



Via Federal Express, Facsimile, and E-mail

May 22, 2017

Hon. Doc Hastings, Chairman
Hon. David Skaggs, Co-Chairman
Office of Congressional Ethics
U.S. House of Representatives
425 Third Street SW, Suite 1100
Washington, D.C. 20024

Hon. Susan W. Brooks, Chairman
Hon. Theodore E. Deutch, Ranking Member
U.S. House of Representatives Committee on Ethics
1015 Longworth House Office Building
Washington, D.C. 20515-6328
Phone: (202) 225-7103
Fax: (202) 225-7392
E-mail: Ethicscommittee@mail.house.gov

Re: Ethics Complaint Against Representative Jason Chaffetz Regarding the Hearing Before the Subcommittee on National Security of the Committee on Oversight and Government Reform House of Representatives and Request for Investigation

Dear Hon. Chairman Brooks, Hon. Chairman Hastings, Hon. Ranking Member Deutch, and Hon. Co-Chairman Skaggs:

On behalf of Freedom Watch, Inc., a non-profit organization that seeks to promote ethics in government as well as prosecute government corruption and abuse, I hereby file this complaint against Jason E. Chaffetz, the U.S. representative for Utah's 3rd congressional district, currently serving as Chairman of the Oversight and Government Reform Committee, and request an immediate investigation by the Office of Congressional Ethics and the House Committee on Ethics of the facts and circumstances elucidated below.

On August 6, 2011, just three (3) months after the Bin Laden raid, Taliban jihadists shot down a U.S. Boeing CH-47D Chinook military helicopter in Afghanistan, call sign Extortion 17, killing thirty (30) Americans, including twenty-two (22) Navy SEALs and SEAL support personnel, five (5) Army National Guardsmen, and three (3) Air Force members. It was the single, largest loss of life in one (1) day in the Afghan and Iraq theatres combined.

The large Chinook helicopter shot down by the Taliban was hastily dispatched into a severe combat zone and, according to the Official Crash Report provided to the families in October 2011, there were no "eyes in the sky" to monitor, protect, and secure Extortion 17. There were

many discrepancies in the Official Crash Report about which the families wanted answers from the government their sons died for. As Chairman and General Counsel of Freedom Watch – I am also the founder of Judicial Watch but now run Freedom Watch – my Chief of Staff and I contacted the Oversight and Government Reform Committee beginning in the summer of 2013 and strongly requested that the Committee hold a hearing for five (5) of our clients and other family members of Extortion 17 to interrogate key players who may have answers to the blatant discrepancies in the Official Crash Report. After months of meetings, telephone calls, and testimony from family members, in addition to actively showing the discrepancies in the Official Crash Report to staff members of the Committee, the Committee finally agreed to give Extortion 17 the attention it deserved; a congressional hearing with answers. Originally, the Committee sought to have two (2) of my clients testify at the hearing, Charles Strange, father of Michael Strange, a National Security Agency (“NSA”) Cryptologist Technician and Petty Officer 1st Class (Expeditionary Warfare Specialist), and Doug Hamburger, father of Patrick Hamburger, a Staff Sergeant assigned to the 2nd Battalion, 135th Aviation Regiment (General Support Aviation Battalion) and world class sniper. But, just two (2) days before the hearing was scheduled, a staff member of the Subcommittee told our clients they would not be allowed to testify.

On February 27, 2014, the Subcommittee on National Security of the Committee on Oversight and Government Reform held a hearing entitled “Afghanistan: Honoring the Heroes of Extortion 17.” The title the Subcommittee chose said it all. The families were not interested in the honoring their sons; rather, they wanted and deserved answers from the government their sons died for. They wanted to know why the Official Crash Report reported that there were no “eyes in the sky”, why it claimed that the flight data recorder, or “black box” went missing after the families were told in October 2011 that it was “washed away in a flash flood”, why (7) Afghans trained to fight with our soldiers were replaced by another (7) Afghans within thirty (30) minutes of the execution of the mission and who were not listed on the official manifest, why the Afghan National Security Forces were not mentioned or questioned ever regarding the shoot-down, why the Chinook waded in the air for over thirteen (13) minutes over the landing zone, why the pre-assault fire request was denied and who made that decision, how the Taliban knew to announce just thirty (30) minutes after they shot down the Chinook that they had succeeded in shooting down SEAL Team VI, the same unit that killed Bin Laden, and why a Muslim Imam was allowed to say a Muslim prayer over the caskets bearing the Christian or Jewish bodies of our fallen heroes, damning them to hell as infidels. Sadly, these questions only touch the surface.

The hearing was a complete farce. The so-called experts the Subcommittee called to testify included Garry Reid, a Obama political appointee and “senior defense official with oversight of our special operations” see <http://oversight.house.gov/wp-content/uploads/2014/06/2-27-14-TRANSCRIPT-Afghanistan-Honoring-the-Heroes-of-Extortion-17.pdf>,¹ who admitted to two (2) of our clients just days after the hearing that he had never even read the Official Crash Report, Deborah Skillman, a program manager for Casualty and Mortuary Affairs, John Devillier, an Air

¹ “Afghanistan: Honoring the Heroes of Extortion 17, Hearing Before the Subcommittee on National Security of the Committee on Oversight and Government Reform House of Representatives, 113th Congress, 2nd Session, Serial No 113-98”.

Force Commander of Mortuary Affairs Operations, and Colonel Kerk Brown, the Director of Army Casualty & Mortuary Affairs Operations Center. While the families and their counsel were initially hopeful, the Subcommittee's intention was clear: stonewall every question presented by the families and make the hearing about "honoring" the fallen heroes instead of finding out the truth about their deaths. As an example, Garry Reid told the families for the first time that there was no "black box" after being told by Brigadier General Colt in October 2011 that the "black box" was washed away in a flash flood. He also applauded the Afghan National Security Force's involvement and vetting in missions even though in 2011, green-on-blue attacks were at their peak. Perhaps most importantly, however, is the statement he made regarding the inhibiting rules of engagement: "We do not believe the rules of engagement restricted our forces from engaging the enemy during this operation." <http://oversight.house.gov/wp-content/uploads/2014/06/2-27-14-TRANSCRIPT-Afghanistan-Honoring-the-Heroes-of-Extortion-17.pdf>.²

Just last Tuesday, on April 18, 2017, the families' prayers came true when it was reported that a decorated former Air Force captain, Joni Marquez, came forward as a whistleblower and shed light on many of the questions that the Subcommittee intentionally left unanswered. She said the Pentagon lied to the families about what caused the Extortion 17 tragedy and that she witnessed one of the most deadly attacks on Navy SEALs in U.S. history. She *was* an "eye in the sky" and was ordered to fly close-in as air support above Afghanistan's Tangi Valley to assist a Ranger unit that was being fired upon by eight heavily armed Taliban insurgents. It is reported that the "Rangers had called in for assault helicopters to engage the enemy hiding among the rocky valley. The air weapons team fired on the Taliban fighters, but not all of the insurgents were killed", as the Pentagon originally told the families. See <http://circa.com/politics/retired-air-force-captain-says-attack-on-extortion-17-could-have-been-prevented>. Two were still alive. Marquez saw the two insurgents still alive crawl away from the area, as to not make a scene. Monitoring the scene from above, she relayed the scene to the ground force commander and told him there are two enemy forces still alive. She requested permission to engage. She was denied. Marquez was forced to watch the two escapees as they made their way through an open field to a village where they rallied more Taliban fighters. Shortly thereafter, Extortion 17 was fatally shot down. Marquez believes that had her team been able to fire, the deaths of the servicemen could have been prevented. She describes how she watched the infrared monitor turn from red to blue as the heat signatures of bodies slipped away.

Captain Marquez has also disclosed that after the hearing chaired by Jason Chaffetz, she contacted him and advised him of this cover-up. He and his committee staff took no action, consistent with their conduct leading up to and during the oversight hearing.

Instead of fulfilling his duties to the families and hold a bona fide congressional hearing that sought the truth, Representative Chaffetz violated the integrity of the U.S. government by calling witnesses who knew virtually nothing about the circumstances of the crash. As mentioned, Garry Reid failed to even read the Official Crash Report before testifying before the Subcommittee. Later, Chaffetz covered up what Captain Marquez came forward to disclose to him.

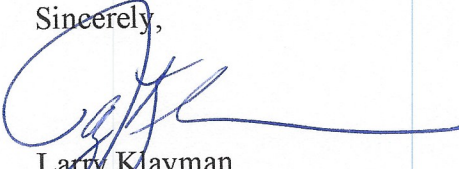
² *Id.* at 21.

Representative Chaffetz, working in concert primarily with the principal investigator on his staff, James Lewis, actively committed obstruction of justice by seeking to conceal material evidence of the shoot-down of Extortion 17 both before and after the hearing. The U.S. House of Representatives "Code of Ethics for Government Service" House Document 103, 86th Congress, 1st Session (1958), requires that any person in Government service should: "Put loyalty to the highest moral principals and to country above loyalty to Government persons, party, or department" and "expose corruption wherever discovered." Representative Chaffetz and his staff should be investigated to determine how far and wide the corruption and cover-up of Extortion 17 goes.

In furtherance of this investigation, I respectfully request that this Committee secure and subpoena the email accounts and phone records of Representative Chaffetz, James Lewis, and others on the staff of the House Government Oversight and Reform Committee who claimed they were thoroughly investigating the Extortion 17 tragedy. On information and belief, this would include but not be limited to the private email accounts and phone records of Representative Chaffetz and James Lewis, and others, as a previous Freedom of Information Act request was responded to by the Department of Defense with only minimal documentation, creating a strong inference that communications with Congress were conducted using private email servers. As a former CIA agent, Mr. Lewis in particular may have used private email accounts and private phones or other clandestine means to conceal and cover-up communications concerning the underlying facts concerning the shoot down of Extortion 17 should an ethics investigation or other legal proceeding ultimately occur.

Thank you for your prompt attention to this serious matter, given the gravity of this cover-up concerning the heroic sons of Gold Star families. Please contact me upon receipt of this complaint as our clients pledge their complete cooperation and want to testify about events to the House Committee on Ethics and the Office of Congressional Ethics.

Sincerely,



Larry Klayman
Chairman and General Counsel
Freedom Watch, Inc.
2020 Pennsylvania Avenue, Suite 345
Washington, D.C. 20006
(310) 595 0800
leklayman@gmail.com

cc: Charles Strange, father of Michael Strange
Douglas Hamburger, father of Patrick Hamburger
Sidh Douangdara, father of John Douangdara