

Congress of the United States

Washington, DC 20515

October 29, 2025

The Honorable D. John Sauer
Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Solicitor General Sauer:

We write to urge you to recommend that the Supreme Court deny the petition for a writ of certiorari in *Cisco Systems, Inc. v. Doe I*, Case No. 24-856. The allegation that an American tech company custom-designed a tool to facilitate the violent persecution of a religious minority by the Chinese Communist Party (CCP) is a serious one. We believe the Plaintiffs deserve the chance to prove their claims and Supreme Court review at this stage would be premature.

Congress has long sought to address human rights abuses in China, including those at the heart of the *Cisco* case, which were directed at members of the Falun Gong religion. As the Chairs of the Congressional Executive Commission on China remarked in 2019, “[f]or the past twenty years, Falun Gong practitioners have experienced appalling and unacceptable human rights abuses in China,” including torture.¹ In investigations, hearings, and resolutions, members of Congress have extensively documented the CCP’s repression towards Falun Gong and called on the CCP to end the persecution.

More generally, members of Congress have been clear that American companies must not be complicit in furthering the CCP’s human rights abuses. In 2006, for example, members convened a hearing to examine the troubling problem of “American technology and know-how” supporting China’s repression.² The most recent report of the Congressional-Executive Commission on China expresses concern about American corporations subsidizing tyranny in China.³

In short, the *Cisco* litigation promotes bipartisan and longstanding congressional policies. Cisco’s argument that Supreme Court review is necessary now because the case harms American foreign policy gets things entirely backwards. Similarly, Cisco’s suggestion that Congress authorized the sale of the technology is false. There is nothing in the history of the Tiananmen Square Act indicating Congress thought technology exports to Chinese law enforcement should be unregulated. Considering the enduring policy on this subject, it is absurd to think that Congress would have supported the sale of a tool custom-designed to advance religious persecution. (For ease of reference, a copy of the *amicus* brief previously submitted in this

¹ <https://www.cecc.gov/media-center/press-releases/chairs-statement-on-20th-anniversary-of-crackdown-on-falun-gong>.

² <https://www.congress.gov/109/chrg/CHRG-109hhrg26075/CHRG-109hhrg26075.pdf>.

³ <https://www.cecc.gov/sites/evo-subsites/cecc.house.gov/files/2024-12/2024-CECC-Annual-Report.pdf>.

action by Representative Chris Smith is included, containing a fulsome rebuttal of Cisco's false claims and detailing how this case furthers American foreign policy.)

Recent events only underscore the need to deter American firms from supplying technology to facilitate the CCP's human rights abuses. Just last month, the *Associated Press* published the results of a groundbreaking and painstaking investigation finding that "American tech companies to a large degree designed and built China's surveillance state, playing a far greater role in enabling human rights abuses than previously known."⁴ These revelations make clear that litigation is one necessary tool to secure compliance with American policy.

The Plaintiffs in the *Cisco* case have been waiting for their day in court since 2011 and Supreme Court review would add unnecessary delay. We urge you to recommend that the Supreme Court deny the petition.

Thank you for your consideration.



Christopher Smith
Member of Congress



John Moolenaar
Member of Congress