

Draft
Affidavit in Support of a Criminal Complaint Alleging Fraud and Wrongful and Unlawful U.S. Aid and Support of Israel
(Updated February 25, 2013)

I, Citizen Doe, being duly sworn and deposed, states:

I. INTRODUCTION

1. I am a Citizen of the United States and a resident of Virginia.

2. This affidavit contains information necessary to support probable cause for a Criminal Complaint. It is not intended to include every fact or matter observed or known to the government or me. The information provided is based on my personal knowledge and observations, information conveyed to me by others, and my review of records, documents, and other physical evidence.

3. This application is submitted in support of a criminal complaint charging

a. U.S. Representative Jane Doe and the other proposed subjects of investigation listed on Enclosure 1 to Attachment A and pro Israel supporters John Doe and the other pro Israel supporters listed on Enclosure 2 to Attachment A for violation of **Title 18, U.S. Code, Sec. 371, Conspiracy to Defraud the United States** which prohibits conspiring to use any form of fraud in an effort to impair or obstruct the function of a U.S. Government branch or agency

b. U.S. Representative Jane Doe and the proposed subjects of investigation listed on Enclosure 1 to Attachment A for:

i. Violation of **Title 22 U.S.C. 22, Sections 2771-2781. Arms Export Control Act of 1976 (ACEA)**, which requires that governments that receive arms from the United States use them only for legitimate self-defense.

ii. Violation of **Title 22 U.S.C. § 2151, The Foreign Assistance Act of 1961 (P.L. 87-195)** which requires that *"No assistance may be provided... to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights."*

iii. Violation of **Title 18 U.S.C. § 201(b)(2)** which makes it a crime for anyone who *being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:*
(A) *being influenced in the performance of any official act;*
(B) *being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or*
(C) *being induced to do or omit to do any act in violation of the official duty of such official or person;*

c. Pro Israel supporters¹ John Doe and the other pro Israel supporters listed on Enclosure 2 to Attachment A, for **violation of Title 18 U.S.C. § 201(b)(1)**, which makes it a crime for anyone who *directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—*

to:
(A) *influence any official act; or*

(B) *influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or*

(C) *induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of the lawful duty of such official or person;*

U.S. Representative Jane Doe and pro Israel supporters John Doe and the other pro Israel supporters listed on Enclosure 2 to Attachment A

II. FACTS ESTABLISHING PROBABLE CAUSE

4. Pro Israel supporter John Doe and other pro Israel supporters including those listed in Enclosure 2, directly or indirectly, corruptly have given the amount shown in Enclosure 2 to Representative Jane Doe and the others listed in Enclosure 1, public officials, with intent— to influence official act(s); and induce Representative Jane Doe and the others listed in Enclosure 1 to do or omit to do any act(s) in violation of the lawful duty of such officials or persons as outlined below.

5. Representative Jane Doe being a public official, corruptly, indirectly and/or directly, solicited, received, accepted, and/or agreed to receive or accepted more than \$436,789.00 in campaign contributions from Pro-Israel donors from 1997 until now including \$500 or more from Pro-Israel supporters John Doe and the others listed in Enclosure 2, personally and/or for other persons or entities, in return for being influenced in the performance of official acts, including:

a. Providing United States arms and military aid that was used for other than legitimate self-defense.

b. Providing assistance to the government of Israel which engages in a consistent pattern of gross violations of internationally recognized human rights.

c. Passing a Resolution denouncing the Goldstone Report, a United Nations inquiry that found that Israel committed scores of war crimes in its three-week assault last year in Gaza. The inquiry also accused Hamas of war crimes.

EXAMPLES OF ISRAEL'S USE OF U.S. SUPPLIED ARMS FOR OTHER THAN SELF DEFENSE PURPOSES AND GROSS VIOLATIONS OF HUMAN RIGHTS

6. Representative Jane Doe voted for, introduced and/or supported legislation which provided billions of dollars in military aid and arms and munitions for Israel. Israel has used these billions of dollars to purchase U.S. military technology including fighter jets,

¹ All of the individuals listed in Enclosure 1 are considered pro Israel by the Center for Responsive Politics, OpenSecrets.org

helicopters, guns, ammunition, etc. Much of this military aid, technology, arms and munitions has been used by Israel in its illegal:

a. Forty three year long military occupation of the Palestinian West Bank, East Jerusalem, and Gaza Strip throughout which *Israel has committed systematic human rights abuses of Palestinians, illegally colonized Palestinian land, defied international law and UN resolutions, denied Palestinians self-determination, and prevented a just and lasting Israeli-Palestinian peace, all with the unwavering diplomatic, military, and corporate support of the United States*².

b. Military campaigns in Gaza and Lebanon

c. Blockade of Gaza

d. May 30, 2010 attack on the flotilla attempting to deliver humanitarian and building supplies to the people of Gaza.

7. The United Nations' top human rights official, Ms. Louise Arbour, said in a statement released by her Geneva office:

- *the killing and maiming of civilians under attack in Lebanon, Israel and Gaza and the West Bank could constitute war crimes.*
- *The scale of killings in the region, and their predictability, could engage the personal criminal responsibility of those involved, particularly those in a position of command and control,*
- *International humanitarian law is clear on the supreme obligations to protect civilians during hostilities ... That same obligation exists, she added, in international criminal law, which defines war crimes and crimes against humanity.*
- *Indiscriminate shelling of cities constitutes a foreseeable and unacceptable targeting of civilians. Similarly, the bombardment of sites with alleged military significance, but resulting invariably in the killing of innocent civilians, is unjustifiable.*

7. The following is from a January 5, 2009 letter from Congressman, Dennis Kucinich to Secretary of State, Condoleezza Rice with regard to Israeli military forces attacks on and blockade of Gaza:

The Associated Press reported: "children are paying the price. . . . But the broad range of Israel's targets--police compounds, fire stations, homes of militants, Hamas-run mosques and university buildings--means most shelling is occurring in residential areas." The extensive destruction of such civilian institutions violates Article 33 of the Fourth Geneva Convention, which prohibits the wanton destruction of property and collective punishment of a civilian population. There have also been reports of bombings of United Nations (UN) schools, despite the fact that Israeli Defense Forces were allegedly given coordinates of the facilities prior to the current escalation in violence.

The blockade that Israel has imposed on Gaza since 2006 has further exacerbated

² <http://endtheoccupation.org/article.php?id=2664>

the extent of collateral damage, as hospitals and morgues have been unable to cope with the magnitude of deaths and injuries as a result of the current escalation in violence and hospitals lack proper supplies needed to treat the injured. The extensive destruction of such civilian institutions violates Article 33 of the Fourth Geneva Convention, which prohibits the wanton destruction of property and collective punishment of a civilian population. There have also been reports of bombings of United Nations (UN) schools, despite the fact that Israeli Defense Forces were allegedly given coordinates of the facilities prior to the current escalation in violence.

Israel's use of defense articles provided by the U.S in the current Gaza military attacks constitutes multiple violations of the AECA.

8. The Swiss-based International Red Cross, the recognized guardian of the Geneva Conventions on the conduct of war, has said that Israel had *violated the principle of proportionality provided for in the Conventions and their protocols.*

9. Israel's aerial and ground offensive against Gaza killed over 1,300 including about 400 children.

10. On May 30, 2010, the Israeli Navy and Air Force attacked the Gaza Freedom Flotilla which was delivering 10,000 pounds of humanitarian aid to the residents of Gaza. Israel forces murdered nine unarmed individuals on board the Mavi Marmara, including a 19 year old man with dual citizenship in US and Turkey, who was shot in the head four times. Israel detained all of the foreign aid workers (over 700 from nearly 50 countries) who were on the ships. The United Nations is now calling for an international investigation to discover what really happened. Israel government officials are attempting to block this investigation.

11. Because the Flotilla was in international water, Israel had no right to board the ship under the UN Convention on the Laws of the Seas of 1982.

12. Israel's reaction amounted to an unlawful interference in the enforcement jurisdiction of the "flag-States" (countries of registration) of those vessels.

13. Under Article 3 of the Rome Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988, it is an international crime for any person to seize or exercise control over a ship by force, and a crime to injure or kill any person in the process.

14. Israel's acts of aggression against the Gaza Freedom Flotilla and its illegal blockade of the Palestinian Gaza Strip would not be possible without military and diplomatic support of the United States.

15. Israeli is the largest recipient of U.S. military aid.

16. Representative Jane Doe had the House of Representatives approve a *non-binding measure denouncing a United Nations inquiry that found that Israel committed scores of war crimes in its three-week assault last year in Gaza. More than 1,300 Palestinians were killed in the Israeli attack, many of whom were civilians, according to Amnesty International. Headed by South African jurist Richard Goldstone, the inquiry also accused Hamas of war crimes and said both sides should investigate the allegations or*

face international prosecution.

17. In voting for the measure, the House dismissed the Goldstone report as "irredeemably biased and unworthy of further consideration or legitimacy." It also called on the Obama administration to "strongly and unequivocally oppose" discussion of the report's findings in any international setting. The resolution passed 344-46.

18. The members of the House who voted in favor of the resolution have received \$51,260 more on average from pro-Israel organizations (\$81,020 versus \$29,770) since 1989 than those who opposed it, the nonpartisan Center for Responsive Politics has found. Those who opposed the measure have collected \$15,760 more, on average, from pro-Arab groups in that time than those who supported the bill (\$16,360 versus \$600).

Source: Center for Responsive Politics, OpenSecrets.org.

In light of evidence that other laws have been broken, I also request that the Washington Metropolitan Field Office of the FBI and the United States Attorney for the Eastern District of Virginia investigate Representative Jane Doe and others for violations of the below additional crimes and as appropriate that these alleged violations be included in her indictment.

III. CONCLUSION

19. Based on the foregoing, there is probable cause that from on or about, January 2007 , through on or about, September 17 2008, in Washington D.C.,

a. U.S. Representative Jane Doe and others:

i. Violated **Title 22 U.S.C. 22, Sections 2771-2781. Arms Export Control Act of 1976** (ACEA), which requires that governments that receive arms from the United States use them only for legitimate self-defense.

ii. Violated **Title 22 U.S.C. § 2151, The Foreign Assistance Act of 1961 (P.L. 87-195)** which requires that "*No assistance may be provided... to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights.*"

iii. Violated **Title 18 U.S.C. § 201(b)(2)** which makes it a crime for anyone who *being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:*
(A) *being influenced in the performance of any official act;*
(B) *being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or*
(C) *being induced to do or omit to do any act in violation of the official duty of such official or person;*

b. Pro Israel supporters³ John Doe and the other pro Israel supporters listed on Enclosure 1 to Attachment A, **violated Title 18 U.S.C. § 201(b)(1)**, which makes it a

³ All of the individuals listed in Enclosure 1 are considered pro Israel by the Center for Responsive Politics, OpenSecrets.org

crime for anyone who *directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent— to:*

(A) influence any official act; or

(B) influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of the lawful duty of such official or person;

c. U.S. Representative Jane Doe and pro Israel supporters John Doe and the other pro Israel supporters listed on Enclosure 2 to Attachment A violated **Title 18, U.S. Code, Sec. 371, Conspiracy to Defraud the United States** which prohibits conspiring to use any form of fraud in an effort to impair or obstruct the function of a U.S. Government branch or agency.

d. Pro Israel supporter John Doe and other pro Israel supporters including those listed in Enclosure 2, **violated Title 18 U.S.C. § 201(b)(1)**, by *directly or indirectly, corruptly giving, offering or promising something of value* including the campaign contributions shown in Enclosure 1 *to Representative Jane Doe, a public official, with intent— to influence official act(s); and induce Representative Jane Doe to do or omit to do any act in violation of the lawful duty of such official or person.*

Representative Jane Doe.

Enclosures:

1. Additional Proposed Subjects of Investigation
2. Sample Spreadsheet of Pro Israel Donors and Amounts of their Contributions to Legislators and Officials

Signature

Citizen Doe

Address: _____

Phone No: _____

Sworn to and subscribed to before me on _____, 2010.

My commission expires _____

Notary Signature _____

Printed Name _____

Address _____

Phone No. _____