



November 20, 2016

**Time to fix JASTA**  
Ken Georgevits

Now that Election Day has come and gone, it is time to get back to D.C. and fix the Justice Against Sponsors of Terrorism Act.

A core tenet of international law, stretching back generations, is that a nation is immune from lawsuits in courts of another nation; a country should not use its courts to litigate against other nations.

There are several reasons why an alternative is needed. First, JASTA will undermine our ability to defend our interests around the world. In their quest for justice against terrorism, Congress opened the door for United States military personnel and government officials to be more vulnerable to unscrupulous lawsuits in foreign lands.

The principle known as sovereign immunity has governed relations between nation states for centuries. It holds that governments cannot litigate for civil wrongs without their consent. In international relations, sovereign immunity preserves the right and responsibility of governments to settle disputes with other governments on behalf of their citizens.

The United States military, the Department of State and our intelligence agencies have people performing duties vital to our national security around the world. I understand the political context in which JASTA passed both chambers with bipartisan support. However, as members return for a lame-duck session, it would be prudent to correct election-year misdeeds, with repeal legislation that protects our men and women serving abroad.

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# The Gazette

November 28, 2016

## **JASTA's negative consequences** Don Pugsley

It is easy to understand that the United States Congress would want to stand behind the families of the people who lost their lives in the terrorist attacks of Sept. 11, 2001. But the Congress chose the wrong vehicle when it passed, over President Barack Obama's veto, the Justice Against Sponsors of Terrorism Act (JASTA). In fact, JASTA could undermine our ability to defend our interests anywhere in the world. In their quest for justice against terrorism, the congress may be making the United States more vulnerable to it.

The principle of sovereign immunity has governed relations between states for centuries. It holds that governments cannot be sued for civil wrongs without their consent. In international relations, it preserves the right and responsibility of governments to settle disputes with other governments on behalf of their citizens. It prevents a potentially chaotic state of affairs in which individuals bring suits against governments throughout the world for any number of real or imagined wrongs.

By allowing the families to bring suit in federal court against the government of Saudi Arabia for involvement in the attacks, JASTA would gut the principle of sovereign immunity. It could also encourage other countries to bring Americans before foreign courts for carrying out their official duties and even make the U.S. government responsible for acts of private citizens. Ironically, it probably will produce neither justice nor satisfaction for the families.

The United States military, the Department of State and our intelligence agencies have people performing important duties around the world. Without sovereign immunity, other countries could prosecute them or allow their citizens to file suit against them or the U.S. government in their courts. Whether the allegations have merit or not is immaterial; what matters is that they would be subject to local courts — not just in Canada or Germany, but even potentially in places like Pakistan, Russia or Venezuela. Remember, there is no evidence that the government of Saudi Arabia was complicit in the attacks of 9/11, yet the families want to bring suit against it.

If a foreign government chooses to exercise jurisdiction over U.S. Service members, the Service members could be held in civil or criminal contempt should they refuse to appear or otherwise comply with the foreign court's orders. This could subject the United States to monetary damages, which could lead to attempts to seize U.S. military property overseas. It would also have a chilling effect on the performance of our personnel, who would always have to be concerned about potential legal liability.

If a U.S. Service member were tried in a foreign court, it would be up to that court to decide whether classified or sensitive U.S. Government information would be required as part of the litigation process. This could force the United States to make a decision either to disclose classified or sensitive information or subject a U.S. Service member to an adverse foreign court ruling, including prison.

No nation wants this. In fact, several countries have raised their deep concerns about JASTA with the United States government, including the Gulf Cooperation Council, the European Union, the Netherlands, Turkey and Pakistan — countries where many thousands of U.S. servicemen and women are or have been present.

The true intent of many members of Congress may be to give the families the means to extract a financial settlement out of court, which is so often the case in civil litigation. But civil litigation is a poor substitute, especially if it handcuffs and threatens our military, diplomatic and intelligence personnel overseas and makes it more difficult for us to defend the nation.

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November 22, 2016

**U.S. anti-terror legislation risks eroding international sovereignty**  
Ambassador Abdulrahman S. Alahmed

*Anti-terrorism legislation in the United States risks undermining the sovereignty of other countries, despite opposition by the current president, legal experts and numerous international governments including the EU, writes Abdulrahman S. Alahmed.*

On 28 September, the US Congress enacted the Justice Against Sponsors of Terrorism Act (JASTA) in a bipartisan vote, in spite of vigorous protests from President Obama, US national security officials and experts, the EU and numerous foreign governments and business leaders. President Obama used his prerogative to veto the bill, but for the first time in his administration, Congress overrode the presidential veto.

The bill, originally conceived in the context of the 9/11 terrorist attacks against the United States, horrendous acts that our kingdom has firmly condemned on several occasions, opens the door to lawsuits against any country, and ultimately its personnel, and fails to foresee the unintended consequence: the undermining of the global legal order and international relations.

JASTA effectively strips other countries of their sovereign immunity in the US, exposing them to private lawsuits in American courtrooms. As such, the passing of JASTA is a global issue that should be of concern to each and every country due to its fundamental erosion of the basic principles of international law.

The direct results of the bill are already becoming clear. The controversial legislation will undoubtedly put a burden on bilateral relations between states as well as on the international order.

Rather than relying on national security, foreign-policy and intelligence professionals to determine whether a state sponsors terrorism, JASTA effectively hands over this important responsibility to private litigants, juries consisting of American citizens and US courts who could mount cases with threadbare evidence or accusations.

We must ask ourselves whether we are willing to open up this Pandora's Box at the risk of destabilising international cooperation in the fight against terrorism.

This is not, as might be believed, an isolated view unique to Saudi Arabia. Broad support has emerged in favour of amending JASTA to address harmful "unforeseen consequences". A multitude of voices in the international community, from the Arab League, the OIC, and other international organisations representing nearly 90 countries have spoken out against JASTA.

They warn against the erosion of sovereign immunity and decry the bill as potentially damaging mutual trust between states and adversely affecting all areas of international cooperation.

In October, the European Parliamentary Research Service published an analytical briefing underscoring several critical points concerning JASTA's unforeseen consequences for EU member States.

With a view to restricting the scope of the bill and its far-reaching unintended consequences, the EU and its member states should consider taking diplomatic and parliamentary actions to persuade the standing Congress to amend or repeal the bill.

More specifically, the EU, which already expressed its reserve about the bill before its adoption, could urge the US Congress to restore the operative Foreign Sovereign Immunities Act provision that JASTA withdrew.

The timescale for the current Congress to make such change is tight, and without further authoritative calls for change, the bill continues to jeopardise the global legal order and international relations.

It is our hope that wisdom will prevail and that Congress will take the necessary steps to correct this legislation to mitigate its scope and avoid the serious unintended consequences that may ensue.

*Abdulrahman S. Alahmed is Saudi Arabia's ambassador to Belgium, Luxembourg and head of his country's mission to the EU.*

***Open Letter to Congress from U.S. Military Veterans:***

Senators John McCain and Lindsey Graham recently took a stand on behalf of Veterans when they introduced a proposal to fix the Justice Against Sponsors of Terrorism Act (JASTA). This amendment is necessary for our country's national security, our counterterrorism efforts, and, most importantly, the safety and wellbeing of our service men and women. We ask that Congress supports this proposal to fix JASTA.

The original JASTA legislation, while well-intentioned, guts the essential principle of sovereign immunity, opening the door to lawsuits against all countries, including the U.S. Our country has the largest international footprint in the world, meaning more exposure for our service men and women abroad. The Graham-McCain amendment fixes this issue by limiting JASTA to only governments that are knowingly involved in terrorist activities. Without this provision, U.S. military, diplomatic and intelligence personnel could be tried in foreign courts for doing their jobs.

The last-surviving recipient of the Medal of Honor from the Battle of Iwo Jima during World War II, Hershel "Woody" Williams, recently wrote, "It is very difficult for me to fathom what our members of Congress were thinking in creating a law that will have as its ultimate outcome the placing of our servicemen and women—and all of the civilian diplomatic and intelligence-gathering support that military personnel will need—at litigious risk around the world."

This is simply not good policy for our soldiers and must not happen. The Graham-McCain amendment is a solution for JASTA's unintended consequences on veterans and national security, while still respecting the right of 9/11 victims to seek justice. We hope you consider our nation's veterans and support this plan to fix JASTA.

Sincerely,

Colonel Terry Thrall  
U.S. Army, Ret.  
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Major Clayton Smith  
California Air National Guard, Ret.  
California

Sergeant Mary Chapeau  
U.S. Air Force, Ret.  
California

Petty Officer Second Class Ronnie Janson  
U.S. Navy, Ret.  
California

Senior Airman Paul R. Herman  
U.S. Air Force, Ret.  
California

Specialist Stephanie Ruscigno  
U.S. Army, Ret.  
California

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U.S. Army Reserve, Ret.  
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U.S. Navy Reserves, Ret.  
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Captain Adam Lucas Westerman  
U.S. Air Force, Ret.  
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U.S. Marine Corps., Ret.  
Colorado

Sergeant Hunter Desperado Nerison  
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Colorado

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U.S. Army, Ret.  
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U.S. Marine Corps., Ret.  
Colorado

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U.S. Air Force, Ret.  
Florida

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U.S. Marine Corps., Ret.  
Illinois

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U.S. Marine Corps, Ret.  
Illinois

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Iowa National Guard, Ret.  
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Brigadier General Don Armington  
Iowa Air National Guard, Ret.  
Iowa

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U.S. Army, Ret.  
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U.S. Army, Ret.  
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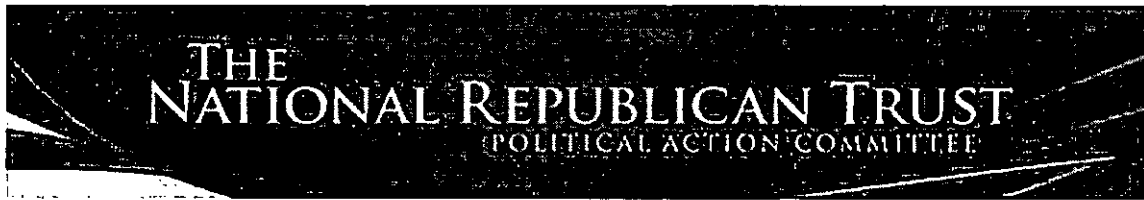
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November 16, 2016

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,

Greg Henderson, U.S. Navy

Timothy Stuehmeyer, US Air Force

Diedrich Drafz, U.S. Army

Andrew J. Hopkins, US Air Force National Guard

Edward Richardson, SSG, U.S. Army

Richard Goorey, USMC

John C. Ellingboe, US Navy

Bob Guersch, U.S. Army

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Daniel J Wilkins USAF

Phil W. McConathy, U. S. Army Reserves 100th Infantry Division 1970-1976.

Bruce Bordelon, U.S. Navy

Nelson Haas U.S. army

Karen Gearreald on behalf of my deceased father, Lt. Col. Tull N. Gearreald, U.S. Army

MSGT ARCHIE L COOK USAF RET

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John Roller, US Army

Dale Johnson, United States Air Force

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STEVEN JON MATHEKE, US ARMY

*This is distributed by Qorvis MSLGROUP on behalf of the Royal Embassy of Saudi Arabia. Additional information is available at the Department of Justice, Washington, D.C.*

***Open Letter to Congress from Combat Wounded Purple Heart Veterans:***

On November 30, Senators Lindsey Graham and John McCain stood up for Veterans and introduced a plan to fix the Justice Against Sponsors of Terrorism Act (JASTA.) While we understand and appreciate the search for justice for victims of terrorism, amending this legislation in order to protect those who serve the U.S. abroad is vitally important to our national security. We urge Congress to support this proposal wholeheartedly.

Senator Graham argued in his testimony that JASTA would inspire retaliatory lawsuits from foreign entities. If changes are not made to limit liability under JASTA to only governments that “knowingly engage with a terrorist organization directly or indirectly,” then the U.S. could be held liable for drone attacks or other counterterrorism campaigns. We cannot have U.S. military, diplomatic and intelligence personnel being tried in foreign courts for doing their jobs. We, as Purple Heart veterans, are especially concerned with the consequences of JASTA due to our on the ground engagement with the enemy in a foreign state. Any potential lawsuits and/or criminal actions by a foreign state and/or its citizens will no doubt target those of us who were involved in loss of life, even though justified, and the destruction of civilian property in the heat of battle.

Senators Graham and McCain are not alone in their concern or in their desire to find a solution. Immediately after the override, a bipartisan group of 28 Senators signed a letter acknowledging the legislation’s flaws and vowing to “fix” it. Majority Leader McConnell said there might be “unintended consequences” and “the ball was dropped” and that it would be “worth further discussing” changes to the legislation. Speaker Paul Ryan stated, “I’d like to think there is a way we could fix the law so that our service members do not have legal matters overseas, while still protecting the rights of the 9/11 victims.”

Why would Congress consider a law that places the brave men and women serving abroad at risk? The Graham-McCain amendment provides a reasonable solution to JASTA’s consequences on veterans and national security, while still respecting the right of 9/11 victims to seek justice.

It’s time to fix this troublesome legislation. We ask that you please support the Graham-McCain amendment to fix JASTA and allow combat wounded veterans like ourselves to sleep easier at night, as we already have enough to worry about without having something else unnecessarily added to the mix by our own Congress.

Sincerely,

**Jeremy Jones: Colorado- USA-** Purple Heart due to being Wounded In Action by the enemy in Iraq as a result of being hit by shrapnel from a rocket propelled grenade on Nov 13, 2004.

**Lee Brown: Florida- USA-** Purple Heart due to being wounded by the enemy in the Libyan Government’s bombing of a Berlin discotheque on April 5, 1986.

**Bill Daniels: Florida- USMC-** Wounded In Action by the enemy in Vietnam as a result of a small arms fire on April 14, 1969.

**Larry D. Wolf: Florida- USN-** Purple Heart due to being Wounded In Action by the enemy in Vietnam as a result of getting shrapnel in his arm from a land mine on April 30, 1969.

**Matt Bridges: Georgia- USMC-** Purple Heart due to being Wounded In Action by the enemy due to an IED blast in Iraq on April 21, 2005

**John Flener: Georgia- USA-** Purple Heart due to being Wounded In Action by the enemy in Iraq as a result of patrol being hit by an IED blast on October 27, 2005.

**Bryan Gray: Georgia- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq a result of an IED blast on October 9, 2006.

**Robert Suesakul: Iowa- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of being struck by a landmine on October 6, 2003.

**August DeByser: Louisiana- USA- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of a small arms fire on June 16, 2008.

**Justin Galipeau: Maine- USMC- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of an IED blast and secondary small arms fire on May 24, 2010.

**Anthony Webster: Maine- USA- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of an Improvised Explosive Device blast on Aug 9, 2011.

**Arthur Coleman III: Maryland- USA- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of an Improvised Explosive Device blast June 6, 2005.

**John Chavez: New Mexico- USA- Purple Heart** due to being Wounded In Action by the enemy in Vietnam as a result of being hit by shrapnel from a mortar round on November 19, 1968.

**Jeremy Marshall: New York- USA- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of an Improvised Explosive Device blast on December 21, 2008.

**Lenny Lazarra: North Carolina- USMC- Purple Heart** due to being Wounded In Action by the enemy in Vietnam as a result of a small arms fire on March 1, 1968.

**Will Thompson: Ohio- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of being ambushed and hit by an IED blast during an intense firefight on October 15, 2004.

**Mike Sturgill: Oklahoma- USN- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of a mortar attack on July 27, 2007.

**Eddie Wright: Oklahoma- USA- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of mortars on October 26, 2009.

**Todd Shaw: Tennessee- USA- 2 Purple Hearts** due to being Wounded In Action by the enemy in Iraq as a result of an Improvised Explosive Device being detonated on February 20, 2006 and shrapnel from a mortar on April 14, 2007.

**Robert Hunt: Tennessee- USA- 2 Purple Hearts** due to being Wounded In Action by the enemy in Iraq as a result of being hit by a sniper's bullet and then a secondary IED blast on August 14, 2006.

**Joe Washam: Texas- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of a detonation of explosives at a known chemical weapons plant which inflicted him with burns over forty percent of his body and shrapnel wounds on April 26, 2004.

**Butch Hines: Texas- USMC- First Purple Heart** due to being Wounded In Action by the enemy in Vietnam as a result of shrapnel in his arm, back and face from a hand grenade that was thrown in battle on February 17, 1969. His second Purple Heart is due to being Wounded In Action by the enemy in Vietnam as a result of shrapnel in the face and arm from a land mine wire on November 14, 1969.

**Carlos Velasquez Nunez: Texas- USA- Purple Heart** due to being Wounded In Action by the enemy in Vietnam as a result of mortar round ground attack on February 23, 1969.

**Picardo Salazar: Texas- USAF- Purple Heart** due to being Wounded In Action by the enemy in Vietnam as a result of enemy attack on August 21, 1965.

**John Sokol: Washington- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of a landmine on October 13, 2003.

**Hershel W. (Woody) Williams: West Virginia- USMC- Purple Heart** due to being Wounded In Action by the enemy in World War II as a result of machine gun fire on Volcano Island (Iwo Jima) on March 6, 1945.

**Doug Alderton: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of a RPG fire on October 2, 2009.

**Aaron Ingham: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of small arms fire on July 27, 2005.

**Ryan Baudhuin: Wisconsin- USMC- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of shrapnel from a mortar round on December 2, 2004.

**Joseph Brennan: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of small arms fire on October 15, 2011.

**Michael Brennan: Wisconsin- USA- Gold Star Father.** He is a Desert Storm veteran and his son, Sgt. Joshua Brennan, received the Purple Heart Posthumously after being Killed In Action on October 26, 2007 during a firefight with the Taliban in Afghanistan.

**B.J. Ganem: Wisconsin- USMC- Wounded In Action** by the enemy due to an Improvised Explosive Device being detonated in Iraq on November 25, 2004

**Chad Garcia: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of hitting an anti-personnel landmine on November 15, 2003.

**Gregory Haak: Wisconsin- USA- Wounded In Action** by the enemy in Iraq as a result of an Improvised Explosive Device being detonated on January 26, 2008.

**Wayne Hook: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Vietnam as a result of hitting a landmine while driving an armored personnel carrier on April 14, 1968.

**Scott Kruchten: Wisconsin- USMC- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of two 155mm Artillery Shells being detonated under his Humvee on November 8, 2004.

**Bill Lobeck: Wisconsin- USMC- Purple Heart** due to being Wounded In Action 3 times by the enemy in Vietnam as a result of small arms fire, landmine, and shrapnel from rocket blast on February 8, 1968, March 20, 1968, and April 15, 1968.

**Matt Tennesen: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Afghanistan as a result of an IED blast on April 12, 2009.

**Daniel Tinsley: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of being hit by a rocket on December 20, 2006.

**George Wachuta: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Vietnam as a result of a small arms fire on February 18, 1971.

**Joshua Walker: Wisconsin- USA- Purple Heart** due to being Wounded In Action by the enemy in Iraq as a result of being hit by an IED blast on January 16, 2005.



December 1, 2016

## **Newly unleashed 9/11 lawsuits threaten our economy: Former Fed governor**

Lawrence. B. Lindsey

Whether one agrees with Donald Trump's view of Washington or not, we Washingtonians should have enough introspection to recognize that sometimes things go terribly wrong here. Usually, they do so because we get sloppy and ignore what is often called "regular order." We usually do so out of political expediency in a panic to deal with an "emergency," often not a real one, but one that is the result of a sudden excess of media and political attention.

During the week of the 15th anniversary of the 9/11 attacks, Congress passed a bill allowing the families of victims to sue the government of Saudi Arabia for damages. It would unravel the principle of sovereign immunity in international law. Lawmakers obviously viewed the 9/11 attacks as an egregious example and recognized that the Saudis have deep pockets. But, whatever standards the United States uses to justify private legal action against Saudi Arabia will likely be used against us. And lots of countries in the world have what they view as legitimate grievances against the United States and its military. America has the deepest pockets in the world and is a natural target in global courts that are far less governed by the rule of law than America's.

The bill never went through the usual procedure of committee markup or floor debate. The Senate had passed the bill in May and sent it to the House in the expectation that leaders would never bring it to the floor. But they did. And although President Obama vetoed the bill, Congress overrode an Obama veto for the first time in his eight years in office. The vote in the Senate was 97-1 and the vote in the House was 348-77. Then Congress went home to campaign for re-election. This is the kind of behavior putting political self-interest above the national interest that was so effectively attacked during the campaign.

Substantive objections to the law are bipartisan. Senate Foreign Relations Chairman Bob Corker said, "I don't think the Senate nor House has functioned in an appropriate manner as it relates to a very important piece of legislation. ... I have tremendous concerns about the sovereign immunity procedures that would be set in place by other countries as a result of this vote." White House Press Secretary Josh Earnest pointed the finger directly at congressional irresponsibility: "They voted for a bill that they knew had negative consequences for America's national security." There is a real danger from the bill to American servicemembers who served abroad as well as to the Treasury.

But an even broader problem with the law is its potential effect on the global economy. With the public and the courts in every country on the planet hungry for vengeance, and trial lawyers hungry for revenge, the danger for any country to leave assets vulnerable to seizure is quite real. This is not a hypothetical possibility. This will have significant impacts on our markets as well as drive up Treasury borrowing costs.

Again, America is the biggest target and has the deepest pockets of anyone. Already the Iraqis are talking about the events at Abu Ghraib as a possible war crime and suing for damages. What might the Pakistanis say about our attack on their soil and the deaths that resulted from the raid on Osama bin Laden? What about Libya or Syria? Central African governments could sue France for their various interventions. Argentina could sue Britain over the Falklands. The list goes on and on.

The end game of this is that no sensible government or business would want to leave assets in another country, where a new flood of lawsuits might leave them vulnerable to seizure. Cross-border investments in the world today are in the trillions of dollars. An end of the free movement of capital would be, in today's world, at least as important to the health of the global economy as an end to the free movement of goods.

It was not Congress' intention, but bipartisan majorities have given us the equivalent of the Smoot-Hawley Tariff. Should the economy begin to falter next year as a result, President-elect Trump would be entirely justified in pointing to what he says is the swamp that is Washington and taking his complaints to the country. If you think the anti-Washington sentiment in the country is big now, just wait. Official Washington would be wise to drain this part of the swamp now.

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