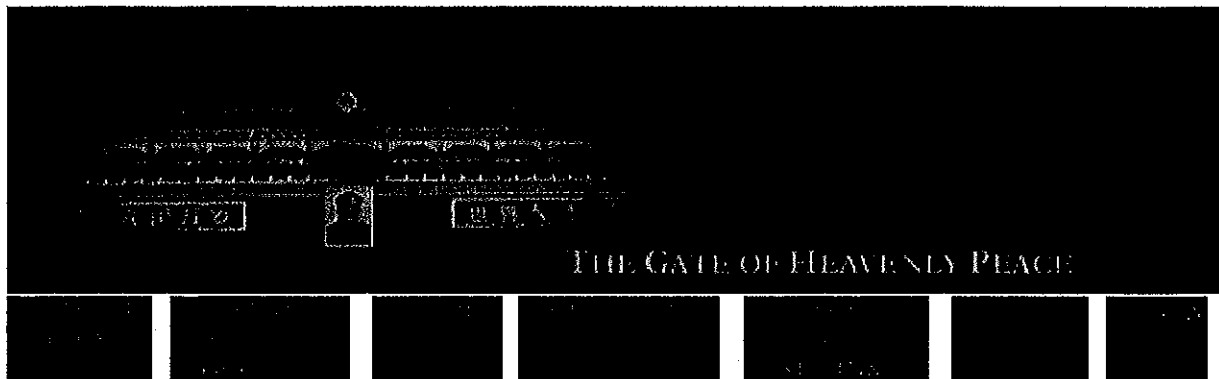


EXHIBIT A



In the spring of 1989, Chinese students and workers occupied Beijing's Tiananmen Square and began the largest nonviolent political protest in China's history. At the height of the movement, over one million people marched in the streets of Beijing. The movement ended with the government's crackdown and the Beijing massacre of June 4.

Witnessed on television by millions around the world, the Tiananmen protests were one of the most watched, yet least understood, stories of our time. This website explores the origins and history of the protests, the intense international media coverage, and underlying themes such as democracy, human rights, reform and revolution, and nationalism. The site contains articles, essays, and book excerpts, a tour of Tiananmen Square, and a Media Library with posters, photographs, music, and videos.

This site also includes extensive information about the feature-length documentary *The Gate of Heavenly Peace*, "a deep, powerful and rivetingly complex study of Tiananmen." (*Newsweek*, October 9, 1995)

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The Gate of Heavenly Peace

PRINCIPAL CHARACTERS IN THE FILM

In hundreds of hours of coverage of the 1989 demonstrations, the Western media rarely broadcast an interview with a Chinese participant that lasted longer than 15 seconds. The demonstrations remained a "headline story" and a harbinger of the "end of the communist era." Between commercials there was scant time to develop a sense of the personal - the passion, energy, humor, and doubts of the participants. In GATE, it is precisely these aspects that are brought alive.

The principal characters who appear in the film were chosen to represent a range of voices, opinions, and historical experiences: young students and aging intellectuals, dissidents and government officials, workers and teachers, people driven into exile after the movement and people who watched the repression unfold within China. Their collective experiences help to place the 1989 demonstrations within the context of 20th-century popular protest in China, the history of the Communist Revolution, and the particular problems of reform that the Chinese continue to confront.

Read more about the key characters in GATE here:

The Man Against the Tank | Chai Ling | Dai Qing | Ding Zilin | Feng Congde | Ge Yang |
Han Dongfang | Hou Dejian
Liang Xiaoyan | Liu Xiaobo | Lü Jinghua | Wang Dan | Wu Guoguang | Wuer Kaixi | Xiang
Xiaoji | Zhao Hongliang

ADDITIONAL CHARACTERS

This section contains short biographies about both historical and contemporary figures who influenced the 1989 movement in a number of ways. Many of these people are featured in THE GATE OF HEAVENLY PEACE in archival footage. Others who were involved in the events of 1989 but who for various reasons could not be included in the film are also listed.

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PRINCIPAL CHARACTERS IN THE GATE OF HEAVENLY PEACE

Man Against the Tanks

The young man photographed and filmed facing a column of tanks on June 5, 1989, is perhaps the most recognizable image from the Tiananmen Square protests and their deadly aftermath. Nothing is known about him, and even his name is uncertain. In many accounts, his name is given as Wang Weilin, but he has not been seen since his appearance on Chang'an Boulevard. Neither Amnesty International nor Human Rights Watch have been able to uncover any information about the man or his family. Jiang Zemin, the Communist Party General Secretary, was asked about the fate of the young man in a 1992 interview with Barbara Walters. He replied in his stilted English: "I think never killed."

In "Icon of the Revolution," (*The London Guardian*, 4 June 1992), Patrick Wright says about the man against the tanks:

The image has been subject to much interpretation in the West.... The military historian John Keegan declares it a merely "poetic image", a story of "the impersonal armed might of the army lined up against the unvanquished human spirit." He then breaks to say, drily, "You can write the words yourself." Some newspapers have certainly done that. Tantalised by the image of this man who is universally known and yet almost completely obscure, newspapers have felt obliged to augment the story. One report confirmed Wang's status as a student by putting books in his bag, and there were diverse variations on the words he is said to have shouted at the tanks, from the simple "Go away" of the Sunday Express to "Go back, turn around, stop killing my people" elaborated by Today a week or so later.

Leaders all over the world hailed him. President Bush commended his courage, followed by senior rock stars like Neil Young. Neil Kinnock spoke for Parliament, remarking that: "The memory of one unarmed young man standing in front of a column of tanks . . . will remain . . . long after the present leadership in China and what they stand for has been forgotten." That claim has since been corroborated by Wim Wenders, whose new film *Until The End of the World* envisions Beijing, in 1999, when the old order has visibly fallen - and glimpses the man in front of the tank, by this time a gilded monument.

In *Tiananmen on TV*, Richard Gordon, co-director of THE GATE OF HEAVENLY PEACE, describes how the man against the tanks has become "one of the defining iconic images of the 20th century, like a monument in a vast public square created by television."

Chai Ling



Born 1966. Chai graduated from Beijing University and was engaged in

graduate studies at Beijing Normal University at the time of the protest movement. She became the Commander-in-Chief of the Hunger Strike Group on Tiananmen Square in mid-May 1989 and then Commander-in-Chief of the Defend Tiananmen Square Headquarters from late May until June 4th, 1989. She fled China after ten months of hiding and presently resides in the United States, where she is Founder, President, and COO of Jenzabar, a software company. **More information about Chai Ling and the controversy that has followed her to Jenzabar is available [here](#).**

Chai Ling repeatedly turned down requests to be interviewed for THE GATE OF HEAVENLY PEACE, including a written plea by Robert L. Bernstein, the Chairman of Human Rights Watch. The film uses an interview that she gave to the American journalist Philip Cunningham on 28 May 1989, as a means of explicating her position on the 1989 protests. That interview was undertaken at Chai Ling's request. After it was filmed, she viewed it and asked Cunningham to release it internationally as her political statement on the student movement. The most explosive element of the interview (reported in the Hong Kong press in 1989 and commented on by a few journalists, but generally ignored in the past) was that Chai said: "I feel so sad, because how can I tell them [the students] that what we actually are hoping for is bloodshed, the moment when the government is ready to brazenly butcher the people."

For more about Chai Ling and the controversy over her portrayal in the film, see the section, "[Reviews, Commentary and Controversy](#)." Read the complete [Chinese transcript of Chai Ling's interview with Philip Cunningham](#).

Related articles:

["6 Years After the Tiananmen Massacre, Survivors Clash Anew on Tactics,"](#) Patrick E. Tyler, *The New York Times*, April 30, 1995.

["Anatomy of a Massacre"](#) by Richard Woodward, in *The Village Voice*, 4 June 1996.

An overview by [Ye Ren](#) of the Chinese dissident community's criticisms of "The Gate of Heavenly Peace."

["Cashing in on Tiananmen,"](#) Yvonne Abraham, *The Boston Phoenix*, March 27-April 3, 1997.

Dai Qing



Born 1941. The daughter of a Communist Party martyr, Dai was raised in the family of Ye Jianying, one of the ten marshals of the People's Liberation Army and a major Chinese political figure. Trained as a missile engineer, she later became a journalist and writer. She achieved fame during the 1980s for a series of investigative journalist studies of important dissident figures persecuted by the Communist Party in the 1940s and 1950s. She also helped organize China's first environmental lobby group. Dai Qing publicly denounced the June 4th massacre and quit the Party on June 5th. She was jailed for 10 months shortly thereafter and is still not allowed to publish in China. Nonetheless, she has remained an active writer and commentator on Chinese politics. Among other things, she has continued her close involvement with Chinese environmental issues, an involvement that began with her organization of the first environmental lobby group in 1989 opposed to the building of the Three Gorges Dam Project on the Yangtze River.

Related sites: "[Human rights abuses and the Three Gorges dam](#)," a talk by Dai Qing given in 2004 at the University of Toronto. See also "[Yangtze! Yangtze!](#)" -- a collection of documents by Chinese scientists, journalists, and intellectuals debating the Three Gorges Project.

Ding Zilin



Born 1936. Ding was a professor in the Philosophy Department of People's University in Beijing. Her son, Jiang Jielian, a 17-year-old middle school student, was killed on Chang'an Avenue on the night of June 3rd, 1989. Ding subsequently quit the Communist Party and began searching out the relatives of other victims, hoping to lobby the government to publish the number and names of those killed, as well as the truth of what happened on June 3-4. In 1991 she began speaking out in public and to foreign media. Ding Zilin was penalized by her university for her outspokenness. She is now a leading dissident figure in Beijing, under the constant surveillance of the Public Security Bureau. In the summer of 1995 she was detained on unspecified charges, just prior to the United Nations Fourth World Conference on Women in Beijing.

Related article: CNN interview (1999), "[Ding Zilin: An Advocate for the Dead](#)"

Feng Congde



Born in 1967. Feng was a graduate student in the Physics Department at Beijing University. He was arrested briefly for his involvement in the student movement in 1986. During the 1989 student movement, he was at one time Chairman of the Coalition of Independent Student Unions of Beijing, the Vice Commander-in-Chief of the Hunger Strike Group on Tiananmen Square, and then the Vice Commander-in-Chief of the Defend Tiananmen Square Headquarters. Married to Chai Ling at the time of the protest movement, he fled China after ten months of hiding and now resides in Paris, doing his Ph.D. work in Anthropology.

Ge Yang



Born 1916. Ge Yang was a veteran Communist Party member and a reporter who was purged as a Rightist in 1957. After more than twenty years of political disgrace, she was formally rehabilitated by the Party in the late 1970s and became editor-in-chief of *New Observer*, a leading Beijing bimonthly. In April 1989, *New Observer*, then a prominent vehicle for reformist opinion, organized a special tribute to Hu Yaobang after his death. That particular issue was banned in late April 1989, contributing to calls for an end to press censorship in China. *New Observer* was closed down after June 4th and Ge Yang went into exile in the United States, where she has remained an active commentator on Chinese politics.

Related site: CNN interview with Ge Yang for the series, "[Cold War](#)" (1997)

Han Dongfang



Born 1963. After serving in the People's Liberation Army and then

becoming a worker, Han was a leading organizer of the Independent Workers' Union of Beijing. After June 4th, he turned himself in to the police but would not admit to any wrongdoing. He was in detention for nearly two years and became seriously ill. He was released when the authorities thought that he was about to die. In September 1993, he was allowed to travel to the U.S. to seek treatment for tuberculosis, which he had developed in jail. While overseas, he advocated for free trade unions and workers' rights in China. In November 1993, he attempted to return to China, but the Chinese authorities revoked his passport and sent him back to Hong Kong. He has remained in Hong Kong, where he has been active in workers' issues. In 1994, Han Dongfang founded the China Labour Bulletin.

For more about the participation of Han Dongfang and other workers in the 1989 protests, see "Workers in the Tiananmen Protests: The Politics of the Beijing Workers' Autonomous Federation," by Andrew G. Walder and Gong Xiaoxia.

Related article: "Chinese Labour Struggles," interview in the *New Left Review*, July-August 2005.

Hou Dejian



Born in Taiwan in 1956. A singer-songwriter, Hou achieved fame with his 1979 song "Children of the Dragon." In 1983 Hou moved to the mainland in search of his roots. He became a very popular cultural figure and introduced a new, personal style of performance. During the protest movement, Hou took part in the four-man hunger strike of June 2nd.

When troops surrounded Tiananmen Square early on the morning of June 4th, Hou and Zhou Duo, another of the four hunger strikers, negotiated with the army to allow the students to leave the Square. In June 1990, after Hou repeatedly refused to remain silent about his political views, the Chinese authorities put him on a Taiwan fishing boat which they had stopped, and ordered the crew to take Hou back to Taiwan. In Taiwan he was arraigned by the authorities for illegal entry and was given a seven-month prison sentence, subsequently commuted.

For an article about popular music in China, see "Official Bad Boys or True Rebels?" by Geremie Barmé.

Liang Xiaoyan



Born 1957. Liang was a lecturer in world history at Beijing Foreign Studies University at the time of the protest movement. She supported the students' cause, while often debating with them about tactics and about the meaning of democracy. On the night of June 3rd, after hearing that the army had opened fire in the streets, she went to Tiananmen

Square to be with her students and to help prevent bloodshed. At dawn on June 4th she left Tiananmen Square with the students at gunpoint. She is now one of the editors of *Orient*, a journal established in 1993, and one of the most important new forums for intellectual debate in China.

Liu Xiaobo



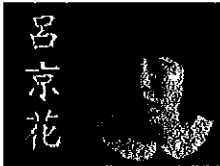
Born 1955. A literary critic and lecturer at Beijing Normal University,

Liu became one of the most prominent and acerbic cultural figures in China in the late 1980s. He was a visiting fellow at Columbia University in 1989 when he decided to return to China and take part in the popular movement. He initiated the four-man hunger strike on June 2nd, and called on both the government and the students to abandon the ideology of class struggle and to adopt a new kind of political culture. Liu was jailed for 21 months after June 4th and has not been allowed to publish anything in China since 1989. In May 1995, he was detained by the Chinese authorities for organizing a new petition campaign on the eve of the sixth anniversary of June 4th, calling on the government to reassess the protest movement and to initiate political reform. In October 1996, Liu Xiaobo was sentenced to three years in a labor camp for co-authoring a petition critical of the government.

Read Liu Xiaobo's essay on the Chinese as "both victim and carrier" of That Holy Word, "Revolution".

Related sites: Liu Xiaobo on Civil Rights and Ideology, interviews and press coverage | Liu Xiaobo's battle against censorship, from Reporters without Borders

Lü Jinghua



Born 1960. A garment worker who became a small-scale private entrepreneur in Beijing, Lü was active in the Independent Workers' Union in Tiananmen Square in May of 1989. She escaped from the country after June 4th. Lü attempted to return to Beijing to visit her daughter and ailing mother in June 1993, but was stopped by the authorities at the airport, interrogated, and forced to return to Hong Kong. She now works for the International Ladies Garment Workers' Union in New York, where her daughter recently joined her.

For a short description of Lü Jinghua's experiences on Tiananmen Square in the spring of 1989, see Black Hands of Beijing, by George Black and Robin Munro.

Wang Dan



Born 1970. A history major at Beijing University in 1989, Wang helped organize seventeen "democracy salons"--discussion groups--at Beijing University to discuss controversial subjects in the year leading up to the protest movement. A key activist during the movement, Wang was arrested after June 4th and sentenced to four years. He was released in February 1993 and chose to remain in China. After his release he consistently called for an official reassessment of the events of 1989, and for democratic reform in China. Harassed and detained by the authorities on numerous occasions, he was taken into custody again in May 1995, shortly before the sixth anniversary of June 4th. In October 1996, Wang Dan was sentenced to eleven years in prison for his political activities. In April 1998, however, he was released and flown to the United States, where he is currently completing his Ph.D. studies in history at Harvard University.

Related article: "The Exile and the Entrepreneur," Time Magazine (May 31, 2004).

For more about Wang Dan, visit his website.

For additional material in Chinese, see a special section from the China News Digest.

Wu Guoguang



Born 1957. After graduating from Beijing University in the early 1980s, Wu became an editorial writer for the People's Daily. In the late 1980s, Wu was a member of a reformist think-tank under Communist Party General Secretary Zhao Ziyang. He was involved in drafting many crucial Party documents championing reform, both for publication and for internal policy purposes. At the time of the protest movement in 1989 he was in the United States as a Nieman Fellow. He was expelled from the Party after he publicly denounced the June 4th massacre. In 1995, he completed a doctoral dissertation on the history of China's 1980s reforms.

See "Lies in Ink, Truth in Blood": The Role and Impact of the Chinese Media During the Beijing Spring of '89, for more about Wu Guoguang and the inner workings of the Chinese news media.

Wuer Kaixi



Born 1968. An ethnic Uighur (an ethnic group from Xinjiang, Chinese Turkestan), Wuer Kaixi was a student at Beijing Normal University in 1989. He emerged as a leading activist in April 1989, then fell from prominence during internecine struggles in the student movement after the imposition of martial law. Wuer Kaixi escaped from China after June 4th. He studied at Harvard University and at Dominican College in San Rafael, California. He currently resides in Taiwan, where he is the host of a radio talk show.

In a recent interview with the BBC (Witnessing Tiananmen: Student Talks Fail, May 28, 2004), Wuer Kaixi recalls the May 18 meeting with Li Peng.

Xiang Xiaoji



Born 1957. After teaching college English for four years, Xiang became a graduate student at the Chinese Politics and Law University in Beijing. His master's thesis was on the peaceful resolution of international conflicts, and he had a special interest in the role of negotiation in international law. In 1989 Xiang was a leading organizer of the Dialogue Group in the early stages of the student movement. Xiang escaped to Hong Kong after June 4th and later moved to the United States, where he received his LLM degree from Columbia University in 1991. He is now the vice-chairman of the Chinese Alliance for Democracy, a dissident organization with branches all over the world.

See "Lies in Ink, Truth in Blood": The Role and Impact of the Chinese Media During the Beijing Spring of '89, for comments by Xiang Xiaoji about the Chinese media's influence on the 1989 movement.

Zhao Hongliang



Born 1962. Originally a bus conductor with the Beijing Bus Company, Zhao was active in worker protest before 1989 and became a member of the Independent Workers' Union during the movement of 1989. After

June 4th he escaped from China, and he now lives in Canada.

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The information on these pages about Chai Ling and Jenzabar, the software company she runs with her husband, Robert Maginn, contains excerpts from and links to articles about Jenzabar in *The Boston Globe*, *Forbes*, *Business Week*, and other publications, and is intended to provide the reader with additional information about Chai Ling, one of the most well-known and controversial figures from the Tiananmen Square protests of 1989. These web pages are the sole responsibility of the Long Bow Group, and are in no way affiliated with or sponsored by Jenzabar, Inc.

■

In 1998, Chai Ling founded a software company, Jenzabar, of which she is President and COO; her husband, Robert Maginn, is the CEO. Jenzabar has received considerable publicity in part because of Chai Ling's role in the 1989 Tiananmen Square protests.

Jenzabar itself, according to *The Chronicle of Higher Education*, "plays up the past celebrity of its founder, Chai Ling. ...Company press releases, which invariably note that Ms. Chai was 'twice nominated for the Nobel Peace Prize,' breathlessly describe Jenzabar as a tool to 'create another kind of revolution,' fueled by communications technology." (Sept. 3, 1999, "Colleges Get Free Web Pages, but With a Catch: Advertising")

Chai Ling has also actively cultivated her public image and openly expressed her desire to use her connection to Tiananmen Square to promote her current activities. As stated in the *South China Morning Post* ("Seizing the Day All for Herself", written on the 10th anniversary of the June 4 massacre):

Ms Chai's publicist has been reminding the world that Ms Chai's job prior to being smuggled out of China to the United States was "leading thousands of students against a communist government more ruthless than Microsoft".

She also suggested that June 4 would be a good opportunity to write about Ms Chai's Internet start-up which runs a site called jenzabar.com.

"Ling is a dynamic personality who has found many similarities between running a revolution and an Internet start up," journalists have been told. "Ling used the techniques and charisma of a true revolutionary to impress the CEOs of Reebok, WebTV/Microsoft and Bain to back Jenzabar."

As a public persona, Chai Ling has attracted attention from multiple media sources. A number of stories published about Jenzabar begin with the saga of the student leader from China who became a successful entrepreneur in America. For example, a *Business Week* (June 23, 1999) headline reads, "Chai Ling: From Tiananmen Leader to Netpreneur." *Computerworld* (May 6, 1999) leads with: "Tiananmen activist turns software entrepreneur." Or as *Forbes* (May 10, 1999) puts it, "From Starting a Revolution to Starting

a Company."

Other articles from the international press present different perspectives on Chai Ling and her relationship with the 1989 Tiananmen Square protests. See, for example, *American Dream* (*The Boston Globe*, Aug. 8, 2003, byline: Steve Bailey), which concludes:

After Tiananmen, Chai detractors said her hero's image did not square with her hardball tactics. Now her critics are saying much the same again, this time about her corporate life. Meanwhile, Chai continues to sell her story of the Tiananmen heroine-turned-American-entrepreneur. "Today, I am living the American dream," Chai told Parade magazine in June.

With Ling Chai, distinguishing the dream from the reality has always been the hardest part of all.

Daniel Lyons, in Forbes.com (*Great Story, Bad Business*, Forbes.com, Feb. 17, 2003, byline: Daniel Lyons), notes:

Chai Ling would like total control over her biography. In her version, she risks her life leading student protests in Tiananmen Square in 1989, escapes China stowed in a crate and is twice nominated for the Nobel Peace Prize. Then she moves to America and marries a millionaire venture capitalist who bankrolls her promising internet startup. Alas, the market crashes before the company can go public, and it is unfairly besieged by lawsuits from former executives....

"You're not going to write about that, are you?" Chai says, when asked about the suits. "Do you really have to mention those things?" Chai's seeming naiveté is a little out of character. She has frequently scored points in the press by recalling her glory days as onetime 'commander-in-chief' of rebel students in Beijing.

Lyons may have been referring to an article written about Jenzabar by Chai Ling herself, which is headlined: "*Revolution Has Its Price: In Tiananmen Square, she was a student leader who stood up to tanks. In the U.S., she became a software executive who had to deal with venture capitalists. Guess which one was the tougher opponent.*" In the article, Chai Ling notes that "the creation of a company is no less stressful than running a hunger strike in Tiananmen Square."

In other contexts, Chai Ling has appeared more reluctant to discuss her role in the 1989 events. In "*Anatomy of a Massacre*" (*Village Voice*, June 4, 1996), Richard Woodward made multiple attempts to interview Chai Ling for a cover story about *The Gate of Heavenly Peace* and her role in the student protest movement. "At first she was 'too busy.' When I offered to call at another time, she said with fatigue, 'It's over. I don't want to get involved.'"

Similarly, in his book **Bad Elements: Chinese Rebels from Los Angeles to Beijing**, Ian Buruma describes a meeting he had with Chai Ling in 1999:

We met for a cappuccino in a nice outdoor café in Cambridge, Massachusetts... Chai handed me a folder with promotional material. It contained references to

her career at the Harvard Business School and her "leadership skills" on Tiananmen Square. She spoke to me about her plans to liberate China via the Internet. She joked that she wanted to be rich enough to buy China, so she could "fix it." But although she was not shy to use her celebrity to promote her business, she was oddly reluctant to discuss the past. When I asked her to go over some of the events in 1989, she asked why I wanted to know "about all that old stuff, all that garbage." What was needed was to "find some space and build a beautiful new life." What was wanted was "closure" for Tiananmen. I felt the chilly presence of Henry Ford's ghost hovering over our cappuccinos in that nice outdoor café. From being an icon of history, Chai had moved into a world where all history is bunk.

[Ian Buruma, **Bad Elements: Chinese Rebels from Los Angeles to Beijing** (New York: Random House, 2001), pp. 9-10.]

Because of her status as a public figure, future media coverage will continue to throw light on Chai Ling for those who are interested in following her story.

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Much of the press attention given to Jenzabar focuses on Chai Ling's role in the 1989 Tiananmen Square protests, and how that experience has informed her new role in leading an internet company. The following are excerpts from a few articles that reported certain concerns third parties expressed with respect to Chai Ling and Jenzabar.

For example, a 1999 *Boston Globe* article details a dispute between Jenzabar and the Harvard Business School over a claim on Jenzabar's website that "its 'core application' was 'developed by the technology leaders who also developed the award-winning Harvard Business School intranet system.'"

That's quite a stretch, business school officials say.

'It's a collection of half-truths that ultimately portray something false and mislead the public,' a business school source said.

... A Jenzabar spokesman said the company acted promptly to correct any misimpressions, but business school officials said it was not until a few weeks ago - nearly two months after Harvard lawyers objected - that the questioned claims were removed from the company's Web site.

[Source: Harvard Wars with Firm over Web Site, *The Boston Globe*, 25 July 1999, James Bandler.]

Another Boston area school had a similar complaint about Jenzabar:

...Bernard Gleason, associate vice-president for information technology at Boston College, says he is irked that both Jenzabar and MascotNetwork have claimed ties to his institution, and that Jenzabar appears to be taking credit for technological innovations at the college, in which it played no role.

'If they're this out of control in their marketing,' he says, he can't help wondering how well they police matters such as their privacy policy.

[Source: Colleges Get Free Web Pages, but With a Catch: Advertising, *The Chronicle of Higher Education*, Sept. 3, 1999, Goldie Blumenstyk.]

Jenzabar was the focus of another article in *The Chronicle of Higher Education*:

Jenzabar, a company that sells software for higher education, gave \$300 cash cards to college presidents attending a dinner the company sponsored last month in San Diego. Although the company described the gifts as nothing unusual, some observers say it is uncommon and unethical for college presidents to accept such gifts.

Jenzabar invited 45 presidents to the January 5 dinner. All of them lead colleges that are

Jenzabar clients.... Michael Zastrocky, vice president for academic strategies at Gartner Inc., a technology-consulting firm, said it was highly unusual for college presidents to accept gifts worth hundreds of dollars from technology companies.

College presidents, he said, 'would put themselves in jeopardy' by accepting such gifts. 'You're on display at all times' as a college president, he said. 'You'd be in real trouble.'

[Source: College Presidents Received \$300 Gifts for Attending a Software Vendor's Dinner, *The Chronicle of Higher Education*, Feb. 13, 2004, Andrea Foster.]

The Boston Globe's business columnist, Steve Bailey, writes in a column from 2003:

Is there a trend here? In 1989 Ling Chai, an unknown 23-year-old graduate student in Beijing, became an international heroine overnight as the most visible leader of the Chinese student rebellion in Tiananmen Square. She was the face of the dissidents, the 'chief commander,' a small, frail young woman in a T-shirt and jeans who rallied the students and taunted the soldiers as the world held its breath and watched the historic standoff unfold day after day on television.

Over the years the image of Chai as heroine has become decidedly mixed as onetime allies have blamed her and other student leaders for the deadly end to the protests, painting them as power-hungry and willing to sacrifice others for their cause. The harshly critical documentary *The Gate of Heavenly Peace* captured that emerging view best in an interview that Chai gave in a Beijing hotel room: 'My students keep asking me, 'What should we do next? What can we accomplish?' I feel so sad, because how can I tell them that we actually are hoping for bloodshed, the moment when the government is ready to butcher the people brazenly. Only when the square is awash in blood will the people of China open their eyes.'

Bailey also describes some of the problems Jenzabar was facing at the time:

In its press releases Jenzabar, a private company, boasts of record financial results. '2002 was a break-out year for Jenzabar and 2003 is shaping up to be the most successful in the history of our company,' Maginn said in a release just this week.

Here is what Jenzabar does not want you to know. While the company was polishing its image in public, its chief financial backer was trying to oust Chai and Maginn and saying that Jenzabar had defaulted on its loan agreements. That backer, Pegasus Partners, a Greenwich, Conn., private equity firm, was also pushing to sell Jenzabar, according to court documents.

A lawsuit filed in March is the latest in a series of suits against the company... Jenzabar has denied the claims and resolved some of the disputes.

This *Globe* column was written in 2003, and goes on to state that "Five former executives have sued Jenzabar..." However, in two letters sent to the Long Bow Group in February and March 2007, the Assistant General Counsel of Jenzabar informed us that they "are aware of four suits brought by former executives, not five," and, "Only one suit, brought by Joseph DiLorenzo, the former CFO of Jenzabar, accused Ms. Chai and Mr. Maginn of illegal actions. Mr. DiLorenzo later voluntarily dropped his claims against Ms. Chai and Mr. Maginn without receiving any settlement payments to do so, admitted that he had no basis for them, and issued [an] apology." Furthermore, Jenzabar states

the *Globe* article "falsely and misleadingly suggests that [three other proceedings involving former executives] had merit."

In his letter to the Long Bow Group, Jenzabar's Assistant General Counsel also included a copy of Mr. DiLorenzo's letter of apology, which was dated September 22, 2006. In the interests of full disclosure, we are including copies of these letters and our responses in their entirety. We are unaware of any retractions or corrections printed by *The Boston Globe* with regard to their reporting about Jenzabar's legal problems.

The *Globe* column concludes:

After Tiananmen, Chai detractors said her hero's image did not square with her hardball tactics. Now her critics are saying much the same again, this time about her corporate life. Meanwhile, Chai continues to sell her story of the Tiananmen heroine-turned-American-entrepreneur. 'Today, I am living the American dream,' Chai told *Parade* magazine in June.

With Ling Chai, distinguishing the dream from the reality has always been the hardest part of all."

[Source: "American Dream," *The Boston Globe*, Aug. 8, 2003, Steve Bailey.]

A *Forbes.com* article reported:

Chai Ling has spent years trying to cash in on her heroism at Tiananmen Square. But so far her web company has brought in little money and lots of lousy karma.

Chai Ling would like total control over her biography. In her version, she risks her life leading student protests in Tiananmen Square in 1989, escapes China stowed in a crate and is twice nominated for the Nobel Peace Prize. Then she moves to America and marries a millionaire venture capitalist who bankrolls her promising internet startup. Alas, the market crashes before the company can go public, and it is unfairly besieged by lawsuits from former executives....

"You're not going to write about that, are you?" Chai says, when asked about the suits. "Do you really have to mention those things?" Chai's seeming naiveté is a little out of character. She has frequently scored points in the press by recalling her glory days as onetime "commander-in-chief" of rebel students in Beijing.

With respect to Jenzabar's launch in 1998 by Chai Ling, *Forbes* reported:

Jenzabar's mission was to develop internet-based portals that college students could use to register for courses and check homework assignments. By early 2000 a few colleges were testing its software, but nobody was paying for it.

So Maginn, 46, and Chai, 36, who were engaged in 1997 and married in 2001, cooked up a new plan in which Jenzabar would gain customers by acquiring them. In April 2000 Maginn quit his job at Bain and joined Jenzabar, raising \$40 million from investors, including his own New Media Investors. Jenzabar bought four barely profitable companies that made administrative software for colleges. Yoking them to Jenzabar's portal, Chai reckoned she could offer a single vehicle to handle all aspects of

campus life.

As the market for internet companies crashed, managers of the four acquired outfits bickered over which products would survive. "We had a lot of upheaval," says Chai.

... Where does this leave Jenzabar? Depends on whom you ask. "It's been a little chaotic," says Chai. "But 2002 was our turnaround year. In 2003 we have our house in order and will start to grow and take market share." Perhaps. But nabbing new clients isn't easy in the \$2.7 billion market for higher-ed software, which is growing at only 2.7% annually, reports IDC.

Recently Maginn and Chai hired an investment bank, a move that prompted rumors of a sale. "If a giant company were to come along and make a great offer," he says, "we would consider it." In 2000, Chai says, investment bankers told her that Jenzabar could be worth \$1 billion in a public offering. In those days a good story could go a long way. Today it might get you just enough money to pay off your debts.

[Source: "Great Story, Bad Business," Forbes.com, Feb. 17, 2003, by Daniel Lyons.]

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In February 2007, Jenzabar, Inc. sent the Long Bow Group the following letter concerning our website. [Below are copies of our first reply, a second letter from Jenzabar, and our subsequent reply.]

Jamison J. Barr, Esq.
Assistant General Counsel
(617) 492-9099 ext. 269
jamison.barr@jenzabar.net

February 9, 2007

Attention: President
Long Bow Group, Inc.
55 Newton Street
Brookline, MA 02445

Re: www.tsquare.tv

Dear Sir or Madam:

I represent Jenzabar, Inc. ("*Jenzabar*") as its Assistant General Counsel and am writing about the Web pages you maintain at <http://www.tsquare.tv/film/jenzabar.html>, <http://www.tsquare.tv/film/american dream.html> and <http://www.tsquare.tv/film/forbes.html> (the "*Web pages*"). These Web pages make and publish numerous false and defamatory statements regarding Jenzabar, its current Chairman and Chief Executive Officer, Robert A. Maginn, Jr. and its founder, President and Chief Operating Officer, Ms. Ling Chai.

Specifically, your Web pages republish statements to the effect that "five former executives have sued Jenzabar, including the former chief financial officer, who accused Chai and Maginn of 'a number of unethical, inappropriate, and/or illegal actions.'" This statement is false, misleading, and defamatory. We are aware of four suits brought by former executives, not five, all of whom had been terminated, and several of whom had violated their noncompetition and confidentiality agreements. Only one suit, brought by Joseph DiLorenzo, the former CFO of Jenzabar, accused Ms. Chai and Mr. Maginn of illegal actions. Mr. DiLorenzo later voluntarily dropped his claims against Ms. Chai and Mr. Maginn without receiving any settlement payments to do so, admitted that he had no basis for them, and issued the attached apology, which is on file with the court.

Regardless of what the *Boston Globe* or *Forbes* might have published more than four years ago, it is irresponsible and defamatory to suggest or state now, as your Web pages do, that Jenzabar and its executives committed any illegal or inappropriate actions when the only person who made such an accusation has now admitted that the accusations were false and

unsupported. Given the information that we have now provided, you can no longer claim ignorance about the facts. Your republication of these statements is defamatory, and we insist that you remove the false and defamatory articles and statements on your Web pages.

Your republication of defamatory statements is wrongful in itself, but you compound this wrongdoing by repeatedly using Jenzabar's trademarks to attract traffic to the offending Web pages. Your Web page uses JENZABAR, JENZABAR.COM, and JENZABAR.NET, in addition to Ms. Chai's name, as metatags, in the title of the page, and in the URL. The marks JENZABAR and JENZABAR.COM have been registered with the U.S. Patent and Trademark Office and issued Registration Nos. 3108414 and 2557986 respectively. It's self-evident that you have designed these Web pages and used Jenzabar's marks to maximize the prominence of your Web pages on Internet search engines, in order to deliberately divert Internet users who are looking for the Jenzabar Web site. This unauthorized use of Jenzabar's federally registered marks to draw traffic to your Web pages constitutes trademark infringement under the Lanham Act and Massachusetts law.

Your calculated efforts to attract attention to the false and defamatory information on your Web pages have yielded the results that you've apparently intended: the reputations and goodwill associated with Jenzabar and its senior executives have suffered significant damage for which you are liable.

I applaud your organization for the critical acclaim its films have received and strongly believe that the story of the largest nonviolent protest in China's history must never be forgotten. However, Jenzabar cannot and will not tolerate your organization's seemingly deliberate efforts to smear the reputation of Jenzabar and to infringe on its intellectual property. Accordingly, Jenzabar demands that you take the following actions within **(7) seven days** of the date of this letter:

1. Cease and desist from using JENZABAR in the URL of any Web page you own or maintain;
2. Cease and desist from using JENZABAR, JENZABAR.NET, and JENZABAR.COM in the title, metatags and html code of any Web page you own or maintain;
3. Confirm that none of the principals, employees, or agents of your Long Bow Group, Inc. have contributed any of false and defamatory information that was posted to the wikipedia.org article about Ms. Chai;
4. Cease and desist from republishing any of the false and defamatory information regarding Jenzabar and its senior executives; and
5. Add the following disclaimer to your Web pages - "This Web page is not affiliated with or sponsored by Jenzabar, Inc."

If I do not receive written confirmation within **(7) seven days** that you've taken these remedial actions, Jenzabar will take whatever actions it deems appropriate to protect its interests and reputation. Such actions may include initiating litigation without any further notice. This letter is sent in an effort to avoid litigation, and nothing in it should be taken as a waiver of any claims, positions, rights, or remedies that may be available to Jenzabar, all of which Jenzabar expressly reserves.

Sincerely,
Jamison J. Barr
Assistant General Counsel

(Also available: [PDF file of Feb. 9, 2007 letter](#))

Reply from the Long Bow Group, dated February 27, 2007:

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February 27, 2007

Jamison J. Barr
Jenzabar, Inc.
5 Cambridge Center
Cambridge, MA 02142

Re: Jenzabar, Inc.

Dear Jamison:

In response to your letter of February 9, 2007, please be advised that we took your allegations very seriously and accordingly consulted with both litigation and intellectual property counsel with respect to the same.

Their advice to us was that neither your defamation allegations nor your trademark infringement claims are valid.

With respect to the defamation allegations, please note that the articles posted on our webpage were posted over three years ago, that Long Bow is only citing articles which are a matter of public record, that the statute of limitations in Massachusetts is limited to 3 years and so (to the extent it had been relevant) has expired, and that the courts have rejected the theory that the statute of limitations is continually refreshed by the maintenance of the posting. Please further note that the articles cited on our webpage were from respected sources, published for informative and newsworthy purposes, and that our references to and citations of the same were likewise published for informative and newsworthy purposes.

That said, we were unaware of the September 22, 2006 letter from Joseph DiLorenzo which was attached to your letter, which appears to have been a private communication, and which purports to retract charges asserted by Mr. DiLorenzo over 3 years earlier. Please note that the date on the letter is over 3 years following The Boston Globe article cited on our webpage and does not itself refute the statements in that article. However, the letter from Mr. DiLorenzo does suggest that he no longer believes that the allegations in the complaint he had filed (and which were quoted, apparently accurately, by The Boston Globe) were valid.

Accordingly, we would be willing to take the following actions in order to address your stated concern and provided that it puts this matter to bed:

- Because the letter from Mr. DiLorenzo offers additional material information relating to the sentence in the 2003 article from The Boston Globe which you allege to have been defamatory, we will post a copy of the letter on our webpage. We will also add a sentence to the webpage indicating that Jenzabar has informed us that only 4 lawsuits were filed rather

than the 5 reported by The Boston Globe. We understand from your letter that you are not suggesting that any other material on our webpage was defamatory.

- We will revise certain elements of the language on the webpage to indicate that the positions taken by the authors in the referenced articles do not represent the opinions of all persons.
- We will add the disclaimer that you requested.
- We will forward your letter and its attachment to the authors of the Forbes and The Boston Globe articles cited on our webpage in order to alert them to your concerns about inaccuracies in their reporting.

With respect to the trademark violations you allege, we have been advised by counsel that our use of the name 'jenzabar' in the keywords and metadata related to the webpage is considered use for 'referential' purposes and accordingly is not in violation of any state, federal or common law. In fact, please note that our use of Jenzabar's name in the disclaimer you have requested us to insert on the webpage constitutes a similar 'referential' use.

Finally, with respect to the concerns you expressed regarding Wikipedia's coverage of Chai Ling, please be advised that I am not aware of anyone at Long Bow who has contributed to Wikipedia's entry on Chai Ling. Furthermore, no one in this company has any knowledge about anyone who has submitted material about Chai Ling to Wikipedia. My understanding is that Wikipedia does offer utilities which allow you to identify the names of the contributors to the encyclopedia and I suggest that, to the extent your concern remains, you pursue your concern through those utilities or with the staff of Wikipedia.

I appreciate your commendation of Long Bow's film making efforts. Please know that we strive very hard to maintain intellectual integrity as well as compliance with and respect for the legal and individual rights of the persons and companies with whom we work from time to time. Accordingly, if your legal counsel disagrees with the opinions we have received from our legal counsel, could you please forward to me the grounds for their disagreement (including citations to relevant caselaw where applicable), and we will assuredly re-examine the issues in light of the same.

Yours sincerely,
Richard Gordon

(Also available: [PDF file of Feb. 27, 2007 letter](#))

Letter dated March 22, 2007, from Jenzabar, Inc. to the Long Bow Group:

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Jamison J. Barr, Esq.
Assistant General Counsel
(617) 492-9099 ext. 269
jamison.barr@jenzabar.net

March 22, 2007

Richard Gordon
Long Bow Group, Inc.
55 Newton Street
Brookline, MA 02445

Re: www.tsquare.tv

Dear Richard:

Thank you for your letter dated February 27, 2007. I appreciated your thoughtful response, your offer to take certain corrective actions, your request for additional information and your willingness to re-examine your position in light of the additional information. I do take much comfort in your statement that the Long Bow Group ("*Long Bow*") strives "very hard to maintain intellectual integrity as well as compliance with and respect for the legal and individual rights of the persons and companies with whom" you work with.

Because your letter is based on some misunderstandings about the facts and the law, however, I'm taking you up on your offer to point out these errors - *having included citations to case law where applicable* - and to request that you take corrective action.

At the outset, while I appreciate that Long Bow is reproducing articles that first appeared in other publications, that fact does not insulate Long Bow from liability for defamation. Massachusetts courts treat republishers of defamatory statements as the original publisher for purposes of determining liability. *See Appleby v. Daily Hampshire Gazette*, 395 Mass. 32, 36 (Mass. 1985) ("Generally speaking, the republisher of a defamatory statement 'is subject to liability as if he had originally published it'"). Similarly, the fact that the original articles were from respected sources, a republisher will be liable for defamation if it is negligent in republishing it. *See Mac-Gray Services, Inc. v. Automatic Laundry Services, Co. Inc.*, 2005 WL 3739853, *2 (Mass.Super. 2005), citing *Reilly v. Associated Press*, 59 Mass.App.Ct. 764, 769 (2003). A republisher is negligent if it knew or should have known of certain facts extraneous to the republished piece which would have raised doubts as to that piece's veracity. *See Appleby*, 395 Mass. at 40.

Here, we have provided Long Bow with documented evidence that the allegations reported in these articles are false. First, the letter from Mr. DiLorenzo that Jenzabar previously filed was not merely a private communication; it was filed with the Superior Court for Middlesex County, attached to Mr. DiLorenzo's stipulation of dismissal (see Exhibit 1). Mr. DiLorenzo was the former CFO of Jenzabar whose allegations were reported in the *Boston Globe* article and republished on your website. See http://www.tsquare.tv/film/american_dream.html ("Five former executives have sued Jenzabar, including the former chief financial officer, who accused Chai and Maginn of 'a number of unethical, inappropriate, and/or illegal actions.'").

There were three other proceedings involving former executives, but the article falsely and misleadingly suggests that they had merit. In one case, John Pierce, the owner of a company that was purchased by Jenzabar, was found liable for making misrepresentations about the company; Jenzabar was awarded \$1.75 million in an arbitration proceeding, and Pierce was awarded nothing on his claims. I've attached a copy of the decision for your reference (see Exhibit 2).

In another case, Mahendran Jawaharlal, who had previously been CEO of Pierce's company, sued Jenzabar seeking to avoid his non-competition obligations. The court threw out his claims. I've attached a copy of the ruling (see Exhibit 3). Following that ruling, the company was awarded a judgment in its favor.

In the last case, Dwight Wyse was sued by Jenzabar for violating his fiduciary duties to the company. Mr. Wyse and his son then brought counterclaims, but *every one* was dismissed by the court. See the attached order (Exhibit 4). Dwight Wyse later agreed to a settlement with Jenzabar in which he agreed to forfeit considerable sums of money in payments that he would have received. That forfeiture was entered in open court and is part of the official court docket.

In view of this information, it is irresponsible and defamatory for your website to republish statements that Chai and Maginn were sued for allegedly committing "a number of illegal actions" without also stating that those allegations were later admitted to be false. It is similarly irresponsible and defamatory for your website to publish statements about lawsuits against Jenzabar, even suggesting that the claims had some truth, when a simple review of the public docket of the state and federal courts would show that all of the claims against Jenzabar were baseless. Regardless of what Long Bow might have known when it first republished the statements, it can no longer claim ignorance of their falsity.

Second, we've investigated your statute of limitations argument, and it fails on the facts. We have been able to determine, and have documentary evidence, that the defamatory statements that Long Bow republished on its website were posted on May 14, 2004. When a defendant has republished defamatory statements, a new cause of action for libel accrues for republications *from the date of the republication*. See *Vondra v. Crown Publ'g Co.*, 2002 WL 31379948, *4 (Mass.Super. 2002); see also *Flynn v. Associated Press*, 401 Mass. 776, 780 n.5 ("Any future republication of the false statements complained of in this action could form the basis for a new cause of action against the republisher."). Consequently, the statute of limitations has not yet expired.

Finally, as to the use of Jenzabar's name as a metatag, there are countless cases - including cases in the District of Massachusetts - that hold that the use of another's trademark in a metatag creates initial interest confusion. See, for instance, *Eli Lilly & Co. v. Natural Answers, Inc.*, 233 F.3d 456, 464 (7th Cir. 2000) ("[u]sing another's trademark in one's metatags is much like posting a sign with another's trademark in front of one's store.' As such, it is significant evidence of intent to confuse and mislead."); accord *Australian Gold, Inc. v. Hatfield*, 2005 WL 3739862 (10th Cir. Feb. 7, 2006); *Brookfield Communications, Inc. v. West Coast Entertainment Corp.*, 174 F.3d 1036 (9th Cir. 1999); *Shainin II, LLC v. Allen*, 2006 WL 1319405 (W.D. Wash. May 15, 2006) (metatag use supports preliminary injunction); *Tdata Inc. v. Aircraft Technical Publishers*, 2006 WL 181991 (S.D. Ohio Jan 23, 2006); *Full House Productions, Inc. v. Showcase Productions, Inc.*, 2005 WL 3237729 (N.D. Ill. Nov 30, 2005); *Victoria's Secret Stores v. Artco Equip. Co.*, 194 F.Supp.2d 704, 725 (S.D. Ohio 2002); *J.K. Harris & Co. v. Kassel*, 62 U.S.P.Q.2d 1926 (N.D. Cal. 2002); *Aztar Corp. v. MGM Casino*, 59 U.S.P.Q.2d 1460 (E.D. Va. 2001); *New York State Soc. of Certified Public Accountants v. Eric Louis Assoc., Inc.*, 79 F. Supp.2d 331, 341 (S.D.N.Y. 1999); *Niton Corp. v. Radiation Monitoring Devices, Inc.*, 27 F.Supp.2d 102 (D. Mass. 1998). These courts have recognized that consumers who use a mark as a search term to look for a company experience confusion when their search results include web sites not sponsored by the owner of the mark. *Brookfield Communications*, 174 F.3d. at 1045; *Playboy Enterp., Inc. v. Netscape Communications Corp.*, 55 F.Supp.2d 1070, 1083 (C.D.

Cal. 1999); *Key3 Media Events, Inc. v. Convention Connection, Inc.*, 2002 WL 385546 (D. Nev. Jan. 25, 2002). There is no exception for "referential" uses, and, in any event, your website's use of Jenzabar's registered trademark in its metatags is plainly intended to divert traffic to your site, to more widely disseminate the defamatory information I've identified above. This is a bad faith, infringing use, and it is also an unfair and deceptive trade practice.

Because of this, more is required of Long Bow to put "this matter to bed," and Jenzabar must insist that Long Bow takes the following actions immediately:

- Remove the name "Jenzabar" from any all domains used by your website;
- Remove the name "Jenzabar," "Jenzabar.net" and "Jenzabar.com" from the source code of your website;
- Remove all of the false and defamatory information identified in this letter, including but not limited to the statement that "Five former executives have sued Jenzabar, including the former chief financial officer, who accused Chai and Maginn of 'a number of unethical, inappropriate, and/or illegal actions.'"; and
- Add the following disclaimer - "This website is not in any way affiliated with Jenzabar, Inc."

Accordingly, please confirm by **no later than March 30th, 2007** that you've taken these remedial actions. If I don't hear from you by then, Jenzabar will be forced to start initiating legal proceedings without any further notice. Given your stated commitment to integrity and willingness to re-examine your position, I am confident however that, after you've reviewed the information (both the law and facts) provided and discussed them with your legal counsel, you will take the actions listed above.

Please note this letter is sent in an effort to avoid litigation, and nothing in it should be taken as a waiver of any claims, positions, rights, or remedies that may be available to Jenzabar, all of which Jenzabar expressly reserves.

Sincerely,
Jamison J. Barr
Assistant General Counsel

(Also available: [PDF file of March 22, 2007 letter.](#))

Reply from the Long Bow Group, dated April 11, 2007:

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April 11, 2007

Jamison J. Barr
Jenzabar, Inc.
800 Boylston St.
Prudential Center, 35th Floor
Boston, MA 02199

Dear Jamison:

In response to your letter dated March 22, 2007, please be advised that we asked our counsel to make a thorough examination of the information you provided. Our understanding continues to be that neither Jenzabar's defamation allegations nor Jenzabar's trademark infringement claims are valid.

That said, let me make two preliminary points. First, as I'm sure you know, truth is a defense against a defamation charge. The statement on the web site with which you take issue is, in fact, truthfully reporting that a Boston Globe article was published in 2003, which itself truthfully stated that lawsuits were filed, quotes accurately from Mr. DiLorenzo's complaint, and even says that the defendant denied the claims. To the extent that the Boston Globe article made an error on the number of executives involved in the action, that is hardly defamatory. As you know, not every false statement rises to the level of defamation. As to the rest of the article quote, it seems to be opinion at worst, truthful fact at best. Nonetheless, we are willing to clearly indicate on our website that Jenzabar has recently contested the accuracy of certain limited statements in the Boston Globe article and we will also post your letters to us which detail your concerns.

Second, I believe there has been some confusion around Jenzabar's claim of trademark violation. Specifically, the trademark cases you cite bear on situations where the intent of the user was to cause market confusion. In this case, there is no issue of market confusion; the use of the name 'jenzabar' is, in fact, solely for referential purposes and such use does not constitute a trademark violation. The website is identified as an historical website focusing on the 1989 Tiananmen Square demonstrations and the feature documentary "The Gate of Heavenly Peace." The copyright is explicitly held by the Long Bow Group, a non-profit educational corporation founded in 1982. Long Bow Group is not in the same (or even in a related) area of business as Jenzabar, and no visitor to our website would reasonably believe the website to be sponsored by or affiliated with Jenzabar. Please also know that your suggestion that there has been any intent on the part of Long Bow to defame your client is inaccurate, unfounded, and, quite frankly, inappropriate. As you know, the website contains information relating to many of the central characters in the film. The information provided with respect to Jenzabar is offered only because the company is so closely linked with Chai Ling, who by her own statements identifies herself as an important and controversial participant in the Tiananmen protests. Nonetheless, we are willing to add the following language to the webpage about Jenzabar: "These web pages are the sole responsibility of the Long Bow Group, and are in no way affiliated with or sponsored by Jenzabar, Inc."

Finally, the Long Bow Group remains committed to taking those actions which are both legally and ethically appropriate; but we are troubled by what seems a clear effort on Jenzabar's part to suppress our first amendment rights, censor the historical record, intimidate us with charges which are brought years after the fact, and which have been asserted in a hostile and threatening manner on unsupportable legal grounds.

Yours sincerely,
Richard Gordon

(Also available: PDF file of April 11, 2007 letter)

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Joseph G. DiLorenzo
Nine Silver Road
Humarock, MA 02047-0510

September 22, 2006

Robert A. Maginn, Jr.
Ling Chai
c/o Jenzabar, Inc.
5 Cambridge Center
Cambridge, MA 02142

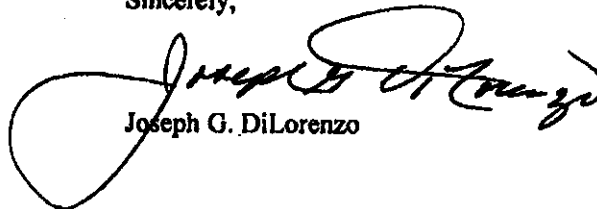
Dear Bob and Ling:

Please accept my sincerest apologies for any personal and corporate pain caused as a result of the allegations made in my lawsuit filed by my attorneys. Although my attorneys filed this lawsuit to advance my interests, the subsequent and extensive discovery that was conducted demonstrated that the information provided to me by others that led to the allegations was not warranted and not supported by the evidence. These findings led me to believe that the claims against you and Ling personally were not warranted. As a result, I voluntarily withdrew those claims in early December, 2005 without receiving settlement payments to do so.

In addition, if you are ever asked by anyone regarding the allegations I made, please contact me immediately or have them contact me directly, as I personally stand ready to speak to anyone to correct them. Feel free to give them my phone number to contact me if needed.

Recognizing the pain and difficulties of the past, I really would like to help you, Ling and the Company in any way that I can. I look forward to putting this issue behind us and wish you well in the future.

Sincerely,



Joseph G. DiLorenzo

EXHIBIT B



Chai Ling is currently Founder, President, and CEO of Jenzabar, an internet company providing a Web-based intranet application for students and teachers.

According to an August 2003 Boston Globe column, "A lawsuit filed in March is the latest in a series of suits against the company. Five former executives have sued Jenzabar, including the former chief financial officer, who accused Chai and [her husband Robert] Maginn of 'a number of unethical, inappropriate, and/or illegal actions.' Jenzabar has denied the claims and resolved some of the disputes... After Tiananmen, Chai detractors said her hero's image did not square with her hardball tactics. Now her critics are saying much the same again, this time about her corporate life."

For more details, see also Great Story. Bad Business, from Forbes.com.

A July 25, 1999 Boston Globe article ("Harvard Wars with Firm over Web Site") details a dispute between Jenzabar and the Harvard Business School, "with Harvard's lawyers contending that Jenzabar was trying to capitalize on the business school's blue-chip reputation. The business school's lawyers demanded that Jenzabar stop posting a claim on its Web site that the Cambridge-based company's main product had been designed by the same technowizards who designed the business school's intranet system... 'The Harvard Business School name stands for excellence and integrity,' said Loretto Crane, a business school spokeswoman. 'It's not surprising that people want to leverage some sort of relationship with it. It's also not surprising that the school is concerned when it's used inappropriately.'..."

The dispute has been embarrassing for Jenzabar's team, which includes many politically connected individuals, including former Massachusetts Treasurer Joe Malone, the company's director of development. Legal counsel is provided by former governor William F. Weld and his law firm, according to a Jenzabar spokesman. The company's chairman is Chai's fiance, millionaire Robert Maginn, who lost a race last year to succeed Malone as treasurer...

The controversy started in May. The business school received a call from an information technology manager at SUNY-Buffalo who said a Jenzabar sales representative had told her flatly that the company had developed its intranet system at the business school. When business school officials logged onto Jenzabar's Web site, they discovered that Jenzabar stated that its 'core application' was 'developed by the technology leaders who also developed the award-winning Harvard Business School intranet system.'

That's quite a stretch, business school officials say. 'It's a collection of half-truths that ultimately portray something false and mislead the public,' a business school source said...

A Jenzabar spokesman said the company acted promptly to correct any misimpressions, but business school officials said it was not until a few weeks ago - nearly two months after Harvard lawyers objected - that the questioned claims were removed from the company's Web site."

Additional information about Jenzabar can be found in the article "Internet's Odd Couple" (Steve Bailey, *The Boston Globe*, 27 January 1999), which includes the following excerpts:

Chai and [former Massachusetts state Treasurer Joe] Malone have hooked their futures, at least for now, to the frenzied promise of the Internet. Start a company, put Net or .com in the name and get rich - it has become the American way, whether you grew up as the All-Everything kid from Waltham High or were smuggled out of China in a crate.

Malone, just days out of the treasurer's office, has signed on as the latest addition to Chai's CollegeNet Inc., a Cambridge Internet start-up with some big-name financial backers. Among them: Reebok president Paul Fireman and Steve Perlman, the founder of WebTV.

... Malone found his way to this newest of mediums in a very old-fashioned way: through a pal. The chairman of CollegeNet is Robert Maginn, the Bain & Co. partner who ran a losing campaign to replace Malone as treasurer. Malone supported Maginn in the race, won easily by Democrat Shannon O'Brien; Maginn didn't forget Malone.

... Chai has spent the last five years in Boston, working as a Bain consultant for three years and finishing her MBA at Harvard Business School last summer. She developed the idea for her company at Harvard, where her class was among the first to use the business school's new \$11 million intranet that allows students to conduct research and communicate with faculty and alumni.

CollegeNet's product expands on Harvard's capabilities and is being offered free to colleges. Revenues will come from advertising and commissions on electronic commerce sales. Chai is stingy with details, but says she hopes to have "hundreds" of colleges signed up by year-end. New venture partners should be on board soon, she says.

In a Feb. 5, 1999 follow-up column, Steve Bailey notes an omission:

Last week I asked what could have brought together former state Treasurer Joe Malone and Chai Ling, the famed Tiananmen Square leader. The answer: the Internet.

Maybe I should have wondered what could have brought together Chai and Robert Maginn, the Bain & Co. partner who ran for Malone's spot last fall and then helped Malone land a job at CollegeNet Inc., where Chai is now chief executive. The answer is something even more powerful than the Net. It must be love.

As it turns out, Maginn, chairman of CollegeNet, and Chai are engaged and living together in Cambridge. I trust they have disclosed their relationship to their investors, even if they didn't to me.



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