

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on November 7, 1984

UNITED STATES of AMERICA : Criminal No. 86-0207
: Mag. No. 85-0778M-01(cr)
v. : Violations: 18 U.S.C. § 794(c)
: (Conspiracy to Commit
JONATHAN JAY POLLARD : Espionage)

ROBINSON, C. J.

I N D I C T M E N T

B The Grand Jury charges:

JUN 4 1986

COUNT ONE

Introduction

1. At all times material to this Indictment, defendant, JONATHAN JAY POLLARD, was employed by the United States Navy.

2. On September 19, 1979, defendant, JONATHAN JAY POLLARD, was hired as an Intelligence Research Specialist by the Field Operational Intelligence Office of the United States Navy in Suitland, Maryland. Between September of 1979, and June of 1984, defendant, JONATHAN JAY POLLARD, held the position of Intelligence Research Specialist within various divisions of the United States Navy.

3. In June of 1984, defendant, JONATHAN JAY POLLARD, was assigned as a watch officer for the Anti-Terrorist Alert Center,

Threat Analysis Division, Naval Investigative Service of the United States Navy.

4. In or about October of 1984, defendant, JONATHAN JAY POLLARD, was employed as an Intelligence Research Specialist for the Anti-Terrorist Alert Center, Threats Analysis Division, Naval Investigative Service Command of the United States Navy. In this position, continuing until November 21, 1985, defendant, JONATHAN JAY POLLARD, was assigned to intelligence research duties relating to the Caribbean and the continental United States.

5. During the employment of defendant, JONATHAN JAY POLLARD, at the Naval Investigative Service Command, Threat Analysis Division and at various times during his other employment with the Navy, defendant, JONATHAN JAY POLLARD, was cleared to access, obtain, receive and use, in connection with his employment only, national defense information classified CONFIDENTIAL, SECRET, TOP SECRET and SPECIAL COMPARTMENTALIZED INFORMATION (SCI - especially sensitive classified information).

6. Executive Order 12356 and its predecessors require that information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security, be classified CONFIDENTIAL and be carefully safeguarded.

7. Executive Order 12356 and its predecessors require that information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security, be classified SECRET and be carefully safeguarded.

8. Executive Order 12356 and its predecessors require that information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security, be classified TOP SECRET and be carefully safeguarded. SCI is a designation reserved for especially sensitive classified information, the dissemination of which is strictly controlled and limited to selected individuals within the military and intelligence community who have special security clearances.

9. At all times material to this Indictment, Anne Henderson Pollard, not a coconspirator herein, was living with or married to defendant, JONATHAN JAY POLLARD.

10. At all times material to this Indictment, Anne Henderson Pollard, held no clearance or authorization from the United States government to access, obtain, receive, possess or use classified national defense information, for any purpose whatsoever.

11. At all times material to this Indictment, coconspirator Rafi Eitan was a citizen and intelligence official of ISRAEL.

12. At all times material to this Indictment, coconspirator Colonel Aviem "Avi" Sella was a citizen of ISRAEL, and an officer in the ISRAELI Air Force.

13. At all times material to this Indictment, coconspirator Joseph "Yossi" Yagur was a citizen of ISRAEL and, beginning in July of 1980, served as Science Consul for the ISRAELI Ministry of Science at the ISRAELI Consulate in New York City.

14. At all times material to this Indictment, coconspirator Irit Erb was a citizen of ISRAEL, a secretary at the Embassy of ISRAEL in Washington, D.C. and lived in Washington, D.C.

The Conspiracy

15. Beginning on a date unknown to the grand jury, but at least as early as June of 1984, and continuing to on or about November 21, 1985, within the District of Columbia and elsewhere, the defendant, JONATHAN JAY POLLARD, did knowingly and willfully conspire, combine, confederate and agree with Rafi Eitan, Aviem "Avi" Sella, Joseph "Yossi" Yagur, Irit Erb, coconspirators, not defendants herein, and with other persons known and unknown to the grand jury, to commit an offense against the United States, that is:

To knowingly and willfully communicate, deliver, and transmit to a foreign government, that is, ISRAEL, or to representatives, officers, agents or citizens thereof, directly and indirectly, information and documents relating to the national defense of the United States, having intent and reason to believe that the same would be used to the advantage of ISRAEL, in violation of Title 18 United States Code, Section 794(a).

Manners and Means of the Conspiracy

It was a part of said conspiracy that:

16. In or about the beginning of 1984, defendant, JONATHAN JAY POLLARD, in preparation for the unlawful conduct described herein,

told an associate, whose identity is known to the grand jury, of defendant, JONATHAN JAY POLLARD's, interest in meeting with an ISRAELI military officer, an acquaintance of the associate. As a result of this conversation, defendant, JONATHAN JAY POLLARD's, associate arranged for Colonel Aviem "Avi" Sella and defendant, JONATHAN JAY POLLARD to meet.

17. In or about the summer of 1984, defendant, JONATHAN JAY POLLARD, and Aviem "Avi" Sella met together and agreed that defendant, JONATHAN JAY POLLARD, would gather and obtain classified national defense information and documents from various United States government agencies, and communicate and deliver said information and documents to Sella and other representatives, agents, employees or citizens of ISRAEL. Thereafter, during the summer of 1984, defendant, JONATHAN JAY POLLARD, had further meetings with Aviem "Avi" Sella during which Pollard provided Sella with United States classified documents and information to demonstrate POLLARD's ability and willingness to assist the government of ISRAEL.

18. In or about November of 1984, defendant, JONATHAN JAY POLLARD, and Anne Henderson Pollard, at the direction of Aviem "Avi" Sella, traveled from the United States to Paris, France. Once in Paris, defendant, JONATHAN JAY POLLARD met with Rafi Eitan, Joseph "Yossi" Yagur and Aviem "Avi" Sella. The meetings, which lasted several days, included discussions of operational plans, compensation and tasking of defendant, JONATHAN JAY POLLARD, to obtain specific classified national defense information

for the government of ISRAEL. This trip to Paris, France was financed and paid for with cash provided to defendant, JONATHAN JAY POLLARD, by Rafi Eitan and Joseph "Yossi" Yagur. Furthermore, as additional compensation, Aviem "Avi" Sella, during this trip to Paris, France, purchased an expensive ring for defendant, JONATHAN JAY POLLARD, to give to Anne Henderson Pollard.

19. Beginning on a date unknown to the grand jury, but at least as early as June of 1984, and continuing to on or about November 18, 1985, defendant, JONATHAN JAY POLLARD, gathered and obtained classified national defense information and documents, many of which were unrelated to his assigned duties, from the Naval Intelligence Support Center, Defense Intelligence Agency, Naval Investigative Service, and other United States government agencies in order to provide these materials to representatives or citizens of the Government of ISRAEL.

20. Beginning on a date unknown to the grand jury, but at least as early as June of 1984, and continuing to on or about November 18, 1985, defendant, JONATHAN JAY POLLARD, delivered CONFIDENTIAL, SECRET, TOP SECRET and SPECIAL COMPARTMENTALIZED INFORMATION national defense information and documents to representatives and citizens of the Government of Israel:

A. Prior to the trip to Paris, France in November of 1984, defendant, JONATHAN JAY POLLARD, obtained certain classified national defense materials requested by Aviem "Avi" Sella, including intelligence publications and satellite photographs. These documents were delivered to Aviem "Avi"

Sella in the area of Dumbarton Oaks in Washington, D.C., and at a location in Potomac, Maryland.

B. After the trip to Paris, France, defendant, JONATHAN JAY POLLARD, met with Joseph "Yossi" Yagur, his new "handler", and others at a location in Potomac, Maryland. At that meeting, plans were developed for emergency procedures in the event the conspiracy was detected, and for future deliveries of classified national defense documents by defendant, JONATHAN JAY POLLARD, to Joseph "Yossi" Yagur at the apartment of Irit Erb in Washington, D.C.

C. Thereafter, approximately three (3) times per week, defendant, JONATHAN JAY POLLARD, using a "courier card" which enabled him to leave his office without being subjected to a search, removed from his office various classified national defense documents which he had gathered.

D. In an unobservable location, defendant, JONATHAN JAY POLLARD, would then transfer the classified national defense documents to a suitcase, which he maintained in his car for this purpose.

E. Approximately every two (2) weeks, defendant, JONATHAN JAY POLLARD, would deliver classified national defense documents to Joseph "Yossi" Yagur or to Irit Erb in Washington, D.C.

F. These deliveries were typically made every other Friday at the apartment of Irit Erb in Washington, D.C., or on the last Saturday of each month at another apartment within the same building.

G. This second apartment located in Irit Erb's apartment building was used for monthly meetings held between defendant, JONATHAN JAY POLLARD, and Joseph "Yossi" Yagur; for the payment of cash to POLLARD by Joseph "Yossi" Yagur or Irit Erb; and to house the equipment used for photocopying and photographing certain of the classified national defense documents delivered by POLLARD.

H. During these monthly meetings between defendant, JONATHAN JAY POLLARD, and Joseph "Yossi" Yagur, Yagur reviewed with POLLARD the classified documents previously delivered, and described the manner in which the information contained therein had been used by the government of Israel. Joseph "Yossi" Yagur would also task defendant, JONATHAN JAY POLLARD, to obtain specific classified national defense documents for the government of Israel.

I. Following the delivery, Irit Erb, and others whose identities are unknown to the grand jury, would photocopy those of the documents for which defendant, JONATHAN JAY POLLARD, was accountable, and which had to be returned by defendant, JONATHAN JAY POLLARD, to the appropriate classified national defense information repository.

J. Within a few days of each delivery, typically on the following Sunday, defendant, JONATHAN JAY POLLARD, would retrieve certain of the classified documents from the apartment of Irit Erb so that he could return the documents to their appropriate classified national defense information repository.

K. Classified national defense documents which had been delivered by defendant, JONATHAN JAY POLLARD, to Irit Erb and/or Joseph "Yossi" Yagur were thereafter forwarded to Rafi Eitan in Israel.

21. In exchange for these espionage activities, defendant, JONATHAN JAY POLLARD, initially received fifteen hundred dollars (\$1,500) per month from a representative of the government of Israel, typically Joseph "Yossi" Yagur, at a meeting on the last Saturday of each month. In or around the spring of 1985, defendant, JONATHAN JAY POLLARD's, compensation for his espionage activities was increased by Yagur and Eitan to twenty-five hundred dollars (\$2,500) per month. Defendant, JONATHAN JAY POLLARD, also received reimbursement for two extended trips to Europe and the Middle East, which were made by defendant, JONATHAN JAY POLLARD, and Anne Henderson Pollard. Monies received and actually expended by defendant, JONATHAN JAY POLLARD, and Anne Henderson Pollard, totaled in excess of forty-five thousand dollars (\$45,000+). In addition, Rafi Eitan and Joseph "Yossi" Yagur, opened a foreign bank account for defendant, JONATHAN JAY POLLARD, under an alias to be used as POLLARD's new identity as a citizen of ISRAEL; deposited thirty thousand dollars (\$30,000) into the account, the first of ten (10) such yearly payments; and as evidence of the new identity, obtained an Israeli passport issued under the alias and bearing defendant, JONATHAN JAY POLLARD's photograph.

22. On November 18, 1985, defendant, JONATHAN JAY POLLARD, was stopped by agents of the Federal Bureau of Investigation

and the Naval Investigative Service in the parking lot of the Naval Investigative Service facility at Suitland, Maryland. While being interviewed by federal agents, defendant, JONATHAN JAY POLLARD, made two telephone calls to Anne Henderson Pollard at their Washington, D.C. apartment. During the telephone conversations with his wife, defendant, JONATHAN JAY POLLARD, mentioned a code word, "cactus", to alert Anne Henderson Pollard that he was in trouble, and that she should remove United States classified documents from the Pollards' apartment.

23. After receiving the telephone calls from her husband, Anne Henderson Pollard removed a suitcase containing United States classified documents from the Pollards' apartment. Shortly thereafter, Anne Henderson Pollard met with Aviem "Avi" Sella with whom the Pollards previously had arranged to have dinner. She told Aviem "Avi" Sella that defendant, JONATHAN JAY POLLARD, was in trouble.

24. On November 19, 1985, defendant, JONATHAN JAY POLLARD, at the instruction of Aviem "Avi" Sella and pursuant to the previously agreed upon emergency procedures, called Joseph "Yossi" Yagur, told Yagur that he (POLLARD) was in trouble and sought Yagur's help. Yagur told POLLARD to stall for time.

25. On November 21, 1985, defendant, JONATHAN JAY POLLARD and Anne Henderson Pollard, unsuccessfully sought asylum at the Embassy of Israel in Washington, D.C.

Overt Acts

To effect the objects of the conspiracy, the defendant and co-conspirators committed various overt acts, within the District

of Columbia and elsewhere, including but not limited to the following:

1. In or about the summer of 1984, defendant, JONATHAN JAY POLLARD, had meetings with Aviem "Avi" Sella.

2. In or about November of 1984, defendant, JONATHAN JAY POLLARD, and Anne Henderson Pollard traveled to Paris, France, where defendant, JONATHAN JAY POLLARD, met with Rafi Eitan, Aviem "Avi" Sella, and Joseph "Yossi" Yagur.

3. In or about January of 1985, defendant, JONATHAN JAY POLLARD, met with Joseph "Yossi" Yagur at the apartment of Irit Erb in Washington, D.C.

4. On or about March 28, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

5. On or about March 30, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Joseph "Yossi" Yagur at Irit Erb's apartment building in Washington, D.C.

6. On or about May 20, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

7. On or about May 21, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

8. On or about May 23, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

9. On or about May 24, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Irit Erb's apartment in Washington, D.C.

10. On or about May 30, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

11. On or about May 31, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Joseph "Yossi" Yagur at Irit Erb's apartment building in Washington, D.C.

12. On or about June 14, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

13. On or about June 14, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Irit Erb's apartment in Washington, D.C.

14. On or about June 24, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

15. On or about June 28, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Joseph "Yossi" Yagur at Irit Erb's apartment building in Washington, D.C.

16. On or about July 18, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

17. On or about July 19, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Irit Erb's apartment in Washington, D.C.

18. In or about July-August 1985, defendant, JONATHAN JAY POLLARD and Anne Henderson Pollard, traveled to Israel where defendant, JONATHAN JAY POLLARD, met with Joseph "Yossi" Yagur, Rafi Eitan, Aviem "Avi" Sella and others.

19. Between on or about August of 1985 and on or about November of 1985, Joseph "Yossi" Yagur traveled outside of the United States for the purpose of establishing a foreign bank account under an alias for defendant, JONATHAN JAY POLLARD.

20. On or about September 18, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

21. On or about September 20, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Irit Erb's apartment in Washington, D.C.

22. On or about September 23, 1985, defendant, JONATHAN JAY POLLARD, obtained United States classified documents from the Defense Intelligence Agency.

23. On or about September 27, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Joseph "Yossi" Yagur at Irit Erb's apartment building in Washington, D.C.

24. On or about October 26, 1985 Joseph "Yossi" Yagur traveled from New York City to Washington, D.C.

25. On or about October 26, 1985, defendant, JONATHAN JAY POLLARD, received money from Joseph "Yossi" Yagur in Washington, D.C.

26. Between on or about October 31, and November 2, 1985, defendant, JONATHAN JAY POLLARD, prepared a letter to "Yossi", which contained United States classified information relating to the national defense.

27. On November 15, 1985, defendant, JONATHAN JAY POLLARD, left the Naval Investigative Service facility at Suitland, Maryland, with a package which included TOP SECRET and SCI classified documents.

28. On the evening of Friday, November 15, 1985, defendant, JONATHAN JAY POLLARD, delivered United States classified documents to Irit Erb's apartment in Washington, D.C.

29. On the afternoon of November 18, 1985, defendant, JONATHAN JAY POLLARD, removed United States classified documents from the offices of the Naval Investigative Service in Suitland, Maryland.

30. On the evening of November 18, 1985, defendant, JONATHAN JAY POLLARD, made two (2) telephone calls to Anne Henderson Pollard in Washington, D.C.

31. On the evening of November 18, 1985, Aviem "Avi" Sella had a meeting with Anne Henderson Pollard.

32. On the morning of November 19, 1985, defendant, JONATHAN JAY POLLARD, had a telephone conversation with Joseph "Yossi" Yagur.

33. On or about November 20, 1985 Irit Erb departed the United States.

34. On November 21, 1985, defendant, JONATHAN JAY POLLARD, and Anne Henderson Pollard attempted to gain access to the ISRAELI Embassy in Washington, D.C.

35. On or about November 22, 1985, Joseph "Yossi" Yagur, departed the United States.

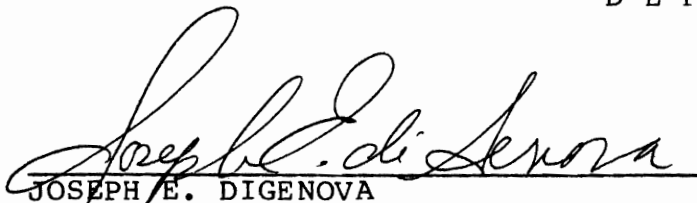
36. Beginning on a date unknown to the grand jury and continuing to at least November 21, 1985, Rafi Eitan and others working for him in ISRAEL, maintained a list of classified United States documents delivered by defendant, JONATHAN JAY POLLARD, to Aviem "Avi" Sella, Joseph "Yossi" Yagur and Irit Erb, representatives of the government of Israel.

37. Beginning on a date unknown to the grand jury and continuing to at least November 21, 1985, Rafi Eitan and others working for him in ISRAEL, maintained copies of certain classified United States documents delivered by defendant, JONATHAN JAY POLLARD, to Aviem "Avi" Sella, Joseph "Yossi" Yagur and Irit Erb, representatives of the government in Israel.

(Violation: Title 18, United States Code, Section 794(c))

A TRUE BILL:

DEPUTY FOREPERSON



JOSEPH E. DIGENOVA
Attorney for the United States
in and for the District of Columbia