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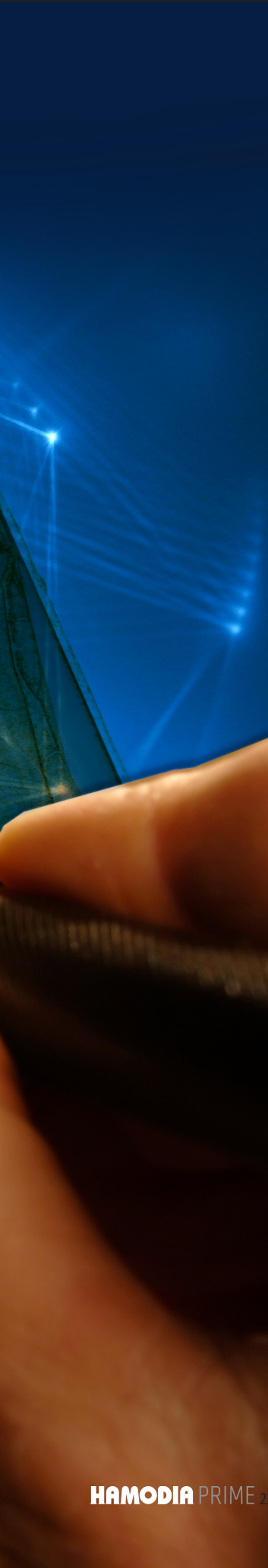
by *Avraham Weissman*

CLASSIFIED



THE LIES THAT JUST WON'T DIE

**UNRAVELING THE TANGLED WEB OF DECEIT THAT
COST JONATHAN POLLARD HIS FREEDOM FOR 35 YEARS**



For decades, Jonathan Pollard, the only American ever sentenced to life in prison for passing classified information to an ally – a crime with a median sentence of two to four years – and a small core group of loyal advocates, led by his wife, Mrs. Esther Pollard, fought a double, uphill battle. They sought to reverse what impartial observers have long referred to as a gross miscarriage of justice and obtain his freedom. Simultaneously, they also had to contend with a steady stream of misinformation seeking to distort the record.

Even now, after the draconian parole restrictions were finally lifted, 35 years after he was arrested, detractors seeking to promote their own agendas are still actively spreading false stories about what really happened all those years ago.

In this investigative report based on declassified government documents and exclusive interviews with a source close to Jonathan Pollard, Hamodia implodes old myths. The evidence reveals previously unknown details about the Pollard saga – details that expose a truth so sinister that some parties are still trying to obliterate it.

Two weeks have passed since attorneys for Jonathan Pollard finally received notice that the parole restrictions have been terminated, and his wife, Esther Pollard, received authorization to cut the infamous tracking device from his wrist. Through his lawyers, Jonathan released a statement of gratitude, and his wife wrote a statement of her own, as well as an exclusive, moving op-ed for *Hamodia*, based on the words of *Nishmas*.

Neither of them is giving interviews, but a close friend of the Pollards, speaking on condition of anonymity, told *Hamodia* that Jonathan is deeply hurt by the misinformation campaign that is still being waged against him.

“After 35 years of unspeakable suffering, they still won’t let him live in peace. It is high time, once and for all, to set the record straight.”

Perhaps the most painful and insidious of the slurs that has repeatedly been hurled against him is the claim that Jonathan first offered to sell classified material to South Africa and Pakistan, and only after they turned him down did he begin supplying material to Israel. According to his detractors, this signifies that he was a paid mercenary, not someone acting out of concern for Israel.

The most compelling proof that refutes this baseless claim is found not in arguments that Pollard or defense attorneys have made, but in court filings by the prosecutors and declassified intelligence agency documents.

The Grand Jury Indictment

Sometime after his arrest, a grand jury returned a 14-page indictment against Pollard. Since the defense has no opportunity to take part in grand jury proceedings, these documents tell only the prosecutor's side of the story. In addition, prosecutors often seek to include in the indictment as many relevant accusations of wrongdoing as possible in order to strengthen it.

The indictment against Pollard, which was later made part of the court record and subsequently obtained by *Hamodia*, is harshly worded, and accuses him of a "conspiracy to commit espionage," a crime more serious than what he ultimately pled guilty to as part of his plea agreement. What is telling about this document isn't merely what it contains but what it doesn't contain. The entire document refers solely to Pollard's passing classified material to Israel, without even alluding to any dealings with any other countries. If at any time he had sought to illegally pass information to other countries, this would have been included in this indictment as well, as each attempt would have been considered a separate crime.

The CIA Damage Assessment Report

Another key document, which was mostly declassified many years after Pollard's arrest, is an internal report prepared by the Central Intelligence Agency in 1987 to evaluate the damage caused by the Pollard affair.

The 166-page document, which was obtained by *Hamodia*, includes a section entitled "Pollard's Assignments and Security-Clearance Actions With Naval Intelligence, 1979-85," which details every significant aspect of Pollard's employment history for the agency. The report, which, like the indictment, represents only the position of the government and does not give Pollard a possibility to challenge or refute any of their claims, presents a lengthy account of Mr. Pollard's interactions with the Israelis.

Nowhere in this lengthy document does it even hint that Pollard attempted to sell classified information to Pakistan or South Africa, and it quotes Pollard — who had been polygraphed extensively during his post-arrest interrogations — as being motivated by a

concern over Israel's security, as American officials "failed to follow established disclosure guidance by withholding information releasable to Israel."

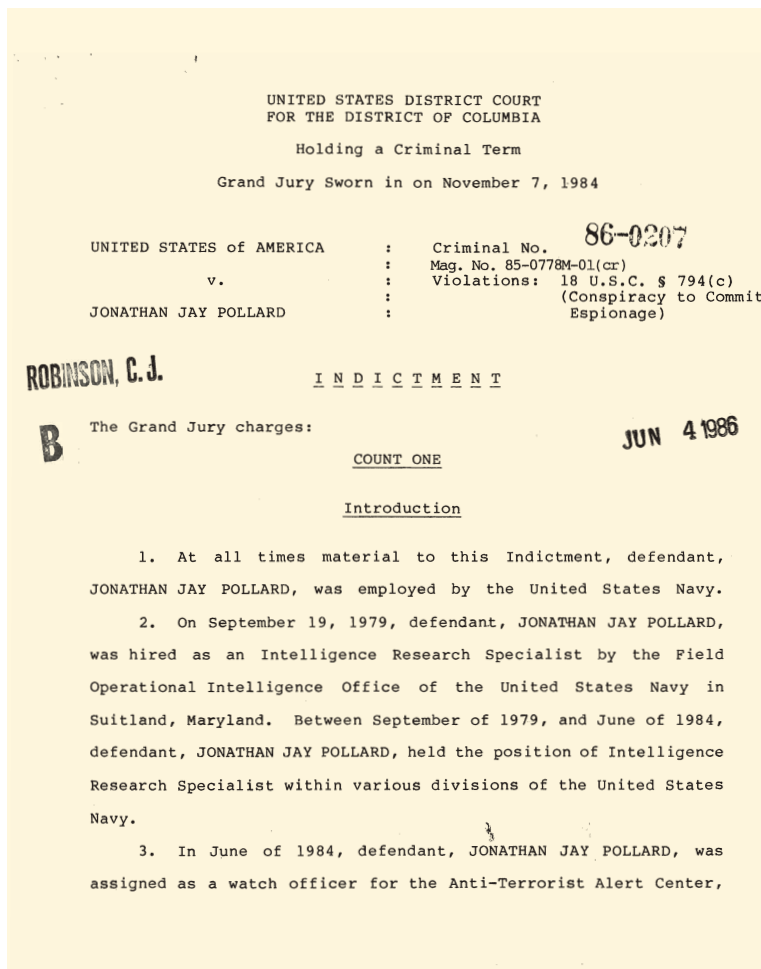
The DeConcini Letter

In December of 2010, former U.S. Senator Dennis DeConcini wrote a letter to then-President Barack Obama, urging him to commute Pollard's sentence.

"I was on the Senate Intelligence Committee when Pollard was arrested, and subsequently became its chairman," DeConcini wrote. "I am well aware of the classified information concerning the damage he caused. Pollard was charged with one count of giving classified information to an ally, Israel. He was never charged with nor to my knowledge did he ever give any information to a third country."

The Real Story Behind the Pakistan Allegations

How did the debunked claim of a Pakistani connection start in the first place? In an exclusive interview with a source close to Pollard, who spoke on the



THE ARTHUR GOLDBERG SAGA

One of the many bizarre and painful twists of the Pollard saga is recounted in an affidavit that Alan M. Dershowitz, Professor of Law at Harvard Law School and former attorney for Pollard, gave to the court in 1990. In it, he describes a conversation he had with former Supreme Court Justice Arthur Goldberg, with whom Dershowitz was very close.

After speaking to Goldberg about the Pollard case and sending him some comparative sentencing data, Justice Goldberg promised to make some inquiries on his own regarding the sentence.

“Subsequent to this conversation, Justice Goldberg called me to tell me that he had personally met with Judge Aubrey Robinson and discussed the Pollard sentence with him. Justice Goldberg told me that Judge Robinson had told him that he (Judge Robinson) had been provided by the government with evidence that Jonathan Pollard had given Israel American satellite photographs proving that Israel had tested Jericho missiles in South Africa and had provided South Africa with missile and nuclear technology. Justice Goldberg told me further that Judge Robinson was particularly outraged by the Israel-South Africa connection and Pollard’s role in providing Israel with evidence that the United States had satellite evidence of it. Justice Goldberg told me that he understood why Judge Robinson, as a Black man, would be particularly sensitive to this evidence.

“Justice Goldberg told me that Judge Robinson had told him that the Pollard-South African connection had weighed heavily in his (Judge Robinson’s) decision to impose a life sentence. I told Justice Goldberg that I did not believe that Jonathan Pollard had provided Israel with any such satellite information, but that I would check.”

Dershowitz goes on to describe how he immediately called the Pollard attorneys Hamilton Fox and Nathan Dershowitz and told them of his conversation with Justice Goldberg. Fox said he would check with Jonathan Pollard and his earlier attorney, Richard A. Hibey, concerning the truth



Supreme Court Justice Arthur Goldberg

or falsity of the evidence provided to Judge Robinson.

After being assured by Fox that there was no truth whatsoever in the claim that Jonathan Pollard had provided satellite photographs or information to Israel about South Africa, Jericho missiles or nuclear technology, Dershowitz wrote Justice Goldberg a letter in which he stated, “I have now completed my checks and I am confident that Jonathan Pollard never provided information to Israel regarding American satellite (or other) sur-

veillance of Israeli supplied missiles or weapons in South Africa. Indeed, Pollard was never even accused – formally or informally – of providing any such information to Israel.”

Dershowitz added, “If I am correct that Pollard provided no such information, then it is possible that the prosecution was pandering to Judge Robinson’s hatred of South Africa. As an Afro-American, Judge Robinson could be expected to react strongly to any suggestion that Pollard was part of the Israeli-South African connection. If the government did pander in this racially sensitive manner, it behaved outrageously, especially if the information it provided to Judge Robinson was not true. I would be very interested in your reaction to this matter.”

On January 15, 1990, Dershowitz spoke again with Justice Goldberg on the phone.

“He was quite upset at the content of my letter and promised to get to the bottom of it. He told me that he would phone Attorney General Thornburgh for a meeting to discuss this issue and the sentence. He told me that if my facts were correct, then the Justice Department had improperly ‘pandered’ (that was his precise word) to Judge Robinson’s racial sensitivities as a Black judge by providing him with false, inflammatory, ex parte information,” Dershowitz recalls in his affidavit.

Sadly, only four days later, on January 19, 1990, before he had a chance to act further on this matter, Justice Arthur Goldberg died in his sleep.

condition of anonymity due to the extreme sensitivity of the case, we learned of a previously unknown detail of the case that helps provide one of few remaining pieces of the anguish-filled puzzle known as the Pollard saga.

“In the summer before his arrest,” the source related, “Pollard traveled to Israel, where he met with Rafael Eitan, who served as the head of Lakam, the intelligence agency under the auspices of the Israeli Defense Ministry that Pollard was working for. Eitan was recovering from eye surgery, and the meeting took place in the Beilinson Hospital in Tel Aviv.

“Eitan complimented him on the material he had given Israel, stating that it had been crucial to [maintaining] the security of Israel and had far exceeded expectations. He also gave him clear instructions that in case something [went] wrong, Pollard was to stall the investigators as long as possible by ‘confessing’ to being a Pakistani spy in order to give time for the Israelis on the team to get out of the country. Eitan pledged that Pollard himself would then be exfiltrated and taken to Israel, leaving the Pakistanis with the blame for running an agent in Washington.

“As part of this precautionary effort, Eitan told Pollard to get a hold of some hundred-dollar bills with bank of Karachi stamps on them and leave them around his apartment, as a red herring to throw the investigators off track,” the source continued. “At a routine work-related event, Pollard managed to get himself photographed with a Pakistani military attaché and made sure that the picture was placed prominently in his apartment.”

In November 1985, when it became clear that the Americans had become aware of the operation, Pollard followed the instructions he had been given. After he stalled the FBI long enough for the entire Israeli team to flee the country, Pollard called his contact number for

WHY ARE THEY DOING THIS?

ANALYSIS

The question that begs for an answer is why there are individuals — mostly in Israel — who are now actively peddling these untruths and unfairly besmirching Pollard's name.

One supporter says that this is a way of quashing guilt feelings.

“There are some people in Israel who actually had a role in betraying Jonathan over the years, and others who know that they could have — and should have — done much more to fight this travesty of justice. Instead of owning up and asking forgiveness, they are instead trying to make themselves feel and look better by casting aspersions and spreading false rumors,” one supporter who has been active on Jonathan's behalf for the past decade says.

Another Pollard supporter indicated the attacks are politically motivated.

“This is being spread by leftist elements who have an ‘allergy’ to Jonathan's religious observance, who are dismayed by his *kippah* and his beliefs in our G-d-given right to Eretz Yisrael.”

They nodded again.

“I have an instruction to ask for your last report,” the chief of security told Pollard.

For a moment, Pollard didn't know whether the man was joking. He shrugged and gave in his last report.

The guard then pointed to the gate and told him, “You have to leave the embassy and walk in through the front door.” Dozens of FBI agents had now massed outside the embassy, awaiting their prey. Pollard pleaded with the guards, but to no avail. He was forced to leave the compound and was immediately taken into custody by the FBI.

his own instructions.

It was only then that he found out — to his utter shock — that there was no escape plan in place for him. Instead, he was told to come to the Israeli embassy in Washington.

The guards were awaiting him, and after he identified himself, the gates opened and he was allowed to drive into the embassy compound — an extra-territorial jurisdiction into which the FBI could not follow him.

For the first few moments, it appeared that all was well, that the Israelis would keep their word and offer refuge to their agent.

Then someone came out of the embassy building and whispered something into the ear of the chief of security. He glanced at Pollard and then avoided his gaze.

What Pollard did not know at the time was that embassy officials had contacted Eitan and asked him what to do.

In a 2014 interview with *Haaretz* newspaper, Eitan recounted his response.

“I immediately said — ‘Throw him out,’” he recalled. “I don't regret it.”

“Do you know who I am?” Pollard asked the guards who had been tasked with throwing out their own agent.

They nodded.

“Do you know what they are going to do to me?” he queried.

GG Pollard was actually given an award by Naval Intelligence for his part in [the South Africa] operation.”

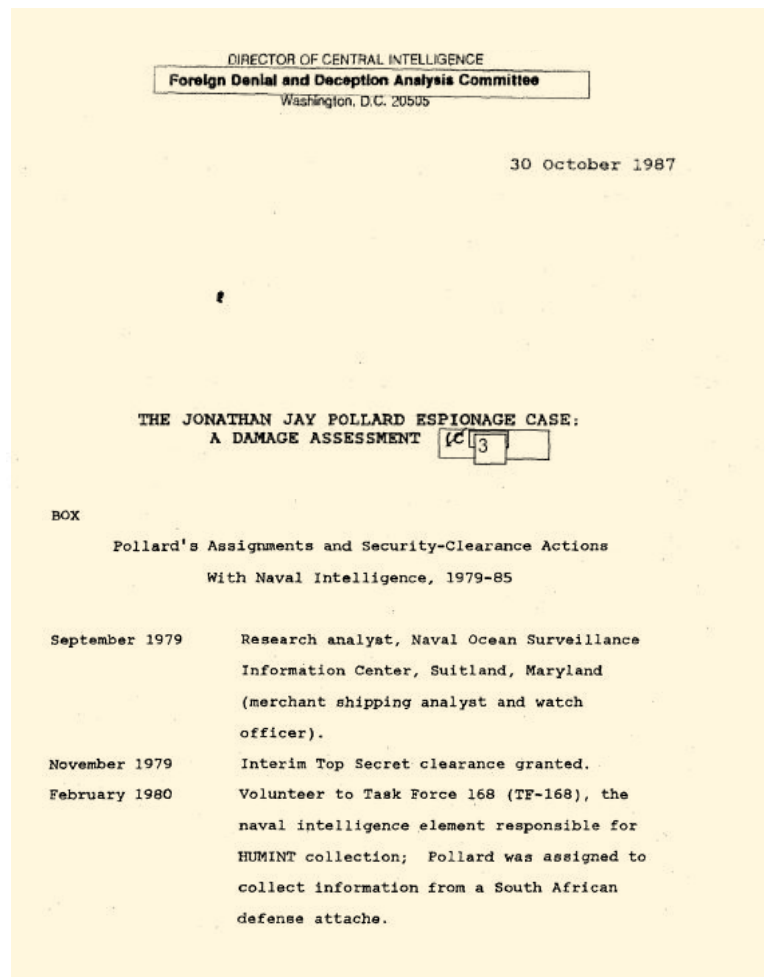
Jonathan Pollard had kept his word, but Rafi Eitan had cruelly broken his promise.

Pollard subsequently learned that the FBI took the Pakistani red herring so seriously that they sent a considerable contingent of agents to the Pakistani embassy in Washington at the same time that they followed him to the Israeli embassy.

After months of polygraphing and ruthless interrogations, it became clear to the American investigators that a Pakistani connection never existed. Furthermore, even Judge Aubrey Robinson, who sentenced Pollard to an unprecedented life sentence — for a crime with a median sentence of two to four years — recognized and acknowledged that Pollard acted for ideological reasons and not because of money. This is made clear by the fact that Robinson did not fine Pollard, a penalty typically imposed on those who have spied for mercenary reasons.

The other canard hurled against Pollard had to do with an allegation that he provided information to South Africa. Again, there is no mention of this in indictments or in any of the other court-related documents.

“The fact of the matter is,” the source revealed, “that at the time of the Iran hostage rescue, a call went out for anyone who had connections with the South Africans that could be used to assist the rescue mission then en route to the Indian Ocean. Because Pollard had met many South African officials when he worked at a



A composite image of two documents within the CIA damage assessment of the Pollard case.

NATO think tank in Paris, as well as in graduate school, where he was writing a paper on Indian Ocean security matters, he immediately volunteered.”

This account is confirmed by the CIA Damage Assessment Report, which relates how, in February of 1980, several months after he received Interim Top Secret clearance, Pollard “volunteered to Task Force 168 (TF-168), the naval intelligence element responsible for HUMINT (human intelligence) collection; Pollard was assigned to collect information from a South African defense attaché.”

“Pollard was actually given an award by Naval Intelligence for his part in this operation,” the source added. “Everything involved in Pollard’s actions was scrupulously reviewed and choreographed by the top echelons of U.S. naval intelligence. This was the sum total of Pollard’s involvement with the South Africans. Shockingly, his actions were later misrepresented, ex parte [from one side only], to suggest that he acted improperly with the South Africans. Nothing of the sort can be found in any of the court records.” ■