



June 15, 2020

Eric S. Yuan
Founder & Chief Executive Officer
Zoom Video Communications
4633 Old Ironsides Drive, Suite 408
Santa Clara, California 95054

Sent via Electronic Mail (eric.yuan@zoom.us)

Dear Mr. Yuan:

The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

The National Coalition Against Censorship (NCAC), founded in 1974, is an alliance of over 50 national nonprofit organizations, including literary, artistic, religious, educational, professional, labor, and civil liberties groups dedicated to promoting the right to free speech.

PEN America is a nonprofit organization standing at the intersection of literature and human rights to protect open expression in the United States and worldwide.

As COVID-19 restrictions have forced institutions of higher education nationwide to move teaching online, Zoom has been vital in ensuring that students' education continues. However, recent events suggest that, while Zoom has helped allow academic discussions to resume, the service could nevertheless play a role in *limiting* academic freedom and freedom of expression.

On June 10, 2020, *Axios* reported that Zoom temporarily closed the account of Humanitarian China, a U.S.-based nonprofit that promotes the development of human rights in China, after its members held a Zoom meeting, which included users in China, to commemorate the anniversary of the June 4 massacre at Tiananmen Square.¹ Zhou Fengsuo, Humanitarian

¹ Bethany Allen-Ebrahimian, *Zoom closed account of U.S.-based Chinese activist "to comply with local law,"* AXIOS (June 10, 2020), <https://www.axios.com/zoom-closes-chinese-user-account-tiananmen-square-f218fed1-69af-4bdd-aac4-7eaf67f34084.html>.

China's founder, told *Axios* that Zoom did not respond to his messages asking for the company to reverse its June 7 cancellation of his account.

After media outlets began reporting on the matter, Zoom restored the account and issued the following statement:

Just like any global company, we must comply with applicable laws in the jurisdictions where we operate. When a meeting is held across different countries, the participants within those countries are required to comply with their respective local laws. We aim to limit the actions we take to those necessary to comply with local law and continuously review and improve our process on these matters. We have reactivated the US-based account.²

The Washington Post reported that Zoom “did not offer more details about its interactions with Chinese authorities or disclose what information the Chinese government has requested about the dissident accounts.”³ It also noted that other prominent critics of the Chinese government had recently accused Zoom of interfering with their accounts after hosting—outside of mainland China—events that criticized the country's leadership.

In a comment to *The Washington Post*, Zoom asserted that meetings that included participants in China could impact accounts outside of China:

We regret that a few recent meetings with participants both inside and outside of China were negatively impacted and important conversations were disrupted. It is not in Zoom's power to change the laws of governments opposed to free speech. However, Zoom is committed to modifying its processes to further protect its users from those who wish to stifle their communications.

On June 11, Zoom issued a new statement about the closures, acknowledging that it made mistakes in its handling of the accounts, and stating that the company “fully supports the open exchange of ideas and conversations that bring communities together to meet, organize, collaborate, and celebrate.”⁴ The statement then offered a new list of actions the company would take:

- Going forward Zoom will not allow requests from the Chinese government to impact anyone outside of mainland China.

² *Id.*

³ Gerry Shih, *Zoom censors video talks on Hong Kong and Tiananmen, drawing criticism*, WASH. POST (June 11, 2020), https://www.washingtonpost.com/world/asia_pacific/zoom-censors-video-talks-on-hong-kong-and-tiananmen-drawing-criticism/2020/06/11/0197dc94-ab90-11ea-a43b-be9f6494a87d_story.html.

⁴ Zoom, *Improving Our Policies as We Continue to Enable Global Collaboration*, ZOOM BLOG (June 11, 2020), <https://blog.zoom.us/wordpress/2020/06/11/improving-our-policies-as-we-continue-to-enable-global-collaboration>.

- Zoom is developing technology over the next several days that will enable us to remove or block at the participant level based on geography. This will enable us to comply with requests from local authorities when they determine activity on our platform is illegal within their borders; however, we will also be able to protect these conversations for participants outside of those borders where the activity is allowed.
- We are improving our global policy to respond to these types of requests. We will outline this policy as part of our transparency report, to be published by June 30, 2020.

We are pleased that Zoom will no longer remove accounts outside of China based on requests from the Chinese government, but questions still remain about the impact Zoom’s actions will have on higher education. Over 350,000 Chinese students were enrolled last year in U.S. colleges and universities. Due to the pandemic, some of those students have now returned to China and will need to use Zoom to continue their classes, which may include discussion on Tibet, Hong Kong, Tiananmen Square, and other issues that are closely monitored within China’s borders. It is unclear if these institutions can still rely on Zoom as an educational platform to reach all of their students.

For this reason, we ask Zoom to answer the following questions:

- Will users be notified if other participants are removed from meetings based on the content expressed?
- Will Zoom provide detailed reports of why users are removed from meetings so that educators can know what would disrupt student access to class? And will Zoom make public all requests that are not granted as well?
- Will Zoom actively monitor events that seemingly have the potential to violate local censorship laws?
- As a company that advertises its product specifically to higher education institutions,⁵ can Zoom still credibly serve that purpose if users will be blocked for taking part, or being present, in basic academic discussion? Can Zoom commit to not removing students from university or faculty-hosted academic events?

FIRE, NCAC and PEN America understand that Zoom cannot control how China’s government restricts speech within its own country, and we appreciate your announcement that the company will no longer remove accounts outside of China based on requests from Chinese officials. Even so, we call upon you to go further in recognizing that “adherence to local law” cannot be used as a justification for enabling censorship. As Zoom surges in popularity, its users in higher education—in countries across the globe—deserve to know

⁵ Zoom’s website boasts that “[o]ver 10,000 schools use Zoom” and that the software allows universities to “expand globally.” Customer Case Studies, ZOOM, <https://zoom.us/customer/education>.

whether the service will defend their right to freely express their ideas and opinions, without the fear that political interference will block them from using the platform.

Sincerely,



Sarah McLaughlin

Director, Targeted Advocacy

Foundation for Individual Rights in Education



Chris Finan

Executive Director

National Coalition Against Censorship



Jonathan Friedman

Program Director, Campus Free Speech

PEN America