



U.S. Department of Justice

Office of Intergovernmental and Public Liaison

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<http://www.usdoj.gov/oip/oipl.html>

March 15, 2010

The Honorable Stephen D. Newman
23rd Senatorial District
Senate of Virginia
3550 Mayflower Drive
Lynchburg, VA 24501-5019

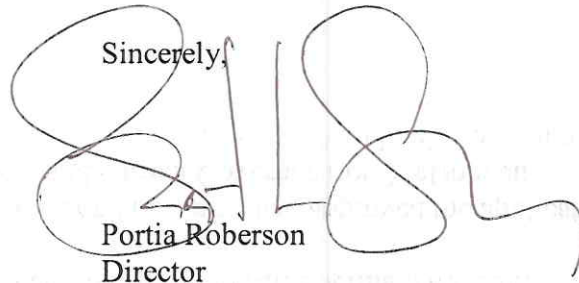
Dear Senator Newman:

Thank you for your letter, dated January 27, 2010, advising of your opposition to the transfer of Virginia inmate Jens Soering to a prison in Germany pursuant to the International Prisoner Transfer Program. We note that enclosed with your letter was a signed statement from seventeen of your colleagues in the Virginia Senate requesting that the Department of Justice deny Mr. Soering's request for transfer to Germany, as well as letters from families who were victims of Mr. Soering's offense advising of their opposition to Mr. Soering's transfer.

As you are aware, former Virginia Governor Tim Kaine had approved the application of Mr. Soering for a prisoner transfer to Germany, and current Governor Bob McDonnell subsequently submitted a letter to the Department of Justice revoking Virginia's consent to the transfer. Without the consent of the state in which a state transfer applicant is incarcerated, the Department of Justice will not consider the application of a state inmate for a prisoner transfer to his home country. The Embassy of Germany and attorneys for Mr. Soering have argued to the Department that a new governor cannot revoke the consent of his predecessor. This matter is currently under review by the Department of Justice.

We trust this information is helpful. Please do not hesitate to contact this office if we may be of assistance with this, or any other matter.

Sincerely,



Portia Roberson
Director

2010 SESSION

ENROLLED

SENATE JOINT RESOLUTION NO. 149

Expressing support of the revocation of the Commonwealth's consent to the transfer of Jens Soering to the Federal Republic of Germany.

Agreed to by the Senate, February 16, 2010
Agreed to by the House of Delegates, March 9, 2010

WHEREAS, on April 3, 1985, Derek and Nancy Haysom of Bedford County were found stabbed at their home by a neighbor; and

WHEREAS, Jens Soering, a student at the University of Virginia and native of West Germany, and his then girlfriend, Elizabeth Haysom, daughter of Derek and Nancy Haysom, were suspected; and

WHEREAS, the couple fled to Europe and were arrested in 1986 on fraud charges by the British police and brought back to the United States for trial; and

WHEREAS, in 1990, Jens Soering was convicted by a Bedford County Circuit Court jury of two counts of first degree murder for the 1985 killings of Derek Haysom and Nancy Haysom and received two life sentences for the slayings; and

WHEREAS, Jens Soering is currently serving those two life terms at the Brunswick Correctional Center in Lawrenceville; and

WHEREAS, on January 12, 2010, Jens Soering's application for international transfer was authorized; the transfer would require Jens Soering to serve two more years in prison in Germany before being eligible for parole; and

WHEREAS, on January 19, 2010, the Governor of Virginia sent a letter to the Attorney General of the United States revoking Virginia's consent to the transfer; and

WHEREAS, it is in the interests of justice and in fairness to Derek and Nancy Haysom that Jens Soering serve out his punishment in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly support the revocation of the Commonwealth's consent to the transfer of Jens Soering; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to Governor Robert McDonnell, requesting that the Governor further disseminate copies of this resolution to the Department of Justice so that it may be apprised of the sense of the General Assembly of Virginia in this matter.

ENROLLED

SJ149ER

SENATE OF VIRGINIA

STEPHEN D. NEWMAN
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ALL OF BEDFORD COUNTY; ALL OF THE
CITIES OF BEDFORD AND LYNCHBURG;
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For Immediate Release
Senator Stephen Newman (434) 385-1065

Virginia Senator Newman – United States Department of Justice has Confirmed in a Letter that Attorneys for the Nation of Germany and Soering are Arguing that He Should be Transferred to Germany

In the first official response to Virginia Senator Stephen Newman regarding the Jen Soering case the United States Department of Justice (DOJ) indicates that they have reviewed the documents in the case. DOJ also indicated that they have heard legal arguments from the nation of Germany and Mr. Soering's attorney stating that he should be transferred to Germany despite the letter from Governor McDonnell rescinding the original application.

The letter acknowledges that DOJ does not have the authority to send Soering to Germany without the support of the state's chief executive officer which is the Governor. The letter states, "Without the consent of the state in which a state transfer application is incarcerated, the Department of Justice will not consider the application for a state inmate for a transfer to his home country."

Newman stated, "It appears that the DOJ is taking this issue seriously and reviewing the facts in a thoughtful manner. At this time the 'consent of the state' to transfer does not exist under Governor McDonnell's letter and I remain hopeful that this position will prevail notwithstanding the protest from Germany."

Next, the letter from DOJ dated March 15, 2010 indicates that attorneys for Germany and Soering are working behind the scenes to convince the department to only consider former Governor Kaine's request. The letter states "The Embassy of Germany and attorneys for Mr. Soering have argued to the Department that a new governor cannot revoke the consent of his predecessor."

Newman indicated, "It is important that the Office of the Virginia Attorney General provide ongoing information to DOJ so that both sides of this debate will be considered. If the department rules against the Commonwealth, I feel certain that this matter will go to Federal District Court."

As one of the final actions of the Kaine administration an application was signed and sent to DOJ requesting that Mr. Soering be allowed to return to Germany where he is expected to be released after only two years. Given the nature of the crimes, Senator Newman along with Bedford Sheriff Mike Brown requested the McDonnell administration rescind that application which the incoming governor agreed to do. Many family members of the victims have come forward to oppose the transfer and sent letters to Senator Newman's Richmond office. These letters were forwarded to the DOJ for their thoughtful consideration.

"The General Assembly passed S.J.R. 149 on March 9th which passed both the Senate and the House unanimously calling for DOJ to leave Mr. Soering in Virginia custody and not approve the transfer to the nation of Germany. This resolution stipulates that the Clerk of the Senate transmit a copy of this resolution to Governor Robert McDonnell, requesting that the Governor further disseminate copies of this resolution to the Department of Justice so that it may be apprised of the sense of the General Assembly of Virginia in this matter," said Newman.

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