

United States Senate

WASHINGTON, DC 20510

October 26, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Rex W. Tillerson
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Attorney General Sessions and Secretary Tillerson:

On June 26, 2017, the Supreme Court called for the views of the Solicitor General in *Sokolow v. PLO*, No. 16-1071, a case concerning the Anti-Terrorism Act of 1992 (“ATA”) that is currently on petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit. We write to strongly urge the Administration to avoid any unnecessary delay and respond as soon as possible to the Court’s request for views in this important matter.

Passed largely in response to the Palestine Liberation Organization’s 1985 murder of U.S. citizen Leon Klinghoffer aboard an Italian cruise ship, the ATA provides that perpetrators or supporters of international terrorism may be brought to justice in U.S. courts for injuring U.S. citizens regardless of where the injuries occurred. To accomplish this, the ATA provides for extraterritorial jurisdiction over terrorist acts abroad against Americans. As you know, both the State Department and Justice Department supported the enactment of the ATA.

In *Sokolow*, the ATA worked just as Congress intended: American victims secured a unanimous verdict against the PLO and Palestinian Authority (“PA”), whom the jury found liable for perpetrating and materially supporting acts of international terrorism abroad against U.S. citizens. The Court of Appeals for the Second Circuit, however, vacated the jury’s decision, holding that the PLO and PA were protected from U.S. courts’ exercise of jurisdiction because the terror attacks “were not sufficiently connected to the United States.”

Ironically, the Second Circuit’s decision throwing out the verdict for lack of jurisdiction is precisely the result that the ATA was enacted to avoid. If left to stand, the decision casts severe doubt on the continued ability of other American victims of international terrorist attacks to obtain some semblance of justice in our nation’s courts against the perpetrators, and undermines a key counterterrorism tool that was deliberately crafted by Congress with the support and assistance of your Departments.

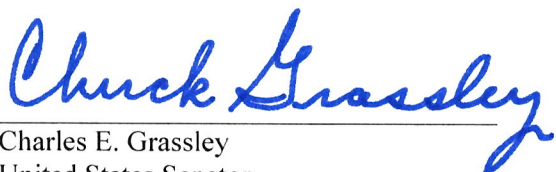
The *Sokolow* plaintiffs have since filed a petition for certiorari, and *amicus* briefs were promptly filed in support thereof by the House of Representatives and a bipartisan group of twenty-three United States senators. It has now been over three months, however, since the

Court requested the views of the United States, with little indication at this time that such views will soon be provided to the Court.

The case is now in its fourteenth year. One of the plaintiffs—the father of a boy killed in a bombing at the Frank Sinatra International Student Center in Jerusalem—has already died without seeing the case finalized. Justice for American victims of international terrorism should not be delayed any longer.

Accordingly, we urge the Administration to demonstrate its resolve to combat international terrorism and put American victims first by avoiding any unnecessary delay and responding as soon as possible to the Supreme Court's request for the views of the United States in this matter.

Sincerely,



Charles E. Grassley
United States Senator



Marco Rubio
United States Senator



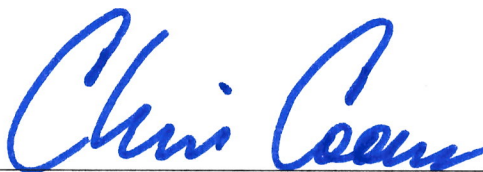
Richard Blumenthal
United States Senator



Sheldon Whitehouse
United States Senator



Ted Cruz
United States Senator



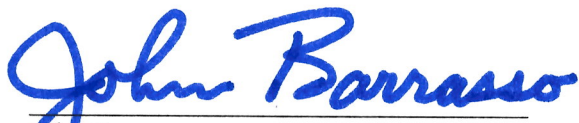
Christopher A. Coons
United States Senator




John Cornyn
United States Senator



Bill Nelson
United States Senator



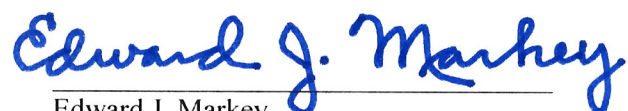
John Barrasso
United States Senator




Tammy Baldwin
United States Senator




Orrin G. Hatch
United States Senator




Edward J. Markey
United States Senator



Thom Tillis
United States Senator




Elizabeth Warren
United States Senator




John Boozman
United States Senator



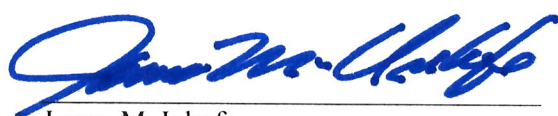
Catherine Cortez Masto
United States Senator



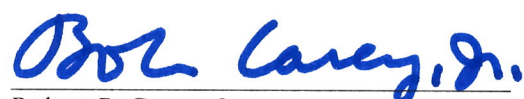
James E. Risch
United States Senator



Charles E. Schumer
United States Senator



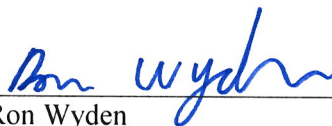
James M. Inhofe
United States Senator



Robert P. Casey, Jr.
United States Senator

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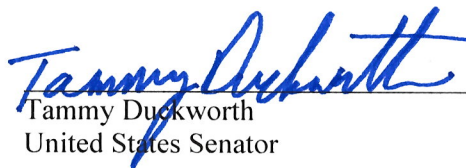
Dean Heller
United States Senator

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Ron Wyden
United States Senator

A handwritten signature in blue ink, appearing to read "Susan M. Collins", written over a horizontal line.

Susan M. Collins
United States Senator

A handwritten signature in blue ink, appearing to read "Tammy Duckworth", written over a horizontal line.

Tammy Duckworth
United States Senator