



United States Department of State

Washington, D.C. 20520

October 24, 2023

Case No. FL-2021-00033

Gary Ruskin
4096 Piedmont Ave. #963
Oakland, CA 94611

Dear Mr. Ruskin:

We refer you to our letter dated September 25, 2023, regarding the release of certain U.S. Department of State (“Department”) material under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The Department has located two additional records responsive to your request. Upon review, we have determined both records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each record. Where applicable, the Department has considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

This concludes the processing of your request. If you have any questions, your attorney may contact Laurel H. Lum, Trial Attorney, at laurel.h.lum@usdoj.gov or (202) 305-8177. Please refer to the case number, FL-2021-00033, and the civil action number, 20-cv-08415, in all correspondence about this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Diamonece Hickson", written in a cursive style.

Diamonece Hickson
Chief, Litigation and Appeals Branch
Office of Information Programs and Services

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- | | |
|----------------|---|
| ARMSEXP | Arms Export Control Act, 50a USC 2411(c) |
| CIA PERS/ORG | Central Intelligence Agency Act of 1949, 50 USC 403(g) |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT | Foreign Service Act of 1980, 22 USC 4004 |
| INA | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN | Iran Claims Settlement Act, Public Law 99-99, Sec. 505 |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester

From:	(b)(6) (Beijing) (b)(6)
To:	Beijing POL Note <BeijingPOLNote@state.sgov.gov>
Subject:	Mission China POL Note for February 18, 2020: COVID-19; Dr. Li Wenliang; Religious Services; Cyber
Date:	Tue, 18 Feb 2020 05:49:31 -0500

Mission China POL Note for February 18, 2020

The following items might warrant inclusion in the EAP/CM Morning Report:

(C) (b)(1)
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(b)(6)
(b)(6)

~~(SBU)~~ Death of COVID-19 Whistleblower Li Wenliang Triggers Fury, Frustration, and Calls for Government Reforms: The death of Li Wenliang, a Wuhan ophthalmologist who was reprimanded by police for warning his medical colleagues about the new coronavirus (COVID-19), unleashed an immense outpouring of fury and anguish on the Chinese internet and among Shanghai-based contacts. Li had earned nationwide adulation as a courageous “whistleblower” in late January, and news of his death February 7 galvanized an unusually wide swathe of Chinese society. Contacts and public figures, including many who typically eschew politically sensitive topics, went online to issue poignant demands for freedom of speech and calls for government reforms to protect whistleblowers (though censors quickly sought to remove posts). It remains unclear to what extent the online outrage reflected dissatisfaction with the central Chinese Communist Party (CCP) leadership, contacts say. At very least, the episode laid bare massive public frustration with the initial response to the epidemic from Wuhan and Hubei officials. While Beijing appears to have already taken modest steps to quell public anger, contacts remain skeptical the government will adopt any significant changes to the current political system, which strongly disincentivizes people from exposing truths that might embarrass or threaten the CCP. (20 *Shanghai 60* // (b)(6))

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Non Responsive

~~Official Sensitive~~

~~CONFIDENTIAL~~

Classified By: (b)(6) Acting Deputy Political Minister Counselor, Office:Embassy Beijing,

Agency:U.S. Department of State

Declassify On: 2/18/2030

Reasons: OCA: 1.4 b, d

Sender:	(b)(6)	(Beijing)"	(b)(6)
Recipient:	Beijing POL Note <BeijingPOLNote@state.sgov.gov>		

From:	(b)(6) (Hong Kong) (b)(6)
To:	EAP-CM-Office-DL <EAP-CM-Office-DL2@state.sgov.gov>
CC:	Hong Kong ECON POL <HongKongECONPOL@state.sgov.gov>; Smith, M Hanscom (b)(6) (b)(6) (Hong Kong) (b)(6) (b)(6) (b)(6) (Hong Kong) (b)(6) (b)(6) (Hong Kong) (b)(6)
Subject:	FW: Hong Kong Experts Assess HKG COVID-19 Policy and Conditions in China
Date:	Mon, 11 May 2020 06:18:19 -0400

Colleagues, cable sent on behalf of drafter (b)(6)

~~Official - Sensitive~~
~~CONFIDENTIAL~~

Classified By: Hanscom Smith - Consul General, Office:USCG Hong Kong, Agency:U.S. Department of State

Declassify On: 5/11/2045

Reasons: (Derived) Derived from forwarded message

From: SMART Core
Sent: Monday, May 11, 2020 11:14 AM
To: (b)(6) (Hong Kong)
Subject: Hong Kong Experts Assess HKG COVID-19 Policy and Conditions in China

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~~Sensitive~~



Action Office: ECON, POL, MGT
Info Office: DAO_INFO, GSO_INFO, IMO_INFO, FMO_INFO, HR_INFO, EXEC_INFO

MRN: 20 HONG KONG 127
Date/DTG: May 11, 2020 / 111011Z MAY 20
From: AMCONSUL HONG KONG
Action: WASHDC, SECSTATE ROUTINE
E.O.: 13526
TAGS: PGOV, PREL, ECON, SHLH, KNCV, CN, HK
Captions: ~~SENSITIVE~~
Pass Line: DOM WHA PASS TO AMEMBASSY CARACAS

AMEMBASSY WELLINGTON PASS TO AMCONSUL AUCKLAND

Subject: Hong Kong Experts Assess HKG COVID-19 Policy and Conditions in China

1. ~~(C)~~ **Summary:** Hong Kong-based experts lauded Hong Kong's recent progress in controlling the spread of COVID-19 in the special administrative region, but remain cautious given that the global pandemic is still serious:

- One top researcher predicted that the winter months will usher in another major wave of COVID-19 cases, and advised governments around the world to prepare.
- Re-opening Hong Kong's border with mainland China remains politically controversial, with some members of the public still highly distrustful of the mainland. (b)(1)

(b)(1)

- Mainland China's COVID-19 numbers are confusing and inconsistent, asserted two Hong Kong experts. Although some confusion is typical when new diseases emerge, one expert argued that consistency is essential for determining the effectiveness of control measures. His colleagues estimate that mainland China's authorities left nearly 175,000 cases unreported due to shifting case definitions.
- Hong Kong-based experts are not convinced that SARS-CoV-2, the virus that causes COVID-19, escaped a Chinese laboratory, and expressed caution about calls for investigations into Chinese laboratory safety. One expert suggested an international investigation might be possible if presented in a neutral environment.
- Hong Kong's ban on group gatherings (of more than eight persons as of May 8) is increasingly controversial, and some medical worker associations have decried the rules as unscientific and a blow to their right to peaceful assembly. (b)(1)

(b)(1)

(b)(1)

End Summary.

Experts and Officials Remain Cautious Despites Recent Success

2. (b)(1)

(b)(1)

(b)(1)

Despite the positive trajectory, (b)(1) Hong Kong government (HKG) officials and public health experts remain cautious. (b)(1) HKG would rather be accused of acting too cautiously than risk another surge. Dr. Yuen Kwok Yung, HKU's top microbiologist and discoverer of the original 2003 SARS virus, agreed (b)(1)

(b)(1) in an interview with *South China Morning Post* journalist Michael Chugani on May 5, and advised an incremental approach to re-opening. (b)(1)

(b)(1)

Move Slowly on Re-opening Borders, including with Mainland China

3. (b)(1)
Hong Kong's border with mainland China remains politically sensitive, and some members of the public remain highly distrustful of the mainland's data. (b)(1)

(b)(1)

Mainland China's Numbers Confusing, but not Necessarily Atypical

4. (b)(1)

(b)(1)

(b)(1) A University of Hong Kong study published in *The Lancet* estimated that mainland China may have left unreported nearly 175,000 COVID-19 cases due to changes in case definitions. The HKU experts, (b)(1) found that if China applied its fifth definition of what constitutes a confirmed COVID-19 case consistently for the duration of the outbreak, it would have reported an estimated 232,000 cases as opposed to 55,508 cases.

Another Major Surge of COVID-19 Likely in Winter

5. (SBU) As autumn and winter approach, (b)(1) said it is likely that another COVID-19 wave will affect Hong Kong and the world. (b)(1)

(b)(1)

Chinese Laboratory Safety Practices

6. (b)(1)

(b)(1)

Investigating Chinese Laboratory Safety Practices

7. (b)(1)

(b)(1)

Ban on Public Group Gatherings Increasingly Controversial

8. (b)(1)

(b)(1)

As of May

8, Hong Kong raised the cap on the number of people allowed to gather in public from four to eight. (b)(1)

(b)(1)

9. (b)(1)

(b)(1)

(b)(1)

Signature: SMITH

Classified By: Name: Hanscom Smith, Title: Consul General
Office: USCG Hong Kong
Agency: U.S. Department of State

Derived From: DSCG 17-1

Declassify On: 2045/05/11

Drafted By: HONG KONG: (b)(6) (Hong Kong)

Cleared By: EXEC: (b)(6) (Hong Kong)

EP: (b)(6)

Approved By: EXEC: Smith, M Hanscom

Released By: HONG KONG: (b)(6) (Hong Kong)

Info: CIA WASHINGTON DC *ROUTINE*; PACOM IDHS HONOLULU HI *ROUTINE*; ENVIRONMENT SCIENCE AND TECHNOLOGY COLLECTIVE *ROUTINE*; CHINA POSTS COLLECTIVE *ROUTINE*; ZEN/AUCKLAND, AMCONSUL

XMT: ZEN/CARACAS, AMEMBASSY; WHA, DOM; ZEN/ST PETERSBURG, AMCONSUL

Action Post: NONE

Dissemination Rule: ECON, DAO_INFO, MGT_ACTION, POL

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~~Sensitive~~

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