

Congress of the United States
Washington, DC 20515

March 5, 2021

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Blinken:

We write regarding two consolidated cases currently pending before the U.S. Court of Appeals for the District of Columbia Circuit, *Usoyan v. Republic of Turkey*, No. 20-7017, and *Kurd v. Republic of Turkey*, No. 20-7019. Plaintiffs in both cases allege attacks by Turkish security agents against U.S. citizens and residents on May 16, 2017 while they were exercising their right to peacefully protest at Sheridan Circle in Washington, D.C. The Republic of Turkey has appealed the U.S. District Court for the District of Columbia's denial of its motion to dismiss based on its sovereign immunity claims.

We understand that the Court of Appeals for the District of Columbia Circuit has invited the Department of Justice to express the views of the United States, including those of the Department of State and the Secret Service, on this case, and in particular on the "source and scope of any discretion afforded to foreign security personnel with respect to taking physical actions against domestic civilians on public property." *Usoyan*, No. 20-7017 (D.C. Cir. Jan. 25, 2021) (order inviting the Department of Justice to file a brief amicus curiae).

As you may know, Congress quickly took several steps after the May 2017 attack. The House passed a resolution condemning the attack by a vote of 397-0. *See* H.R. Res. 354, 115th Cong. (2017). In addition to urging that those responsible be held accountable under United States law, the resolution also expressed the sense of the House of Representatives that the "rights to peacefully assemble and freely express one's views are essential to the fabric of American democracy." Similarly, a bipartisan group of Senators wrote to then Secretary of State Tillerson noting that this was apparently not the first instance of violence by a visiting Turkish security detail against protestors in the United States. Letter to the Hon. Rex W. Tillerson, Secretary of State (May 26, 2017). The Senators' letter also urged that those responsible "be held accountable under applicable U.S. law."

In holding that Turkey is not immune under the Foreign Sovereign Immunities Act (FSIA), the District Court specifically found that "Turkish security forces chased and violently physically attacked the protestors," and that the actions of the Turkish security detail were "not of a nature and quality that Congress intended to shield from liability." *Kurd*, No. 18-1117, slip op. at 26 (D.D.C. Feb. 6, 2020). We agree. Congress did not intend to extend immunity to such conduct.

We urge you to make clear the principle that foreign security personnel should not enjoy immunity under the FSIA for engaging in unprovoked assaults on peaceful protestors lawfully exercising their First Amendment rights in the United States.

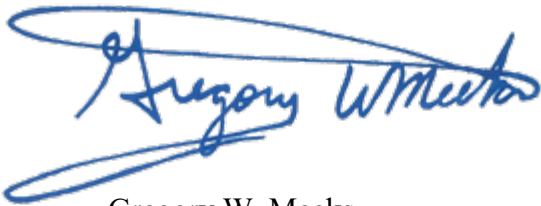
Sincerely,



Robert Menendez
Chairman
Senate Foreign Relations Committee



James E. Risch
Ranking Member
Senate Foreign Relations Committee



Gregory W. Meeks
Chairman
House Committee on Foreign Affairs



Michael T. McCaul
Ranking Member
House Committee on Foreign Affairs

Cc: Acting Attorney General Monty Wilkinson
U.S. Secret Service Director James M. Murray