

# What They're Saying: **JASTA**

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## **JASTA and its effect on U.S. National Security**

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The Justice Against Sponsors of Terrorism Act (JASTA), vetoed by President Obama but overridden on September 28, 2016 by the U.S. Congress, is now law. This legislation will likely trigger a chain of unintended and harmful consequences and is already leading to foreign lawsuits against the U.S., which could ultimately implicate U.S. personnel serving abroad.

The legislation passed by Congress has received widespread opposition from the country's top defense and national security leaders and our military veterans.

### **Administration & National Security Leaders:**

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#### **Defense Secretary Ash Carter** | September 26, 2016

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“Allowing our partners and allies—not just designated state sponsors of terrorism—to be subject to lawsuits inside the United States will inevitably undermine the trust and cooperation our forces need to accomplish their important missions. By damaging our close and effective cooperation with other countries, this could ultimately have a chilling effect on our own counterterrorism efforts.”

#### **Chairman of the Joint Chiefs of Staff General Joseph Dunford** | September 28, 2016

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“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.”

#### **CIA Director John Brennan** | September 28, 2016

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“I believe JASTA will have grave implications for the national security of the United States. The most damaging consequence would be for those U.S. Government officials who dutifully work overseas on behalf of our country.”

#### **Former CIA Director David Petraeus, Chairman of the KKR Global Institute** | October 27, 2016

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“This law, however, could open the United States up to extraordinary vulnerability in that if this undoes that bedrock principle of international law of sovereign immunity, we will be the ones that most likely will prove to be the most targeted, and the most vulnerable.”

**Former United States Deputy Secretary of Defense John Hamre, CEO of the Center for Strategic and International Studies** | September 22, 2016

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“JASTA sounds great to voters who are still angry about 9/11. But it is establishing a dangerous precedent. American politicians feel that our virtue allows us to establish laws that reach across our border to people in other countries. But we are now seeing other governments use our logic, and turning it against our interests—in Russia, in China and even in more friendly states.”

**Open Letter from the National Security Community** | September 20, 2016

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“If JASTA is allowed to become law, it will completely undercut sovereign immunity protections upon which the United States and all sovereign nations have relied for centuries, and our troops, our diplomats and all U.S. government personnel working overseas could very well find themselves subject to lawsuits in other countries. This must not happen.”

**U.S Military Veterans:**

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**Former Senator Larry Pressler (R-South Dakota)** | The Hill | September 29, 2016

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“As a Vietnam combat veteran, I could almost certainly be sued by the Vietnamese government or by a Vietnamese citizen. The Gulf War, Iraq War and Afghanistan War veterans are more protected by constitutional congressional actions, but we Vietnam veterans will be raw targets if Americans can sue Saudi Arabia.”

**Col. David Smith (Ret.), U.S. Marine Corps** | Orlando Sentinel | November 2, 2016

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“Like almost all Americans, I want to see our members of Congress work together to help solve the tough foreign-policy issues that face our nation, but JASTA is not a solution. It is a flawed law with unintended consequences beyond imagination. The Pandora’s box that would be opened with this act is the reality of leaving bare all those in uniform serving overseas and the men and women who are charged with gathering the intelligence necessary to prevent future terrorist attacks against the United States. All of our assets become vulnerable by the veil of immunity being lifted, having all the protections of accepted law reversed. This would leave our troops and the intelligence community overly vulnerable to foreign laws and courts. Make no mistake, JASTA will make the world a more dangerous place for America.”

**J.D. Sparks, 2nd Battalion 8th Marines** | Oldham Era | October 27, 2016

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“As a Marine Veteran who served in Panama, the Mediterranean and the Middle East, I care deeply about issues affecting our military. I believe strongly that Congress has a responsibility to consider the impact their legislative actions could have on the safety of our military men and women around the world. JASTA takes foreign policy issues away from the United States government and places them in the hands of trial lawyers.”

**Paul Crespo, Former Officer, U.S. Marine Corps, Former Military Attaché, U.S. Defense Intelligence Agency** | Miami Herald | October 27, 2016

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“As a former Marine Corps officer, and U.S. military attaché posted to U.S. embassies in hotspots worldwide, I can attest to the protection [sovereign immunity] provides our military, diplomats and intelligence operatives in places like the Middle East, the Balkans, Latin America, Asia, and even Europe. Without sovereign immunity, countries with questionable legal systems such as Russia, China, Pakistan or Venezuela, could prosecute our soldiers, diplomats and spies, or allow their citizens to file unwarranted lawsuits against them, or the U.S. government, in their local courts. Their claims would not need to have merit. Following the passage of JASTA, an Iraqi group has already taken legal steps to do just that. Others are expected to quickly follow suit.”

**Angela Sinkovits, Attorney and Former Medical Specialist in the U.S. Army** | Denver Post | October 5, 2016

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“I am a U.S. Army veteran, a member of the Colorado Bar, and a resident of Lakewood, and I am concerned about the potential negative effects of the Justice Against Sponsors of Terrorism Act. JASTA could undermine our ability to defend our interests anywhere in the world, and perhaps even make the U.S. more vulnerable to terrorism.”

**Air Force Major General (Ret.) William Russell Cotney** | Nashville Tennessean | November 4, 2016

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“JASTA will undermine our ability to defend our interests around the world. In their quest for justice against terrorism, Congress may be making the United States and our military and government officials more vulnerable than they are today. JASTA would gut sovereign immunity. It is a move that will have grave consequences, especially for our diplomats and military all across the world by encouraging 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.”

**Open Letter from the Military Community** | September 22, 2016

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“The unintended consequences of this legislation could bring about a chain reaction around the world, giving other countries license to target the U.S. military and enable foreign courts to bring suits against American servicemen and women for actions taken in the line of duty.”

**Open Letter from Military Veterans to Congress** | November 15, 2016

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“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, international law becomes the law of the jungle.”