

# Inside the State Department's Weapons Pipeline to Israel

By Brett Murphy

In late January, as the death toll in Gaza climbed to 25,000 and droves of Palestinians fled their razed cities in search of safety, Israel's military asked for 3,000 more bombs from the American government. U.S. Ambassador to Israel Jack Lew, along with other top diplomats in the Jerusalem embassy, sent a cable to Washington urging State Department leaders to approve the sale, saying there was no potential the Israel Defense Forces would misuse the weapons.

The cable did not mention the Biden administration's public concerns over the growing civilian casualties, nor did it address well-documented reports that Israel had dropped 2,000-pound bombs on crowded areas of Gaza weeks earlier, collapsing apartment buildings and killing hundreds of Palestinians, many of whom were children. Lew was aware of the issues. Officials say his own staff had repeatedly highlighted attacks where large numbers of civilians died. Homes of the embassy's own Palestinian employees had been targeted by Israeli airstrikes.

Still, Lew and his senior leadership argued that Israel could be trusted with this new shipment of bombs, known as GBU-39s, which are smaller and more precise. Israel's air force, they asserted, had a "decades-long proven track record" of avoiding killing civilians when using the American-made bomb and had "demonstrated an ability and willingness to employ it in [a] manner that minimizes collateral damage."

While that request was pending, the Israelis proved those assertions wrong. In the months that followed, the Israeli military repeatedly dropped GBU-39s it already possessed on shelters and refugee camps that it said were being occupied by Hamas soldiers, killing scores of Palestinians. Then, in early August, the IDF bombed a school and mosque where civilians were sheltering. At least 93 died. Children's bodies were so mutilated their parents had trouble identifying them.

Weapons analysts identified shrapnel from GBU-39 bombs among the rubble.

In the months before and since, an array of State Department officials urged that Israel be completely or partially cut off from weapons sales under laws that prohibit arming countries with a pattern or clear risk of violations. Top State Department political appointees repeatedly rejected those appeals. Government experts have for years unsuccessfully tried to withhold or place conditions on arms sales to Israel because of credible allegations that the country had violated Palestinians' human rights using American-made weapons.

On Jan. 31, the day after the embassy delivered its assessment, Secretary of State Antony Blinken hosted an agency-wide town hall at an auditorium at the State Department headquarters where he fielded pointed questions from his subordinates about Gaza. He said the suffering of civilians was “absolutely gut wrenching and heartbreaking,” according to a transcript of the meeting.

“But it is a question of making judgments,” Blinken said of his agency’s efforts to minimize harm. “We started with the premise on October 7 that Israel had the right to defend itself, and more than the right to defend itself, the right to try to ensure that October 7 would never happen again.”

The embassy’s endorsement and Blinken’s statements reflect what many at the State Department have understood to be their mission for nearly a year. As one former official who served at the embassy put it, the unwritten policy was to “protect Israel from scrutiny” and facilitate the arms flow no matter how many human rights abuses are reported. “We can’t admit that’s a problem,” this former official said.

The embassy has even historically resisted accepting funds from the State Department’s Middle East bureau earmarked for investigating human rights issues throughout Israel because embassy leaders didn’t want to insinuate that Israel might have such problems, according to Mike Casey, a former U.S. diplomat in Jerusalem. “In most places our goal is to address human rights violations,” Casey added. “We don’t have that in Jerusalem.”

Last week, ProPublica detailed how the government’s two foremost authorities on humanitarian assistance — the U.S. Agency for International Development and the State Department’s refugees bureau — concluded in the spring that Israel had deliberately blocked deliveries of food and medicine into Gaza and that weapons sales should be halted. But Blinken rejected those findings as well and, weeks later, told Congress that the State Department had concluded that Israel was not blocking aid.

The episodes uncovered by ProPublica, which have not been previously detailed, offer an inside look at how and why the highest ranking policymakers in the U.S. government have continued to approve sales of American weapons to Israel in the face of a mounting civilian death toll and evidence of almost daily human rights abuses. This article draws from a trove of internal cables, email threads, memos, meeting minutes and other State Department records, as well as interviews with current and former officials throughout the agency, most of whom spoke on the condition of anonymity because they were not authorized to speak publicly.

The records and interviews also show that the pressure to keep the arms pipeline moving also comes from the U.S. military contractors who make the weapons. Lobbyists for those companies have routinely pressed lawmakers and State Department officials behind the scenes to approve shipments both to Israel and other controversial allies in the region, including Saudi Arabia. When one company executive pushed his former subordinate at the department for a

valuable sale, the government official reminded him that strategizing over the deal might violate federal lobbying laws, emails show.

The Biden administration's repeated willingness to give the IDF a pass has only emboldened the Israelis, experts told ProPublica. Today, as Israel and Iran trade blows, the risk of a regional war is as great as it has been in decades and the cost of that American failure has become more apparent, critics charge.

"The reaffirmation of impunity has come swiftly and unequivocally," said Daniel Levy, who served in the Israeli military before holding various prominent positions as a government official and adviser throughout the '90s. He later became one of the founders of the advocacy group J Street and president of the U.S./Middle East Project.

Levy said there is virtually no threat of accountability for Israel's conduct in Gaza, only "a certainty of carte blanche." Or, as another State Department official said, "If there's never any consequences for doing it, then why stop doing it?"

The war in Gaza has waged for nearly a year without signs of abating. There are at least 41,000 Palestinians dead, by local estimates. Israel says its actions have been legal and legitimate, unlike those of Hamas, which killed more than 1,100 Israelis, mostly civilians, on Oct. 7 and continues to hold dozens of hostages.

The U.S. has been a stalwart ally of Israel for decades, with presidents of both parties praising the country as a beacon of democracy in a dangerous region filled with threats to American interests.

In response to detailed questions from ProPublica, a State Department spokesperson sent a statement saying that arms transfers to any country, including Israel, "are done so in a deliberative manner with appropriate input" from other agencies, State Department bureaus and embassies. "We expect any country that is a recipient of U.S. security articles," he added, "use them in full compliance with international humanitarian law, and we have several ongoing processes to examine that compliance."

The spokesperson also said Lew has been at the forefront of ensuring "that every possible measure is taken to minimize impacts on civilians" while working on a cease-fire deal to secure "the release of hostages, alleviate the suffering of Palestinians in Gaza, and bring an end to the conflict."

Israeli military leaders broadly defend their aerial campaign in Gaza as a "military necessity" to eradicate terrorists hiding among civilians. Prime Minister Benjamin Netanyahu has also publicly pressured the Biden administration to hasten arms transfers. "Give us the tools and we'll finish the job a lot faster," he said in June.

ProPublica sent detailed questions to representatives of the Israeli government as well. A spokesperson said in a statement: “The article is biased and seeks to portray legitimate and routine contacts between Israel and the Embassy in Washington with State Department officials as improper. Its goal appears to be casting doubt on the security cooperation between two friendly nations and close allies.”

Weapons sales are a pillar of American foreign policy in the Middle East. Historically, the U.S. gives more money to Israel for weapons than it does to any other country. Israel spends most of those American tax dollars to buy weapons and equipment made by U.S. arms manufacturers.

While Israel has its own arms industry, the country relies heavily on American jets, bombs and other weapons in Gaza. Since October 2023, the U.S. has shipped more than 50,000 tons of weaponry, which the Israeli military says has been “crucial for sustaining the IDF’s operational capabilities during the ongoing war.” The air defenses that defend Israeli towns and cities — known as the Iron Dome — also depend largely on U.S. support.

There is little sign that either party is prepared to curtail U.S. weapons shipments. Vice President Kamala Harris has called for a cease-fire, lamented the death toll in Gaza and said she supported Palestinians’ right to self-determination as well as President Joe Biden’s decision to pause a shipment of 2,000 bombs in June. She has also echoed a refrain from previous administrations, pledging to “ensure Israel has the ability to defend itself.” Harris also said she had no intention of breaking with Biden’s Israel policy.

Republican nominee for president Donald Trump, who has described himself as the “best friend that Israel has ever had,” reportedly told donors that he supports Israel’s “war on terror” and promised to crush pro-Palestinian protests on college campuses. Trump was also recently a featured speaker at the Israeli-American Council’s summit, where he cast himself as the most pro-Israel choice in the coming election. “You have a big protector in me,” he told the crowd. “You don’t have a protector on the other side.”

The United States first began selling significant amounts of weapons to Israel in the early 1970s. Until then, Israel had relied on an array of home-grown and international purchases, notably from France, while the Soviet Union armed Israel’s adversaries. Over the past half-century, no country in the world has received more American military assistance than Israel.

The U.S. gives the Israeli government about \$3.8 billion every year and much more during wartime to help maintain its military edge in the region. Congress and the executive branch have imposed legal guardrails on how Israel and other countries can use the weapons they buy with U.S. money. The State Department must review and approve most of those large foreign military sales and is required to cut off a country if there is a pattern or clear risk of breaking international humanitarian law, like targeting civilians or blocking shipments of food to refugees. The department is also supposed to withhold U.S.-funded

equipment and weapons from individual military units credibly accused of committing flagrant human rights violations, like torture.

Initially, a country makes a request and the local embassy, which is under the State Department's jurisdiction, writes a cable called a "country team assessment" to judge the fitness of the nation asking for the weapons. This is just the beginning of a complex process, but it's a crucial step because of the embassies' local expertise.

Then, the bulk of that review is conducted by the State Department's arms transfers section, known as the Bureau of Political-Military Affairs, with input from other bureaus. For Israel and NATO allies, if the sale is worth at least \$100 million for weapons or \$25 million for equipment, Congress also gets final approval. If lawmakers try to block a sale, which is rare, the president can sidestep with a veto.

For years, Josh Paul, a career official in the State Department's arms transfers bureau, reviewed arms sales to Israel and other countries in the Middle East. Over time, he became one of the agency's most well-versed experts in arms sales.

Even before Israel's retaliation for Oct. 7, he had been concerned with Israel's conduct. On multiple occasions, he said, he believed the law required the government to withhold weapons transfers. In May 2021, he refused to approve a sale of fighter jets to the Israeli Air Force. "At a time the IAF are blowing up civilian apartment blocks in Gaza," Paul wrote in an email, "I cannot clear on this case." The following February, he wouldn't sign off on another sale after Amnesty International published a report accusing Israeli authorities of apartheid.

In both cases, Paul later told ProPublica, his immediate superiors signed off on the sales over his objections.

"I have no expectation whatsoever of making any policy gains on this topic during this Administration," he wrote at the time to a deputy assistant secretary.

During that same time period, Paul circulated a memo to some of the agency's senior diplomats with recommendations to strengthen the arms sales review process, such as including input from human rights groups. Paul warned that the Biden administration's new arms transfer policy — which prohibits weapons sales if it's "more likely than not" the recipient will use them to intentionally attack civilian structures or commit other violations — would be "watered down" in practice.

"There is an inarguable significant risk of civilian harm in the sale of precision-guided munitions to Israel and Saudi Arabia," the December 2021 memo said. The U.S. government has been historically unable to hold itself to its own standards, he wrote, "in the face of pressure from partners, industry, and perceived policy imperatives emerging from within the government itself."

It does not appear that recommendations in the memo were implemented either. Paul resigned in protest over arms shipments to Israel last October, less than two weeks after the Hamas attack. It was the Biden administration's first major public departure since the start of the war. By then, local authorities said Israeli military operations had killed at least 3,300 Palestinians in Gaza.

Internally, other experts began to worry the Israelis were violating human rights almost from the onset of the war as well. Middle East officials delivered at least six dissent memos to senior leaders criticizing the administration's decision to continue arming Israel, according to those who had a role in drafting some of them. The content of several memos leaked to the media earlier this year. The agency says it welcomes input from the dissent channel and incorporates it into policymaking decisions.

In one previously unreported memo from November, a group of experts across multiple bureaus said they had not been consulted before several policy decisions about arms transfers immediately after Oct. 7 and that there was no effective vetting process in place to evaluate the repercussions of those sales.

That memo, too, seemed to have little impact. In the early stages of the war, State Department staff worked overtime, often after hours and through weekends, to process Israeli requests for more arms. Some in the agency have thought the efforts showed an inappropriate amount of attention on Israel.

The Israelis, however, felt different. In late December, just before Christmas, staff in the arms transfers bureau walked into their Washington, D.C., office and found something unusual waiting for them: cases of wine from a winery in the Negev Desert, along with personalized letters on each bottle.

The gifts were courtesy of the Israeli embassy.

Israeli wine sent to officials in the State Department's arms transfers bureau in December Credit: Obtained by ProPublica

The State Department spokesperson said employees are allowed to accept gifts from foreign governments that fall below a certain dollar threshold. "To allege that any of their allegiances to the United States should be questioned is insulting," he added. "The accusation that the Department of State is placing a disproportionate attention on Israel is inconsistent with the facts."

The spokesperson for the Israeli government told ProPublica, "The embassy routinely sends individual bottles of wine (not cases) to many of its contacts to cordially mark the end of the year holidays."

One month later, Lew delivered his endorsement of Israel's request for the 3,000 precision GBU-39 bombs, which would be paid for with both U.S. and Israeli funds. Lew is a major figure in Democratic circles, having served in various administrations. He was President Barack Obama's chief of staff and

then became his treasury secretary. He has also been a top executive at Citigroup and a major private equity firm.

The U.S. defense attaché to Israel, Rear Adm. Frank Schlereth, signed off on the January cable as well. In addition to its assurances about the IDF, the memo cited the Israeli military's close ties with the American military: Israeli air crews attend U.S. training schools to learn about collateral damage and use American-made computer systems to plan missions and "predict what effects their munitions will have on intended targets," the officials wrote.

In the early stages of the war, Israel used American-made unguided "dumb" bombs, some likely weighing as much as 2,000 pounds, which many experts criticized as indiscriminate. But at the time of the embassy's assessment, Amnesty International had documented evidence that the Israelis had also been dropping the GBU-39s, manufactured by Boeing to have a smaller blast radius, on civilians. Months before Oct. 7, a May 2023 attack left 10 civilians dead. Then, in a strike in early January this year, 18 civilians, including 10 children, were killed. Amnesty International investigators found GBU-39 fragments at both sites. (Boeing declined to comment and referred ProPublica to the government.)

At the time, State Department experts were also cataloging the effect the war has had on American credibility throughout the region. Hala Rharrit, a career diplomat based in the Middle East, was required to send daily reports analyzing Arab media coverage to the agency's senior leaders. Her emails described the collateral damage from airstrikes in Gaza, often including graphic images of dead and wounded Palestinians alongside U.S. bomb fragments in the rubble.

"Arab media continues to share countless images and videos documenting mass killings and hunger, while affirming that Israel is committing war crimes and genocide and needs to be held accountable," she reported in one early January email alongside a photograph of a dead toddler. "These images and videos of carnage, particularly of children getting repeatedly injured and killed, are traumatizing and angering the Arab world in unprecedented ways."

Rharrit, who later resigned in protest, told ProPublica those images alone should have prompted U.S. government investigations and factored into arms requests from the Israelis. She said the State Department has "willfully violated the laws" by failing to act on the information she and others had documented. "They can't say they didn't know," Rharrit added.

Rharrit said her superiors eventually told her to stop sending the daily reports. (The State Department spokesperson said the agency is still incorporating perspectives from Arab media in regular internal analyses.)

Lew's January cable makes no mention of the death toll in Gaza or the incidents of the Israelis dropping GBU-39s on civilians. Eight current and former State Department officials with expertise in human rights, the Middle East or arms transfers said the embassy's assessment was an inadequate but not a

surprising distillation of the administration's position. "It's an exercise in checking the boxes," said Charles Blaha, a former human rights director at the agency.

The State Department declined to comment on the status of that request other than to say the U.S. has provided large amounts of GBU-39s to Israel multiple times in past years.

While the U.S. hoped that the smaller bombs would prevent unnecessary deaths, experts in the laws of war say the size of the bomb doesn't matter if it kills more civilians than the military target justifies. Lt. Col. Rachel E. VanLandingham, a retired officer with the Air Force's Judge Advocate General's Corps, said the IDF is legally responsible for doing all it can to know the risk to civilians ahead of any given strike and to avoid indiscriminately bombing densely populated areas like refugee camps and shelters. "It seems extremely plausible that they just disregarded the risk," VanLandingham added. "It raises serious concerns and indicators of violating the law of war."

Officials at the embassy in Jerusalem and in Washington said that similar concerns have been repeatedly brought to Lew, but his instincts were to defend Israel. In a separate cable obtained by ProPublica, he told Blinken and other leaders in Washington that "Israel is a trustworthy defense articles recipient" and his country team assessments ahead of past weapons sales have found that Israel's "human rights record justifies the sale."

Lew went even further and said the IDF's system for choosing targets is so "sophisticated and comprehensive" that, by defense attaché Schlereth's estimation, it "meets and often exceeds our own standard," according to the cable. Two State Department officials told ProPublica that Lew and Schlereth have made similar statements during internal meetings. (The Navy did not make Schlereth available for an interview or respond to a list of questions.)

Early in the war, diplomats at the embassy also reported that Israel had dropped bombs on the homes of some of the embassy's own staff, in addition to numerous other incidents involving civilians.

As to why Lew's cables failed to reflect that kind of information, one official said, "My most charitable explanation is that they may not have had the time or inclination to critically assess the Israelis' answers."

In Israel's New York consulate, weapons procurement officers occupy two floors, processing hundreds of sales each year. One former Israeli officer who worked there said he tried to purchase as many weapons as possible while his American counterparts tried just as hard to sell them. "It's a business," he said.

Behind the scenes, if government officials take too long to process a sale, lobbyists for powerful corporations have stepped in to apply pressure and move the deal along, ProPublica found.



Some of those lobbyists formerly held powerful positions as regulators in the State Department. In recent years, at least six high-ranking officials in the agency's arms transfers bureau left their posts and joined lobbying firms and military contractors. Jessica Lewis, the assistant secretary of the bureau, resigned in July and took a job at Brownstein Hyatt Farber Schreck. The company is the largest lobbying firm in Washington, by lobbying revenue, and has represented the defense industry and countries including Saudi Arabia. (Lewis and the firm did not respond to requests for comment.)

Paul Kelly, who was the top congressional affairs official at the State Department between 2001 and 2005, during the U.S. invasions of Iraq and Afghanistan, said he regularly "got leaned on" by the private sector to push sales to lawmakers for final approval. "They wouldn't bribe or threaten me, but they would say ... 'When are you going to sign off on it and get it up to the Hill?'" he told ProPublica.

Three other State Department officials who currently or recently worked on military assistance said little has changed since then and companies that profit from the wars in Gaza and Ukraine frequently call or email. (The agency spokesperson told ProPublica that arms transfers are "not influenced by a particular company.") The pressure also reaches lawmakers' offices once they are notified of impending sales. Those measures include frequent phone calls and regular daytime meetings, according to an official familiar with the communications.

In some cases, the efforts appear to have drifted into questionable legal territory. In 2017, the Trump administration signed a \$350 billion arms deal with Saudi Arabia, an extension of Obama's former policy before he suspended some sales because of humanitarian concerns. For years, the Saudis and their allies used American-made jets and bombs to attack Houthi militant targets in Yemen, killing thousands of civilians in the process.

The following February, the State Department was weighing whether to approve a sale of precision-guided missiles produced by Raytheon to Saudi Arabia. A vice president at the company named Tom Kelly — the former principal deputy assistant secretary of the State Department's arms transfers bureau — emailed a former subordinate, Josh Paul. Kelly asked to set up a meeting with Paul and a colleague at the company to "talk through strategy" on pushing the sale through, according to an email of the exchange.

Paul wrote back that such a meeting could be illegal. "As you'll recall from your time here, we're restricted by the Anti-Lobbying Act from coordinating legislative strategies with outside groups," he said. "However, I think the potential bumps in the road are relatively obvious." Those bumps were a reference to recent media articles about mass civilian casualty incidents in Yemen.

"No worries," Kelly responded. "I'm sure I'll see you around."

Kelly and Raytheon did not reply to requests for comment.

The State Department ultimately signed off on the sale.

Mariam Elba contributed research.

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## Get in Touch

Do you have information about how the U.S. arms foreign countries? Contact Brett Murphy on Signal at 508-523-5195 or by email at [brett.murphy@propublica.org](mailto:brett.murphy@propublica.org).

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U.S. Secretary of State Antony Blinken Credit: Evelyn Hockstein/Pool/AFP

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People transport the body of a family member for burial following an Israeli strike on a school sheltering displaced Palestinians in Gaza City on Aug. 10 that killed more than 90 people. Shrapnel from GBU-39 bombs was identified among the rubble. Credit: Omar al-Qattaa/AFP via Getty Images

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Even before Israel's retaliation for Oct. 7, he had been concerned with Israel's conduct. On multiple occasions, he said, he believed the law required the government to withhold weapons transfers. In May 2021, he refused to approve a sale of fighter jets to the Israeli Air Force. "At a time the IAF are blowing up civilian apartment blocks in Gaza," Paul wrote in an email, "I cannot clear on this case." The following February, he wouldn't sign off on another sale after Amnesty International published a report accusing Israeli authorities of apartheid.

In both cases, Paul later told ProPublica, his immediate superiors signed off on the sales over his objections.

"I have no expectation whatsoever of making any policy gains on this topic during this Administration," he wrote at the time to a deputy assistant secretary.

During that same time period, Paul circulated a memo to some of the agency's senior diplomats with recommendations to strengthen the arms sales review process, such as including input from human rights groups. Paul warned that the Biden administration's new arms transfer policy — which prohibits weapons sales if it's "more likely than not" the recipient will use them to intentionally attack civilian structures or commit other violations — would be "watered down" in practice.

"There is an inarguable significant risk of civilian harm in the sale of precision-guided munitions to Israel and Saudi Arabia," the December 2021 memo said. The U.S. government has been historically unable to hold itself to its own standards, he wrote, "in the face of pressure from partners, industry, and perceived policy imperatives emerging from within the government itself."

It does not appear that recommendations in the memo were implemented either. Paul resigned in protest over arms shipments to Israel last October, less than two weeks after the Hamas attack. It was the Biden administration's first major public departure since the start of the war. By then, local authorities said Israeli military operations had killed at least 3,300 Palestinians in Gaza.

Internally, other experts began to worry the Israelis were violating human rights almost from the onset of the war as well. Middle East officials delivered at least six dissent memos to senior leaders criticizing the administration's decision to continue arming Israel, according to those who had a role in drafting some of them. The content of several memos leaked to the media earlier this year. The agency says it welcomes input from the dissent channel and incorporates it into policymaking decisions.

In one previously unreported memo from November, a group of experts across multiple bureaus said they had not been consulted before several policy decisions about arms transfers immediately after Oct. 7 and that there was no effective vetting process in place to evaluate the repercussions of those sales.

That memo, too, seemed to have little impact. In the early stages of the war, State Department staff worked overtime, often after hours and through weekends, to process Israeli requests for more arms. Some in the agency have thought the efforts showed an inappropriate amount of attention on Israel.

The Israelis, however, felt different. In late December, just before Christmas, staff in the arms transfers bureau walked into their Washington, D.C., office and found something unusual waiting for them: cases of wine from a winery in the Negev Desert, along with personalized letters on each bottle.

The gifts were courtesy of the Israeli embassy.

Israeli wine sent to officials in the State Department's arms transfers bureau in December Credit: Obtained by ProPublica

The State Department spokesperson said employees are allowed to accept gifts from foreign governments that fall below a certain dollar threshold. “To allege that any of their allegiances to the United States should be questioned is insulting,” he added. “The accusation that the Department of State is placing a disproportionate attention on Israel is inconsistent with the facts.”

The spokesperson for the Israeli government told ProPublica, “The embassy routinely sends individual bottles of wine (not cases) to many of its contacts to cordially mark the end of the year holidays.”

One month later, Lew delivered his endorsement of Israel’s request for the 3,000 precision GBU-39 bombs, which would be paid for with both U.S. and Israeli funds. Lew is a major figure in Democratic circles, having served in various administrations. He was President Barack Obama’s chief of staff and then became his treasury secretary. He has also been a top executive at Citigroup and a major private equity firm.

The U.S. defense attaché to Israel, Rear Adm. Frank Schlereth, signed off on the January cable as well. In addition to its assurances about the IDF, the memo cited the Israeli military’s close ties with the American military: Israeli air crews attend U.S. training schools to learn about collateral damage and use American-made computer systems to plan missions and “predict what effects their munitions will have on intended targets,” the officials wrote.

Portions of the January cable U.S. Ambassador to Israel Jack Lew sent to Washington urging the approval of an arms transfer Credit: Obtained by ProPublica

In the early stages of the war, Israel used American-made unguided “dumb” bombs, some likely weighing as much as 2,000 pounds, which many experts criticized as indiscriminate. But at the time of the embassy’s assessment, Amnesty International had documented evidence that the Israelis had also been dropping the GBU-39s, manufactured by Boeing to have a smaller blast radius, on civilians. Months before Oct. 7, a May 2023 attack left 10 civilians dead. Then, in a strike in early January this year, 18 civilians, including 10 children, were killed. Amnesty International investigators found GBU-39 fragments at both sites. (Boeing declined to comment and referred ProPublica to the government.)

At the time, State Department experts were also cataloging the effect the war has had on American credibility throughout the region. Hala Rharrit, a career diplomat based in the Middle East, was required to send daily reports analyzing Arab media coverage to the agency’s senior leaders. Her emails described the collateral damage from airstrikes in Gaza, often including graphic images of dead and wounded Palestinians alongside U.S. bomb fragments in the rubble.

“Arab media continues to share countless images and videos documenting mass killings and hunger, while affirming that Israel is committing war crimes



and genocide and needs to be held accountable,” she reported in one early January email alongside a photograph of a dead toddler. “These images and videos of carnage, particularly of children getting repeatedly injured and killed, are traumatizing and angering the Arab world in unprecedented ways.”

Portions of two email snapshots that senior leaders received early in the war  
Credit: Obtained, highlighted and pixelated by ProPublica

Rharrit, who later resigned in protest, told ProPublica those images alone should have prompted U.S. government investigations and factored into arms requests from the Israelis. She said the State Department has “willfully violated the laws” by failing to act on the information she and others had documented. “They can’t say they didn’t know,” Rharrit added.

Rharrit said her superiors eventually told her to stop sending the daily reports. (The State Department spokesperson said the agency is still incorporating perspectives from Arab media in regular internal analyses.)

Lew’s January cable makes no mention of the death toll in Gaza or the incidents of the Israelis dropping GBU-39s on civilians. Eight current and former State Department officials with expertise in human rights, the Middle East or arms transfers said the embassy’s assessment was an inadequate but not a surprising distillation of the administration’s position. “It’s an exercise in checking the boxes,” said Charles Blaha, a former human rights director at the agency.

The State Department declined to comment on the status of that request other than to say the U.S. has provided large amounts of GBU-39s to Israel multiple times in past years.

While the U.S. hoped that the smaller bombs would prevent unnecessary deaths, experts in the laws of war say the size of the bomb doesn't matter if it kills more civilians than the military target justifies. Lt. Col. Rachel E. VanLandingham, a retired officer with the Air Force’s Judge Advocate General’s Corps, said the IDF is legally responsible for doing all it can to know the risk to civilians ahead of any given strike and to avoid indiscriminately bombing densely populated areas like refugee camps and shelters. “It seems extremely plausible that they just disregarded the risk,” VanLandingham added. “It raises serious concerns and indicators of violating the law of war.”

Officials at the embassy in Jerusalem and in Washington said that similar concerns have been repeatedly brought to Lew, but his instincts were to defend Israel. In a separate cable obtained by ProPublica, he told Blinken and other leaders in Washington that “Israel is a trustworthy defense articles recipient” and his country team assessments ahead of past weapons sales have found that Israel’s “human rights record justifies the sale.”

Lew went even further and said the IDF’s system for choosing targets is so “sophisticated and comprehensive” that, by defense attaché Schlereth’s

estimation, it “meets and often exceeds our own standard,” according to the cable. Two State Department officials told ProPublica that Lew and Schlereth have made similar statements during internal meetings. (The Navy did not make Schlereth available for an interview or respond to a list of questions.)

Early in the war, diplomats at the embassy also reported that Israel had dropped bombs on the homes of some of the embassy’s own staff, in addition to numerous other incidents involving civilians.

As to why Lew’s cables failed to reflect that kind of information, one official said, “My most charitable explanation is that they may not have had the time or inclination to critically assess the Israelis’ answers.”

U.S. Ambassador to Israel Jack Lew Credit: Ahmad Gharabli/AFP via Getty Images

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In Israel’s New York consulate, weapons procurement officers occupy two floors, processing hundreds of sales each year. One former Israeli officer who worked there said he tried to purchase as many weapons as possible while his American counterparts tried just as hard to sell them. “It’s a business,” he said.

Behind the scenes, if government officials take too long to process a sale, lobbyists for powerful corporations have stepped in to apply pressure and move the deal along, ProPublica found.

Some of those lobbyists formerly held powerful positions as regulators in the State Department. In recent years, at least six high-ranking officials in the agency’s arms transfers bureau left their posts and joined lobbying firms and military contractors. Jessica Lewis, the assistant secretary of the bureau, resigned in July and took a job at Brownstein Hyatt Farber Schreck. The company is the largest lobbying firm in Washington, by lobbying revenue, and has represented the defense industry and countries including Saudi Arabia. (Lewis and the firm did not respond to requests for comment.)

Paul Kelly, who was the top congressional affairs official at the State Department between 2001 and 2005, during the U.S. invasions of Iraq and Afghanistan, said he regularly “got leaned on” by the private sector to push sales to lawmakers for final approval. “They wouldn’t bribe or threaten me, but they would say ... ‘When are you going to sign off on it and get it up to the Hill?’” he told ProPublica.

Three other State Department officials who currently or recently worked on military assistance said little has changed since then and companies that profit from the wars in Gaza and Ukraine frequently call or email. (The agency spokesperson told ProPublica that arms transfers are “not influenced by a particular company.”) The pressure also reaches lawmakers’ offices once they are notified of impending sales. Those measures include frequent phone calls

and regular daytime meetings, according to an official familiar with the communications.

In some cases, the efforts appear to have drifted into questionable legal territory. In 2017, the Trump administration signed a \$350 billion arms deal with Saudi Arabia, an extension of Obama's former policy before he suspended some sales because of humanitarian concerns. For years, the Saudis and their allies used American-made jets and bombs to attack Houthi militant targets in Yemen, killing thousands of civilians in the process.

The following February, the State Department was weighing whether to approve a sale of precision-guided missiles produced by Raytheon to Saudi Arabia. A vice president at the company named Tom Kelly — the former principal deputy assistant secretary of the State Department's arms transfers bureau — emailed a former subordinate, Josh Paul. Kelly asked to set up a meeting with Paul and a colleague at the company to "talk through strategy" on pushing the sale through, according to an email of the exchange.

Paul wrote back that such a meeting could be illegal. "As you'll recall from your time here, we're restricted by the Anti-Lobbying Act from coordinating legislative strategies with outside groups," he said. "However, I think the potential bumps in the road are relatively obvious." Those bumps were a reference to recent media articles about mass civilian casualty incidents in Yemen.

"No worries," Kelly responded. "I'm sure I'll see you around."

Kelly and Raytheon did not reply to requests for comment.

The State Department ultimately signed off on the sale.