Exhibit D

OSD MDR Case 12-M-2766

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Exhibit D

Filed with CSO Otis CSO Jackson 3/3/87

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
v.) Criminal No. 86-0207
)
JONATHAN JAY POLLARD)

OSD RECOMMEND PARTIAL RELEASE 25X1

CIA EO 13526 3.3(b)(1)>25Yrs

GOVERNMENT'S REPLY
TO DEFENDANT'S SENTENCING MEMORANDUM

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby replies to Defendant JONATHAN J. POLLARD'S First Memorandum in Aid of Sentencing (hereinafter "Defendant's First Memorandum") and Defendant JONATHAN J. POLLARD'S Second Memorandum in Aid of Sentencing (hereinafter "Defendant's Second Memorandum"). In support of its Reply, the government submits the following.

INTRODUCTION

It would not be possible for the government, in the limited time remaining before sentencing, to specifically respond to each contention contained in the voluminous pleadings filed by defendant only five days before the scheduled hearing. Although defendant's First Memorandum was ostensibly prepared in August, 1986, and could have been submitted for classification review at any point thereafter, no explanation has been offered for its belated filing. The government will, however, attempt herein to briefly cite for the

DIA

[redacted]

Court's consideration examples of the deceptive statements and distorted analysis which are characteristic of defendant's pleadings, and which evidence defendant's calculated effort to obtain a "political solution" to these criminal proceedings.

1. Calculated Effort to Obtain "Political Solution"

Defendant's pleadings reinforce the tactic which he has relentlessly pursued during recent months -- to garner support for a "political solution" to the criminal proceedings pending before this Court. Defendant continues to express his hope that his incarceration may be cut-short by a "diplomatic or administrative" solution:

> "Although this embarrassing type of discovery [Israeli espionage against the United States] has previously occurred, both parties very often resolved their differences quietly through diplomatic or administrative channels, neither state wishing to precipitate a cause celebre, which might put at risk more substantive aspects of their relationship. It is my belief that if this imbroglio had been managed in such a discrete manner the Israeli government might have been inclined to act responsibly from the start and to quickly admit their culpability." (Defendant's First Memorandum at 29). (Emphasis added).

Indeed, defendant admits that his decision to cooperate with U.S. authorities was prompted by an expectation that diplomatic discussions regarding the resolution of his case would ensue:

> "I had hoped that to the extent the [U.S.] government could be quickly assured that no damage was sustained by the intelligence community's clandestine agents nets and communications security, the faster everyone could relax and proceed with both a more restrained debriefing process and diplomatic demarche with the Israelis. (Id. at 58). (Emphasis added).

Defendant has done more than merely express a hope for a political solution. In recent months he has repeatedly made statements designed to obtain popular support in Israel for such an effort. Beginning with his November 20, 1986 interview with Wolf Blitzer, published the following day in the Jerusalem Post, defendant has solicited political efforts by Israel to obtain his release ("I feel the same way that one of Israel's pilots would feel if after he was shot down, nobody made an effort to get him out . . . By avoiding the issue, Israel is leaving an unburied body to rot and stink and foul the air")(copy attached as Exhibit A to Government's Memorandum in Aid of Sentencing. Similarly in a lengthy letter authored by defendant and published in the Jerusalem Post on January 27, 1987, defendant attempts to glorify his actions ("I am neverthless confident that what I did . . . will make a significant contribution to Israel's military capabilities), complains of the

"painfully slow process of judicial crucifixion" and laments that "[w]e fully expect the worst because no one has summoned the [Jewish] community to put a stop to this ordeal." (copy of January 27, 1987 Jerusalem Post article attached hereto as Exhibit A).

These public relations efforts recently culminated in yet another newspaper article designed to glorify defendant's actions and minimize the public perception of harm resulting from defendant's espionage activities. However, unlike the prior instances of interviews and public dissemination of information by defendant, which constituted technical violations of defendant's obligations under the plea agreement, on this most recent occasion defendant's disclosures to the press constituted unauthorized dissemination of U.S. classified information as well as a violation of this Court's Protective Order.

On February 15, 1987 an article authored by Jerusalem Post Reporter Wolf Blitzer, and entitled "Pollard: Not a Bumbler But Israel's Master Spy," appeared in the Washington Post (copy attached hereto as Exhibit B). In the initial portion of the article, six categories of information are described; according to the article, these categories constitute a portion of the classified information delivered by defendant to Israel. The author of the article, of course, did not identify the source which revealed that this specific information had been compromised by defendant. Rather the information was attributed to a number of "Israeli and American Sources" including "one American with firsthand knowledge of the Pollard case" (Exhibit B at p. 1).

As explained in the Government's Memorandum in Aid of Sentencing, government counsel previously learned that defendant was the source for information previously published by Wolf Blitzer in the Washington Post on November 21, 1986, obtained during an interview with defendant at Petersburg Federal Corrections Institution (FCI) the preceding day. (See Government's Memorandum in Aid of Sentencing at pp. 52-53, and Exhibit A thereto). At that time the government set forth its view that the provision of information by defendant for publication is in direct contravention to paragraph 9 of the plea agreement executed by defendant; that paragraph requires defendant to submit all information, prior to publication, for a classification review by the Director of Naval Intelligence (Id. at n.13).

In view of defendant's prior circumvention of paragraph 9 of the plea agreement, and given his singular familiarity with the information he sold to Israel, government counsel commenced an investigation to determine if defendant had again provided information to Wolf Blitzer following the publication of the February 15, 1987 article. First, government counsel contacted Petersburg FCI and learned that defendant had again agreed to a visit from Wolf Blitzer on January 29, 1987, only two weeks prior to the publication of the attached article. With this discovery, government counsel, along with agents of the FBI, conducted an interview of defendant, in the presence of his attorney, on February 18, 1987.

At that time defendant was shown a copy of the attached February 15 article, whereupon defendant specifically denied providing Wolf Blitzer with any of the U.S. information contained in the six categories described in the article. In fact, defendant stated that he did not even confirm for Blitzer that any of the six descriptions were accurate. At the outset of this interview with defendant, he and his counsel were advised that the government intended to conduct a polygraph examination of defendant on this subject. After he had denied that he provided the information to Blitzer, defendant was again advised of our intent to measure the veracity of his responses by polygraph examinations. Defendant was given the opportunity to reflect upon his answers and consult with counsel; after doing so he again denied any role in providing the information contained in this article.

On the morning of February 25, 1987 defendant was transported to the Washington Field Office of the FBI. There Special Agent Barry Colvert, the polygrapher who has conducted all of the examinations of defendant in connection with this case, informed defendant that he would be polygraphed on nine questions relating to the specific categories of U.S. information contained in this attached Washington Post article. At this time defendant was again given the opportunity to consult with his counsel. After doing so, defendant informed Special Agent Colvert that he was now prepared to tell the truth about his role in the preparation of the attached article. Defendant proceeded to admit that on January 29, 1987, at

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Petersburg FCI, defendant in fact discussed with Wolf Blitzer each of the six categories of classified information described in the article. Set forth below are the admissions defendant made to Special Agent Colvert as to each category of information.

[redacted]

b. [redacted] Chemical Production Capabilities

When Blitzer asked for a description of the U.S. information which defendant had provided Israel on this subject, defendant confirmed that he had delivered to Israel the U.S. classified satellite photos and maps of [redacted] chemical-warfare facilities.

c. U.S. Assessment of a PLO Unit

Blitzer asked defendant if he had provided Israel with classified information about a PLO unit named Force 17. Defendant confirmed that he had followed U.S. classified intelligence assessments about this PLO unit, and provided such information to Israel.

d. Soviet Arms Shipments to Arab States

Blitzer asked defendant if he had provided Israel with U.S. classified information about Soviet arms shipments to Syria and

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other Arab states. Defendant confirmed that he had provided such information. When Blitzer inquired if classified information was provided regarding two particular Soviet missile systems -- the SS-21 and the SA-5 -- defendant answered in the affirmative.

e. Soviet-Made Fighters

When defendant was discussing with Blitzer the U.S. classified information regarding the above-mentioned Soviet arms shipment, defendant volunteered that he had also provided to the Israelis U.S. classified intelligence assessments of a particular Soviet fighter. Defendant admitted to Special Agent Colvert that the description of this subject contained in Blitzer's article is a verbatim recitation of the information defendant revealed to Blitzer.

f. [redacted]

Blitzer stated to defendant that his (Blitzer's) sources claimed defendant had compromised U.S. classified analyses of a [redacted] Defendant confirmed that this was true and that he had delivered to Israel U.S. classified satellite photos of the [redacted]

There can be no dispute that in his discussions with Wolf Blitzer, defendant revealed sensitive U.S. classified information. Defendant's knowledge of the information revealed during this interview was derived from the ~~classified~~ documents which defendant sold to Israel. [redacted] In particular,

OSD 3.3(b)(1),(6)
CIA 3.3(b)(1)

the fact that the U.S. has used its reconnaissance satellites to photograph [redacted] The disclosure of this classified information to an individual not authorized to receive it, such as Blitzer, is not only a breach of the plea agreement, but is also a serious violation of the laws designed to protect our national security. See 18 U.S.C. § 793(d).

The gravity of defendant's conduct is compounded by the fact that he understood and intended that the information he disclosed would be published. Defendant admitted to Special Agent Colvert that he was motivated to disclose this classified information by the anger which he feels towards government counsel. Moreover, all of defendant's statements to the press, including in particular those previously made to Blitzer and reported in this Jerusalem Post on November 21, 1986, have been designed to invoke smypathy for defendant's cause. Thus it is evident that defendant's disclosures to Blitzer were both calculated and vengeful.

It is also clear that even though he is incarcerated, defendant continues to wreak damage to U.S. national security. According to U.S. diplomatic and intelligence officials, the February 15, 1987 article published by Blitzer contains U.S. classified information which endangers our relations with countries such as [redacted] While we cannot be certain that this article would not have been published but for defendant's disclosures, the publication of this article only two weeks after the interview with

defendant cannot be mere coincidence. Certainly defendant's disclosures resulted in more specificity in the article, and thereby more potential for damage to U.S. national security.

Equally invidious is defendant's unauthorized disclosure to Wolf Blitzer of information contained in the Weinberger Declaration. When interviewed by government counsel and FBI agents on February 18, 1986, defendant was shown the description of the TOP SECRET (Codeword) Weinberger Declaration reported in the Blitzer article, whereupon defendant specifically denied discussing the document with Blitzer. However, during the February 25, 1987, pre-polygraph examination interview with Special Agent Colvert, defendant acknowledged that the description of the content of Secretary Weinberger's Declaration reported by Blitzer was a verbatim recitation of information revealed by defendant. Defendant admitted that when Blitzer inquired if the Weinberger Declaration concluded that U.S. national security had been harmed by defendant's espionage activities, defendant provided the patently self-serving description of the Secretary's damage assessment which appears in Blitzer's article.

The Weinberger Declaration was made available to defendant and his counsel immediately upon its filing in camera on January 9, 1987. Defendant was granted access to this classified government pleading pursuant to the Protective Order entered by this Court on October 24, 1986. That Order provides, in pertinent part:

> "The purpose of this Protective Order is to insure that those named herein [including defendant] will never divulge the classified information or documents disclosed to them to anyone who is not authorized to receive, it, and without prior written authorization from the originating agency and in conformity with this Order" (October 24, 1986 Protective Order at p. 12).

On November 12, 1986, defendant expressly acknowledged his obligations under the Protective Order in executing, under oath, the required Memorandum of Understanding (copy attached hereto as Exhibit C). It is clear, however, that defendant is no more willing to honor his sworn representations to this Court than the numerous non-disclosure agreements he executed, and subsequently breached, during his employment with the U.S. Navy (see examples of non-disclosure agreements executed by defendant attached as exhibits to Weinberger Declaration).

Defendant's public disclosure of sensitive information, which he directly attributes to the TOP SECRET (Codeword) Declaration of the Secretary of Defense, was a calculated effort to minimize the public perception of damage caused by defendant's espionage activities. It therefore cannot be explained away as a mere thoughtless or negligent act. Rather this action was wholly consistent with the tactic which defendant has relentlessly pursued throughout recent months -- to garner support for a "political" solution to his incarceration.

This pattern of public relations gambits undertaken by defendant belies the image, which his counsel have sought to present, of a defendant who while frustrated and desperate, respectfully submits himself to the mercy of the Court. Rather, defendant's recent conduct has demonstrated that he is as contemptuous of this Court's authority as the laws and regulations governing the dissemination of U.S. classified information. The period between defendant's guilty plea and sentencing has been a time when he could have demonstrated remorse and a willingness to conform his conduct to the law. Instead, defendant has proven through continued violations of the plea agreement and the Court's Protective Order, that he is a recidivist and unworthy of trust.

2. Deceptive and Misleading Statements

It is, of course, true that the government has confirmed, through use of polygraph examinations, defendant's description of the roles of Israeli co-conspirators in this espionage operation. Defendant has sought to exploit this fact by indiscriminate claims, throughout his pleadings, that the polygraph has confirmed his self-serving version of events. While defendant could have recited the precise polygraph question asked to support his claim, only once does defendant point to a specific polygraph question, which he assertedly answered truthfully. In fact, in the instance cited the polygraph actually exposed defendant's deception.

In defendant's Second Memorandum, he contends that the government's

> ". . . polygrapher specifically interrogated Mr. Pollard on his motivations for providing information to Israel. The polygraph operator found no deception when Mr. Pollard stated that he acted primarily for ideological reasons." (at p. 27)

Defendant was never found to be non-deceptive in his claim that he acted primarily for ideological reasons. In fact, only two polygraph questions were posed to defendant on this subject, and his responses to both questions were determined to be deceptive. In one of the earlier interviews of defendant conducted by the polygrapher, defendant was asked, "Did you provide classified material to the Israelis solely for personal financial gain," and (2) "Have you intentionally lied to me with regard to your true reasons for providing classified material to the Israeli government." When defendant answered these questions "no", his responses were determined by the polygraph to be deceptive.

These specific questions were selected by the polygrapher at the outset of the polygraph examination as "control" questions. Such "control" questions are intended, among other reasons, to obtain a reading on answers which, because of information already related by the subject, are known to be deceptive. Even at this early stage of the polygraph examination, defendant had conceded that money had played an increasingly important role in his espionage activites. Given the strong, deceptive responses to these "control" questions, the polygrapher never posed the question to defendant again. Moreover, defendant never requested that he be

tested on this subject after the "control" question exposed his deception.[1/]

Because the evidence of defendant's financial excesses revealed by the government's investigation is in our view overwhelming, reference in our previously filed sentencing memorandum to defendant's inability to survive polygraph inquiry of his "ideological" defense seemed unnecessary overkill. Inexplicably, defendant responded to the government's restrained approach to this issue by asserting that he truthfully answered a polygraph question about his motives which the record shows he was never asked.

There are several other examples of defendant's dissembling which can be briefly addressed. In defendant's First Memorandum, he now claims that it was Rafi Eitan to whom defendant addressed his offer to repay all the money received from the Israelis and to establish a "chair" at an Israeli intelligence training center. (at 39). This is at least the third version of this story defendant has told. During a debriefing on September 4, 1986 defendant told FBI and NIS agents that he had written a letter to Joseph Yagur offering to repay his espionage proceeds and fund an Israeli, intelligence chair. On October 1, 1986, during a pre-polygraph examination

1/ In subsequent interviews with the polygraph examiner, defendant admitted that his motives in conducting espionage were mixed. He explained that while he commenced his activities for Israel for ideological reasons, he was quickly corrupted by the monies he was paid. Moreover, defendant never informed the polygrapher that he resisted the Israelis payments. Indeed defendant acknowledged that by the summer of 1985 he developed an "addiction" to money. The polygrapher accepted this explanation, as has the government in its Memorandum in Aid of Sentencing. We are prepared to have the Court sentence defendant on this basis.

interview regarding this and other subjects, defendant admitted to FBI polygrapher Barry Colvert that he never had written a letter on this subject to Yagur, but instead asked Irit Erb to inform Yagur of defendant's intent in this regard.[2/] About the only aspect common to each of these three versions is that defendant repaid none of the money received, all of which had been spent by the time of his arrest.

Another example of defendant's false exculpatory explanations is his claim that he never would have received all of the money promised him by the Israelis, in particular the annual $30,000 deposit into a foreign bank account, because he had "already made the decision to terminate his activities at the end of 1985" (defendant's First Memorandum at 41). Defendant also now claims that he never saw any proof the foreign bank account existed, and that "the United States has determined that the account was devoid of funds." (Defendant's Second Memorandum at 29-30).

During all of his prior debriefings and interviews, defendant has never revealed this "decision" to terminate his espionage activities at the end of 1985. Instead defendant has previously informed government investigators that in October, 1986, after he had been promised an additional $30,000 each year for ten years, defendant executed signature cards for the foreign bank account into which the money was to be deposited. The government has

2/ This last version is repeated in defendant's Second Memorandum at 26 n. 5) and is also at odds with the above-mentioned version appearing in defendant's First Memorandum (at 39). Thus defendant has been unable to keep his versions on this subject consistent even as between his two pleadings.

obtained confirmation that the foreign account was in fact established for defendant by Joseph Yagur, and monies deposited therein. Defendant certainly did not refuse the Israeli offer of these additional monies, and has never before claimed any intent to conclude the espionage operation within two months of executing these signature cards.

In any event, if defendant's point is that he expected no further financial gain from Israel after 1985, he contradicts himself in the very next paragraph of his pleading. There defendant acknowledges that whenever he ceased his espionage activities in the U.S., it was understood that he would remain on the Israeli payroll:

> "The understanding was that since I would eventually be employed either in the official or "gray" arms market, this assignment [advising Yagur on arms sales] could be viewed as my initiative, commission and all." (defendant's First Memorandum at 42)

It is therefore obvious defendant well understood that his ability to profit from his clandestine relationship with Israel was not limited to a short-term period of time.

Despite the fact that defendant's veracity regarding his claimed ideological motives has been seriously undermined, he sees fit to challenge the veracity and motives of certain U.S. citizens to whom defendant disclosed classified information, and who have cooperated in the government's investigation. Defendant asserts that these individuals should be disbelieved because the government did not charge them with law violations and did not subject them to a polygraph examination. First, it should be noted that each of these

individuals, unlike defendant, immediately and completely described their receipt of classified information when first contacted by government investigators. Second, after some dissembling responses, defendant eventually confirmed these individuals' descriptions of defendant's unauthorized disclosures. Since defendant now challenges only the characterization of his motives in providing the information, there was and is no need to subject these cooperating individuals to a polygraph. Finally, in criticizing the government's decision not to charge these individuals, defendant has lost sight of the fact that it was he, not the cooperating individuals, who violated a sworn non-disclosure oath in expectation of financial gain.[3/]

2. Distorted Claims Regarding Lack of Harm to U.S. Security

Defendant begins his argument with the groundless suggestion that Secretary Weinberger signed his Declaration in ignorance of its contents (defendant's Second Memorandum at n.1). In fact, the Secretary insisted as early as May 1986, that he be personally

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3/ In defendant's Second Memorandum, he also attempts to explain his unauthorized disclosure of U.S. information classified SECRET/ NO FOREIGN DISSEMINATION to Australian Naval Attache Peter Mole . In this respect, defendant claims for the very first time that he was authorized by his superiors to give Mole the information. In defendant's November 19, 1985 written statement to the FBI, he said: "The only other non-authorized individuals I passed classified information to was LCDR Peter Mole, Royal Australian Navy, in the Spring of 1985." (at p. 10). In all subsequent statements to investigators, defendant continued to acknowledge that this disclosure was unauthorized and made without the approval of, or notice to his superiors.

involved in describing for the Court the damage caused by defendant's crimes.[4/] Beyond this frivolous assertion about the Secretary's familiarity with the case, defendant offers no authority to refute the detailed description of damage submitted in this case in camera. Rather, defendant is asking the Court to disregard the U.S. classified information disclosure policies implemented by the President and his predecessors over the last forty years, and to accept those formulated by defendant instead.

We believe it is critical in this regard for the Court to focus upon a statement, which defendant has made in his pleadings, that "I'd be the first one to overstate the degree of danger Israel is currently facing . . ." (Defendant's First Memorandum at 28). This statement is true without a doubt, as is the logical corollary of this statement -- that defendant would be the first one to understate the degree of damage to U.S. security caused by his unlawful activities. It is with reference to these related truisms that we ask the Court to measure defendant's self-serving distortion of the Weinberger Declaration.

4/ Defendant's counsel join their client in criticizing the Secretary's participation in the sentencing phase of this case by arguing that the damage assessments in another "espionage" case in which they are counsel were not signed by the Secretary of Defense. That case, United States v. Zettl, et. al. does not involve espionage but rather the unauthorized disclosure of classified information, contained primarily in a single document, to U.S. defense contractors. The security clearances counsel had been granted in that case were for a much lower classification level and would have authorized access to only a small portion of the information involved here. The Secratary's participation in this case is therefore clearly appropriate; defendant's counsels' continued efforts to divert attention to other cases is not.

First defendant faults the Weinberger Declaration for its assessment of damage, both actual and potential. As to the latter aspect of the damage analysis, defendant argues that the Court should disregard the reasoned concerns of a U.S. Cabinet member as to the real potential for further injury resulting from defendant's crimes. In short, defendant says that if the government cannot state with certainty that all the damage which could reasonably occur in fact has occurred before sentencing, an espionage defendant should not be held accountable for potential harm which he alone has wrought.

In support of this argument, defendant erroneously observes that the government has had fifteen months to conduct a damage assessment. Defendant did not reveal the specific documents which he had compromised until after his plea in June, 1986. By September, 1986, defendant had identified thousands of U.S. classified documents and messages which he had sold to Israel, and acknowledged that there were many more which he could not specifically recall. The process of making even a preliminary assessment of the resultant damage could not possibly be done in the following few months, and in fact will take years to complete.

Although the government selected twenty representative documents for analysis in the Weinberger Declaration, defendant does not even address the specific, reasoned projections of damage resulting from the compromise of these documents which the Weinberger Declaration contains. Instead, defendant resorts to arguing that

these potential risks -- such as the use of U.S. classified information by Israel against third countries, the provision by Israel of U.S. classifed information to third countries adverse to the U.S., or the further compromise of U.S. classified information to hostile countries -- would not likely occur since Israel is a close and careful ally.

The short and dispositive answer to this argument is that it was this close and careful ally who, by defendant's own account, mounted a large-scale espionage operation against the United States. In doing so it demonstrated, contrary to defendant's claims, that Israel considers its own interests paramount to those of the United States. The purpose of this Israeli espionage operation was to obtain U.S. classified information that successive administrations, both Republican and Democrat, comprised of many pro-Israeli supporters at least as ardent and certainly more experienced than defendant, have determined should not be disclosed to Israel. These non-disclosure policies were grounded in the reasoned and carefully considered determination that [redacted] and/or U.S. interests would not otherwise be served.

In defendant's myopic view, notwithstanding this forty-year old policy, he remains best equipped to determine what Israel needs and is capable of protecting. Three representations in his pleadings point up the folly of this position. First, defendant says the U.S. policy of sharing some information with Israel demonstrates our willingness to "assume the risk" of a hostile country infiltrating

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OSD 3.3(b)(1),(6)
CIA 3.3(b)(1)

the Israeli intelligence community (defendant's Second Memorandum at 11). The obvious fact is that although the U.S. may be prepared to assume the risk that the less sensitive information we authorize for disclosure to Israel might be compromised, the U.S. is unwilling to put at risk the more highly classified information which defendant stole in contravention of U.S. disclosure policies.[5/] Second, defendant describes Secretary Weinberger's determination of Israel's military and intelligence needs as "facile" (Id. at 12). However, it was defendant's uninformed assessment of Israel's needs which was easily made since he was not burdened by considerations of countervailing benefits to the United States. In contrast, the assessments of Israel's needs made by Secretary Weinberger and all of his predecessors have included an analysis of whether those needs were consistent with U.S. national security.

Finally, defendant states that it is inconsistent for the Secretary of Defense to describe the damage caused by Israeli espionage against the U.S. [redacted] This argument demonstrates, above all others, defendant's complete loss of any perspective consistent with our national security. It is a sign of defendant's desperation that he seeks to

5/ Defendant also attempts to excuse his conduct by claiming that the U.S. was withholding classified information which should have been disclosed [redacted] Defendant acknowledges that he is familiar with those exchange agreements, and he along with his counsel have been given the opportunity to review the entire list of documents compromised by defendant. Yet he has not identified a single document, of the thousands compromised, that was improperly withheld by the U.S. [redacted]

excuse his traitorous conduct by noting the U.S. "spys" too. While the distinction may have been lost on defendant, we are confident that it remains clear to virtually any other citizen of the United States.

3. Distortion Regarding Extent and Value of Cooperation

Defendant challenges the description of his cooperation, provided in the Government's Classified Sentencing Memorandum, and sets forth nineteen (19) areas of cooperation which, he states, should be "weighed heavily" by the Court (defendant's Second Memorandum at pp. 37-40). As explained briefly hereinbelow, the extent and value of this cooperation is grossly exaggerated by defendant.

As the government has previously acknowledged, defendant has provided information, about which he has personal knowledge, regarding the activities of his co-conspirators and the methods, as well as the facilities, used by them to receive the classified information compromised by defendant. This cooperation is required by the plea agreement and, in our view, is the very least to be expected of a defendant pending sentencing on an espionage charge. (See, defendant's Second Memorandum at 37-38, ¶¶ 1,2,8,9,10,11,16). However, defendant's description of this aspect of his cooperation has been embellished. For example, defendant describes his revelation to U.S. investigators that he briefly observed a large xerox machine and camera at the Irit Erb's apartment building as "document duplication technology [and] electronic emissions control methods". Defendant also describes the instructions he received from his

"handlers" about where to travel for meetings as "detailed insight into Israeli clandestine modus operandi, which included . . . international travel arrangements and command/control networks." (Id. at 37). This hyperbole should not be mistaken for cooperation of value.

The information defendant says he provided about high-level Israeli government policies and activities (Defendant's Second Memorandum at 38-39, ¶¶ 4,5,12,13,14,18) and Israeli intelligence activities not specifically related to defendant's espionage activities (Id. at ¶¶ 3,6,15,19) was in fact based upon second or third hand information obtained from defendant's handlers, and has not, indeed cannot be verified.[6/] Significantly, while defendant's description of his cooperation implies to the contrary, defendant has not provided U.S. investigators with verifiable information about other specific Israeli espionage activities in the U.S.

Finally, defendant expounds upon the "briefings" he was asked to give "intelligence officers" on various subjects including some "beyond the realm of his activities for Israel" (Defendant's Second Memorandum at 41). The fact that FBI and Naval Investigative Service (NIS) agents listened politely while defendant deviated from the subject of his espionage activities, and the agents then closed the interview with a courteous "thank you", has been misinterpreted by defendant as an acknowledgement that defendant's excursions into unrelated areas were "of value". In its Classified Sentencing

6/ For example, defendant claims to have provided information of value regarding Israeli Cabinet meeting discussions [redacted] Defendant was not present during such discussions, and neither was his "source", Joseph Yagur. Defendant's information regarding arms sales to Iran and the Afghanistan Mujaheddin concerned only fragmented discussions with Yagur.

Memorandum the government has described the information imparted to U.S. investigators by defendant, pursuant to his agreement to cooperate, which has been of value to this investigation. We believe that description is the only fair and accurate one which has been presented to the Court.

Conclusion

The expressions of remorse contained in defendant's pleadings are both belated and hollow. We suggest that the Court is now told defendant is remorseful only because the government has previously informed the Court of defendant's February, 1986 statement to the FBI that he would commit espionage for Israel again if given the chance. In fact, defendant began the process of trying to distance himself from this candid admission when in July, 1986 he heard another inmate at Petersburg FCI make a similar statement about that inmate's offense, and realized how damaging such a remark could be at sentencing.

Moreover, all of defendant's statements of remorse are grounded in the fact he was caught, and not in recognition of the wrongfulness of his actions. Defendant complains primarily of the restrictions placed upon his freedom by incarceration. He disdainfully describes the "thieves, murderers, kidnappers, child molestors, extortionists, pimps and drug-pushers," with whom defendant has been incarcerated and professes amazement that these individuals view defendant as "potentially dangerous" (defendant's First Memorandum at 54).[7/] That

7/ While the deprivations suffered by any defendant in jail are harsh, defendant has chosen to make this point, both during press interviews and in his pleadings, through denigrating descriptions of the fellow human beings with whom he has been incarcerated. This attitude, we submit, is another example of the arrogance which characterizes the conduct and judgment of this defendant.

defendant's fellow inmates consider him to be dangerous may be surprising to defendant, but it is a view which is entirely consistent with the self-evident proposition that espionage is one of the most heinous of crimes. This view was adopted by the sentencing judge in a case cited by defendant, United States v. Morison, where a three year sentence was imposed for the publication of a single classified photograph. Defendant refers the Court to that case for the proposition that "the volume of the compromised information meant nothing" (defendant's Second Memorandum at 5). However, a more accurate analysis of the Morison sentencing rationale is that three years is the appropriate penalty for an isolated incident of unauthorized disclosure of classified information to a publisher or newspaper.

In the present case, defendant has engaged in a pattern of espionage for pay, and his unauthorized disclosure of classified information has continued even after his arrest and incarceration. The evidence has revealed defendant's perception and belief that he need not conform his conduct to long-established U.S. classified information disclosure policies, sworn non-disclosure agreements, U.S. espionage laws, plea agreements, or orders of this Court.

Accordingly, we ask the Court to impose a sentence which reflects both the damage already inflicted by defendant upon the national security, as well as the continuing risk of disclosure posed by this defendant.

Respectfully submitted,

JOSEPH E. DIGENOVA
United States Attorney

STEPHEN R. SPIVACK
Assistant United States Attorney

CHARLES S. LEEPER
Assistant United States Attorney

DAVID E. GENESON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Government's Reply to Defendant's Sentencing Memorandum has been by hand to counsel for defendant, Richard A. Hibey, Esquire and James F. Hibey, Esquire at the Department of Justice Security Center this 3rd day of March, 1987.

CHARLES S. LEEPER
Assistant United States Attorney

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Exhibit 4

In a letter to a concerned well-wisher

Pollard describes his 'judicial crucifixion'

Jerusalem Post Reporter

Jonathan Pollard believes that "the gains to Israel's long-term security were indeed worth the risks" that he and his wife took in passing classified U.S. information to Israel.

In a letter last month to Julian Ungar-Sargon, a doctor who lives near Philadelphia, Pollard wrote that the information he came across showed that "a whole new generation of ultra-sophisticated military equipment" was quietly being introduced into Arab arsenals, "without Israel being forewarned by her ostensibly 'loyal' allies."

Pollard's seven-page letter was in response to a short note sent to him by Ungar-Sargon several months ago, inquiring about his health and current state of mind.

The doctor wrote to Pollard out of concern that the Jewish community had "written him off as a criminal."

Following is the text of Pollard's letter:

December 17, 1986
Petersburg, VA

Dear Dr. Ungar-Sargon,

I can't tell you how much I appreciated receiving your letter of support. After having been held in such isolation for over a year and believing that the entire Jewish community had simply forgotten about my case the sight of your message produced a wave of indescribable joy within me. Hopefully, God willing, my wife and I will be able to express our sincere gratitude to you in person when and if we are permitted to reconstitute our lives again. In the meantime, though, please rest assured that your evident concern for our welfare has been one of the few bright moments in our otherwise traumatic life.

In spite of the fact that I have been greatly troubled over how this whole affair has been mishandled by both the Israeli and American governments I am, nevertheless, confident that what I did, however ill-advised it was in retrospect, will make a significant contribution to Israel's military capabilities. From my perspective if this results in the saving of Jewish lives either during war or by the prevention of one through the strengthening of Israel's deterrent capacity then at least something good will have come from this tragedy.

You should understand that I was raised with the notion that each and every Diaspora Jew has an absolute obligation to act as one of the stones, so to speak, which comprise the modern day outer battlements of Zion. Although this commitment usually manifests itself through such conventional mechanisms as aliya, financial support to and political lobbying on behalf of Israel there may be other highly unusual circumstances in which a Jew is forced to apply situational ethics as a guide to his or her actions. In my case, this complex and often agonizing intellectual process was somewhat simplified by the realization that the strengthening of Israel would unquestionably improve America's strategic position throughout the Middle East. In other words, Israel's gain would in no way be America's loss – quite the contrary. I can also assure you that this perspective was shared by all the Israelis with whom I had the honour to work. Given the special relationship between the two countries and the unparalled opportunities this country has provided our local Jewish community, how could any American Zionist even think of doing something harmful towards the United States?

Having said this, it is indeed unfortunate that due to all the contrived sensationalism surrounding the case both my motives and instructions have been utterly distorted beyond recognition, leaving the American public with the mistaken impression that Israel had employed a mercenary to undertake activities designed to damage the national security of the United States. Despite the remote possibility that this grotesque misrepresentation of the operation may have been caused, in part, by the hysteria associated with the spate of Soviet spies arrested this year, I can't help but come to the conclusion that certain political elements, opposed to the extraordinarily close relationship between Jerusalem and Washington, have been using this case as a means of embarrassing the American Jewish community, Israel, and its allies within the government.

As I've repeatedly stated both on and off the record, I am mortified that my actions have inadvertently provided these local anti-Semites with an opportunity to wrap themselves in the flag of respectability and to emerge from beneath their rocks. I can only hope that with the eventual disclosure of the truth whatever perceived damage has been done to the standing American Jewish community and Israel will be repaired. Just please accept my word that the gains to Israel's long term security were indeed worth the risks and that I would never have jeopardized either my life or my wife's health if I hadn't thought the situation demanded it. Perhaps you can better understand my position in light of a Hebrew expression which has long been used to describe our moral choice when it comes to the issue of Jewish survival: *ein-breirah* – no alternative. God, how I wish it had been otherwise, but it would have been an outright betrayal of my heritage, my personal integrity and an entire family lost in the ovens of the Holocaust if I had simply taken the safe route and closed my eyes to what had to be done.

I'm quite sure that you can appreciate the precarious nature of Israel's strategic situation in the Middle East and the fact that unanticipated threats to the state's survival can materialize very rapidly with untold consequences the existence

(Continued on Page 6)

case as an opportunity to put Israel in her place by equating my actions with those of a Soviet spy will carry the day. Once and I pray to God that somewhere a person will do for us what we tried to do for our people – give them life.

Sincerely,
Jonathan Pollard

Economic package 'to be signed today'

Levy sees 'conspiracy'

Pollard's 'judicial crucifixion'

(Continued from Page One)

of peace treaties, confidence building "understandings," and great power assurances of timely support notwithstanding. When it comes down to the wire and "the iron dice of war are rolled," as Ludendorff said, we stand *alone* and anyone who believes to the contrary is either unaccountably ignorant of history or criminally naive. Thus, when I realized that a whole new generation of ultra-sophisticated military equipment was quietly being introduced into the arsenals of our most implacable enemies, *without* Israel being forewarned by her ostensively "loyal" allies, it was my fear that the conditions were being laid for a technological Pearl Harbor of such proportions that the Yom Kippur War would look pale in comparison. With Syria, in particular, able to commence hostilities at a moments notice, I really didn't know whether I was observing a short-fused time bomb or something more manageable. All I could say for certain, though, was that time, of whatever duration, ultimately translated out in terms of Israeli lives and acted accordingly.

When my wife, Anne, and I visited the Golan Heights in the summer of 1985, it was with a sense of guarded optimism that we looked across that forbidding escarpment at the distant Syrian positions and realized that we had at least attempted, however imperfectly, to guarantee the security of those exposed frontier settlements behind us. How the prosecution can turn around and assert that this behaviour suggests the manifestation of an underlying amoral mentality on our part is extremely difficult for me to understand. But, then again, most of this case has been nothing short of a Kafkaesque nightmare for us.

Regrettably, the issue of money has served to obscure my true motives in this affair which, until Mr. Blitzer's interview in *The Jerusalem Post*, I had not been able to articulate publicly. While it is true that money did play a role in certain operational aspects of my undertaking this is not to say that I simply sold my soul to Mammon. As you are undoubtedly aware, affairs such as these necessarily require a great deal of logistic support, which is a fact of life not exactly self-evident to the average person on the street. Moreover, given the rather jaded expectations of a society long grown accustomed to one dimensional "villains" it has been far easier for the prosecution to attribute simple pecuniary motives to a Jewish spy rather than complex ideological ones whose significance lies well beyond its pathetically limited powers of comprehension. In spite of having hard evidence which explains this particularly vexing aspect of the case, the Justice Department can't seem able to appreciate the fact that I attempted to repay my Israeli control without success – which is hardly the behaviour of a cold blooded mercenary. The prosecution is determined, though, to overlook this aspect of my behavior and pound away at my alleged moral contamination.

Closely related to this line of character assassination has been the equally charming piece of outright disinformation concerning my reported "mental instability," which has been conveniently discovered by a prosecution trying desperately to discredit me. Efforts by my defense attorney to gain access to these records have been reportedly denied and now we've been told that many are missing. Well, perhaps with time and access to the *facts* the attitude, or should I say, malleability, of the press will change with regard to my personal integrity. In the interim, though, I almost feel like one of the Refuseniks who, after being told that he must be "insane" for wanting to leave the socialist paradise, is promptly thrown into an asylum and forgotten about. When certain justice officials told me that they would make it impossible for any American Jew to speak out in my defense I never realized that they were willing to back up this threat by stealing a page from the KGB. Of course, I should have known better since these were the same officials who made sure my wife and I pleaded one day before a House vote was scheduled to decide whether or not to approve a Saudi arms package.

In many respects, however, Anne's ordeal has been far worse than mine since her severe physical problems were greatly complicated by the denial of proper medical attention while she was being held at the District of Columbia Jail – an institutional malignancy that could be unfavourably compared to such notorious prisons as Lubyanka and Dartmoor. You would never believe a detention facility like this actually exists in the United States unless you'd experienced it first hand: rats, snakes, swarms of insects, no heat, no light, no blankets or sheets, incessant noise, toilets that never work, the constant presence of sewer gas, unpotable water, pathological guards, untreated AIDs carriers handling food trays, and an inmate population that reflects the most degenerate group of subhuman individuals ever collected under one roof. It is quite literally a level of hell that could have figured prominantly in Dante's *Inferno*. After three months of being submerged within this necrotic environment without even being able to breathe fresh air, or see the light of day, or receive her medications until I started "cooperating," my wife was conditionally released due to her rapidly deteriorating health. During this period of time Anne and I were not allowed to even see each other, which for a couple as close as we are was nothing short of torture. The only news which I was permitted to hear about her was that the Hanafi Brotherhood had instructed their female counterparts to kill her if the opportunity presented itself.

Apart from our continued separation, which has been excruciating, life for Anne has been pretty hard given her recurrent medical problems, the uncertainty of our future, and these horrendous allegations about our "life style," which have evidently been designed to destroy what remains of our reputations. Needless to say, we are both extremely tired right now and are trying, as best we can, to prepare ourselves for a sentencing session which might result in our destruction as a couple. I can't even begin to adequately describe what kind of emotional pressures are produced by this painfully slow process of juridical crucifixion. In a sense, Anne and I feel as if we're aboard one of those cattle cars pulling up to the separation platform at Auschwitz, while all about us the Jewish community just sits like mute spectators awaiting the fall of the axe.

Perhaps you can now understand how important the receipt of your letter was to us – it represented the first overt sign that somebody cares. Assuming the court is merciful, we may yet live to reach Israel, but at the present time the prosecution is demanding our heads as an object lesson for others who might be similarly inclined to help Israel. We fully expect the worst because no one has summoned the community to put a stop to this ordeal. In the presence of such timidity, those Justice officials who view this case as an opportunity to put Israel in her place by equating my actions with those of a Soviet spy will carry the day. Anne and I pray to God that somewhere a person will do for us what we tried to do for our people – give them life.

Sincerely
Jonathan Pollard

Exhibit B

Washington Post 2/15/87

DOR:

BRUCE TALAMON FOR THE WASHINGTON POST

S

ere has been a particularly dramatic worsening of e plight of white men in recent years. Since they e, in most cases, ineligible for the main welfare ogram in the United States, Aid for Families of ependent Children, they are dependent on the la- r market if they are under 65. And that is one of e reasons that the enormous increase in poverty nce 1979 has been disproportionately white and ale.

Another is the fact that the Reagan cuts, particularly in food stamps and Medicaid, struck at the orking poor rather than the welfare poor. This is a roup in which white males are a major component. hat hardly minimizes the catastrophic rise in the ercentage of female-headed families, but it shows e hidden dimensions of the absolute numbers.

Am I simply lamenting the traumas of a privileged roup, one often accused of being racist or sexist at hat? I think not. For one thing, many of the poor hite men were born into their misery and any idea ey had of being members of a "master" race or ender was a fraudulent substitute for bread and utter. For another, most of the white men who e become poor are not failed elitists but working

See POVERTY, C2, Col. 1

Pollard: Not A Bumbler, But Israel's Master Spy

By Wolf Blitzer

FROM THE FIRST revelation that U.S. Navy intelligence analyst Jonathan Jay Pollard was spying for Israel, one question has puzzled almost everyone knowledgeable about Israeli-American relations: Considering how close the two countries are and how much is already shared, what could Pollard have provided that would be worth the risk?

After investigating the Pollard case for more than a year, and interviewing dozens of U.S. and Israeli officials, I have learned some of what Pollard provided to Israel. My information suggests that far from the small-time bungler portrayed in some news accounts, Pollard was a master spy, who provided very important information to the Israelis.

Leon H. Charney, a New York lawyer who briefly represented Pollard and is close to senior Israeli officials, says: "His help was clearly invaluable to the security of the State of Israel."

The motivation of my sources in telling me about the case was complex. Some Israeli and American sources wanted to show that Pollard was an Israeli hero. Other sources in Israel and America provided details because they believed the public deserved a fuller accounting of the Pollard case.

The intelligence provided by Pollard to Israel included specific material dealing with the following general areas:

■ Reconnaissance of PLO headquarters in Tunisia, including a description of all the buildings there, according to one American with first-hand knowledge of the Pollard case and confirmed by an Israeli who is familiar with what Pollard provided. This and other related data obtained by Pollard—especially the specific capabilities of the Libyan air defense system and the movement of U.S., Soviet and French ships in the Mediterranean—enabled the Israeli air force to evade detection and to bomb those headquarters on Oct. 1, 1985. Pollard's information "made our life much easier" in the Tunis raid, one Israeli official said.

■ Iraqi and Syrian chemical-warfare production capabilities, including detailed satellite pictures and maps showing the location of factories and storage facilities, according to Israeli officials who were told by colleagues what Pollard had provided. An American official subsequently confirmed that Pollard had provided information about Iraqi chemical warfare.

America's refusal to provide this chemical-warfare material directly to Israel had angered Pollard, according to one knowledgeable source. Israeli officials said that the first documents Pollard gave Israel, which greatly impressed his handlers, included the layout of eight Iraqi chemical warfare factories.

See POLLARD, C3, Col. 1

Wolf Blitzer, Washington correspondent for The Jerusalem Post, is the author of "Between Washington and Jerusalem: A Reporter's Notebook."

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The miseries of long-term
are now three years more
of these people—previously
men—had not actually become
were now part of an "at risk" pop-
Even within the magnetic field of
yet does everything to stay out of it:
ing, doubling up with the in-laws, odd
low-paid work and all the rest. They were
great danger of becoming part of that 25
percent of the population that suffers "epi-
sodes" of poverty (as contrasted to the less
than 10 percent who are "persistently poor").

But what struck me most, in 1986 as in 1983, was the psychological impact of the possibility, or reality, of poverty upon them. In a sense it was precisely because they had once been confident members of a white, mainly male, working class that had battled the companies and won, that they were so devastated now. Almost all of them referred to themselves as "middle class" and it was because of that self-image that they were so demoralized by, say, the fact that they no longer had health insurance (they lost it along with their jobs) and had to worry about medical care for their kids.

Last fall, there was a different kind of insight into that same psychological phenomenon. I was in Sioux City, Iowa, and talking to a local college professor about the farm crisis. The bad times, he said, had forced the close-

These desperate attempts to maintain status in a disintegrating world are akin to the ugly racism of poor whites.

This is not to say that white male poverty is only the result of the sputtering performance of the economy in recent years. A majority of the people in this category are the "traditional" poor, not the victims of events since 1979. I was up in Maine during the 1982-83 recession and asked a trade unionist how the state had been affected by the downturn.

"We didn't notice it," he replied. "We never got out of the Great Depression."

Maine these days is a kind of paradigm for our peculiarly mis-shapen recovery: there is a boom in the south around Portland and a depression in many other parts of the state. And as in Appalachia, the poverty that was never abolished in the first place and now thrives in the midst of "good times" is primarily white and relatively male.

But it is the new poverty that is most disturbing.

Here, as a Joint Economic Committee study by Barry Bluestone and Bennet Harrison makes painfully clear, we cannot even begin to understand what is happening unless we focus on white men. For their fate in this case is a prophecy of worse times for women and minorities as well. Bluestone and Harrison took 1973, the year in which real American income peaked, as a base. They defined a "low"-in-

They then adjusted the numbers for subsequent years for inflation and asked, among many other things: What kind of jobs are being generated for different groups of people? Between 1973 and 1979 slightly more than 36 percent of the openings for white men were in the high stratum. For white women, only 5.1 percent of the new jobs were in that sector. That is the familiar, discriminatory pattern that has always dominated the American economy.

But then, in 1979—the point at which the poverty rate soared—a new configuration emerged. Between that year and 1984, there was a net loss of high-paid work for white men of 52.7 percent; many more good jobs disappeared than were created. In this supposedly white and male-dominated economy, the drop in manufacturing employment and the anemic increases during the "recovery" struck most dramatically at the traditional, white and heavily male, working class. And most of those new jobs that have been celebrated as proof of the vitality of the economy tend to be low-paid, whether they are located in manufacture or services. Along with that 52.7 percent loss of high paying jobs for white men, there was a 98.7 percent increase in low paid work.

The jobs those white men are losing are precisely the ones which were supposed to be rungs on the ladder of upward social mobility

Israel's Master Spy

POLLARD, From C1

- **Regular U.S. intelligence assessments of operations planned by a PLO unit, according to an American account that was confirmed in Israel.**
- **Soviet arms shipments to Syria and other Arab states, including the specifics on the SS-21 ground-to-ground and the SA-5 anti-aircraft missiles, according to knowledgeable American and Israeli sources. Whenever the U.S. discovered that a Soviet ship was passing through the Bosporus into the Mediterranean, Pollard passed that information to Israel, the sources said.**
- **The U.S. intelligence community's assessment of a particular Soviet-made fighter.**
- **Pakistan's program to build an atomic bomb, including large satellite photographs of its nuclear facility outside Islamabad, according to an American source with detailed knowledge of the Pollard case.**

Despite the official Israeli claim that Pollard was part of a rogue operation, Israeli officials speak of him in terms that suggest he may prove to be one of the most important spies in Israel's history.

Indeed, Pollard's Israeli handlers even compared him to the legendary Israeli spy in Damascus, Eli Cohen, who rose to the top echelon of the Syrian government in the mid-1960s but eventually was exposed and executed. When Pollard was given an Israeli passport containing his picture as a token of Israel's appreciation, the name on the passport was "Danny Cohen"—the implication being that Israel once had an Eli Cohen in Damascus and now had a Danny Cohen in Washington.

In general, Pollard gave Israel the pick of U.S. intelligence about Arab and Islamic conventional and unconventional military activity, from Morocco to Pakistan and every country in between. This included both "friendly" and "unfriendly" Arab countries.

Pollard, 32, was arrested outside the Israeli embassy in Washington on Nov. 21, 1985 after attempting to obtain political asylum there. He pleaded guilty to espionage charges and his wife, Anne Henderson-Pollard, 26, pleaded guilty to lesser charges involving unauthorized possession of classified documents. Both of them are scheduled to be sentenced on March 4.

Why did Israel recruit and run Pollard? Some U.S. officials argue that the operation wasn't necessary, since Israel gets virtually everything it wants from American intelligence agencies. But Israeli officials, living on a thin margin of security, apparently were not convinced of this logic. They feared that the United States wasn't supplying everything. And what the United States wasn't supplying could be essential for Israel, especially in the area of sophisticated reconnaissance photography and electronic intercepts, where Israel's capabilities are limited.

Pollard had all the proper credentials, as far as Israel was concerned. He was intelligent. And he was a dedicated Zionist. Indeed, Pollard told me in the only interview he has granted since his arrest that he was obsessed by the need to help Israel "personally."

Pollard held "Top Secret" security clearances. According to the pre-sentencing memo submitted last month by U.S. Attorney Joseph E. diGenova, Pollard had access to "Sensitive Compartmented Information," principally data about technical systems for collecting intelligence "as well as the intelligence product collected by the systems." A relatively small percentage of individuals who have "Top Secret" clearances are also approved for SCI access, the court document said.

Throughout the Washington area there are secure libraries containing this kind of extremely sensitive intelligence information which is accessible only through computer terminals requiring codewords, diGenova's memo explained. He said Pollard could "readily access these libraries, repositories and computer terminals to obtain data in order to perform specific duties."

The court documents suggest lax security and sloppy procedures in the military intelligence facilities where Pollard worked. Like other intelligence analysts, he was supposed to operate on the honor system, meaning that he would limit his access to that information for which he had an official "need to know," according to diGenova's memo. But since he had the appropriate access codes, he could easily obtain information unrelated to his duties.

In addition, according to diGenova, Pollard had a "courier card," permitting him to leave these libraries without having his belongings checked by security personnel. In short, he had all the credentials to become an extremely valuable spy.

In fact, diGenova says that Pollard provided Israel with more than 1,000 classified documents, some of which were several hundred pages in length. Stacked up, the tens of thousands of pieces of paper could have filled a small hall. Most of the documents, according to the pre-sentencing memo, "were detailed analytical studies containing technical calculations, graphs and satellite photographs." Other information included "highly classified message traffic and intelligence summaries"

poverty of women and minorities, and vice versa. And that brings us to politics.

When the Kerner Commission said that the cause of the ghetto riots in the mid-'60s was "racism," it was a statement that seemed to be an act of brutal candor about the society on the part of its establishment. In fact, that undeniable truth diverted attention from the ugly reality dramatized by white male poverty: the class and economic structures that victimize people without regard to race or gender.

I do not insist on this point in order to downgrade the importance of minority and female poverty. Blacks are outrageously and discriminatorily poor, at a rate roughly three times that of whites (31.3 percent as against 11.4 percent). Over 40 percent of black families are headed by women as against 12.1 percent of whites. Among whites women are poorer than men. There is no doubt that minorities and women must be integrated into the economic institutions required by the overwhelming majority of the poor, white and minority, women as well as men, have to be integrated. Consider, for instance, the white male poor and the impoverished black family headed only by a woman—they seem to be utterly dissimilar phenomena but they have more in common than we think.

Those same young black men who are denied the economic possibility of heading a family are the victims of the same trends that led to poverty for more than 4 million people in families headed by white men. The white family could be endangered as well. The issue is not one of race but of class, and the exploitation of the lower classes by the upper.

By continuing with analysis that ignores white male poverty in favor of groups who elicit our sympathies for reasons of sex and race, we are in peril of ignoring the issues that the elite that rules our society can continue to manipulate for their own benefit.

as well as data on "specific weapon systems." He apparently was able to take copies of this material—including satellite photos—with him out the door.

Citing security concerns, the U.S. government has refused to release the exact nature of these documents. Secretary of Defense Caspar Weinberger, in a classified affidavit presented *in camera* to U.S. District Court Judge Aubrey Robinson, said that Pollard had indeed provided Israel with extensive information, according to two U.S. sources who are familiar with the memo. Weinberger reportedly complained in his memorandum to the court that because Pollard had already given away so much information, the U.S. intelligence community's bargaining power in official exchanges with Israel was severely reduced.

An Israeli intelligence official told me that some of the information was "so breathtaking" that it justified the risk Israel was taking in running an agent in Washington. Pollard's handlers—including Air Force Brig. Gen. Aviem Sella, veteran intelligence agent Rafael Eitan and former science counselor at the Israeli Consulate in New York Yosef Yagur—told him that he was "a one-man intelligence agency" for Israel, one source said.

What Pollard did was to make virtually the entire U.S. intelligence-gathering apparatus available to Israel, completing the picture in those areas where Israel's knowledge was limited. His Israeli contacts, knowing where Israel was in need of specific information, "tasked" Pollard on a weekly basis to obtain it, according to the American prosecutors.

The Israeli government has maintained officially that the Pollard operation was "unauthorized," part of a "rogue" unit that ran amok. Israel formally apologized to the United States and later cooperated in the investigation by making available for questioning to a visiting delegation of U.S. officials some of the Israeli operatives involved in the ring.

Some American intelligence sources remain very skeptical about Israel's denials. They argue that the unit that recruited Pollard, known as "Lekem," was created years ago to collect scientific intelligence. They also assert that Israeli intelligence experts had to know that only an inside American agent could supply the massive quantity and quality of satellite photography that they were getting. Israel lacks that capability and Israeli experts knew the U.S. was not supplying that information to Israel officially.

Israel had set up a special unit in New York and Washington to obtain Pollard's documents. Court papers showed that Irit Erb, a secretary at the Israeli embassy in Washington, was given a second apartment where she operated sophisticated photocopying equipment for the documents provided by Pollard. Typically, he would deliver a large suitcase full of papers on a Friday evening on his way home from work and retrieve them on Sunday evening in order to return them to the appropriate national defense repositories the next morning.

Pollard told me in interviews that he was motivated by his anger that the United States was withholding from Israel information that was vital to the security of the Jewish state. He had been a member of the American delegation on two official intelligence exchanges with Israel, so he had a good sense of what was being shared and what wasn't.

"I was very frustrated at the end of these two sessions. And the frustration builds," he told me during a lengthy interview at the federal prison outside Petersburg, Va. Eventually, he added, his frustration became "relentless" and led him to pass to the Israeli government the information they were being denied—information he described as "horrifying."

~~SECRET~~

Exh. 6 + C

[redacted]

ATTACHMENT B

MEMORANDUM OF UNDERSTANDING

1. Having familiarized myself with applicable espionage laws, I understand that I may be the recipient of information and documents that concern the present and future security of the United States and belong to the United States, and that such information and documents, together with the methods of collecting national security information, are classified according to security standards set by the United States Government.

2. I agree that I shall never divulge, publish, or reveal, either by word, conduct, or any other means, such classified information or documents unless specifically authorized in writing to do so by an authorized representative of the U.S. Government, as required by CIPA, as otherwise ordered by the Court, or as provided for in the Protective Order entered in this case, United States v. Jonathan J. Pollard, Criminal No. 86-0207, United States District Court for the District of Columbia.

3. I understand that this agreement will remain binding upon me after the conclusion of these proceedings.

4. I have received, read and understand the Protective Order, entered by the United States District Court for the District of Columbia on 12 November, 1986 in the aforesaid case, relating to classified information, and I agree to comply with the provisions thereof.

Jonathan Jay Pollard
Signature

12 November 1986
Date

Witness

Sworn to and subscribed before me.

Kenneth G Carter 11-12-86

Parole Officer
Authorized by the Act of
July 7, 1955 to administer
oaths (18 U. S C 4004)

[redacted]

FCI PETERSBU[redacted]