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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

December 19, 2014

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Kerry,

With reports that the administration has concluded that North Korea is responsible for the unprecedented cyber-terror attack on Sony Pictures and the threat of violence against movie theaters that show the film *The Interview*, I write to urge you to consider the necessity of re-designating North Korea as a state sponsor of terrorism.

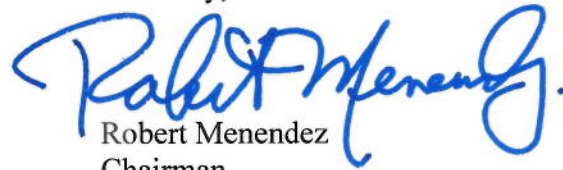
Under Title 22, Chapter 38 of the United States Code “the term 'terrorism' means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.” Title 18 of the United States Code defines international terrorism as “acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State” and appear to be intended to intimidate or coerce a civilian population. The U.S. National Counterterrorism Center (NCTC) uses the definition found in 22 USC § 2656f(d)(2). The Center also defines a terrorist act as “premeditated; perpetrated by a sub-national or clandestine agent; politically motivated, potentially including religious, philosophical, or culturally symbolic motivations; violent; and perpetrated against a non-combatant target.” Violence and harm to both persons and property are considered covered by these definitions of terrorism.

North Korean actions set a dangerous precedent. Through cyber-attacks North Korea was able to inflict significant economic damage on a major international company. In addition, in the face of violent cyber-threats, Sony Pictures made the decision not to release a motion picture which the North Korean regime found objectionable – in part due to coercive threats of 9/11 style attacks on theaters planning to show the film *The Interview*. This is an unacceptable act of international censorship which curtails global artistic freedom and, in aggregate, would seem to meet the definitions for acts of terrorism.

Even beyond this instance of cyber-terrorism, North Korea’s colluding with Cuba, also a state sponsor of terrorism, to smuggle jets, missile batteries, and arms through the Panama Canal and its cooperation with Iran to provide missiles to Hamas and Hezbollah raise serious questions about North Korea’s designation.

As you prepare the 2015 Country Reports on Terrorism in compliance with Title 22 of the United States Code, Section 2656f, which requires the Department of State to provide to Congress a full and complete annual report on terrorism for those countries and groups meeting the criteria of the Act, I encourage you to consider if the acts of North Korea merit re-designation as a state sponsor of terrorism.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a period at the end.

Robert Menendez
Chairman