



December 17, 2021

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A/GIS/IPS/RL
U.S. Department of State, State Annex 2 (SA-2)
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RE: FOIA Request Regarding Cutting of Live Video Feed of a Taiwanese Presenter at the Summit for Democracy on Friday, December 10, 2021

To Whom it May Concern:

This letter is a request ("Request") in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice ("ACLJ")¹ on behalf of its members.

To summarize, this Request seeks records pertaining to the U.S. Department of State's knowledge, involvement, and efforts surrounding the breaking story that the U.S. government, including direct involvement and knowledge by the State Department, cut a live video feed of a Taiwanese representative invited to the Biden White House's so-called Democracy Summit, to remove the video of Taiwan displayed in green as "open" and which was a different color than China, which was red and is unmistakably not "open." We seek records revealing which U.S. government officials were involved in this decision to censor Taiwan's representative. The National Security Council expressly denied White House instruction, and the State Department is on record describing the incident as an "honest mistake."

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.



Background

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses “the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.” 22 C.F.R. § 171.4(b).

In an embarrassing development currently generating national and international headlines:

The White House reportedly cut a Taiwanese minister's video feed during President Joe Biden's Summit for Democracy on Friday after she presented a map during a slide show which showed Taiwan in a different color to China.

Taiwan's digital minister, Audrey Tang, shared a color-coded map from South African NGO CIVICUS during opening remarks of a panel on "countering digital authoritarianism."

Shortly later, the video feed was cut, replaced with audio only, and a placeholder reading "Minister Audrey Tang Taiwan" appeared when she was cued a second time, Reuters first reported.²

This occurred on Friday, December 10, 2021. As if there was any doubt about this,

[a]n onscreen disclaimer later stated: "Any opinions expressed by individuals on this panel are those of the individual, and do not necessarily reflect the views of the United States government."

The color-coded map ranks the world by openness on civil rights, and showed Taiwan colored green and "open," while China was colored red and labeled as "closed."³

As Newsweek reported, “[a] State Department spokesperson told Newsweek that cutting Tang's video feed was "an honest mistake" and happened after "confusion" over screen-sharing.”⁴ Further:

Sources familiar with the matter told the news agency that Tang's presentation caused panic among U.S. officials after the map appeared in her video feed for about a minute.

Unnamed sources told Reuters that Biden administration officials were concerned Tang's presentation could be seen as being at odds with Washington's "one-China" policy. The White House has for decades maintained a policy of "strategic

² Isabel Van Brugen, *White House Cuts Video Feed Showing Taiwan Map During Joe Biden Summit*, Newsweek (Dec. 13, 2021), <https://www.newsweek.com/white-house-taiwan-digital-minister-audrey-tang-taiwan-map-china-democracy-summit-1658684>.

³ *Id.*

⁴ *Id.*

ambiguity," meaning that it does not take a position about whether Taiwan is part of China.

As Reuters put it, "[s]ources familiar with the matter told Reuters that Friday's slide show by Taiwanese Digital Minister Audrey Tang caused consternation among U.S. officials after the map appeared in her video feed for about a minute."⁵

The Reuters report confirms State Department involvement, and reports that "[o]ne source told Reuters the map generated an instant email flurry among U.S. officials and the White House National Security Council (NSC) angrily contacted the State Department, concerned it appeared to show Taiwan as a distinct country."⁶

Importantly, a National Security Council spokesman expressly denied White House instruction:

An NSC spokesman said Reuters' account of the incident was "inaccurate".

"At no time did the White House direct that Minister Tang's video feed be cut," the spokesman said in an email, also blaming it on confusion over screen-sharing and adding that the full video could be viewed on the summit web page.

Asked whether she believed the U.S. government cut the video due to the slide, Tang told Reuters in an email: "No, I do not believe that this has anything to do with the CIVICUS map in my slides, or U.S. allies in Asia for that matter."⁷

This incident is generating national and international news media headlines, that read like this: "US 'cut Taiwan minister video over map.'"⁸

⁵ Humeyra Pamuk & Michael Martina, David Brunnstrom, *The curious case of a map and a disappearing Taiwan minister at U.S. democracy summit*, Reuters (Dec. 13, 2021), <https://www.reuters.com/world/asia-pacific/curious-case-map-disappearing-taiwan-minister-us-democracy-summit-2021-12-12/>.

⁶ *Id.*

⁷ *Id.*

⁸ See also, Monique Beals, *White House cut Taiwanese official's video feed over map: report*, The Hill (Dec. 12, 2021), <https://thehill.com/policy/international/585493-white-house-cut-taiwanese-officials-video-feed-over-map-report?rl=1>; Bill Bostock, *The US cut a Taiwanese minister from a video feed after she displayed a map showing her country as separate from China*, Business Insider (Dec. 13, 2021), <https://www.businessinsider.com/biden-democracy-summit-video-cut-taiwan-minister-china-separate-map-2021-12>; Mark Moore, *White House cut video feed of Taiwanese minister at Biden summit: report*, NY Post (Dec. 13, 2021), <https://nypost.com/2021/12/13/wh-cut-video-feed-of-taiwanese-minister-at-biden-summit-report/>; Audrey Tang's video feed cut at US summit, Taipei Times (Dec. 14, 2021), <https://www.taipetimes.com/News/taiwan/archives/2021/12/14/2003769569>; Taiwan video dropped from Democracy summit, Asia News (Dec. 13, 2021), <https://www.asianews.it/news-en/-Taiwan-video-dropped-from-Democracy-summit-54698.html>; Ahmed Aboudouh, *Taiwan minister 'cut off' at US democracy summit amid China tensions*, The Independent (Dec. 13, 2021), <https://www.independent.co.uk/asia/east-asia/taiwan-minister-map-democracy-summit-b1974968.html>; Humeyra Pamuk, Michael Martina & David Brunnstrom, *US 'cut Taiwan minister video over map'*, Bendigo Advertiser (Dec. 13, 2021), <https://www.bendigoadvertiser.com.au/story/7548176/us-cut-taiwan-minister-video-over-map/?cs=10193>.

Records Requested

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person.

For purposes of this Request, the term “DOS official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (2) contracted for services by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DOS, any Mission of the United States, or any Delegation of the United States; or (4) any such person’s staff, agent or employee; all without regard to the component, bureau, or office in which that person serves.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is December 9, 2021, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the DOS produce the following:

1. All records regarding the State Department official’s express statement to Newsweek that the cutting of the video feed was an “honest mistake,” all as described and quoted in the Background section above, including any records that support or explain how the State Department had such knowledge, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic

mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

2. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official or employee within the offices of the Secretary of State (S) (including the offices of the Counselor (C) and Chief of Staff (COS)), the Deputy Secretary of State (D), the Under Secretary for Political Affairs (P), the East Asia and Pacific Affairs Assistant Secretary (EAP), the Under Secretary for Civilian Security, Democracy, and Human Rights (J), and the Democracy, Human Rights, and Labor Assistant Secretary (DRL), regarding the incident of the cutting of the video feed at the Democracy Summit, as described in the Background section above, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

3. All records within the State Department's press office regarding the story of the cutting of the video feed, all as described and quoted in the Background section above, including any instructions or guidance coming into the press office from elsewhere in the State Department or outside the State Department, any responses to media inquiries, and the forwarding of any media stories/links to any person in the State Department or outside the State Department, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

4. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official regarding the incident described in the Background section above that are not, in the State Department's view, included within the Request #1, #2, or #3 above, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

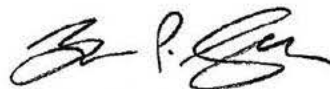
Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
American Center for Law and Justice

I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,



Jordan Sekulow
Executive Director



Benjamin P. Sisney
Senior Litigation Counsel