IRmep Calvert Station P.O. Box 32041 Washington, DC 20007 http://www.irmep.org info@irmep.org Phone: 202-342-7325 Fax: 202-318-8009



Thursday, April 3, 2014

John Kerry, Secretary of State State Department 2201 C Street NW Washington, DC 20520

RE: Revoke visa of admitted spy engaged in espionage against U.S. Arnon Milchan

Dear John Kerry,

Arnon Milchan is the chairman of Los Angeles-based New Regency Productions, which has produced more than 120 Hollywood movies since the 1970s. On Monday, November 25 2013, Arnon Milchan admitted to the following criminal acts on the television program Uvda on Israel's Channel 2 television:

- 1) Working as an undercover agent for LAKAM, an Israeli espionage agency tasked to acquire technology and scientific information. This is the same network that ran convicted spy Jonathan Pollard.
- 2) Operating 30 front companies in 17 countries to acquire weapons technology for Israel.
- 3) Helping Israel acquire uranium and nuclear weapons-related technology.<sup>1</sup>

One of Milchan's companies, Huntington Beach, California based Milco, was investigated for shipping 800 krytrons, used as nuclear weapons triggers, to Israel along with export-prohibited gyroscopes, neutron generators, high-speed oscilloscopes, and computerized flight control systems. The company president Richard Kelly Smyth was indicted in 1984, but fled the country. According to the released FBI file and press accounts, Milchan also immediately fled to Israel and argued from there via news interviews that he did not know what krytrons were.<sup>2</sup> Smyth was later captured by Interpol, returned to the United States, convicted and jailed in 2002.

In a 2002 counterintelligence debriefing by the FBI, Smyth admitted that he had been recruited by Milchan to smuggle U.S. export-restricted military goods through a network of Milchan front companies including Milco and Heli Trading Company. He revealed that the nuclear trigger smuggling operation against the U.S. was code-named "Project Pinto" by his Israeli handlers. (FBI FOIA release attached).

Milchan reportedly holds dual-citizenship in Israel and Monaco for tax purposes, but is not an American citizen.<sup>3</sup> Presumably, Milchan enters the United States on a green card or investor-class visa to run New Regency Productions.

<sup>&</sup>lt;sup>1</sup> Sherwood, Harriet, "Arnon Milchan reveals past as Israeli spy," The Guardian, November 26, 2013. http://www.theguardian.com/world/2013/nov/26/arnon-milchan-israeli-spy-past

<sup>&</sup>lt;sup>2</sup> FBI file - FOIA release "FBI investigates MILCO nuclear trigger smuggling to Israel," http://irmep.org/ILA/krytons/default.asp

<sup>&</sup>lt;sup>3</sup> Windrem, Robert "Israel-Hollywood nuclear connection" NBC News, October 24, 2003,

http://www.nbcnews.com/id/3340725/t/israel-hollywood-nuclear-connection/#.Uz2WyPldXF0

A search of the United States Department of Justice Foreign Agent Registration database<sup>1</sup> reveals that Arnon Milchan never registered as an agent of the Israeli government under the 1938 Foreign Agent Registration Act, as he was required to do during his years of active service in LAKAM. If he has an investor-class visa or green card, there is also little doubt that he fraudulently omitted his foreign agent status on those applications.

Section 212(a) of the Immigration and Nationality Act (I.N.A.) lists the grounds for inadmissibility to the United States.<sup>2</sup> They include various crimes, along with other things like communicable diseases, past immigration violations, and the likelihood of needing government financial assistance. Based on Smyth's testimony and Milchan's own admissions, Milchan sought entry into the United States to engage in "(i) any activity (I) to violate any law of the United States relating to espionage or sabotage or (II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information..."

# INA: ACT 212 - GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION; WAIVERS OF INADMISSIBILLITY

(3) Security and related grounds.-

(A) In general.-Any alien who a consular officer or the Attorney General knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in-(i) any activity (I) to violate any law of the United States relating to espionage or sabotage or (II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information,

(ii) any other unlawful activity, or

(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means, is inadmissible.

<sup>&</sup>lt;sup>1</sup> "FARA Quick Search" http://www.fara.gov/quick-search.html

<sup>&</sup>lt;sup>2</sup> INA: ACT212 - General Classes of Aliens Ineligible to receive Visas and Ineligible for Admission; Waivers of Inadmissibility http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/act.html

IRmep's *Center for Policy and Law Enforcement* believes that under current statutes Arnon Milchan is clearly an "inadmissable alien." We believe that the U.S. Department of State should revoke Arnon Milchan's visa since by his own admissions he was never eligible to have it. Milchan's name should also be placed on the watch list of undesirable aliens kept by the Department of Homeland Security's Immigration and Customs Enforcement Division. Furthermore, Milchan is required to retroactively file Foreign Agent Registration Act semi-annual declarations and file them at the FARA office where the public may review them and be able to reconstruct a factual damage assessment of his activities directed against the United States.

At present, Milchan appears able to enter and leave the U.S. freely. He accepted an award at the Oscars on March 2, 2014.<sup>3</sup> Milchan is making a mockery of U.S. law and all who are constitutionally obligated to enforce it.

Sincerely,

Grant F. Smith, Director of Research

Enclosure: April, 2002 Richard Kelley Smyth FBI debriefing released under FOIA about krytron smuggling under Arnon Milchan's network of front companies

CC: James Comey, FBI Director; Jeh Johnson, Secretary of the Department of Homeland Security; Heather Hunt, Chief of the FARA division

<sup>&</sup>lt;sup>3</sup> Jordan, Bryant "Admitted Spy Shows up for Oscars—and Wins" March 3, 2014 http://undertheradar.military.com/2014/03/admitted-spy-shows-up-for-oscars-and-wins/

**U.S. Department of Justice** 



Federal Bureau of Investigation

Washington, D.C. 20535

June 27, 2012

MR. GRANT F. SMITH IRMEP CALVERT STATION POST OFFICE BOX 32041 WASHINGTON, DC 20007

> Subject: MDR/HELI TRADING LTD. ARMS SMUGGLING 1985 FOIPA No. 1175900- 000

Dear Mr. Smith:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552		Section 552a
⊠(b)(1)	□(b)(7)(A)	□(d)(5)
□(b)(2)	□(b)(7)(B)	□(j)(2)
□(b)(3)	⊠(b)(7)(C)	□(k)(1)
	<sup>-</sup> □(b)(7)(D)	□(k)(2)
	□(b)(7)(E)	□(k)(3)
	□(b)(7)(F)	□(k)(4)
□(b)(4)	□(b)(8)	□(k)(5)
□(b)(5)	□(b)(9)	□(k)(6)
⊠(b)(6)		□(k)(7)

171 page(s) were reviewed and 7 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
  - referred to the OGA for review and direct response to you.
  - ☑ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

□ In accordance with standard FBI practice, this response neither confirms nor denies the existence of your subject's name on any watch lists.

☑ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice,1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.

□ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,

David M. Hardy Section Chief Record/Information Dissemination Section Records Management Division

Enclosure(s)

In response to your Freedom of Information Act (FOIA) request to FBI, Records Management Division, Winchester, Virginia, cross-references were located wherein Heli Trading Company in connection with an arms smuggling investigation in 1985 is mentioned in files concerning another individual, organization, event, activity, or the like. In processing the cross-references, the pages considered for possible release included only those pages which mention Heli Trading Company by name and any additional pages showing the context in which the name Heli Trading Company was mentioned.

For your information, sealed court records are not eligible for release under the Freedom of Information/Privacy Act(s) (FOIPA). Some of the material responsive to your request has been withheld and marked "OTHER - Sealed" pursuant to United States Court Order.

The enclosed material is being released to you on CD ROM at no charge.

To minimize costs to both you and the FBI, duplicate copies of the same document were not processed.

## **EXPLANATION OF EXEMPTIONS**

## SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

## SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/heridentity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

## FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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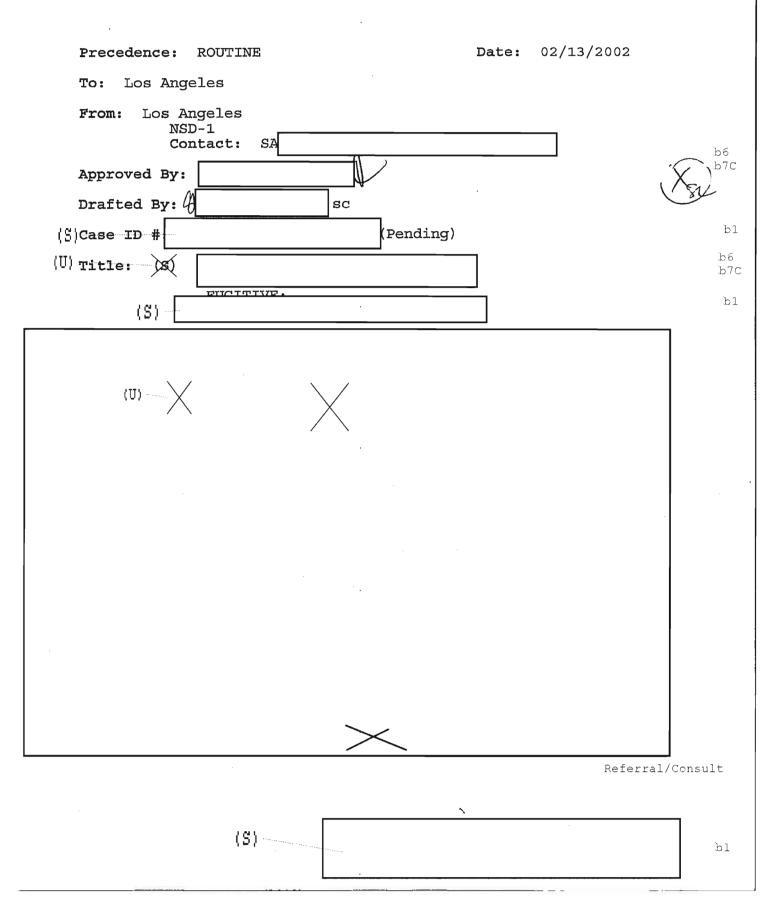
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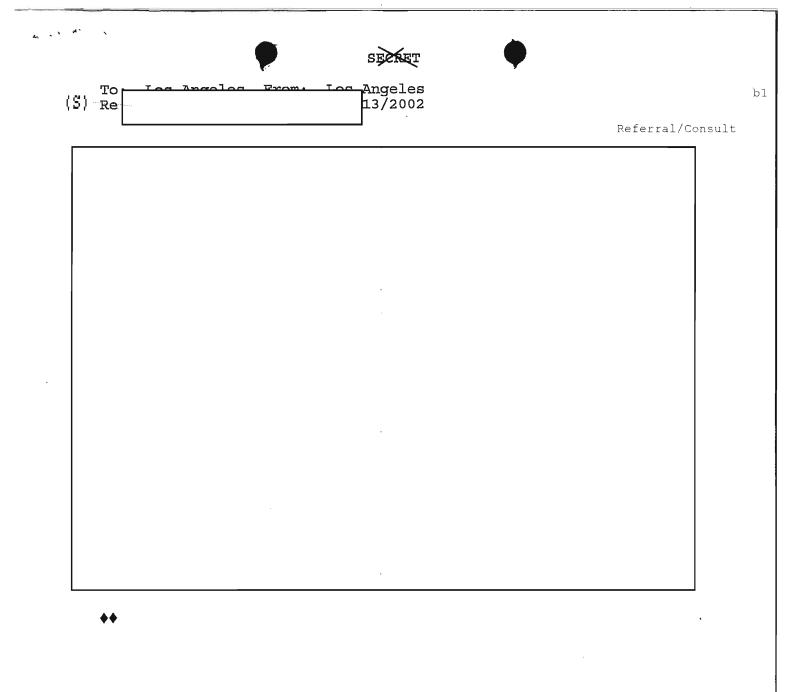
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## FEDERAL BUREAU OF INVESTIGATION





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## **Engineer Sentenced in Nuclear Trigger (** ase

Weapons: Richard Kelly Smyth, extradited from Spain, admitted a 'grave error' in shipping to Israel devices that can fire nuclear weapons.

#### By DAVID ROSENZWEIG TIMES STAFF WRITER

A Southern California engineer who fied the country in 1985 after being indicted on charges of selling Israel electronic devices that can was sentenced Monday to 40 months in federal prison. Richard Kelly Smyth, now 72

and in frail health, was discovered

House

Arrest

for Rap

Lawyer

Justice: Attorney for 'Suge' Knight of Death

Row Records didn't file a 1995 tax return. He has paid restitution, and must pay court costs. By ZANTO PEABODY TIMES STAFF WRITER

A federal judge sentenced the former attorney for rap impresario Marion "Suge" Knight to three years of probation on a misde-

a broad investigation into the al-leged criminal activities of Knight's music label, Death Row

Interords. Under the terms of a plea agree-ment, Encino lawyer David Ken-ner, 61, was ordered Monday by U.S. District Judge Florence-Marie Cooper to spend nine months un-der house arrest for not filing a tax

Kenner, whose attorney said he is now bankrupt and has cancer, has paid \$20,000 in restitution and

will be required to pay an addi-tional \$1 500 in court costs,

Records

return in 1995.

living in southern Spain last year. He was arrested by local police and extradited to the United States.

He pleaded guilty in December to violating the U.S. Arms Export Control Act and making a false statement about the contents of one shipment of the devices, which are known as krytrons and have a variety of applications, from trig-gering nuclear warheads to operat-ing photocopying machines. Despite the sentence, federal

Judge Pamela A. Rymer ruled that Smyth could immediately apply to be released on parole. She also funed him \$20,000.

Inred him \$20,000. Israeli authonties denied having acquired the 2-inch-long krytrons for their nuclear weapons arsenal. After Smyth's indictment, they returned the remaining devices to

U.S. authorities. Appearing in Los Angeles fed-eral court Monday, Smyth said he made a "grave error" when he shipped about 800 krytrons in the early 1980s to Hell Trading Co. in Descharter State State State Israel without State Department

Heli Trading was owned at that time by Arnon Milchan, an Israelitime oy Arnon Anichan, an israeli-born arms trader who later became a successful Hollywood film pro-ducer. His movies have included "Pretty Woman" and "L.A. Confi-dential." Milchan has denied involvement in the kretton deal He told CBC

Milchan has denied involvement in the krytron deal. He told CBS "60 Minutes" two years ago that he had allowed the Israeli government to use his company for trading with the United States.

In court, Smyth also apologized

for fleeing the United States just before the start of his scheduled 1985 trial before Rymer, now a fed-1995 trai before Hymer, now a led-eral appeals court judge. He said he panicked after reading newspaper articles saying he could be sen-tenced to up to 105 years in prison if convicted on all of the 30 crimi-nal counts originally lodged context here. nal

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against him. The 105 years represented the maximum sentence allowed by statute. Statutory maximums are

statute, statutory maximums are only rarely applied. Abandoning his engineering business, Milco International Inc., and an expensive home in Orange County, Smyth and his wife. Eme-lle, flew to Switzerland and then settled in Malaga, Spain, passing themselves off as retirees.

themselves off as retirees.

Smyth, using his real name, was

vice president of the American Club in Malaga. He and his wife got along on Social Security and occa-sional gifts from relatives. U.S. authorities learned of Smyth's whereabouts by accident.

🚣 UNCLASSIFIED EXCEPT

IN OTHERWISE

ALL INFORMATION CONTAINED

Last year, he opened an account at a bank in Malaga, noting in his ap-plication that he was a U.S. citizen.  $\Lambda$  routine check by the bank with Interpol turned up an arrest war-rant issued in Los Angeles. Smyth was taken into custody by Spanish police.

while in jall awaiting extradi-tion, he suffered two strokes. His lawyer, James D. Riddet, cited his client's medical condition and age as he appealed to Rymer for leni-

ency. Riddet asked the judge to follow the recommendation of the federal

probation office that Smyth be sen-tenced to 10 months in prison, roughly the same amount of time he has spent behind bars. Smyth did not know that kry-trons could be used as nuclear trig-gers when he sold them to Israel, Riddet said. He described hs client as a patriotic Amencan who had served his country loyally as a technical advisor to the Air Force and the North Allanite Treaty Orand the North Atlantic Treaty Organization.

Smyth, he said, was a "brilliant scientist who was just not very in-telligent when it came to practical matters," such as obtaining a gov-

matters," such as obtaining a gov-ernment permit to sell the krytrons to a foreign buyer. But Assistant U.S. Atty. Daniel S. Goodman objected to the por-trayal of Smyth as "an absent-minded professor." He said Smyth knew that krytron sales overseas were restricted. In the mid-1970s, he noted, Smyth was denied a per-mit to ship them to Israel. "If the defendant had gone to trial and been convicted in 1985, he would have long since been re-leased and returned to his family," Goodman said in a memo to the

Goodman said in a memo to the judge. The fact that he now stands before this court for sentencing at the age of 72 is not the fault of the government."

Goodman asked for a five-year sentence to show that "justice can-not be turned into a game of hide and seek where the prize for the elusive is the immunity of old age." In sentencing Smyth, Rymer said she found it difficult to accept

sad sne town it united to accept the notion that he was naive about the law. Observing that he and his wrife spent "15 idyllic years in Spain" after fleeing the United States, she questioned why he made no effort to come back on his own to face the musc.

## Dodger Great's **Ring Recovered** at Pawnshop

By ANDREW BLANKSTEIN TIMES STAFF WRITER

Los Angeles police have re-covered Jackie Robinson's Nawhich was stolen last year from a relative of the Dodger baseball great, authorities said Monday. great, authorities said Monday. Miguel Rodriguez, 21, of Los An-geles was booked on suspicion of grand theft after the owner of a pawnshop recognized the ring, which had been pawned for \$100,

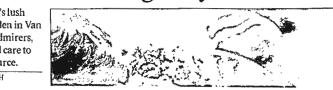
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Photos by LAWRENCE K. HO Los Angeles Times

Visitors to the DWP's Japanese Garden in the Sepulveda Basin enjoy views from the Shoin Bullding during Sunday's spring event.

# **Oasis Not Making Anyone Thirsty**

DWP: Agency's lush Japanese Garden in Van Nuys draws admirers, but few would care to tap into its source. By MASSIE RITSCH



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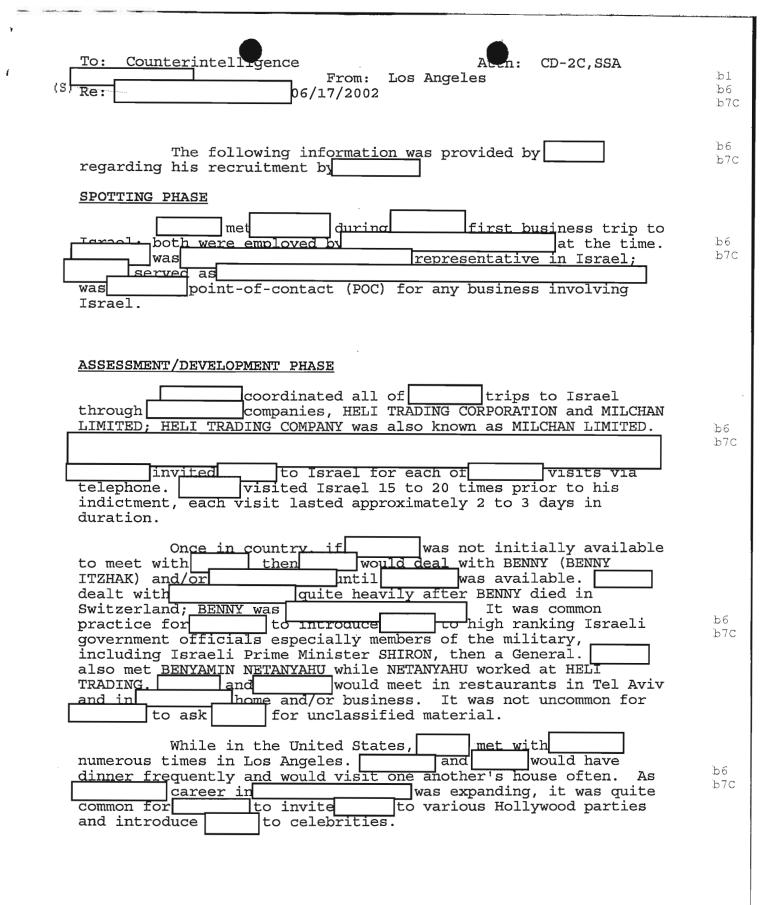
LOS ANGELES TIMES

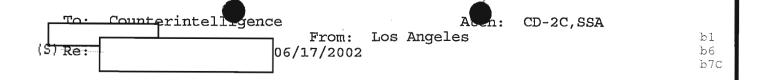
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Background Iarrol withou shipped HELI TRADI in 1985 for w indictment, was arrested	was indicte t the required the krytrons NG COMPANY and iolations of 2 fled the in Spain on 07 because of his	d on exporting o Department of S at the behest of MILCHAN LIMITED 2 USC 2778 and 1 United States pr /11/2001 on Inte U.S. fugitive s dited to the U.S	8 USC 10 ior to t rpol Red	was indicted 01. After his crial.	Ъ6 Ъ7С

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### RECRUITMENT PHASE

 ordered krytrons from MILCO INTERNATIONAL;

 MILCO purchased the krytrons from EG&G.
 knew HELI TRADING

 CORPORATION was purchasing the krytrons at the behest of Israel's

 Ministry of Defense (MOD) and that the money HELI TRADING used to

 purchase the krytrons came directly from the MOD.

 and

 referred to the purchase and exportation of the krytrons as

 PROJECT PINTO.

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b6 b7C

bб

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placed an order for an encrypted radio. ship the encrypted radio via Israeli requested When b6 diplomatic pouch refused to ship the encrypted radio b7C to HELI TRADING, asked for additional krytrons in lieu of the encrypted radio. asked Ito send the krytrons wanted "as before", which meant to send the krytrons using a general license from the Commerce Department. Ά general license from the Commerce Department at that time did not require an end-user certificate.

ordered chemicals to be used as propellants in Israel's Intermediate Range Silent Propellants program; this program was part of Israel's Ballistic Missile program.

would pay via wire transfer. MILCO'S bank account was at BANK OF AMERICA (BOA), Huntington Beach. chose UNION BANK because had an already existing account there.

#### TERMINATION PHASE

for the last time in 1985. Once saw indicted; immediately dropped all contact with for assistance; contacted <u>then in turn</u> contacted the MOD. At that time, the MOD informed the MOD would help then contacted and told him the MOD'S response. Later that same day, MOD officials contacted and informed her the MOD would not be able to help as the Israeli government had discussions with U.S. officials told regarding the krytrons Israel had purchased. the Israeli government would not be able to provide any assistance to Shortly thereafter, fled the United States. \*\*

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To: C	ounterintelingence		Acon:	CD-2C,SSA
		om: Los	Angeles	
(9) Re:	b6/17/	2002	• ·	;

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LEAD(s):

Set Lead 1: (Adm)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

Read and clear.