

## Open Letter to the President of the United States and Members of Congress:

We are writing today to express our deep concerns about the Justice Against Sponsors of Terrorism Act (JASTA), now awaiting a veto by the President and, as a result, due to soon return to the Congress. The effect of this legislation on our national security interests, as well as the unintended consequences it would inevitably have on our relationships in the Middle East and Europe and our standing throughout the world, are very troublesome.

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.

The safety and security of our diplomats, intelligence offices, military and other senior officials of the US Government, and their ability to perform their duties without foreign influence or intervention would be seriously imperiled by a process intent on denying them the international immunities that have been accepted by all civilized nations since the 16th century and earlier. We would be unable to protect them, and they would be subject to significant pressures in their reporting and operational duties and service and keep them free from all kinds of intervention from the trivial to the retributive. Our national security interests, our capacity to fight terrorism and our leadership role in the world would be put in serious jeopardy. Beyond the predictable endangerment of our official representatives, the chilling effect this legislation would have on U.S. officials overseas would undermine our ability to coordinate and consult with other nations to fight terrorism and therefore would endanger the American people and all those who interact with them.

We all, of course, sympathize with the victims of 9-11 and their families. However, this legislation will not help them. There has never been any credible evidence that has pointed to the involvement of Saudi Arabia in the tragedy of 9/11, and the only effect of this legislation will be to encourage the trial bar to extract settlements from sovereign nations based on the possible public disclosure of otherwise secret diplomatic and national security communications.

On the other hand, the harm this legislation will cause the United States will be both dramatic and long-lasting. The perpetrators of terrorism should and will continue to be pursued through our vast military, law enforcement and intelligence capabilities, but to dismantle the internationally accepted principles of sovereign immunity that have benefited the United States more than any other nation for so long will put our government officials and military personnel at extreme risk and impede the ability of the community of nations to work together at a time when global cooperation in the war on terrorism is essential.

Further, the enactment of JASTA will most certainly undermine our relationship with one of our most important allies, Saudi Arabia, and damage our relationship with the entire Middle East. Our strategic alliance with Saudi Arabia has formed the core element of the geopolitical architecture of the modern Middle East. Over time, the Kingdom has evolved into one of Washington's most important and reliable partners in counterterrorism, both globally and within the region, including sustained pursuit and prosecution of private entities that fund sponsors of terrorism.

Saudi Arabia and the GCC countries are simultaneously major economic partners for the United States. This partnership extends well beyond energy and encompasses hundreds of billions of dollars of investment both in the Middle East and in the United States. Enactment of JASTA will send a disturbing signal to Saudi Arabia and to the entire Gulf region that we no longer value the relationships we have historically had, and it would encourage those governments and their private sectors to seek other relationships.

The Saudis for years have pegged the riyal to the dollar, at a significant cost to themselves. They have been willing to pay a steep price in the form of declining dollar reserves for the sake of their alliance with the United States. If, on the other hand, they perceive that we no longer value the alliance as much as they do, they could rightly conclude that the peg no longer serves a strategic purpose. Such a development would, of course, directly undermine the dollar in global currency markets.

JASTA's disproportionately harmful impact on the United States will inevitably extend to other vital U.S. relationships well beyond the Middle East. Critical European partners in the war on terrorism have registered their concerns in recent weeks. JASTA will expose European states, for the first time, to treble-damage terrorism class-action lawsuits in U.S. courts – without the protections provided for more than 40 years by the Foreign Sovereign Immunities Act. Some European governments have already expressed their intent to enact their own versions of JASTA if the U.S. bill becomes law, subjecting U.S. officials to legal exposure in their courts. If our government precipitates a competition among foreign states to enact their own versions of JASTA, the United States will be operating in the world with its hands tied.

These scenarios are speculative at this point. Indeed, they can become reality only if the U.S. unilaterally decides to alter its relationship with Saudi Arabia, the other GCC nations and our European allies. The enactment of JASTA will most certainly push some of these relationships to the brink. We strongly encourage the President and the Congress to seriously consider the potential geopolitical and economic consequences of an excessive weakening of the U.S.-Saudi relationship and other vital international partnerships. Despite disagreements and differences that occur from time to time, these strategic relationships are a powerful factor operating in favor of the United States' global interests. If our relationships in the Middle East are weakened beyond a

certain point, other powers with opposing agendas will benefit, and the U.S. will suffer the consequences for many decades into the future.

Sincerely,

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