese religion, directly states that Falun Gong is “profoundly religious” and “is, in all meaningful ways, a religion.”⁵ Nothing about its teachings or practices suggests that it is somehow different in kind—or somehow more “controversial” or “political”—than widespread religions such as Protestant Christianity, Catholicism, Tibetan Buddhism, Zen Buddhism, Daoism, Hinduism, etc.

Falun Gong’s teachings can generally be traced directly to the Buddhist and Daoist traditions of which it is a part. The belief in reincarnation, for example, has been a feature of various branches of Buddhism throughout its 2,500 years, and was also endorsed in the teachings of many other Indian-derived religions, various Middle Eastern, African, and Native American spiritual traditions, and even by influential Greek philosophers such as Pythagoras.⁶ Falun Gong adherents, like others who believe in a generally Buddhist cosmology, associate the process of reincarnation with the concept of “karma,” or the accumulated effect of good and bad deeds performed in one life impacting one’s subsequent incarnations.⁷ The Defendants strain credulity and mislead the court when they attempt to portray these ideas as abnormal, or as somehow justifying aggression and discriminatory

¹ U.S. Department of State, *International Religious Freedom Reports 2015: China*, (2015).

² UN Human Rights Council, *Report of the Special Rapporteur on Freedom of Religion or Belief* (2010) UN Doc A/HRC/13/40/Add.1.

³ Freedom House, “The Battle for China’s Spirit: Religious Revival, Repression, and Resistance under Xi Jinping” (February 2017).

⁴ Benjamin Penny, *The Religion of Falun Gong*, (University of Chicago Press, 2012); David Ownby, *Falun Gong and the Future of China*, (Oxford University Press USA, 2008).

⁵ Penny *supra* note 4 at 225.

⁶ Gananath Obeyesekere, *Imagining Karma: Ethical Transformation in Amerindian, Buddhist, and Greek Rebirth*, (Univ of California Press, 2002).

⁷ *Id.* at 130 (“According to the karmic prescription, if I have done something ethically wrong I will be punished in the future.”). *See also id.* at 138 (“parallel with the theory of karma is merit accumulation through good works, a fundamental feature of popular religiosity in Buddhist societies everywhere”).

treatment against Falun Gong adherents.⁸ To disqualify a belief system as a “religion” on the basis of the teachings of karma and reincarnation would eliminate the traditional majority beliefs of much of East, South, and Southeast Asia, together comprising about a third of the total world population.

Similarly, the idea that there are supernatural causes for natural disasters, or adverse personal situations such as illness or disability, is an even more common belief that extends beyond Asian religious traditions to encompass those of most of the Western world as well. This theme has long been a feature of the Judeo-Christian tradition, from the Book of Job to the writings of theologians like St. Thomas Aquinas.⁹ The problem of where suffering originates from and why it exists despite the presence of a benevolent God or gods is, in fact, a central concern of nearly all religious traditions, as well as being important to modern Western philosophy.¹⁰ Nor do Falun Gong adherents endorse suffering or disasters when they express the belief that these may have supernatural causes: Like other practices related to Buddhism, Falun Gong emphasizes “compassion” or *Shan* as one of its three central tenets (the other two being “truth,” *Zhen*, and “tolerance,” *Ren*), and calls on adherents to be sympathetic and compassionate towards all suffering beings.¹¹

As in other mainstream religions, believers in Falun Gong accept that suffering might have deeper fundamental causes while still being called upon to be compassionate towards those afflicted. Unlike Defendants’ characterization, passages advising against treating illness in Falun Gong’s main text, *Zhuan Falun*, only discourage using *qigong* (i.e., exercises meant to tap into the fundamental energies of the body) to cure other’s illnesses.¹² At no point do Falun Gong’s teachings suggest that society should neglect or fail to treat those who are ill. Falun Gong simply discourages practitioners from presenting themselves to others as supernatural healers. Persons suffering from illness are not singled out in any Falun Gong teaching; on the contrary, Falun Gong teaches that they should be treated as equals and with compassion.¹³

⁸ See Expert Report of Dr. Ming Xia at 2 (“[Falun Gong’s] controversial teachings[have] caused a tension between the Falun Gong and certain segments of the Chinese-American community”); *id.* at 12 (saying that Falun Gong’s “version of karma contains a number of highly controversial aspects.”).

⁹ *The Holy Bible: King James Version*, Job 2:10 (Hendrickson Publishers, 2004) (“[S]hall we receive good at the hand of God, and shall we not receive evil?”); Thomas Aquinas, *Contra Gentiles: On the Truth of the Catholic Faith*, New York: Hanover House, 1955-57. Chapter 71. (“[T]he difficulty of some people is solved; namely, whether evil actions are from God. Indeed, since it has been shown that every agent produces its action by acting through the divine power, and, consequently that God is the cause both of all effects and all actions, and since it was also shown that evil and defects occur in things ruled by divine providence as a result of the establishment of secondary causes in which there can be deficiency.”).

¹⁰ Cf. e.g. Gottfried Wilhelm Leibniz, *Theodicy: Essays on the Goodness of God, the Freedom of Man and the Origin of Evil*, (Wipf and Stock Publishers, 2000).

¹¹ Li Hongzhi, *Zhuan Falun*, (Fair Winds, 2001) (“The Buddha School emphasizes cultivating Shan of Zhen-Shan-Ren. Because the cultivation of Shan can generate great, benevolent compassion, and when compassion develops one will find all beings suffering, the Buddha School thus develops an aspiration to offer salvation to all beings ... Our Falun Dafa is based upon the highest standard of the universe, Zhen, Shan, and Ren, all of which we cultivate simultaneously.”)

¹² *Id.* (“Here, we do not teach you to treat illness. We are leading you to the Great Way, the righteous way, and we are uplifting you.”).

¹³ Li Hongzhi, “Teaching the Fa in Australia,” (1999) <http://en.falundafa.org/eng/lectures/199905021.html> (Describing how divine beings “only look at a persons’ heart” rather than their disabilities). The Teachings of Falun Gong do not single out the disabled or any group of persons for less favorable treatment. Dr. Xia appears to have missed one of the core principles of Falun Gong, that the one who suffers is the one who must eliminate his or her karma. See e.g., Li Hongzhi, *Zhuan Falun*, *supra* note 11, Lecture Four, “Transformation of Karma,” available at <http://en.falundafa.org/eng/lecture4.html#2>. The same principle is also featured in the teachings of Tibetan Buddhism, as explained by the Dalai Lama. See, e.g., interview of the Dalai Lama in Johann Hari, “The Dalai Lama: A life less ordinary,” *The Independent*, June 6, 2004, available at <http://www.independent.co.uk/news/people/profiles/the->

Many of the beliefs cited by the defendants are unconventional only when divorced from the cultural contexts and religious traditions from which they arose. For instance, the belief in the existence of supernatural powers of one sort or another feature prominently in the Buddhist and Daoist spiritual traditions. As Richard Madsen notes, while some of Falun Gong's discussion about supernatural abilities may seem incredible to those unfamiliar with Asiatic religions—these claims are “in continuity with a wide spectrum of Chinese religious practices.”¹⁴ Several of the other teachings Dr. Xia incorrectly implausibly identifies as controversial, such as a general endorsement of traditional family structures, also have clear parallels in other, mainstream religions.

It is indisputable that the three tenets, Truth, Compassion, and Tolerance (Chinese: Zhen, Shan, and Ren), are the core of Falun Gong's belief system. This is expressed countless times both in the main Falun Gong text, the book *Zhuan Falun*, and in the various other writings of the religion's founder Li Hongzhi, and in writing by practitioners in a variety of different forums.¹⁵ When the Defendants in this matter seek to characterize Falun Gong as being abnormal or outside of some ill-defined religious mainstream, they point to minor and inconsequential elements of practitioner discourse while ignoring the religion's major ethical teachings. In fact, even when taken altogether, all of the teachings of Falun Gong that Defendants have cited and characterized as “controversial” are extremely minor and incidental references that make up less than 1% of Falun Gong's teachings, and do not constitute the core of its belief system.¹⁶

In the effort to portray Falun Gong as something it is not—a belief system so far outside the mainstream that it is a fair target for violence and intimidation without the protection of American or international law—the Defendants ignore the religion's core belief, that its practitioners should strive to be truthful, compassionate, and tolerant. Instead, they take out of context minor statements about possible alien life or other such cosmological ideas.¹⁷ This is the equivalent of summarizing

[dalai-lama-a-life-less-ordinary-731312.html](#). (“Yet the Dalai Lama has suggested that Tibetans are being punished for their ‘bad karma.’ Can this be true, Your Holiness? ‘Yes, of course. We are punished for feudalism. Every event is due to one's karma.’ So, are disabled children being punished for sins in a past life? ‘Oh yes, of course.’”).

¹⁴ Richard Madsen, “Understanding Falun Gong,” *Current History* 99, 245 (Sep 1, 2000).

¹⁵ See, e.g. *supra* note 11.

¹⁶ Apart from the core text of *Zhuan Falun*, the entire Falun Gong corpus of teachings is composed of nearly 100 supplementary lectures, collections of poems, and question and answer sessions, as well as four audio-visual recordings of lectures, three of which run for over 15 hours, one of which runs over 3 hours. The total text size of these teachings—excluding the audio-visual components—is over 1.3 million words. Dr. Xia incorrectly claims that “Li Hongzhi's unconventional teachings are not incidental to his work, but are pervasive and central components...” As evidence of this supposed pervasiveness and centrality, he refers to the fact that such statements have been made over a period of many years in different contexts, pointing to Exhibit C as substantiation of this claim. Regarding aliens, Exhibit C contains 13 references and around 1,000 words from the teachings of Falun Gong; regarding “separate heavens for separate races” it contains 9 references and 600 words; regarding women's liberation 5 references and 500 words; regarding homosexuality 4 references and 380 words. Based on a search of [en.falundafa.org](#) across these topics, Xia appears to have captured every, or nearly every, such reference on these various subjects by Li Hongzhi. Thus, as a fraction of the total teachings of Falun Gong, Xia has referenced a mere 0.2%—and none of these are core teachings that practitioners are called upon to incorporate into their daily lives.

¹⁷ Dr. Ming Xia's submission, for example, repeats without any modification or analysis the view, propagated by China's Party-controlled media apparatus in its attempt to demonize Falun Gong, that Li Hongzhi claims to literally “install[] a rotating wheel into the stomachs of all Falun Gong practitioners.” Expert Report of Dr. Ming Xia at 11. In fact, the “Falun” or “Law Wheel” is a well-known symbol of the Buddhist Dharma or body of teachings, and is never described as physically existing in the human realm, nor do Falun Gong adherents understand it as such.

Christianity as a religion whose core teachings deal with the multiplication of bread and fish or the story of Noah's Ark.

Falun Gong texts do occasionally make minor references to the existence of aliens or extraterrestrial beings living on other worlds. But in doing so, they are no different from various other religious traditions, which also posit an inhabited universe, as for instance Tibetan Buddhism, which holds that this planet is only one among an inhabited "three thousand worlds."¹⁸ Modern Christian theologians discuss the issue of extraterrestrial life as well, including in official settings such as Vatican-sponsored publications.¹⁹ Influential philosophers and scientists have also frequently expressed belief in the existence of extraterrestrial life.²⁰ Immanuel Kant, for example, wrote that "If it were possible to settle by any sort of experience whether there are inhabitants of at least some of the planets that we see, I might well bet everything I have on it ... it is not merely an opinion but a strong belief ... that there are also inhabitants of other worlds."²¹ Moreover, many of today's most eminent scientists, such as Stephen Hawking, have also expressed their belief in the existence of extraterrestrial life.²²

The Defendants also assert that Falun Gong adherents are somehow disqualified as a religion because their texts at times suggest that various human nationalities have their own caretaker deities and cosmic origins.²³ Yet the reality is far from the sinister or fringe set of ideas that Defendants portray it as. The traditional cosmologies of both Asia and the Western world frequently associated particular gods with particular communities, as in the Roman myth of their people's descent from Aeneas, the son of the goddess Venus, as well as Romulus and Remus, the sons of the god Mars,²⁴ or the ancient Chinese belief in a series of divine ancestors.²⁵ Even today, believers in Japan's official Shinto religion claim their unique relationship with the Sun Goddess Amaterasu,²⁶ and adherents of traditional Korean beliefs claim that their nationality was uniquely created as the descendants of a specific god.²⁷ Falun Gong texts' association of particular deities with particular nationalities is no

¹⁸ See, e.g. Dalai Lama, *The Door of Liberation: Essential Teachings of the Tibetan Buddhist Tradition*, 48 (Simon and Schuster, 2016) (Trans. Geshe Wangyal) ("A Prayer by the First Panchen Lama, Losang Chökyi Gyalsten ... I bow down to him who, seated in the meditation of love, / Filled the three thousand worlds with golden light, / Causing all beings to love each other as parents their children[.]").

¹⁹ See, e.g. the overview of Catholic views on extraterrestrial life in Douglas A. Vakoch, "Roman Catholic Views of Extraterrestrial Intelligence," *When SETI Succeeds: The Impact of High Information Contact*, 145 (2000).

²⁰ See generally George Basalla, *Civilized Life in the Universe: Scientists on Intelligent Extraterrestrials*, (Oxford University Press, 2006).

²¹ Immanuel Kant, *Critique of Pure Reason*, 687 (Cambridge University Press, 1998) (Original 1781) (Trans. Paul Guyer).

²² See Basall, *supra* note 19 at 175; cf. Jonathan Leake, "Don't talk to aliens, warns Stephen Hawking," *The Sunday Times*, April 25, 2010.

²³ Expert Report of Dr. Ming Xia at 10. It is relevant to note that, regarding mixed-raced persons, Dr. Xia fails to mention other relevant Falun Gong teachings, such as that race is irrelevant for questions of spiritual salvation and that Falun Gong is open to all ethnicities. Further, there are numerous mixed-race marriages, as well as mixed-race individuals, among Falun Gong practitioners, which are in no way discouraged by the community or by any of the Falun Gong texts. The statements that Dr. Xia quotes out of context do not accurately reflect Falun Gong adherents' views regarding race, nor is race an issue important to Falun Gong's core teachings.

²⁴ Tim J. Cornell, "Aeneas and the Twins: the development of the Roman foundation legend," 21 *Proceedings of the Cambridge Philological Society (New Series)* 1, (1975).

²⁵ Yang Lihui and An Deming, "The World Of Chinese Mythology: An Introduction," *China's Creation and Origin Myths*, (Brill, 2011).

²⁶ Cf. Matsumae Takeshi, "Origin and Growth of the Worship of Amaterasu," 37 *Asian Folklore Studies* 1, (1978).

²⁷ Hyung Il Pai, *Constructing "Korean" Origins: A Critical Review of Archaeology, Historiography, and Racial Myths in Korean State-Formation Theories*, (Harvard Univ Asia Center, 2000).

more abnormal than the above traditional beliefs—nor, again, is it a major aspect of the religion's core teachings, which are as stated above focused on the ethical standards of "Truth, Compassion, and Tolerance," rather than on creation stories. Falun Gong adherents of all races and national origins are regarded equally in the community, associate together freely, frequently intermarry, and receive full support from their co-believers.²⁸

The Defendants have also asserted that Falun Gong should not be considered a religion because it is "politicized."²⁹ However, this is a truly bizarre suggestion: Religions like Catholicism have been deeply involved in politics throughout history, from determining state policies to sponsoring political parties and even helping to lead resistance movements against oppressive regimes.³⁰ The Anglican Church remains an official part of the United Kingdom's constitutional system,³¹ and Islamic scholars have precedence over state authorities in a number of Muslim countries.³² By comparison, Falun Gong, which has never sought to organize itself as a political group or to pursue political influence, is far removed from affairs of the state.³³ Tibetan Buddhism has for centuries actually combined religious and political authority into the figure of the Dalai Lama as the leader of the Tibetan state, yet it is clearly a religion.³⁴ By contrast, Falun Gong has never sought to organize itself as a political group, and its teachings explicitly condemn the pursuit of political power as being incompatible with the transcendent objectives of the practice. As noted by the expert analyst of Chinese politics Hu Ping, "Falun Gong deals only with purifying the individual through exercise, and does not touch on social or national concerns. It has not suggested or even intimated a model for social change."³⁵ It would be strange to consider Falun Gong too political to be a religion simply because its adherents frequently criticize the Chinese Communist Party for its violent and repressive policies.

Nor is there any relevance to Dr. Ming Xia's suggestion that Falun Gong should not be considered a religion because of statements, made in Chinese, in which Falun Gong's founder Li Hongzhi denied

²⁸ It is important to note, however, that even religious denominations whose adherents *did* mostly support separation of the races, such as the Southern Presbyterian Church in the United States and the Dutch Reformed Church in South Africa, have nonetheless been recognized as religions. Falun Gong, which does not advocate separation of races, should not be denied status as a religion as the result of far less controversial teachings.

²⁹ Expert Report of Dr. Ming Xia at 18 (suggesting an "increasingly political nature of the Falun Gong" is enough reason to deny its status as a religion).

³⁰ Cf. Eric O. Hanson, *The Catholic Church in World Politics*, (Princeton University Press, 2014).

³¹ Cf. Christopher Norman Doe, *The Legal Framework of the Church of England: A Critical Study in a Comparative Context*, (Clarendon Press, 1996).

³² Cf. Joseph A. Kechichian, "The Role of the Ulama in the Politics of an Islamic State: The Case of Saudi Arabia," 18 *International Journal of Middle East Studies* 1, (1986).

³³ Falun Gong adherents have in some cases, on their own initiative and not in any way as representatives of the religion, started independent media organizations. Yet these media activities are no different than the similar public speech of groups such as the Christian Science Monitor, numerous Catholic media entities, or the Anti-Defamation League. These media outlets might provide news and commentary about issues of interest to a particular religious community, but do not for that reason signify that the religion in question is in any way "politicized" as Dr. Xia asserts in his submission. Under Dr. Xia's logic, Judaism and Catholicism, along with many other major world faiths, would risk losing their classification as religions—a patently ridiculous outcome.

³⁴ Ardy Verhaeghen, *The Dalai Lama: The Institution and Its History (Emerging perceptions in Buddhist studies)*, (South Asia Books, 2003).

³⁵ Hu Ping, "The Falun Gong Phenomenon", in *Challenging China: Struggle and Hope in an Era of Change*, Sharon Hom and Stacy Mosher (ed) (New York: The New Press, 2007). Could emphasize the point that NTD etc are not parts of the religion, which is for cultivation.

its status as a “*zong jiao*,” the loose Chinese translation of the word “religion.”³⁶ Unlike “religion,” “*zong jiao*” is a term suggesting a specific *type* of religion—one with a rigid hierarchical structure and official status based on government recognition. Indeed, there are only *five* such recognized “*zong jiao*” in China.³⁷ Falun Gong, of course, is not among this limited group; but this has not the slightest bearing on its status as a religion as understood in the West and as relevant to the legal issues in this matter.

2. Characterization of Falun Gong as a “*xie jiao*” or “evil cult” is misleading and harmful.

Attempts to characterize Falun Gong as somehow essentially different from “normal” religions based on the contents of its teachings are not the product of impartial or objective analysis. Rather, they result directly from the Chinese Communist Party’s campaign to eradicate Falun Gong and to deny its adherents any legal protections as religious believers.

In particular, when the Defendants assert that Falun Gong is a “cult” or “cult-like,”³⁸ or when they use the Chinese phrase “*xie jiao*” to describe it,³⁹ they are drawing on misleading propaganda materials that were intended to justify Chinese authorities’ violent suppression of Falun Gong adherents. As noted above, aspects of Falun Gong that the Defendants describe as “cult-like” are either false characterizations, or are common features of many major world religions. The expert submission by Dr. Ming Xia also misrepresents modern Western views on “cults,” and fails to mention experts’ view that this term is confusing ambiguous, and that it should be avoided in legal proceedings.⁴⁰

Most egregiously, however, it is misleading for the Defendants to falsely claim that they are discussing whether or not Falun Gong is a “cult,” when in fact they are using a Chinese term, “*xie jiao*,” with a very different history and much more serious implications. In conflating these two terms, the Defendants use false statements and incorrect definitions to suggest that Falun Gong belongs in a specialized category of groups that are so far outside the mainstream that they deserve to be violently repressed, regardless of the irreparable harm that this would impose on adherents.

The Defendants cannot plausibly suggest that they are engaging in some kind of international debate over whether or not “use of the word cult can simply reflect reasonable disagreement with [Falun Gong’s] teachings,”⁴¹ because, again, Defendants do not in fact use the English word “cult” to describe Falun Gong. Instead, in all of the materials that form the basis of this case, the Defendants use the Chinese phrase “*xie jiao*,” which is a term stemming from Chinese political history that is

³⁶ Expert Report of Dr. Ming Xia at 17.

³⁷ See Ownby, *supra* note 4 at 8-9 (“*zongjiao* [] is a neologism introduced into Chinese via Japanese translations of Western works in the late nineteenth and early twentieth centuries ... popular religious groups, denied the label ‘religion’ ... were forced to call themselves something else”); Penny, *supra* note 4 at 21 (“This demarcation allows the authorities to suppress religious groups that do not fall under one of the five nominated religions.”)

³⁸ See, e.g. Expert Report of Dr. Ming Xia at 8 (discussing “Defendants’ use [of] the word cult, or xiejiao in Chinese” ... and “whether the Falun Gong movement may appropriately be referred to as a cult.”)

³⁹ *Id.*

⁴⁰ James T. Richardson, “Definitions of Cult: From Sociological-Technical to Popular-Negative,” 34 *Review of Religious Research* 4, (1993) (concluding that “scholars should avoid the term and it should not be allowed to be used in legal proceedings because of its confused and negatively connoted meaning in contemporary society.”)

⁴¹ *Id.*

used to designate religions that state authorities decide to label “demonic,” “heretical,” or in need of suppression.⁴² In fact, the anti Falun Gong materials disseminated by the Defendants are, in their entirety or vast majority, downloaded copies of propaganda materials created and spread by Chinese authorities to further their violent campaign to eradicate Falun Gong.⁴³ Thus, the Defendants do not simply adopt the lone term “*xie jiao*” while giving it their own meaning—they reproduce in their *entirety* official propaganda materials from China in which this term is used to incite hatred and violence.⁴⁴

The term “*xie jiao*,” which the Chinese Communist Party frequently uses to characterize Falun Gong, is a political term with a long history of use by various Chinese imperial dynasties, or state-endorsed religious authorities, to condemn popular religious teachings as being wicked, or even as being connected with sinister supernatural forces and evil spirits.⁴⁵ The phrase was closely associated with efforts by China’s imperial dynasties to eradicate particular religious practices that were considered threatening because they were outside of state control. It was resurrected in official media in the late 1990s to characterize Falun Gong, in order to better convey the Party’s intent to eliminate the religion just as imperial authorities had sought to eliminate minor religious groups.⁴⁶

At the same time, a new English translation for “*xie jiao*,” “evil cult” was used in official Chinese media to suggest to that overseas observers that Falun Gong should be considered a “cult” whose suppression would be justified. Thus, as explained in a recent comprehensive study of this Chinese term, “the revival of this ancient denunciation, with its connotations of magic and subversion, suggests that what we are seeing is not simply the local application of a transnational concept but the re-emergence of a distinctively Chinese style of religious policy ... *xiejiao* has two audiences: one international, which it is intended to placate, and one domestic, which it is intended to scare.”⁴⁷

⁴² See Junqing Wu, “Words and Concepts in Chinese Religious Denunciation: A Study of the Genealogy of Xiejiao,” 23 *The Chinese Historical Review* 1, (2016).

⁴³ See Exhibit A, Affidavit of Can Sun (showing that all or the vast majority of the newsletters distributed by the China Anti-Cult World Alliance come from Kaiwind, the official anti-Falun Gong propaganda website created and managed by the Chinese Communist Party as part of its violent campaign to eradicate Falun Gong).

⁴⁴ Being labelled as a “*xie jiao*” signifies deprivation of legal protections and subjection to violence by Chinese authorities. The forms of violence by which Falun Gong adherents are targeted range from arbitrary arrests and detention to deaths caused by Communist Party-controlled security forces. Cf. U.S. Department of State, *supra* note 1. Such killing even takes the form of “organ harvesting,” a process in which targeted individuals in detention are rendered immobile and their corneas, kidneys, and livers are transplanted to customers seeking organ transplants. After transplants are completed, the victim is murdered. Recent studies, based on in-depth analysis of China’s medical and detention systems, estimate that 100,000 or more Falun Gong adherents have been subjected to this process. Ethan Gutmann, *The Slaughter: Mass Killings, Organ Harvesting, and China’s Secret Solution to its Dissident Problem*, (Prometheus Books, 2014). Over one hundred state-run hospitals have extensive transplant facilities implicated in this process (the Tianjin No. 2 Hospital, for example, has 500 transplant beds and easy access to a prison). Adherents of Falun Gong, and other religions targeted for suppression by Chinese authorities, are key victims of these practices. In particular, because of the high rates of disease, alcohol, and tobacco use in China, ordinary prisoners often do not have clean organs. But the primary victim groups including Falun Gong, “house” Christians, Uighurs, and Tibetans tend not to have such problems. It is puzzling that the statement submitted by Dr. Xia mentions “tensions” in the overseas Chinese community that are supposedly caused by Falun Gong adherents, but omits facts such as these ongoing, documented atrocities. Nor are these mere speculations. The Chinese authorities have in fact actually admitted that they used detained individuals as sources for organ transplantation, while vaguely promising to phase out the process, but without any meaningful monitoring process. See David Matas and David Kilgour, *Bloody Harvest: The Killing of Falun Gong for their Organs*, (Seraphim, 2009); see also Gutmann, *supra*, as well as the comprehensive and authoritative website www.endorganpilling.org.

⁴⁵ Wu, *supra* note 42.

⁴⁶ *Id.*

⁴⁷ *Id.*

Internationally recognized experts on Chinese religious history and policy generally agree with this characterization, and have associated “*xie jiao*” with a “demonological paradigm” in Chinese politics, where groups or individuals are accused of demonic associations and then targeted with mass violence.⁴⁸ The Communist Party’s use of “*xie jiao*” to characterize Falun Gong, and the Defendants’ repetition and endorsement of this characterization, thus function as endorsements of the Party’s violent suppression campaign.⁴⁹

The Defendants’ expert submission is especially misleading with regards to the suggestion that the Defendants’ use of the Chinese term “*xie jiao*” to define Falun Gong is equivalent to the use of the word “cult” in English-language discourse.⁵⁰ Among Dr. Xia’s central contentions is that the Defendants are merely engaged in a disagreement about Falun Gong’s cult status, and the reasonableness of the Defendant’s position is supported by the supposed existence of a parallel debate in academia.⁵¹ As evidence of this claim, he cites three inconsequential studies: a presentation given by a professor of speechwriting from Massey University in New Zealand; a statement by the late Margaret Singer, whose theories of cult mind control were discredited⁵² and who never in fact studied or published on Falun Gong; and a 2000 paper presented by Zixian Deng and Shimin Fang, graduate students studying in unrelated fields (Shimin Fang has elsewhere written that Christianity is barbaric and violent and that the Judeo-Christian God is a “murderous demon”).⁵³ All are marginal scholars who have not made meaningful contributions to the academic discourse on Falun Gong, nor are they experts on Asian or Chinese religion.

By contrast, the leading scholars and experts researching Falun Gong agree that the “evil cult” and “*xie jiao*” characterizations are political terms applied by the Communist Party to designate “a teaching disapproved of by the authorities,” and “religious movements which they want to eradicate,” as described by Dr. Benjamin Penny in his book *The Religion of Falun Gong*.⁵⁴ Dr. David Ownby, author of *Falun Gong and the Future of China*, suggests that “[t]he entire issue of the supposed cultic nature of Falun Gong was a red herring from the beginning, cleverly exploited by the Chinese state to blunt the appeal of Falun Gong and the effectiveness of the group’s activities outside of China.”⁵⁵

Ian Johnson, author of the recent study of Chinese religion *The Souls of China: The Return of Religion After Mao* and winner of the Pulitzer Prize for his reporting in *The Wall Street Journal* on the Chinese authorities’ suppression of Falun Gong, notes that Falun Gong does not “meet many common definitions of a cult: its members marry outside the group, have outside friends, hold normal jobs, do not live isolated from society, do not believe that the world’s end is imminent and do not give significant amounts of money to the organisation. Most importantly, suicide is not accepted, nor is

⁴⁸ See David A. Palmer, “Heretical Doctrines, Reactionary Secret Societies, Evil Cults: Labelling Heterodoxy in 20th Century China,” *Chinese Religiosities: Affections of Modernity and State Formation*, (2008).

⁴⁹ Wu, *supra* note 42.

⁵⁰ Expert Report of Dr. Ming Xia at 8 (discussing the use of “the word cult, or xiejiao in Chinese.”).

⁵¹ *Id.* (“as reflected by academic work regarding the Falun Gong, the controversial teachings of Li Hongzhi discussed herein are factors that have resulted in a robust debate among academics and those who study the Falun Gong as to whether the Falun Gong movement may appropriately be referred to as a cult.”).

⁵² Massimo Introvigne, “Religion as Claim: Social and Legal Controversies,” in *The Pragmatics of Defining Religion: Contexts, Concepts and Contests*, ed. Jan G. Platvoet et al. 53-55 (Bull, 1999).

⁵³ Fang Shimin (writing under his penname Fang Zhouzi), “The Murderous Demon King Jehovah” [杀人魔王耶和華], *New Threads* [新語絲] <http://www.xys.org/fang/doc/religion/god.txt>

⁵⁴ Penny, *supra* note 4 at 6.

⁵⁵ Ownby, *supra* note 4.

physical violence.⁵⁶ However, Johnson notes, Chinese authorities sought tirelessly to portray Falun Gong as a dangerous group like the most extreme “cults” that had been suppressed in other countries after committing illegal acts. As he writes, one of the Chinese Communist Party’s “most brilliant moves in its persecution of Falun Gong was declaring the group a cult[, which] put Falun Gong on the defensive, forcing it to prove its innocence[.]”⁵⁷ In just the same manner, the Defendants seek to escape all liability for inciting violence and hatred against the Plaintiffs, both by making use of the “*xie jiao*” designation to mobilize aggression against Falun Gong within the Chinese community and by labelling it a “cult” when speaking before English-language audiences. By doing so, they seek to “intimate sinister motivations that would seem to justify crackdowns” on groups that are so labelled.⁵⁸

3. The Defendants contradict themselves regarding the Chinese Communist Party’s suppression of Falun Gong, as well as contradicting previous statements by Dr. Xia Ming.

The Defendants in this matter have claimed that, in their attacks on Falun Gong, they are simply engaging in a debate within the Chinese-American community. Yet their disseminated anti-Falun Gong materials are all, or in the vast majority, propaganda materials created by the Chinese Communist Party’s anti-Falun Gong task force the China Anti-Cult Association (CACA), usually via its flagship website, kaiwind.com. Like the Defendants’ repeated use of violence-implying language, the materials that they disseminate are 100% in line with and originate from the Chinese Communist Party’s campaign to eradicate Falun Gong.⁵⁹ It is inconceivable that the exact same materials that have clear connotations of politically-motivated violence when read by Chinese-speaking audiences in Mainland China would lose all such connotations when read by Chinese-speaking audiences in the United States.

The Defendants’ statements regarding Falun Gong are thus self-contradictory. On the one hand they endorse and even disseminate word-for-word the materials in which Chinese authorities incite the violent suppression of the religion’s adherents, yet on the other hand they claim to merely engage in peaceful debate with those same targeted individuals. The Defendants’ expert submission by Dr. Xia Ming is similarly inconsistent.

It is necessary to address some of the extreme inconsistencies of the Defendants’ characterizations of Falun Gong in order to better clarify the latter’s status as a “normal” religion, and the inaccurate and harmful nature of Defendants’ attempts to label it as a “*xie jiao*” or as a “cult.”

The Defendants’ retained expert, Dr. Xia Ming, has on various previous occasions expressed opinions completely contradictory to those that he and the Defendants now advance regarding Falun Gong’s status as a religion and the nature of its suppression by the Chinese Communist Party. For example, Dr. Xia has previously stated in an interview that “Falun Gong touches on freedom of belief ... [and] Falun Gong’s upholding of virtue finds a lot of resonance with the Chinese people. In particular, we can see that China is undergoing a great spiritual awakening now; they’re looking for

⁵⁶ Ian Johnson, *Wild Grass: Three Stories of Change in Modern China*, 224 (Vintage, 2007).

⁵⁷ *Id.* at 223.

⁵⁸ Richard Madsen, ‘The Upsurge of Religion in China’ in *The China Reader: Facing Power*, 195 (Oxford University Press 2016).

⁵⁹ *See, e.g.* Congressional-Executive Commission on China, 2012 Report, 89-90 (Government Printing Office, 2012) (describing combination of propaganda efforts and violent suppression, among other methods, in Chinese authorities’ treatment of Falun Gong adherents).

something true, kind, and beautiful, searching for a kind of spiritual haven, a transcendence of the soul. Thus we see that whether it's resistance from the churches or Buddhism, there are spiritual beliefs. Under these circumstances, more and more people will support Falun Gong, because they realize that their interests are intimately connected."⁶⁰

In another interview, Dr. Xia Ming went into greater length on his views on Falun Gong and its relationship with the Chinese Communist Party:

"I think if we look at the situation as it stands today, it's easier to see the correctness of Falun Gong's resistance, to see the preciousness of Falun Gong making a stand. Right now there are some people all around the world who still have hope and illusions about the Chinese Communist Party ... Truly there will be a day, very soon, when you'll be able to practice your exercises freely, and freely spread the Fa. This is what I hope for most from you. Your success, I believe, will lend to an end of the Party's dictatorship, it will promote freedom of belief in China, and it will help China develop in many ways, and it will play a positive role in the pluralistic development of society... Speaking for myself, I express great respect to your resistance and to your contributions toward China's democratization and the ending of the Party's tyranny. I wish you constant successes in your struggle. Your success won't just have a great value for Falun Gong practitioners, but it will be a contribution for all Chinese who've been persecuted, who pursue spiritual freedom, and who yearn for freedom of worship. On the one hand I support you, on the other pay respect to you. I will stand together with you in resistance."⁶¹

In his work, Dr. Xia also explicitly describe Falun Gong as a religion like other mainstream faiths, writing that "from the CCP's persecution of religion we can see that in China, from Falun Gong to underground house churches, as well as other religions, they're all persecuted."⁶² In his 2015 book he writes: "In China there is a revival of Christianity and other religions (for example Buddhism, Taoism, Islam, and Falun Gong, etc.)"⁶³ Later in the same book he again groups Falun Gong believers with other religious groups, including Tibetan Buddhists, Uyghur Muslims, and Christians, and later again refers to "Tibetans, Muslims, Christians, Buddhists, Falun Gong and other folk religious believers..."⁶⁴ Thus, Dr. Xia repeatedly refers to Falun Gong in the context of other faith groups and on a number of occasions explicitly identifies it as a religion.

Meanwhile, Dr. Xia's previous statements regarding the Chinese regime bely his assertion that Falun Gong's criticism of the same regime is so "controversial" that it must be challenged through the extreme forms of confrontation favored by the Defendants. In his 2015 book, for instance, he writes that "communist ideology is more evil than fascism"⁶⁵ and notes "the tragedy of Chinese politics [in

⁶⁰ Liu Hui, "Exclusive Interview: Xia Ming: More and more people realize that Falun Gong is intimately related with them" [夏明：越来越多人认识到 法轮功与他们休戚相关] NTD Television, March 26, 2014 <http://www.ntdtv.com/xtr/gb/2014/03/26/a1089261.html>

⁶¹ Rona Rui, "Professor Xia Ming: Now I Really Understand the Meaning of Falun Gong's Opposition to Persecution" [美教授夏明：现在更理解法轮功反中共迫害的意义] Dajiyuan (May 14, 2016) <http://www.epochtimes.com/gb/16/5/14/n7894059.htm>

⁶² *Id.*

⁶³ Xia Ming, "Empire of the Red Sun: The Communist Party's Final Division of Spoils," 35 (New York and Hong Kong: Minor Books, 2015).

⁶⁴ *Id.* at 230.

⁶⁵ *Id.* at 12.

which] evildoers grasp the reins of power, while the kind and righteous suffer.”⁶⁶ He also refers to the Chinese Communist Party as “a personal dictatorship, a Party-state tyranny, an Evil Red Empire[.]”⁶⁷ These remarks are little different from criticisms of the Communist Party on the part of Falun Gong and others—certainly Defendants would not agree that they, or Dr. Xia, should be called members of a cult for expressing such views.

There is simply no way to reconcile such views with Dr. Xia’s later statements, or with those of the Defendants seeking to characterize Falun Gong as a “*xie jiao*” deserving of violent suppression by the Chinese authorities and expulsion from Chinese communities in the United States. To the extent that it is possible to make sense of such discordant and self-contradictory views, this court should focus solely on those that echo the widespread consensus of U.N. and U.S. government reports, civil society experts, and scholars of Asian and Chinese religion. That consensus holds that Falun Gong is a religion, and that attempts to characterize it as a “*xie jiao*” or as a “cult” are no more than mobilization efforts supporting a campaign of violent repression.

I have not testified as an expert at trial or deposition in any other case during the past four years. My compensation is as follows: \$200/hr for my work as an expert in this matter.

By

/s/ Caylan Ford
Caylan Ford

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⁶⁶ *Id.* at 33.

⁶⁷ *Id.* at 90.

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EXHIBIT 30

EXCERPTS OF DEPOSITION OF HONGJUAN WAN

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 INDEX NO. 15 CV 1046

5 -----x
6 ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
7 ZHANG Cuiping, WEI Min, LO Kitsuen, LI
8 Xiurong, CAO Lijun, HU Yang, GAO Jinying,
9 CUI Lina, XU Ting, and BIAN Hexiang,
10 Plaintiffs,

11 - against -

12 Chinese Anti-Cult World Alliance (CACWA),
13 Michael CHU, LI Huahong,
14 WAN Hongjuan, ZHU Zirou, and DOES
15 1-5 Inclusive,
16 Defendants.

17 -----x

18 October 27, 2016
19 10:30 p.m.

20 VIDEOTAPE DEPOSITION of WAN
21 Hongjuan, taken by the Defendants,
22 pursuant to notice, held at the offices of
23 Veritext Legal Solutions, LLP before
24 Debbie Zaromatidis, a Notary Public of the
25 State of New York.

Page 86

1 WAN
 2 A. Yes.
 3 Q. Okay.
 4 A. Because they took too many
 5 pictures of me. Every day when I was
 6 there they would take -- they would take
 7 pictures of me. They came so close to me
 8 and because in America -- once after they
 9 got my photos maybe they would ask someone
 10 to do some sort of harm on me. How would
 11 I know?
 12 So they claimed that it is legal
 13 for -- it is illegal -- it is legal in
 14 U.S. to take pictures of somebody else,
 15 but then I said that, you know, if you
 16 took my picture and I eventually died, who
 17 would be responsible for that.
 18 Q. When you say they, who are you
 19 referring to?
 20 A. Falun Gong practitioner.
 21 Q. Anybody by name that you know?
 22 A. I don't know. I recognize
 23 their face. So it happened a time that
 24 three people came over. One is elderly,
 25 so two people grabbed my hair and one

Page 87

1 WAN
 2 pushed me. I eventually was pushed on
 3 the ground.
 4 Q. But you never reported that to
 5 the police, correct?
 6 MR. WONG: Objection.
 7 A. No.
 8 Q. Because that was a yes or no.
 9 That was a yes or no answer.
 10 MR. WONG: Again, she
 11 is -- translate what she said.
 12 A. So then another time they
 13 grabbed my chain, the necklace worth over
 14 300, and eventually it was gone.
 15 Q. And did you report that to the
 16 police?
 17 MR. WONG: Objection.
 18 A. No.
 19 Q. Okay.
 20 A. Well, in the bible it says that,
 21 you know, God said that, you know, when
 22 someone slap your face in the left, you
 23 should let him slap face in the right.
 24 Q. Okay. The question was: Did
 25 you ever slap somebody -- slap the camera

Page 88

1 WAN
 2 out of somebody's hands without first
 3 being hit by them? Did you ever do that?
 4 A. No, that person hit me. That
 5 person hit me.
 6 Q. Okay. So you don't recall any
 7 incident where somebody was walking up to
 8 you with a camera and before they -- hold
 9 on -- before they did anything to you you
 10 slapped the camera out of their hand? You
 11 don't recall that ever happening, correct?
 12 MR. WONG: Objection.
 13 A. No.
 14 Q. Okay. And --
 15 A. That person hit me first, and
 16 that's why I slapped.
 17 Q. Okay. All right. Fair enough.
 18 Do you know the name of that
 19 person?
 20 A. I know that person spoke
 21 Shanghainese. I don't know the name of
 22 that person.
 23 Q. Okay. So you -- you are aware,
 24 are you not, that in this case that the
 25 plaintiffs have made specific allegations

Page 89

1 WAN
 2 on several dates that you threatened them;
 3 you struck them; you pushed them? You are
 4 aware of that, are you not? Just if you
 5 are aware of it. Yes or no. Are you
 6 aware that those are the allegations?
 7 A. Well, you look at me. Am I look
 8 like a person like that? No.
 9 Q. I am not sure what the no means.
 10 Is it no whether to the person who looks
 11 like that or no, you're not aware of those
 12 allegations.
 13 So if I could get some
 14 clarification. Are you aware whether
 15 anybody has made those allegations against
 16 you that you struck them, that you pushed
 17 them, that you threatened them?
 18 A. Yes, only when you people told
 19 me.
 20 Q. Okay. So you never did
 21 anything like that, correct?
 22 MR. WONG: Objection.
 23 A. Correct.
 24 Q. Correct. Okay.
 25 Do you need to take a break? Do

Page 102

1 WAN
 2 Q. That wasn't really the question,
 3 but that's fine. We will move on.
 4 I want to show you also -- well,
 5 first of all, that document there, No. 5.
 6 Hold on to it. It states that on -- "On
 7 or about January 3, 2015 at 12 p.m. an
 8 individual named Cuiping Zhang states that
 9 you slapped her digital camera out of her
 10 hand causing it to fall to the ground and
 11 become inoperable."
 12 Do you recall doing that?
 13 MR. WONG: Objection. For the
 14 record, I am objecting to this line of
 15 questioning. This is a complaint,
 16 criminal complaint. There has been no
 17 conviction of this sort.
 18 I just preserve that objection
 19 for now.
 20 A. Okay. So once that person saw
 21 me on Main Street he came over -- that
 22 person came over to bother me because at
 23 that time I was trying to help Zhu Li
 24 Chuang, Michael Chu to give out the flyer.
 25 So for that person, right, no matter where

Page 103

1 WAN
 2 I went that person follow me, and he kept
 3 saying that Falun Gong is a very strong,
 4 very big organization, and so when he
 5 brought the camera he really held the
 6 camera very, very close to my eyes, and
 7 then he said that in U.S. it is legal to
 8 take pictures of people.
 9 Q. And at that point when -- you
 10 gestured as if the person was putting the
 11 camera right up close to you, right?
 12 A. Yes, very, very close. I am
 13 afraid that, you know, might hit me.
 14 Q. Right. And at that point you
 15 slapped the camera out of the person's
 16 hand, right?
 17 MR. FINI: Objection.
 18 A. Yes, I told that person well I
 19 work here with no money. I work for
 20 free, and then my job is just to deliver
 21 good news. Why you have to take my
 22 pictures, and that person was, you know,
 23 keep taking pictures of me, so I slapped
 24 the camera.
 25 Q. And it fell out of the person's

Page 104

1 WAN
 2 hands, right?
 3 A. Yes, broken.
 4 Q. All right.
 5 A. I was very angry at that time.
 6 Q. Right. Okay. Let me hand you
 7 what has been marked as Wan Exhibit No. 6.
 8 (Document handed to witness.)
 9 MR. MOORE: Just hand it to me
 10 again, please. I just want to get the
 11 date.
 12 Q. Have you ever seen this document
 13 before?
 14 A. I don't remember.
 15 Q. Do you recall that on or about
 16 January 14, 2015 you were charged with
 17 assault in the third degree and harassment
 18 in the second degree?
 19 MR. WONG: Again, I am going to
 20 object to this.
 21 A. Well, how come it did not
 22 mention about that person hit me, that
 23 person took picture of me. Is this U.S.
 24 policy to do that?
 25 Q. The question was: Do you

Page 105

1 WAN
 2 recall -- it says here you were charged
 3 with assault in the third degree and
 4 harassment in the second degree. Do you
 5 recall that? Do you have an answer?
 6 A. Yes.
 7 Q. Okay. And the
 8 allegation -- you recall that the
 9 allegation was that you started yelling at
 10 this individual named Ying Chen and then
 11 struck that individual in the face with
 12 your hand causing a laceration to her
 13 face. Did you do that?
 14 MR. WONG: Objection.
 15 A. She -- I mean that person was
 16 the one that -- who grabbed my necklace
 17 that was worth \$600.
 18 Q. Did you strike her in the face
 19 --
 20 MR. WONG: Objection.
 21 Q. -- causing a laceration to her
 22 face?
 23 MR. WONG: Objection.
 24 MR. MOORE: Let me finish the
 25 question before you object. All right.

EXHIBIT 31

EXCERPTS OF DEPOSITION OF ZIROU ZHU

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -x

ZHANG Jingrong, ZHOU Yanhua,
ZHANG Peng, ZHANG Cuiping,
WEI Min, LO Kitsuen, LI Xiurong,
CAO Lijun, HU Yang, GAO Jinying,
CUI Lina, XU Ting, and
BIAN Hexiang,,

Plaintiff,

-against-

Chinese Anti-Cult World Alliance
(CACWA), Michael CHU, LI Huahong, WAN
Hongjuan, ZHU Zirou, and DOES 1-5,
Inclusive,

Defendants,

Index No.: 15 CV 1046

- - - - -x

135-20 39th Avenue
Flushing, New York
October 18, 2016
12:11 p.m.

VIDEOTAPE DEPOSITION of Zhu Zirou, a
Defendant in the above-entitled action,
held at the above time and place, taken
before Tina Rivera, a Notary Public of
the State of New York.

* * *

Page 134

1 Z. ZIROU
 2 So when you say that Ms. Marsh asked me
 3 for something, I don't really hear.
 4 Q. So could you hear clearly what
 5 Li Huahong was saying?
 6 A. No. About what she said, I did
 7 not hear clearly, because there was at
 8 least about a block distance.
 9 Q. Okay. In the September 2014
 10 incident -- I'm now talking about the
 11 September 2014 incident with plaintiff Xu
 12 Tin. Can you describe what happened in
 13 the September 2014 incident?
 14 MR. MOSKOVITZ: Objection.
 15 MS. MARSH: Objection.
 16 A. So at that time -- well, I
 17 noticed that her -- I try to walk more
 18 close to the wall of the library so that I
 19 could keep a distance from her. This
 20 middle-age woman try to give me some sort
 21 of material. So -- okay. So I did not
 22 want the material, and she try to give the
 23 material to me. So I did not say anything
 24 nice to her. And she tried to put the
 25 flyer in front of my face. And then --

Page 135

1 Z. ZIROU
 2 and then I stopped her, and then she try
 3 the second attempt to put the flyer onto
 4 my wheelchair.
 5 And then she start to say
 6 something about karma, something --
 7 something that tried to transform my
 8 thinking. She said even something bad,
 9 like, you have to go to die. And then she
 10 try to say something really bad, for
 11 example, about I -- I should go to die,
 12 something like that.
 13 And when I was young, I really
 14 hate to hear this type of saying. And now
 15 because I'm getting old, I really did not
 16 care about what she said, but this time
 17 was worse, really hurting my heart. And
 18 then for them, it's very casual for them
 19 to verbally abuse people and to say
 20 something bad.
 21 MR. FINI: Unless -- unless
 22 Ms. Marsh has any further questions, I
 23 don't have any further questions.
 24 MS. MARSH: Yeah, I do. Yeah, I
 25 do.

Page 136

1 Z. ZIROU
 2 EXAMINATION BY
 3 MS. MARSH:
 4 Q. You testified in answer to my
 5 question that -- that the lady with the
 6 yellow hair didn't say anything to you,
 7 and you didn't say anything to her,
 8 correct?
 9 MR. FINI: Objection.
 10 A. No. Sometime that she would say
 11 something about me to other people and
 12 then I would try to -- definitely not good
 13 sentences, but --
 14 Q. I'm talking about --
 15 MR. FINI: Don't -- you can't
 16 cut off the interpretation. You can
 17 follow up. That's fine, but let him
 18 finish.
 19 THE WITNESS: But I try not to
 20 get into conversation with her.
 21 Q. I'm talking about the incident
 22 itself. We were talking about the
 23 incident that happened in July of 2011,
 24 okay?
 25 A. You mean the shopping cart

Page 137

1 Z. ZIROU
 2 incident, right?
 3 Q. Yes.
 4 A. Yes.
 5 Q. And you testified in answer to
 6 my questions that you didn't say anything
 7 to the two ladies, and the two ladies did
 8 not say anything to you, correct?
 9 A. Oh, wait. Now I have thought
 10 about that. You know, the person who have
 11 yellow hair, I think she's lightly scolded
 12 me.
 13 Q. So when did you remember this?
 14 MR. FINI: Objection.
 15 A. Just now. Just now. While I
 16 just make an error for the time of the
 17 incident, right? The day of the incident,
 18 right? But now when I think about that, I
 19 just remember.
 20 Q. So you're changing what your
 21 testimony is; is that correct?
 22 MR. FINI: Objection.
 23 A. No. I just make little
 24 correction, little correction, because I
 25 happen very tired. And then I have been

Page 138

1 Z. ZIROU
2 asked so many questions, so now I only
3 make a little correction. You can think
4 about me, that I suffer diabetes for over
5 ten year. But up to this time, I did not
6 even have my lunch yet.
7 Q. Okay. You testified after you
8 had your lunch that the lady with the
9 yellow hair did not say anything to you,
10 and you did not say anything to her,
11 correct?
12 MR. FINI: Objection.
13 A. But I would like a correction.
14 I think she talked to herself. So I think
15 on her way leaving the scene, right, she
16 had slightly scolded me.
17 Q. What did she say?
18 MR. FINI: Objection.
19 A. Well, her -- she was saying
20 it -- she said it in a low voice, but
21 basically she was saying something about,
22 you deserve it. That's your karma.
23 Something like that. Always said --
24 Q. The lady with the yellow hair?
25 MR. FINI: Objection.

Page 139

1 Z. ZIROU
2 A. Yeah. No. And then the other
3 person did not say anything, the person
4 older than her, and that one look more
5 decent. Sometime you cannot tell a person
6 by looking at the face.
7 Q. Okay. And let's go back to Xu
8 Tin. You testified in answer to my
9 question, in fact, she -- that she put --
10 she tried to give you a flyer, and she
11 dropped it in your wheelchair; is that
12 correct?
13 A. Yes.
14 MR. FINI: Objection.
15 THE WITNESS: At that time I
16 didn't notice it, but when I get home,
17 I noticed that flyer was inside -- was
18 on my wheelchair.
19 Q. Okay. And that -- you testified
20 when I asked you if anything else
21 happened, you said no; is that correct?
22 MR. FINI: Objection.
23 A. Well, basically, now I could see
24 it's almost 4:30. I really want to go
25 home now.

Page 140

1 Z. ZIROU
2 Q. I understand that, but I'm just
3 trying to follow up, because you said in
4 your testimony to me, that all that
5 happened is that Xu Tin put a flyer in
6 your wheelchair. And then in response to
7 your lawyer, you said that Xu Tin said all
8 these things about your being disabled.
9 Now, which is it? And I'm reminding you
10 that you are under oath.
11 MR. FINI: Objection.
12 A. Well, because now I'm old, I
13 really didn't care too much. But, you
14 know, because they noticed me with a
15 wheelchair, right? So whenever they saw
16 me, right, they would do something not
17 nice.
18 Q. Yes --
19 A. They was -- always say they
20 considered themselves always right.
21 Q. Okay. But I'm asking you about
22 the incident with Xu Tin, which occurred
23 first you said in September 2016, and now
24 you're saying 2014. I'm asking you about
25 that incident.

Page 141

1 Z. ZIROU
2 A. Okay. So I mentioned to you
3 already, I try to walk closer to wall of
4 the library and avoid her, you know, to
5 keep a distance. However, she tried to
6 give a flyer to me, and then I refused.
7 And then I said, "Why you have to give it
8 to me?" And then I may be a little bit
9 straight at that time. I'm a little bit
10 straight to her at that time. Then she
11 curse at me, and then afterwards, I went
12 home and noticed that there was a flyer on
13 my wheelchair.
14 Q. And why in answer to my
15 questions did you not tell me that she
16 cursed at you?
17 MR. FINI: Objection.
18 A. I -- well, she did not -- she
19 did not say much, but she did say
20 something, especially because I refused to
21 take their material. She must have said
22 something.
23 Q. She must have said something, or
24 she did say something?
25 MR. FINI: Objection.

EXHIBIT 32

EXCERPTS OF DEPOSITION OF HUAHONG LI

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
15 CV 1046 (SLT) (VMS)

----- x
ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
ZHANG Cuiping, WEI Min, LO Kitsuen, CAO Lijun,
HU Yang, GUO Xiaofang, GAO Jinying, CUI Lina,
XU Ting, BIAN Hexiang,

Plaintiffs,

- against -

Chinese Anti-Cult World Alliance (CACWA),
Michael CHU, LI Huahong, WAN Hongjuan,
ZHU Zirou, and DOES 1-5 Inclusive,

Defendants.

----- x
July 28, 2016
10:20 a.m.
99 Park Avenue
New York, New York

VIDEOTAPED DEPOSITION of HUAHONG LI, s/h/a LI
HUAHONG, one of the Defendants herein, held at the
above time and place, taken before Brittany Saline,
a Professional Shorthand Reporter and Notary Public
of the State of New York, pursuant to the Federal
Rules of Civil Procedure, Notice and stipulations
between Counsel.

* * * *

Page 126

1 Huahong Li
 2 BY MR. MOSKOVITZ:
 3 Q If you could, Ms. Li, I am going
 4 to see if I can just ask a couple of more
 5 questions and then we will stop for the
 6 day, okay?
 7 A I will try my best.
 8 Q Okay. Do you understand that in
 9 this case you have made claims that the
 10 plaintiffs, at various times, have
 11 assaulted you?
 12 A Yes.
 13 Q Can you tell us if you recall any
 14 of the dates which those assaults took
 15 place?
 16 A Unable to remember.
 17 Q And can you tell us if you know
 18 the identity of any of the individuals that
 19 you have claimed assaulted you?
 20 A The only name I know is Chang
 21 Chan He.
 22 Q And can you describe any of the
 23 people that you claim assaulted you?
 24 A Yes. One of them was very
 25 strong, very tall, who wears a jacket who

Page 127

1 Huahong Li
 2 came to my table and he kicked my table
 3 down. And before he left, he use his hand
 4 as a gun. He use his hand to make a sign
 5 that looked like a gun and said, "shoot
 6 you."
 7 Q Do you know --
 8 A Meaning kill -- to kill you.
 9 Q Do you know how old,
 10 approximately, this man was?
 11 A Forties.
 12 Q And do you know the race of the
 13 man?
 14 A He possibly spoke Chinese, should
 15 be.
 16 Q Did he touch you in any way?
 17 A He use his foot to kick my table
 18 down and then proceeded to use his hand and
 19 make a sign.
 20 Q Can you describe any of the other
 21 people who you have claimed assaulted you
 22 in this case?
 23 A Chang Chan He, Chang Chan He, in
 24 his -- in his 50s.
 25 Q Can you describe any of the other

Page 128

1 Huahong Li
 2 people who you have claimed in this case
 3 assaulted you?
 4 A And also there is another Falun
 5 Gong member who used a car to transport
 6 some rocks and eggs and place those on my
 7 table and claimed that -- and claimed
 8 that -- and said that he would use those
 9 rocks to stone me to death.
 10 Q Can you describe this person?
 11 A Female, around 45, approximately.
 12 Q Was she tall or short?
 13 A Medium height.
 14 Q Was her hair long or short?
 15 A I don't remember that clearly.
 16 Q Can you describe any of the other
 17 people who you have claimed in this case
 18 assaulted you?
 19 A Actually, I am not able to match
 20 the complainant in the case, what they look
 21 like or their names.
 22 Q Do you know any of the plaintiffs
 23 in this case?
 24 A Yes, Bian Hexiang.
 25 Q How did you recall Bian Hexiang?

Page 129

1 Huahong Li
 2 A Because that day he assaulted
 3 handicap person and was arrested by the
 4 police that day.
 5 Q And do you recall what day that
 6 was?
 7 A No, I don't recall.
 8 Q Did he assault you?
 9 A No.
 10 Q Have you ever assaulted a Falun
 11 Gong practitioner?
 12 MR. FINI: Objection.
 13 A No, I did not. I am
 14 anti-violence.
 15 Q Have you ever seen Michael Chu
 16 assault someone?
 17 A No, I have not.
 18 Q And have you ever seen Hongjuan
 19 Wan, I'm sorry if I am pronouncing it,
 20 assault someone?
 21 THE INTERPRETER: H-O-N-G-J-U-A-N
 22 W-A-N, okay.
 23 A I don't remember clearly.
 24 Q Do you mean that you don't recall
 25 when you saw her assault someone or you

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 INDEX NO. 15 CV 1046

5 -----x
6 ZHANG Jingrong, ZHOU Yanhua, ZHANG Peng,
7 ZHANG Cuiping, WEI Min, LO Kitsuen, LI
8 Xiurong, CAO Lijun, HU Yang, GAO Jinying,
9 CUI Lina, XU Ting, and BIAN Hexiang,
10 Plaintiffs,

11 - against -

12 Chinese Anti-Cult World Alliance (CACWA),
13 Michael CHU, LI Huahong,
14 WAN Hongjuan, ZHU Zirou, and DOES
15 1-5 Inclusive,
16 Defendants.

17 -----x
18 October 14, 2016
19 11:20 a.m.

20 VIDEOTAPE DEPOSITION of HUAHONG
21 LI, taken by the Plaintiffs, pursuant to
22 notice, held at the offices of Beldock
23 Levine Hoffman & Goodman, LLP before
24 Debbie Zaromatidis, a Notary Public of the
25 State of New York.

Page 205

1 LI

2 A. I don't know this person.

3 Q. Do you know what that person

4 looks like?

5 A. Very strong, medium height.

6 Q. A man or a woman?

7 A. Man. Around 50 years old

8 approximately.

9 Q. Anything else you can remember

10 about that person?

11 A. I met this person again, saw

12 this person again, and this person got

13 into a vehicle, a car, and I took a

14 picture, and I got the plate number.

15 Q. Okay. Do you have that picture

16 with you today?

17 A. I don't know if it is in my cell

18 phone or not. Later on I call the

19 police. I showed the police the picture

20 that I took of the plate, but the police

21 said there is no way they could follow

22 through and chase after the guy.

23 Q. And is that man a plaintiff in

24 this case?

25 A. I don't know the name or the

Page 206

1 LI

2 last name -- first or last name of that

3 person.

4 Q. Have you seen that man again

5 since then?

6 A. Yes, that time I called the

7 police. I did.

8 Q. And after that time have you

9 seen that person since then?

10 A. No.

11 Q. The incident you're describing

12 in -- you mentioned a moment ago in 2008

13 you talked about a sharp object, do you

14 remember the date that happened?

15 A. No, I don't remember the exact

16 day, but in the Falun Gong's newspaper

17 they had an article written about it, and

18 they wrote that I chased after this

19 person, choked this person.

20 Q. Who was that person?

21 A. I don't know this person's name.

22 Q. Is this person a man or a woman?

23 A. Woman.

24 Q. And what does she look like?

25 A. 30s, medium height and similar

Page 207

1 LI

2 to my hair with a bunched up -- bunch and

3 before this person poked me with that

4 object this person had been to my table

5 previously and harassing me. And after

6 the incident that I was poked, speared

7 with the object the -- their newspaper

8 Herald -- their newspaper wrote complete

9 rubbish about it and distorted the truth.

10 If I choked that person that day, why did

11 that person run away when the police

12 showed up, so they distorted the truth.

13 Q. Is that person a plaintiff in

14 this lawsuit?

15 A. I don't know this person's name.

16 Q. Have you ever seen this person

17 again after that date?

18 A. I did not.

19 Q. Can you describe any other

20 incidents that are part of your

21 counterclaims in this case?

22 MR. FINI: Objection.

23 A. All these years they continually

24 insult, insult Chinese Americans.

25 Q. Are there any other incidents

Page 208

1 LI

2 that you can describe that are a part of

3 your counterclaims in this case?

4 MR. FINI: Objection.

5 A. There should be more. They make

6 phone calls they are going to kill me. I

7 called the police on that. I called the

8 police. They were trying to scare me.

9 Q. Can you describe any other

10 incidents that are part of your

11 counterclaims in this case?

12 A. What is even more scary is after

13 the conference on August 26 someone from

14 the Falun Gong stand in front of my door

15 to -- to extort me, to kill me.

16 Q. Ms. Li, if you answer my

17 question, I am going to assume that you

18 understood it. Okay.

19 Are there any other incidents

20 that are part of your counterclaims in

21 this case that you are able to describe

22 sitting here today?

23 MR. FINI: Objection.

24 A. So many years over a hundred

25 times all these years and their