

United States Senate

WASHINGTON, DC 20510

September 9, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue, Northwest
Washington, DC 20500

Dear President Obama:

We write in strong support of the Justice Against Sponsors of Terrorism Act (JASTA), recently passed by Congress with overwhelming bipartisan support. This bill closes a loophole that denies a fair day in court to American victims of heinous terrorist attacks. We urge you to sign this bill without delay.

As you know, the Foreign Sovereign Immunities Act (FSIA) provides a narrow exception to the principle of sovereign immunity, which blocks most lawsuits against foreign governments. Although the underlying principle of sovereign immunity – which seeks to prevent political or diplomatic wrangling from occurring in the guise of a lawsuit – is sound, FSIA recognizes that it is not absolute. The law therefore provides an exception in cases where money damages are sought against a foreign state for personal injury, death, or damage to or loss of property, if such events occur in the United States. FSIA has, however, been interpreted to bar recovery against most foreign states if their actions do not take place in the United States – even if the effects are felt here. Under this interpretation, if a foreign government is sued for aiding and abetting terrorism, it does not face liability if its illegal actions occurred outside of the United States – even when the act of terror took American lives on American soil.

JASTA seeks to correct this ruling and give effect to the original congressional intent behind FSIA, ensuring that foreign governments cannot hide behind sovereign immunity when their actions harm Americans and American property in the United States. In an increasingly interconnected world, where money and communications may cross borders hundreds of times per day and sophisticated attacks may be planned by collaborators around the globe, maintaining this artificial distinction makes no sense.

We recognize that your Administration has expressed concerns that Saudi Arabia could react negatively if the United States passes this measure. If Saudi Arabia had no involvement with the attacks, it has nothing to fear from litigation. On the contrary, a court proceeding would allow it to demonstrate its innocence in a neutral, public forum. If Saudi Arabia was culpable, it should be held accountable. Potential or theoretical reprisals should not deter our nation from opening the courthouse doors to victims of terror. Indeed, they deserve their day in court – to seek justice for themselves, deter regimes abroad from aiding or abetting terrorism, and uphold the rule of law.

In the interests of justice for the families of the victims of the September 11 attacks and others,
we request your support for this bill.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



CHARLES E. SCHUMER
United States Senate