

Dixie D'Souza

VIA FEDERAL EXPRESS AND
HAND DELIVERY

September 22, 2014

Hon Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
506 Pearl Street
New York, NY 10007-1312

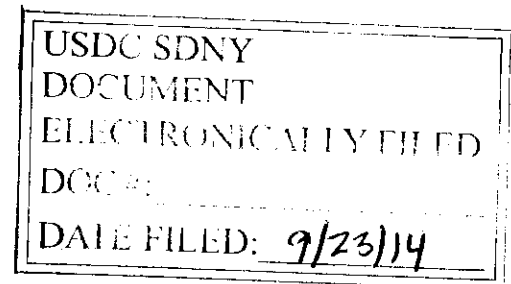
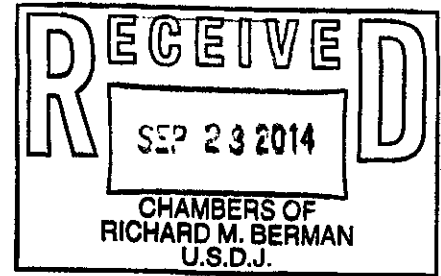
Re: *United States of America v. Dinesh D'Souza*
1:14-CR-00034 (RMB)

Dear Judge Berman:

I write in response to the sentencing memorandum and attachments submitted by my former husband, Dinesh D'Souza, in support of his upcoming sentencing hearing, currently scheduled for September 23, 2014. I was married to Dinesh D'Souza for more than 20 years and together with him for over 26 years. I know Dinesh better than anyone and can attest to his flawed character and lack of truthfulness. Please accept this letter as my effort to correct the record Dinesh created by his false and misleading submissions to the Court regarding me, the extent and nature of his criminal conduct, and my relationship with our daughter, Danielle D'Souza. I trust the Court will carefully consider my letter and impose a fair, appropriate and just sentence.

I have been questioned by the government, referred to, spoken about, and even been spoken for by others to the court, yet I have never been allowed to speak for myself. Now that Dinesh has plead guilty, I would like to address the references made to and about me, questions raised about my involvement in this matter, and statements made to the court by and on behalf of the defendant. First, although I have not been present at any of the proceedings, a transcript of the pre-trial hearing held May 15, 2014, was just recently made available to me. As I was reading the transcript, the first thing I noticed is that your Honor wisely raised questions concerning my involvement at the beginning of the hearing. In the pre-trial hearing held May 15, 2014, your Honor asked the government:

"THE COURT: So the question for the government: There was an original -- I will call it original -- contribution by Mr. D'Souza and his wife in I believe February of 2012 in the total amount of \$10,000 to the Long campaign and so the question for you is was that contribution legal and/or was Mrs. D'Souza, Dixie D'Souza, a straw donor?"



The government was going to put me on as a rebuttal witness but that opportunity vanished when Dinesh pled guilty. However, Dinesh's attorney Mr. Brafman was allowed to make statements to the Court as to what he believes I would have said if I were there [in court]. Specifically, he gave the following statements on my behalf addressing the issue of the \$5,000 campaign contribution made in my name. To quote Mr. Brafman, "... *In this case Ms. D'Souza, his wife dixie were here to testify, I think in words or substance she would say while she didn't know that it was being made on her behalf at the time, she certainly implicitly authorized him over the course of their marriage to handle all of the couple's financial affairs . . .*" Although I've never even met Mr. Brafman, he made these statements as if he were speaking for me.

I cannot allow these statements, and other comments made by the defendant, go unanswered. Nothing Mr. Brafman said on my behalf was remotely correct. Now I must take this opportunity to speak for myself and truly let the record be complete. First, Dinesh's counsel wrote in describing the crimes for which Dinesh pled guilty, that Dinesh "acted bereft of any corrupt purpose or design, other than blind and misguided loyalty." (Sentencing Memorandum on Behalf of Dinesh D'Souza at 2.) That simply is not true. Dinesh served on the Wendy Long finance committee and obviously knew the contribution guidelines and political finance campaign laws. In addition to the charged offenses, Dinesh also contributed \$5,000 to a candidate for the U.S. Senate in my name without my knowledge or permission and forged my signature on the campaign contribution form in an effort to disguise the fraudulent campaign donations.

I have never come forward publicly with this information, but it has been repeatedly printed in various news stories that I was a contributor to the campaign when I was not. I do not know Wendy Long very well and probably met her a half dozen times at best. After Dinesh was indicted, I was very upset to learn that he had taken \$30,000 of our money to support Ms. Long's campaign. In our 20 plus year marriage, Dinesh and I discussed and jointly made decisions about our financial affairs except, as I learned later, when he intended to commit a criminal or fraudulent act. I believe I am a victim of my husband's intentional criminal activities. No person should make a political contribution in the name of another person without permission. Dinesh made a contribution in my name without my consent or knowledge to someone I did not support. I urge the Court to act accordingly to afford adequate deterrence to similarly situated defendant's, namely spouses who are tempted to contribute on behalf of their spouses without their knowledge or consent.

In early 2012, Dinesh sent a \$10,000 donation to Ms. Long, a candidate running for the U.S. Senate. The money came from our joint account. On March 25, 2012, in an email, Ms. Long wrote Dinesh and indicated that because his donation was for \$10,000 he would need to have me (his wife) sign the contribution form as a donation on behalf of a married couple. On March 26, 2012, Dinesh emailed back that he would fill out the contribution form and bring it to New York. At the time, Dinesh was in California with the contribution form and could have asked me sign to it, but he chose not to do so. I saw a copy of the check in our emails around April 2012 and asked my husband why he sent \$10,000 to Ms. Long. He told me that he decided not to send the money to her campaign. Clearly, that was not true. In fact, he signed my name on the campaign contribution form without my permission so Ms. Long's campaign could retain the entire \$10,000 campaign contribution. I was unaware that Dinesh had forged my signature until the Assistant U.S. Attorney and FBI contacted me in March 2014.

In our 20 years of marriage, Dinesh and I did not make political campaign contributions. Dinesh even makes this same point in a September 16, 2014 interview in "New Republic." Dinesh D'Souza stated: "Oh, I mean, this is the thing. Wendy Long, the candidate, told me there's a \$10,000 limit per couple. I convinced two people to also give her money and I said I would reimburse them. That's what I did. Had I read the law? No. I certainly didn't know it was a felony. I mean, I'm not crazy. I knew I was getting around a rule, obviously, otherwise I wouldn't have reimbursed them. So I did something really stupid. Now, people say, 'Dinesh, you're an intelligent man and you've been in the political world for twenty-five years. How could you not know?' And the answer is: I had never given to a campaign before. Not even to Reagan." The contention that I would for the first time in twenty years suddenly decide to make a campaign contribution to a candidate I did not know well or know her political views for the State of New York is uncharacteristic of my nature.

His motives were also self-serving as Dinesh indicated to me that his support for Ms. Long's campaign was due in part to her support of his Obama's 2016 movie. He told me that he felt compelled to "pay her back" because she introduced him to a "big" donor who helped fund the Obama 2016 movie.

I also had no knowledge that Dinesh used \$20,000 of our funds in August 2012 to reimburse others for their campaign contributions. As the Court is aware, my former husband used his mistress, Denise Joseph (who was a newlywed), and his personal assistant, Tyler Vawser, to illegally funnel money to Ms. Long's senate campaign. Unbeknownst to me and without my permission, Dinesh used our personal money to reimburse Mr. Vawser and Ms. Joseph as a part of his criminal scheme. This conduct seems at odds with Dinesh's counsel statement that he acted "bereft of any corrupt purpose or design." (*Id.*)

Dinesh plead guilty to violations aggregating \$20,000. Under 2 U.S.C. § 437g (d) (1) (D), this limits his potential sentence to two years imprisonment. However, the \$5,000 that he fraudulently donated on my behalf could have been charged as well -- increasing his aggregate infraction to \$25,000 and his maximum possible sentence to five years imprisonment.

The most painful part of his conduct is his use of our daughter to bolster his character. Dinesh has allowed, and perhaps encouraged, her to submit a letter to a federal judge that he knows is patently false. I am hurt and dismayed by untrue statements in our daughter's letter.

Contrary to the statement made in Mr. D'Souza's sentencing memorandum, it is my former husband who has an abusive nature. In one instance, it was my husband who physically abused me in April 2012 when he, using his purple belt karate skills, kicked me in the head and shoulder, knocking me to the ground and creating injuries that pain me to this day.

Further, it was Dinesh who filed the dissolution-of-marriage proceeding on October 4, 2012 -- not weeks but several months after he committed the federal offense for which he is to be sentenced. And while he justifies his criminal behavior due to being overly stressed from our marriage, it was Dinesh who admitted to having an affair with Ms. Joseph and getting engaged at that time, while we were still married - all before he filed for divorce. We were not separated or

legally separated as he has made these false claims in public and to the media. Dinesh lied to me, he lied to the government, he encouraged others to lie for him, and now he has allowed our daughter to submit multiple false statements to a federal court in order to avoid punishment. Dinesh D'Souza is not a truthful person.

I also have serious questions about Dinesh's financial disclosures, particularly with regard to amounts he has had on deposit in accounts at banks in India. I believe he has abused his authority over the course of our marriage handling our financial affairs. He has abused it in taking our most important financial documents out of our home before he filed for divorce, buying rental properties in India during our marriage without my knowledge or consent, and numerous financial breaches of fiduciary duties in the California Family Law Court. This shows a continued pattern of hiding financial assets.

Further, I understand that Dinesh is required, as part of his pre-sentencing submissions, to provide financial disclosures to the probation officer. My attorneys have asked his attorneys for a copy of whatever he submits. To whatever extent the financial disclosures may be permitted to be filed or submitted under seal or confidentially, I request a copy be provided to me by the Court because my attorneys have received no copy of such disclosures despite their formal request to Dinesh's attorneys in the family court proceeding.

I give the court a very recent example of two very different Dinesh D'Souzas. In his statement to the Court in his sentencing memorandum, Dinesh says, he "is filled with a sense of sheer frustration, exasperation and regret," and "I am ashamed and contrite." However one must ask how these statements align with his twitter posts as well as how he portrays himself in his recent movie America dealing with the crimes for which he pled guilty and is now before you.

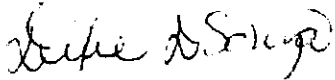
In an interview in the September 13, 2014 edition of National Journal Magazine, Simon van Zuylen-Wood writes, "On Sept. 3, D'Souza submitted a statement to the federal judge presiding over his case. "I cannot believe how stupid I was, how careless, and how irresponsible," he wrote, asking to get off with community service. "This should not have happened, and I am ashamed and contrite that it did." Two days later, on Twitter, D'Souza struck a somewhat less remorseful tone. Next to a screen shot of his Facebook page's 350,000 "likes" he wrote, "The Obama campaign to shut me up: is it working?" The article concludes with, "At the end of America, D'Souza appears on screen in a prison cell, rubbing his eyes while wearing a set of handcuffs. "I made a mistake," he says, softly. "I'm not above the law. No one is. But we don't want to live in a society where Lady Justice has one eye open and winks at her friends, and casts the evil eye at her adversaries. When will it stop?"

The movie was released July 4th, nearly two months after he pled guilty, more than enough time to edit the scene, or take it out. Which is the real Dinesh D'Souza, the contrite one he states to the court or the irreverent, martyred one he portrays on the "big screen" to the rest of America?

Finally, I have remained silent on this matter from the very beginning. However, after reviewing the numerous false statements made by my former husband's attorney during the pre-trial hearing on May 15, I felt compelled to respond. Also, the people who have submitted letters

on Dinesh's behalf do not know the real Dinesh D'Souza -- not his family members in India, his business associates, his college classmates, or our daughter. I have known Dinesh D'Souza for more than half his life and lived with this man and experienced a different Dinesh D'Souza than the one in the public eye. I respectfully request that you consider this letter and impose a just sentence.

Sincerely,



Dixie D'Souza

Cc: Assistant U.S. Attorney Paul Krieger (via email)
Assistant U.S. Attorney Carrie Cohen (via email)
Benjamin Brafman, Esq.

<p><u>Clerk to docket.</u></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <p>SO ORDERED: Date: <u>9/23/14</u> <u>Richard M. Berman</u> Richard M. Berman, U.S.D.J.</p>
