

USA ENGAGE

September 27, 2016

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
U.S. Capitol Building S-230
Washington DC 20510

Dear Senator McConnell:

I am writing to ask your support in sustaining the veto of S. 2040, the Justice Against Sponsors of Terrorism Act (JASTA). 9/11 will always haunt us Americans, none more so than the families of those who were murdered and of those whose bravery in response was extraordinary. Our government and our politics grapple with the consequences of global terrorism, and all Americans wish we could do even more. But as the President's veto message makes clear, we must ensure that any changes the U.S. makes in our international relations will have the right effect.

While the sense of outrage and concern behind the Senate's vote to pass JASTA is entirely understandable, I am convinced that a sudden change in our long established practice regarding sovereign immunity, applicable to potentially any country and without careful consideration given to the unintended consequences for American citizens and businesses worldwide, would be a mistake.

The precedent JASTA would set for relations among sovereign states, the resulting exposure of Americans on the global stage, and the confusion of U.S. foreign policy by interminable court procedure will carry unintended consequences. One of America's greatest strengths is our stable, predictable and even-handed relationship with other nations. It is one of the reasons we have been able to gain wide support among the community of nations in fighting the scourge of terrorism. A sudden change of this nature, which could lead to extensive private litigation against even those governments that are our best allies in strengthening global cooperation against terror, could very well lead to mirror actions around the world and to a significant lessening of international cooperation in many fields.

We must continue to seek justice for those so grievously harmed by the rash and destabilizing acts of those states that sponsor or condone terrorism, but we should seek a way to do so without undermining our good relationships with the vast majority of nations that, like us, oppose terrorism and support our efforts.

We urge you to reconsider and take the time to permit the next Congress and the next Administration to seek a more carefully crafted alternative. As a review of world affairs reveals, while prudence appears in short supply, it is nevertheless imperative.

Sincerely,



Rufus Yerxa
Co-Chair USA*Engage