



ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

May 18, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Ian G. Brownlee
Acting Assistant Secretary of State
U.S. Department of State, Bureau of Consular Affairs
2201 C Street NW
Washington, DC 20520

Dear President Biden, Secretary Blinken, and Acting Assistant Secretary Brownlee,

On April 21, 2020, on behalf of the people of Missouri, I filed a lawsuit in federal district court against the People's Republic of China, the Communist Party of China, and several other Chinese entities—including the Wuhan Institute of Virology—for their role in the COVID-19 pandemic. Our lawsuit alleges that “an appalling campaign of deceit, concealment, misfeasance, and inaction by Chinese authorities unleashed this pandemic.”

Though much is still unknown, many basic facts of China's campaign of deceit and misfeasance are well-established. Indeed, aside from Communist propaganda, no one really disputes them. Our lawsuit contains 78 footnotes citing dozens of credible sources, including many reports from mainstream media outlets and medical journals like *The Lancet* and the *New England Journal of Medicine*. Based on these well-reported facts, the lawsuit states: “During the critical weeks of the initial outbreak, Chinese authorities deceived the public, suppressed crucial information, arrested whistleblowers, denied human-to-human transmission in the face of mounting evidence, destroyed critical medical research, permitted millions of people to be exposed to the virus, and even hoarded personal protective equipment—thus causing a global pandemic that was unnecessary and preventable.” Moreover, the public evidence of China's misfeasance has only grown since our lawsuit was filed.

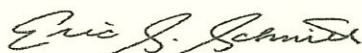
After filing the suit, as required by federal law, we pursued the complex process of serving the lawsuit on the Chinese authorities under the Hague Convention, which requires the participation of the Chinese foreign ministry. After many months of stonewalling, in February 2021, China finally refused to effect service, shirking its legal obligations under the Hague Convention by raising a frivolous objection under Article XIII. We then sought authorization from the federal district court to pursue alternative methods of service permitted by federal law. Last week, the court agreed with us and authorized us to pursue those alternative methods. *See* ECF No. 22, *State of Missouri ex rel. Eric S. Schmitt v. The People's Republic of China*, Case No. 1:20-cv-0099-SNLJ (May 11, 2021) (enclosed). In particular, the court authorized us to pursue service by email on three defendants—the Chinese Communist Party, the Wuhan Institute for Virology, and the Chinese Academy of Sciences—pursuant to Federal Rule of Civil Procedure 4(f)(3). *Id.* at 7. And the court authorized us to pursue service of six defendants—the People's Republic of China and five of its political subdivisions—through diplomatic channels pursuant to 28 U.S.C. § 1608(a)(4). *Id.*

Today, my office served process by email on the Chinese Communist Party, the Chinese Academy of Sciences, and the Wuhan Institute of Virology. We have also initiated the process of serving the People's Republic of China and its subdivisions through diplomatic channels, which requires the cooperation of the State Department's Bureau of Consular Affairs under § 1608(a)(4). Pursuant to the Court's order, my office is coordinating with the Clerk of the Court in the U.S. District Court to submit completed service packets to the Bureau. You will receive them soon.

I write to respectfully request that the State Department waive the fee of \$2,275 per defendant for consular services associated with this request, as set forth in the Schedule of Fees for Consular Services, 22 C.F.R. § 22.1(51). Unlike private disputes among private litigants, our lawsuit is filed on behalf of the people of Missouri as a whole, and it serves the public interest. Moreover, all Americans have an overpowering interest in achieving truth and accountability regarding the outbreak of the COVID-19 pandemic. This lawsuit serves the interests of all Americans, not just Missourians. Waiving that expense for Missouri's taxpayers would be a just and equitable gesture, and it might help restore some measure of public confidence in your Administration's commitment to hold Communist China accountable for the pandemic's outbreak.

In short, all Americans deserve to know the truth of the pandemic's origins. All Americans deserve to understand Communist China's role in causing and exacerbating this crisis. All Americans deserve compensation for the incalculable losses inflicted on our Nation by the misfeasance of Communist China. Our lawsuit serves these goals on behalf of Missourians, and it will also serve these goals on behalf of all Americans. Please let me know within ten days of receipt of this letter if you agree to waive the consular fee associated with this service request.

Sincerely,



Eric S. Schmitt
Attorney General of Missouri

Enclosure