



Written by [Bob Adelman](#) on September 29, 2016

Override of Obama Veto Could Be Costly

The joy of the [first override of one of President Barack Obama's vetoes](#) is likely to fade as its future negative impact on U.S. security and intelligence services is revealed. Conservative constitutional scholar Senator Ted Cruz (R-Texas) said nothing about this in his commendation of the Senate's vote on Wednesday to override President Obama's veto of JASTA — the Justice Against Sponsors of Terrorism Act:



I applaud my colleagues for joining together and with the American people to stand against President Obama's attempt to deprive terror victims from receiving full recourse under the law. Our nation has a duty to ensure that American victims of terrorism, first and foremost the 9/11 families, are able to receive justice.

Congress, by passing JASTA, will do just that and will continue to protect our brave men and women in uniform who defend our freedoms and way of life across the globe. I encourage my colleagues in the House to follow the Senate in overriding the president's veto and enact JASTA into law.

The House did exactly that, overriding the president's veto by a vote of 348-77 and turning JASTA into law.

What JASTA does specifically is to insert an exception into the Foreign Sovereign Immunities Act (FSIA) signed into law in 1976 by President Gerald Ford. FSIA placed specific limitations on abilities of American citizens to sue foreign governments in U.S. courts, granting foreign governments essential immunity against those lawsuits. As a result of this veto, celebrated as the first one during the Obama administration and the only override of 12 vetoes the president has made, a long-standing federal civil lawsuit against Saudi Arabia by the families of victims killed in the September 11, 2001 attacks may now proceed.

That the override was political was made clear by Alexander Bolton, writing in *The Hill*: "Lawmakers don't want to be seen as soft on punishing terrorist sponsors a few weeks before the election, at a time when voters are increasingly worried about radical Islamic terrorism in the wake of recent attacks in Manhattan, Minnesota and Orlando, Florida."

President Obama's complaint that the bill would injure American interests over time was largely ignored, resulting in the veto override that White House spokesman Josh Earnest called "the single most embarrassing thing that the United States Senate has done."

The bill, which had languished since first being sponsored by Senator Charles Schumer (D-N.Y.) in 2009, was crafted primarily at the urging of families of victims of the 9/11 attacks who wanted to sue Saudi Arabian officials if they were found, through the legal process called discovery, to have links to any of the hijackers who flew planes into the World Trade Center and the Pentagon.

It's that discovery process that worried both former UN Ambassador John Bolton and former U.S. Attorney General Michael Mukasey, expressed in an op-ed appearing earlier this month in the *Wall*



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Street Journal:

JASTA is far more likely to harm the United States than [to] bring justice against any sponsor of terrorism.... We have far more to lose than other nations from creating exceptions to sovereign immunity that others could use [in retaliating] against us. There is no shortage of people hostile to America ... who would welcome JASTA's passage.

Foreign national lawsuits against American officials accused of terrorist acts (i.e., drone strikes gone awry) would force them to expose intelligence and other highly sensitive information to public view, thus potentially providing America's enemies with information heretofore not readily available to them. Concluded Bolton and Mukasy, "JASTA has great potential for mischief and little for good."

The long-term impact following this short-term political victory could be, and likely will be, negative to America's best interests.

Photo of Senator Chuck Schumer (D-N.Y., left) and Senate Majority Whip John Cornyn (R-Texas, right) speaking about the JASTA veto override: AP Images

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