

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CYNTHIA CORRIE AND CRAIG CORRIE,
ON THEIR OWN BEHALF AND AS PERSONAL
REPRESENTATIVES OF THE ESTATE OF
EACHEL CORRIE AND HER NEXT OF KIN,
INCLUDING HER SIBLINGS; MAHMOUD OMAR
AL SHO'BI, ON HIS OWN BEHALF, ON BEHALF
OF HIS SURVIVING SIBLINGS MUHAMMAD
AL SHO'BI AND SAMIRA AL SHO'BI, AND ON
BEHALF OF HIS DECEASED FAMILY MEMBERS,
UMAR AL SHO'BI, FATIMA AL SHO'BI, ABIR AL
SHO'BI, SAMIR AL SHO'BI, ANAS AL SHO'BI,
AZZAM AL SHO'BI AND ABDALLAH
AL SHO'BI; FATHIYA MUHAMMAD
SULAYMAN FAYED, ON HER OWN BEHALF
AND ON BEHALF OF HER DECEASED SON,
JAMAL FAYED AND HIS NEXT OF KIN;
FAYEZ ALI MOHAMMED ABU HUSSEIN ON
HIS OWN BEHALF AND ON BEHALF OF HIS
SONS, BAHJAT FAYEZ ABU HUSSEIN,
AHMED FAYEZ ABU HUSSEIN, NOUR FAYEZ
ABU HUSSEIN AND SABAH FAYEZ
ABU HUSSEIN; MAJEDA RADWAN
ABU HUSSEIN ON HER OWN
BEHALF AND ON BEHALF OF HER
DAUGHTERS, HANAN FAYEZ ABU HUSSEIN,
MANAL FAYEZ ABU HUSSEIN, INSHERAH
FAYEZ ABU HUSSEIN, AND FADWA FAYEZ
ABU HUSSEIN; EIDA IBRAHIM SULEIMAN
KHALAFALLAH ON HER OWN BEHALF
AND ON BEHALF OF HER DECEASED

Civil Action No. C05-5192-FDB

**DECLARATION OF CRAIG
CORRIE IN SUPPORT OF
PLAINTIFFS' BRIEF IN
RESPONSE TO DEFENDANT'S
MOTION REQUESTING THAT
THE COURT SOLICIT THE
VIEWS OF THE UNITED
STATES DEPARTMENT OF
STATE**

**DECL. OF PLAINTIFF CRAIG CORRIE
IN OPPOSITION TO MOTION
REQUESTING STATEMENT OF
INTEREST**

SEATTLE UNIVERSITY
RONALD A. PETERSON LAW CLINIC
1112 E. Columbia
Seattle, Washington 98122-4340
TELEPHONE: (206) 398-4130
FACSIMILE: (206) 398-4136

1 HUSBAND, IBRAHIM MAHMOUD MOHAMMED)
 2 KHALAFALLAH AND NEXT OF KIN,)
 3 Plaintiffs,)
 4 v.)
 5 CATERPILLAR INC., a Foreign Corporation,)
 6 Defendant.)
 7)
 8)

9 **DECLARATION OF CRAIG CORRIE**

10
11 I, Craig Corrie, state:

12 1. I am a Plaintiff in this action. I have personal knowledge of the facts
13 stated herein, and if called as a witness in this action, I would testify to these facts.

14 2. Attached hereto as Exhibit A is a true and accurate copy of a letter sent to
15 me by Ms. Jan Shinpoch, Chief of Staff to Congressman Jim McDermott, in
16 response to my inquiry attempting to clarify the nature of Caterpillar's sales of D9
17 bulldozers to the IDF. The letter is from Matthew A. Reynolds, Acting Assistant
18 Secretary Legislative Affairs, United States Department of State, sent to the
19 Honorable Jim McDermott stating that the IDF has acquired Caterpillar heavy
20 equipment on a commercial contract basis and such commercial construction
21 equipment does not require an export license for export to Israel. The letter is
22 dated May 23, 2005, more than two months after this litigation was filed.

23 3. Since my daughter Rachel was killed, I have met or communicated with
24 various State Department officials on numerous occasions. High ranking officials
25 at the Department of State have known about this lawsuit at least since the week of
26

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1 May 23, 2005. That week, I met with the Department of State Chief of Staff, Brian
2 Gunderson (who still holds that position), Ted Borek, Assistant Legal Advisor,
3 Near Eastern and South Asian Affairs, and, Matthew Rosenstock, Near Eastern
4 Affairs/Israel Palestine Affairs. During that meeting, Mr. Borek brought up our
5 current lawsuit against the IDF filed in Israel. I then informed them during that
6 meeting of this specific lawsuit against Caterpillar in the United States. They did
7 not express concerns to me then, nor have they since, regarding any possible
8 ramifications of this lawsuit. Nor did they indicate in any way that it would
9 impact, let alone harm, United States relations with Israel.

10 4. Indeed, in a previous meeting at the Department of State on June 18,
11 2003, then Chief of Staff Lawrence Wilkerson gave his personal advice to my wife
12 and I that, if neither the State of Israel nor the United States conducted an adequate
13 investigation into Rachel's killing, we should sue the State of Israel. The
14 Department of State had previously, on April 16, 2003, gone so far as to provide
15 our family with a list of lawyers in Israel and Gaza. In that meeting of June 18,
16 2003, I asked Mr. Wilkerson if the Department of State would intervene if we were
17 to sue the State of Israel and he answered that it would not. The advice to make
18 use of the Israeli courts was given to us again by Mr. Wilkerson in a letter dated
19 June 11, 2004.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on October 17, 2005, at Des Moines, Iowa.

22
23
24 
25 Craig Corrie
26

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United States Department of State

Washington, D.C. 20520

MAY 23 2005

Dear Mr. McDermott:

Thank you for your letter of March 30 regarding the sales of Caterpillar bulldozers to the Israeli Defense Forces (IDF).

The IDF has acquired Caterpillar heavy equipment on a commercial contract basis, financed through our Foreign Military Sales Financing (FMS) program. The equipment is not armored by Caterpillar, but by the IDF after its arrival in Israel. Such commercial construction equipment does not require an export license for export to Israel.

We hope this information is useful. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew A. Reynolds".

Matthew A. Reynolds
Acting Assistant Secretary
Legislative Affairs

The Honorable
Jim McDermott,
House of Representatives.