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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

U.S. WECHAT USERS ALLIANCE,
CHIHUO INC., BRENT COULTER,
FANGYI DUAN, JINNENG BAO,
ELAINE PENG, and XIAO ZHANG,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States,
and WILBUR ROSS, in his official
capacity as Secretary of Commerce,

Defendants.

Case No. 3:20-cv-05910-LB

**DECLARATION OF
ELAINE PENG**

Judge: Hon. Beeler
Date: 09/19/2020
Time: 1:30pm

Trial Date: None Set

1 I, Elaine Peng, declare as follows:

2 1. I am a Plaintiff in the above-captioned action (the “Action”). I have personal
3 knowledge of the matters stated herein and if called as a witness I could and would testify
4 truthfully to them.

5 2. I am a United States citizen residing in Castro Valley, California.

6 3. As I previously stated in my Declaration dated August 26, 2020, I operate the
7 Mental Health Association for Chinese Communities (“MHACC”), a nonprofit organization to
8 provide mental health education and services to the local Chinese community.

9 4. The primary tool for MHACC to reach out and provide services to the Chinese
10 Americans is WeChat. One WeChat group consists of approximately 110 MHACC volunteers
11 for our use for internal communications. The second WeChat group has approximately 420
12 members, made up of both volunteers, service recipients and their family members.

13 5. Since many of the Chinese community members we serve are not fluent in
14 English, WeChat is the only online tool that they rely on.

15 6. The majority of our four hundred plus service recipients are either of elderly, or
16 deficient in English, or both. When I first founded MHACC in 2013, we went to great trouble
17 just to teach them on how to set up WeChat accounts, how to use WeChat to message and share,
18 as many of them do not know how to use a smart phone. In some cases we have MHACC staff
19 driving hours to service recipients’ homes or recipients driving hours to our office, just to have
20 WeChat set up to access our services. The process took much time, energy and effort.

21 7. This morning I learned that the U.S. government is shutting down WeChat on
22 this Sunday. I am shocked and frightened, as my service recipients who are suffering mental
23 health problems – including depression, schizophrenia, bipolar disorder, and post-traumatic
24 stress disorder – will lose access to WeChat, the only channel for the them to receive services,
25 educational materials, and treatment resources. This is a humanitarian crisis.

26 8. In the last month or also, I have tried to shift the MHACC groups to alternative
27 apps. But these apps are in English. Because of the language barrier and lack of technical skills
28 to operate smartphones, the majority of my service recipients cannot be shifted to other apps.

1 9. Additionally, almost all of MHACC’s data are stored on WeChat. I store all
2 service recipients’ names, addresses, contact information, medical history and other vital
3 information on WeChat. I send out questionnaires on WeChat for them to complete. Our staff
4 conduct one-on-one counselling with them on WeChat. We rely on the chat history to evaluate
5 their cases and design their treatment, and then deliver it to them on WeChat. In one case we
6 even used the real-time location sharing function on WeChat to *prevent a suicide attempt*. Since
7 WeChat is its own system, I am not aware of any method to transfer this information outside of
8 WeChat. Banning WeChat will mean erasing all such valuable information and destroying the
9 fundamental foundation that MHACC has strived for years to build.

10 10. I am also politically active. Right now I am using WeChat to organize teams to
11 spread Chinese-language materials to teach Chinese Americans – most of whom do not speak
12 English – on how to become registered voters, as well as to send messages to potential Chinese
13 American voters on the upcoming election. A majority of these Chinese American voters use
14 WeChat as their only messaging and social media app. Without WeChat, I lose a critical and
15 irreplaceable forum to reach them.

16 I declare under penalty of perjury under the laws of the United States of America that
17 the foregoing is true and correct to the best of my knowledge.

18
19 Executed on September 18, 2020 at Castro Valley, California.

20
21 

22 Elaine Peng