

[The Honorable John Cornyn]
United States Senate
517 Hart Senate Office Building
Washington, DC 20510

[The Honorable Charles E. Schumer]
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

Dear Senators Cornyn and Schumer,

We are writing regarding the recent congressional override of the president's veto of S.2040, the Justice Against Sponsors of Terrorism Act (JASTA). The families of the victims of the September 11, 2011 terrorist attacks deserve justice for their suffering, but we do not believe JASTA to be the correct course of action.

Although the motivations behind the Justice Against Sponsors of Terrorism Act (JASTA) are honorable and sincere, the bill could create a number of unintended consequences that set a dangerous precedent for our nation. In its current form, JASTA would weaken our nation's sovereign immunity protections, subsequently opening the United States and its officials, members of the Armed Forces and corporations to lawsuits in foreign courts. As a result of JASTA, members of the U.S. Armed Forces, both in the United States and overseas, would be susceptible to allegations that their actions were in direct violation of a foreign state's law. These men and women hail from our states, and as governors it is our duty to protect them and act in their best interest.

Not only does JASTA upset the principles of international law set forth by the United Nations Charter, but it also threatens international security and peace. JASTA is constructed in such a way that seriously undermines our counterterrorism efforts overseas, creating implications that inhibit our government's ability to carry out its military and intelligence activities abroad. It also damages the trust we have built with our allies and partners against terrorism around the world, as they too could be the subject of lawsuits in U.S. courts. This throws our capacity to successfully carry out foreign policy goals in disarray, ultimately upsetting the balance of power on an international scale.

One such unintended consequence of JASTA is the opportunity for foreign nations to enact reciprocal legislation that would allow their courts to exercise jurisdiction over any country, including the United States, whose international actions may have caused harm to members of that nation. France, Pakistan, Iraq and Sudan have already threatened to introduce similar measures in response to the passage of JASTA. Lawsuits against U.S. military officers were recently filed in Turkey, potentially triggering a chain reaction for other countries to do the same.

