

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20505

FEB 10 2016

The Honorable J. Patricia Wilson Smoot
Chairman
U.S. Parole Commission
Park Place Building, Suite 420
5550 Friendship Building
Chevy Chase, MD 20815

Dear Chairman Smoot:

As the Director of National Intelligence, I am the head of the United States Intelligence Community (IC). *See* 50 U.S.C. 3023(b)(1). In this capacity, I submit this letter under 28 C.F.R. Sections 2.19(a)(6) and (b)(1) to provide you with additional information related to the classified information Johnathan Pollard compromised.

Mr. Pollard was convicted of conspiring to deliver national defense information to a foreign government in violation of 18 U.S.C. Section 794(c) (Espionage Act), which is an extremely serious offense. IC elements have confirmed that certain information compromised by Mr. Pollard remains currently and properly classified at the Top Secret and Secret levels. As such, future unauthorized disclosure of this information could risk harm to our national security. Pursuant to Executive Order 13526, the Top Secret classification level applies to information, the unauthorized disclosure of which could reasonably be expected to cause exceptionally grave damage to the national security; and the Secret classification level applies to information, the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security.

In July 2015, the IC was asked to assess whether there was a "reasonable probability" that Mr. Pollard would commit a new crime for purposes of applying the mandatory parole provisions of 18 U.S.C. Section 4206(d). The IC concluded that it could not say that such a "reasonable probability" existed. However, Mr. Pollard has previously admitted to violating the Espionage Act by disclosing classified information against the interests of the United States Government. Moreover, some of the information to which Mr. Pollard had access, and in some cases compromised, remains classified as detailed above. Further disclosures of such classified information would cause the damage to the national security described above. Given these circumstances, the IC believed then, and still believes, that the imposition of special conditions would be an appropriate means to mitigate concerns of future unauthorized disclosures of classified information by Mr. Pollard.

Please let me know if the Commission needs any additional information from the IC.

Sincerely,


James R. Clapper