



2100 M Street NW, Ste 170-340 Washington, DC 20037

November 16, 2016

An Open Letter to Members of Congress:

There is growing concern among those of us who have served our country that a law passed by Congress in September, the Justice Against Sponsors of Terrorism Act (JASTA), places U.S. service men and women around the world at risk.

As veterans, we sacrifice much in service to our nation and because of that we are especially sensitive to laws that can increase our vulnerability. We believe that JASTA, while providing Americans with some additional options for civil litigation, places an undue amount of risk for U.S. service members, officials in foreign service, and those who serve in unofficial capacities. That is why, with the elections now behind us, we strongly urge Congress to make the repeal of the JASTA a legislative priority in 2016.

While we certainly support 9/11 families and their right to seek justice, this law is not the correct way to accomplish this. The unintended consequences of JASTA are potentially disastrous. One of the major concerns for veterans is JASTA's impact on the principle of sovereign immunity. This widely-held international principle has protected U.S. officials, diplomats, intelligence offices and members of the military for centuries. It's what has prevented U.S. troops from being punished or imprisoned by a foreign country for actions taken in the line of duty. Without sovereign immunity, we expose service members to hostile foreign powers and their brand of "justice".

The U.S. has a larger international footprint and is more exposed than any other country in the world. If other countries answer JASTA with reciprocal legislation of their own, U.S. personnel serving abroad will become immediate targets for lawsuits from hostile foreign governments. Chairman of the Joint Chiefs of Staff General Joseph Dunford outlined this concern in his letter to Congress before the veto override vote stating, "Any legislation that risks reciprocal treatment by foreign governments would increase the vulnerability of U.S. Service members to foreign legal action while acting in an official capacity."

In fact, government factions in Iraq, Turkey and even top allies such as France have already advocated JASTA-like legislation in their own countries. It is not difficult to see how families of individuals killed in U.S. drone strikes could bring a case against members of the U.S. military. The intent of JASTA was to seek retribution against terrorists who caused so much pain and suffering here in the U.S. As veterans, we completely understand this desire. For many of us, 9/11 was a call to protect our nation and do our part to bring those responsible to justice.

In Congress' attempt to achieve justice against terrorism, however, it has severely harmed our country's ability to fight it. Now more than ever, the U.S. needs the help of international partners to combat the rise of extremism.

In September, writing in the Wall Street Journal, Ambassador John Bolton and former Attorney General Michael Mukasey warned, "We have far more to lose than other nations from creating

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exceptions to sovereign immunity that others could use against us. There is no shortage of people hostile to America, even in nominally friendly countries, who would welcome Jasta's passage."

JASTA was passed through Congress hastily, without a hearing in the House or Senate. It then became law despite strenuous warnings from the nation's top national security and foreign policy experts. With election season now over, we encourage Congress to make this right. There needs to be a solution that provides justice for and recognizes the victims of 9/11, but does not completely the protections our service members have while serving around the globe.

We urge Congress to repeal JASTA immediately and find a legitimate way to support the families of the victims of 9/11 that rests on facts and does not undermine our ability to project U.S. power overseas or put our service men and women at risk of being hauled before foreign courts. Our national security and the safety of our military, our diplomats and our intelligence officers depend on it.

Sincerely,

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