

What Laws Is the State Department Violating by Shipping Weapons to Israel?

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Among the puzzling questions that the media chooses to ignore is asking high government officials why they are exercising the illegal use of power that violates the rule of law which they are required to obey.

This week, the Veterans for Peace (VFP) made it very easy for reporters to pose questions by sending an open letter (see veteransforpeace.org) to the inspector general of the U.S. State Department and Antony Blinken, secretary of state, invoking several U.S. statutes that require the "termination of provision of military weapons and munitions to Israel."

Josh Paul, a former senior official in the State Department's office charged with reviewing weapon transfers to foreign countries, said:

"The secretary and all relevant officials under his purview should take this letter from Veterans for Peace with the utmost seriousness. It is a stark reminder of the importance of abiding by the laws and policies that relate to arms transfers."

What laws are being violated by the State Department daily as it approves ships and cargo planes full of weapons of mass destruction to be used in Israel's war crimes and genocide against hundreds of thousands of Gaza's civilians, mostly children and women?

These are the laws highlighted in the VFP letter:

- The Foreign Assistance Act, which forbids the provision of assistance to a government which "engages in a consistent pattern of gross violations of internationally recognized human rights."

- Arms Export Control Act, which says countries that receive U.S. military aid can only use weapons for legitimate self-defense and internal security. Israel's genocidal campaign in [Gaza](#) goes way beyond self-defense and internal security.
- The U.S. War Crimes Act, which forbids grave breaches of the Geneva Conventions, including wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, and unlawful deportation or transfer, perpetrated by the Israeli Occupying Forces.
- The Leahy Law, which prohibits the U.S. Government from using funds for assistance to units of foreign security forces where there is credible information implicating that unit in the commission of gross violations of human rights.
- The Genocide Convention Implementation Act, which was enacted to implement U.S. obligations under the Genocide Convention, provides for criminal penalties for individuals who commit or incite others to commit genocide

Under these laws, the State Department has a "Conventional Arms Transfer Policy" which, the letter notes, "prohibit [U.S. weapons transfers when it's likely they] will be used by Israel to commit... genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, [including attacks intentionally directed against civilian objects or civilians protected] or other serious violations of international humanitarian or human rights laws."

The VFP letter continues, "Dozens of authoritative complaints and referrals made by hospital administrators in Gaza, as well as by [Amnesty International](#), Human Rights Watch, [Palestine Authority](#), South Africa, Turkey, Medics sans Frontières, UNRWA, UNICEF, the secretary-general of the United Nations, the Norwegian Refugee Council, and the World Food Program have confirmed that there is an ongoing human rights and humanitarian disaster due to Israel's cutoff of water and electricity, deliberate destruction of sewage infrastructure, and delaying of aid shipments by Israeli forces."

If you are wondering why these laws are not being enforced—the answer is that individual citizens or groups of citizens do not have any "legal standing" to sue Secretary Blinken, according to the U.S. Supreme Court. Only a committee of Congress, backed by a Senate or House resolution, can take the State Department to federal court. That action to enforce congressionally passed and enacted laws is not likely to happen in this lawless, Israeli government-indentured Congress which refuses even to demand a ceasefire.

Mike Ferner, VFP national director, observed, "Just as any good soldiers can recognize when they are given an unlawful order, we believe some State Department staff are horrified at the orders they're given and will decide to uphold the law, find the courage to speak out, and demand an end to the carnage."

There is a related serious matter, pointed out by international law practitioner Bruce Fein, who said: "The United States has clearly become a co-belligerent with Israel in its war against Hamas-Gaza Palestinians by systematically supplying the IDF with weapons and intelligence without conditions. Under the [Fourth Geneva Convention](#), nationals of a co-belligerent state are not regarded as protected persons if their state has customary [diplomatic relations](#) with an allied nation [in this case, Israel]."

For decades, the State Department has had an independent Office of the Legal Adviser. The present occupant of that post, acting legal adviser Richard C. Visek, has been publicly silent. I am sending the Veterans for Peace letter to him and asking him to respond to this letter and to the American people who pay his salary.

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