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# U.S. man who gave secrets to Israel spared prison

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By Christine Kearney



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**FREE EDUCATION**

NEW YORK (Reuters) - An 85-year-old former civilian employee of the U.S. Army was fined but avoided prison time on Friday after earlier pleading guilty to giving classified documents to Israel in the 1980s in a case the sentencing judge said was "shrouded in mystery."

Court documents showed that Ben-Ami Kadish, who was fined \$50,000 but spared prison time, reported to the same handler as Jonathan Pollard, an American who spied for Israel in the 1980s and triggered a scandal that rocked U.S.-Israeli relations.

"Why it took the government 23 years to charge Mr. Kadish is shrouded in mystery," U.S. District Judge William Pauley said during the sentencing hearing in Manhattan federal court. "It is clear the (U.S.) government could have charged Mr. Kadish with far more serious crimes."

Kadish pleaded guilty in December to acting as an unregistered agent of Israel. He was arrested in April 2008 on four counts of conspiracy and espionage. The spying charge, dropped under a plea deal, had carried a possible death sentence.

"I am sorry I made a mistake," a frail-looking Kadish said during the sentencing hearing. "I thought I was helping the state of Israel without harming the United States."

The judge said he gave a lenient sentence due to Kadish's age and infirmity, but said Kadish had committed "a grave offense" and had "abused the trust" of the United States. For much of the hearing, Kadish sat slumped in his chair with heavy eyelids. At one stage, he had to be shaken awake by his lawyer.

## MISSILE DEFENSE SYSTEMS

Prosecutors had recommended no prison time as part of the plea deal. They said between 1980 and 1985 Kadish provided classified documents, including some relating to U.S. missile defense systems, to an Israeli agent, Yosef Yagur, who photographed the documents at Kadish's residence.

Yagur also was Pollard's main Israeli contact. Pollard, a former U.S. Navy intelligence analyst, is serving a life sentence after pleading guilty to spying for Israel in 1986. Israel gave Pollard citizenship in 1996 and acknowledged he was one of its spies in 1998.

During the hearing, the judge questioned a prosecutor as to why it took so long to charge Kadish when the telephone records on which the case was based were available in the mid-1980s.

"There is no mystery behind it, it's just what happened," said prosecutor Iris Lan, who explained she understood it took the FBI that amount of time to assemble the evidence.

The judge also questioned Kadish's lawyer about how Kadish was able to earn \$104,000 in 2007 when he does not work. His lawyer said it was from investments.

Kadish was born in the United States but grew up on a farm in Palestine before the founding of the modern state of Israel. He served in the British and U.S. armies in World War II.

From 1980 to 1985, Yagur asked Kadish to obtain classified documents, which Kadish retrieved from the U.S. Army's Picatinny Arsenal in Dover, New Jersey, according to a sworn statement by Kadish. Kadish said he kept up a friendship with Yagur after 1985.

"While Kadish knew he was aiding Israel, an ally to the United States, he also knew his crime compromised the national security," the judge said.

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