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Pollard, Jonathan, 1990-1994.

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THE WHITE HOUSE  
WASHINGTON

September 13, 1994

Rabbi Alexander M. Schindler  
Union of American Hebrew Congregations  
838 Fifth Avenue  
New York, New York 10021

Dear Rabbi Schindler:

Thank you for taking time to share your thoughts with me concerning Jonathan Pollard's petition for commutation of his sentence.

After personally reviewing the matter, I decided to deny Jonathan Pollard's application for executive clemency. I made this decision after taking into account the recommendation of the Attorney General and the unanimous views of law enforcement and national security agencies. I also considered Mr. Pollard's argument that he is deserving of a shorter prison sentence because he spied for a friendly nation. However, I believe that the enormity of his crime, the harm his actions caused to our country, and the need to deter those who might consider taking similar actions warrant his continued incarceration.

I appreciate your concern about this serious matter.

Sincerely,

Bill Clinton

CC: E.Y.H. sent 9/21  
also to David

Pollard

*Pollard*



BCC: RABBI YOFFIE  
RABBI SAPERSTEIN  
CAROL POLLARD

✓

COPY

RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS  
PRESIDENT 838 FIFTH AVENUE NEW YORK, NY 10021-7064 (212)249-0100

August 19, 1994  
12 Elul 5754

President William J. Clinton  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

With the matter of Jonathan Pollard's clemency petition soon to be brought to your attention once more, and knowing that he will be eligible for parole next year, I write once again to urge your serious review of his situation.

The November 1993 Biennial Assembly of the Union of American Hebrew Congregations, at which delegates of our more than 850 Reform synagogues and 1.3 million Reform Jews of the United States and Canada, overwhelmingly passed a resolution urging that Jonathan Pollard's sentence be commuted to time already served. At that time, I wrote to you and requested your serious consideration of his case. Jonathan has already been incarcerated for a much longer period of time than would represent a typical sentence for an offense comparable to his.

Once again, I implore you to contemplate the Pollard case with great care and compassion. As a matter of fact, you might wish to consider endorsing the granting of parole when he becomes eligible for such action next year.

With kindest greetings, I am

Sincerely,

Alexander M. Schindler

August 18, 1994  
11 Elul 5754

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Washington, DC

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blah blah blah...

*Please deliver to: Rabbi Eric Yoffie*

August 18, 1994  
11 Elul 5754

The President  
Washington, DC

Dear Mr. President:

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AMERICAN JEWISH

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blah blah blah...



ADOPTED BY THE GENERAL ASSEMBLY  
UNION OF AMERICAN HEBREW CONGREGATIONS  
October 21 - October 25, 1993 - San Francisco

AN APPEAL TO PRESIDENT CLINTON TO  
COMMUTE JONATHAN POLLARD'S SENTENCE TO TIME SERVED

Background:

Jonathan J. Pollard was sentenced to life in prison after pleading guilty to one count of delivering classified information to a foreign government, Israel. Mr. Pollard has served over seven years in solitary confinement.

In no way do we condone breaking the law and we do not claim that Jonathan Pollard is innocent of the crime he was charged with. However, his sentence is grossly disproportionate to sentences that others have received for comparable espionage offenses. Only those who spied for enemy nations have received life sentences. No other individual convicted of disclosing information to an ally has received such a sentence. A more typical sentence for an offense comparable to Pollard's is considerably less than the seven and a half years he has already served.

Many religious and community leaders and organizations have supported the reduction of commutation of Jonathan Pollard's sentence, including the Central Conference of American Rabbis.

THEREFORE, the Union of American Hebrew Congregations resolves to:

1. Ask President Clinton to commute Jonathan Pollard's sentence to time served.



RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS  
PRESIDENT 838 FIFTH AVENUE NEW YORK, NY 10021-7064 (212)249-0100

One Page Fax

August 18, 1994  
11 Elul 5754

To: Carol Pollard

From: Rabbi Alexander M. Schindler

By all means, you have permission to use the UAHC letter to President Clinton. We will also send another letter to him and once it is prepared we'll share a copy with you.

Unfortunately, our ties to South Africa are not that close. The Union represents Reform congregations of the United States and Canada and contact with South Africa is somewhat peripheral, thus I don't believe we can be helpful in this area.

Warm good wishes.

# MEMORANDUM

Date: August 18, 1994  
From: Rabbi Eric Yoffie *EY*  
To: Rabbi Alexander M. Schindler  
Re: Carol Pollard's letter

1. I see no reason why she should not use our letter. We have shared it with other people, and therefore it is in effect a public document. ✓

2. I see no reason why we should not write another letter. We have a Biennial resolution on this matter. My own inclination would be not to focus solely on commutation, but also to ask the President to consider recommending parole when it comes up next year. Most Jewish organizations will take this approach. ✓

3. I am reluctant to make any promises regarding South Africa, unless you have personal relations with Reform leaders there, or unless Cliff Kulwin would be willing to undertake this on our behalf. I know very little about our ties to Reform congregations there, but I do not believe that they are particularly close. ✓

4. I am not an expert on the Aldrich Ames case, but this was discussed on a recent NJCRAC conference call, and most people felt that the argument being made linking the Pollard and Ames cases was very weak.



Union of American Hebrew Congregations

SERVING REFORM JUDAISM IN NORTH AMERICA

838 FIFTH AVENUE, NEW YORK, NY 10021-7064 (212) 249-0100

Carol Pollard  
86 Federal Street  
Hamden, CT 06514  
(203) 281-3373/ (203) 281-4220 (Fax)  
August 16, 199

*Eric  
let me know  
your judgment*

Memorandum

From: Carol Pollard *CP*

To: Rabbi Alexander M. Schindler

Thank you for faxing your letters and memorandum to me. I will make them part of our file. Can the "official" UAHC letter be used as part of our submission for Clinton's reconsideration of the Jonathan's clemency petition?

I talked with Jonathan last night, and he asked about two matters: (1) Can the UAHC officially, on letterhead, again write to President Clinton asking that he re-examine the case. (If you mention the size of the organization in this new letter it would be most beneficial.); and (2) Can you contact your groups in South Africa to ask that they initiate a resolution on the Pollard case from the South African Board of Deputies, and, if successful, initiate a letter sent from that body to President Mandela urging him to write a letter to President Clinton seeking commutation of Jonathan's sentence. The Wiesenthal Center letter, which is attached, could be used as a sample letter.

I am also attaching the latest materials for your perusal. The article entitled "Stop Punishing Jonathan Pollard for the Crimes of Aldrich Ames" has been submitted for publication, so for the present, this article is just for your information. The letter to President Clinton from Hollywood personalities is not yet complete and should not be distributed to anyone.

Thank you for your help, and I await your response!

/cp  
Attachments



Rabbi Marvin Hite  
Founder and Dean

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Shimon Semuels  
European Director

Jarvis  
Efraim Zoroff  
Director

July 26, 1994

Bill Clinton  
President of The United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

On behalf of our 385,000 constituent U.S. families, the Simon Wiesenthal Center joins with all Americans in expressing its gratitude for your administration's role in helping to bring together Israel's Prime Minister Rabin and Jordan's King Hussein at the White House. The Washington Declaration clearly signals that the next step on the long road to Middle East peace has been taken.

In this new era, it is therefore wholly appropriate that the leadership of the Jewish community once again reiterates its call to you to reevaluate the case of Jonathan Pollard. This young man violated U.S. law because he thought by doing so he would serve the cause of peace. He is not currently a threat to the security of the United States. Further, he has admitted his guilt and taken full responsibility for his misdeeds.

The Simon Wiesenthal Center therefore asks you on the eve of his 40th birthday to give Jonathan Pollard a chance to have a meaningful life outside of prison. Whatever signals were meant to be conveyed to Israel and to other potential American spies, we believe they have already been delivered. Now is a time for you to exercise a measure of compassion for this young man, a measure which will be welcomed by the entire American Jewish community.

Sincerely,

Rabbi Abraham Cooper  
Associate Dean

RAC:sg

Post-It™ brand fax transmittal memo 7671		of pages 1	
To: CAROL POLLARD		From: RABBI Cooper	
Cc:		Cc:	
Dept:		Phone #	
Fax # 203-281-4220		Fax #	

## Stop Punishing Jonathan Pollard for the Crimes of Aldrich Ames

The case of Aldrich Ames - the Soviet mole working as the chief of one of the C.I.A.'s Soviet counter-intelligence units - reads like a spy novel. It is therefore not surprising that Ames has been the subject of tremendous media coverage, including two recent front page stories in the New York Times and an article in the New York Times magazine section. Unfortunately, a fascinating and critically important aspect of the Ames case has largely been overlooked by the media. It concerns a campaign of disinformation that, for years, was aimed at shifting the blame away from Ames for the arrest and execution of at least a dozen U.S. informants in the Soviet Union. Although Ames was eventually caught, the person rumored to be responsible for the deaths is still paying the consequences.

In November of 1985, Jonathan Pollard was arrested for passing to Israel classified materials concerning various Arab states, such as Iraq, Syria and Libya. In March of 1987 Pollard became the only American ever to be sentenced to life for spying for an ally. Just a few months before Pollard's arrest, Ames has now admitted that he transmitted to the Soviet Union the names of virtually every American and foreign operative in the Soviet Union known to him. The consequences of this treacherous act only recently became known to the general public. But the tragic results of Ames's betrayal were already being felt by the intelligence community at the time of Pollard's arrest.

As Ames told the New York Times, "In '85, '86 as a result of the information I sold to the Soviets, it was as if neon lights and search lights lit up all over the Kremlin, shown all the way across the Atlantic Ocean, saying, 'There is a penetration.' No reasonable counter-intelligence officer, FBI or the CIA, was under any doubt by the spring of '86 that a penetration of S/E [the CIA's Soviet/Eastern Europe operations division headed by Ames] was the single, most logical reason for the disaster that had occurred."

In this type of atmosphere, with the intelligence community in a panic over their inability to locate the source of the penetration, and with Ames clearly quite interested in deflecting attention away from himself and focused elsewhere, the arrest of Jonathan Pollard must have been for Ames and others in the CIA like manna from heaven. Somebody made sure to capitalize on the opportunity.

There was never any evidence linking Pollard, in any way, with the deaths of U.S. informants. Pollard, after all, passed defensive information to an ally, Israel, about third party Arab states. Accordingly, the U.S. government did not even allege that Pollard or anyone else in his position, having all the information Pollard had at his disposal, would have had any reason to believe that any of the information transmitted by Pollard to Israel would or could cause injury to the United States. Indeed, nine years after Pollard's arrest, nobody has yet to cite one credible example of how Pollard actually hurt this country. But those who needed or found it convenient to place the blame on Pollard for our intelligence failures in the Soviet Union were not going to let the facts get in their way.

What followed was a campaign of rumors, planted stories and outright lies accusing Pollard, without any evidence, of crimes he was not charged with and did not commit. This disinformation is typified by the chapter on Pollard in Seymour Hersh's error filled book, "The Sampson Option." Hersh cites an anonymous "senior American intelligence official" who "confirmed that there have been distinct losses of human and technical intelligence

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collection ability inside the Soviet Union that have been attributed, after extensive analysis, to Pollard." Hersch quotes another former CIA official as saying, "Where it hurts us is our agents being rolled up and our ability to collect technical intelligence being shut down." When the Soviets found out what Pollard was passing to the Israelis, "they shut down the source."

The disinformation intensified at the end of last year just when it appeared that President Clinton was about to respond favorably to Pollard's petition. The President had stated publicly last November 12th that he was waiting for the recommendation of the Justice Department, but then added that, "I do not have to follow that recommendation." An obviously planted and well timed story in the December 6 issue of Time magazine soon followed.

Time's "Inside Washington" column that week reported that, "As Israel presses the Clinton administration to free Jonathan Pollard..., Time has learned that one document Pollard is believed to have slipped to the Israelis - thought to have landed in Soviet hands, albeit unintentionally - was a huge national security agency compendium of frequencies used by foreign military and intelligence services... Officials fear that data in this book was so specific that its discovery may have cost informants their lives" (*Italics added*). It would, of course, be interesting to know from whom Time learned this, and on the basis of what evidence was it "thought" by their source that this compendium, "believed" to have been passed to the Israelis, unintentionally ended up in Soviet hands. And, finally what was the logical rationale that would explain their "fear" of a linkage between Soviet knowledge of U.S. awareness of these frequencies and the deaths of informants?

After all, frequencies used by intelligence services are changed on a regular basis since it is generally assumed that it is only a matter of time before the frequencies they are transmitting on will be discovered. Moreover, not only would it not have come as any surprise to the Soviets that the United States was aware of radio frequencies used by other intelligence services. The Soviets actually already knew from John Walker the very technology used by the United States to break codes once the frequencies were discovered.

It is noteworthy that these rumors and the accusations made against Pollard all suffer from fatal flaws. Not only was there never even a shred of evidence ever produced to support the suggestion that the Soviets somehow got their hands on the information Pollard gave to Israel. But no reasonable explanation has ever been provided that could connect this information to the deaths of U.S. informants or that logically explained how the theoretical compromise of this information actually resulted in any harm to the United States.

As Jerry Agee, Pollard's superior in Naval Intelligence, told Wolf Blitzer, Agee and another colleague at Naval Intelligence were each suspicious of the number of classified documents Pollard was taking home with him. Eventually they concluded that the information was almost certainly going to Israel. They reasoned that in light of the materials involved, it was not something the Soviets would be interested in. As Agee put it to Blitzer, "It didn't take a fool to find out that the Soviets were not buying back all their own information."

-3-

Unfortunately, the absence of any foundation or credible evidence to support the suggestion that Pollard was responsible for the deaths of informants did not hinder the effectiveness of the vicious out of court accusations leveled against him. One reason for this is the tendency among many to unquestionably accept whatever information is supplied by the intelligence community. And, from the standpoint of some in the media, the more sensational the accusation, the better.

In considering who was behind this disinformation campaign, there are at least three possibilities:

1. Ames was directly and primarily responsible.
2. Ames had one or more collaborators who either knowingly acted on his behalf or were unwittingly being maneuvered by him.
3. The campaign was a group effort within the CIA designed to either slander the reputation of Israeli intelligence and/or take the heat off U.S. intelligence for the series of unexplained intelligence mishaps which had been occurring in the Soviet Union.

Aldrich Ames will continue to be questioned during the next few weeks in advance of his wife's August 26 sentencing. This would be an especially appropriate time for the Senate and House Intelligence Committees to investigate not only why it took nine years to uncover Ames's activities, but who was involved in setting up Pollard as the fall guy for Ames's crimes.

It may be that much time will pass before we find out the answers to these questions. But whatever the explanation and whoever the culprit, Pollard continues to pay a terrible and undeserved price. Pollard has expressed remorse for his actions and has acknowledged that, notwithstanding his motives of trying to protect an ally from dire dangers, his actions could not go unpunished. But Pollard has already served far longer than any other American who passed classified data to an ally or a neutral country, and longer than many spies for enemies of the United States. His continued incarceration for crimes he did not commit and was not charged with is a travesty of justice that is exacerbated with each additional day that Pollard is forced to remain in prison.

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August 4, 1994

VIA MAIL AND FAX (202) 456-2883

Lloyd N. Cutler, Esq.  
Special Counsel to the President  
The White House  
Washington, D.C. 20500

Subject: Jonathan J. Pollard

Dear Mr. Cutler:

Thank you very much for taking the time to respond to my letter regarding Jonathan Pollard. While I very much appreciate your response, I have a difficult time reconciling your explanation of the President's decision, not only with the particular facts of the Pollard case, but more so with the original statement made by the President in rejecting Pollard's petition.

The Pollard case is surely not typical of the "hundreds of petitions for executive clemency" which have been submitted to the President during the past eighteen months. The Pollard affair is not, as you seem to suggest, simply a case of someone who has received a disproportionately harsh sentence. Clearly, for example, there are many individuals who commit drug offenses who receive punishments far more severe than the average penalty imposed for such a crime. And there are a good number of drug offenders who have received, and will continue to receive, penalties more severe than that imposed in certain cases of murder. But one of the many distinguishing factors in the Pollard case is that Pollard is in a party of one. Nobody sentenced before or after Pollard who spied for an ally or even a neutral country received a sentence even remotely close to life.

In addition to the fact that Pollard has been singled out from all others who have committed similar offenses, what has added to the widespread anger and great consternation about Pollard's life sentence are the following factors:

(i) The breach by the government of its written plea agreement with Pollard and prosecutorial malfeasance by government lawyers which, in the opinion of Judge Stephen Williams, resulted in "a fundamental miscarriage of justice."

(ii) Strong suspicions about the veracity of the classified damage assessment of former Defense Secretary Caspar Weinberger, who we know grossly misstated the facts in the redacted non-classified memorandum to the sentencing judge in the Pollard case, and who later perjured himself in testimony before Congress.

-2-

(iii) The confirmation earlier this year by Bobby Ray Inman of Pollard's long-held contention that the United States withheld critically important information from Israel following Israel's bombing of Iraq's nuclear reactor.

(iv) The walls of classifications erected by the government to shield facts not only from the public, but also from Pollard and his counsel. In addition to the Weinberger memorandum, the government refuses to release the following documents or information:

(a) Les Aspin's letter to the President making the preposterous charge that Pollard tried to transmit classified information in 14 letters from prison;

(b) the 14 letters referred to by Aspin, even in redacted form;

(c) the recommendations to the President concerning Pollard's petition from Attorney General Reno and former Deputy Attorney General Heymann; and

(d) the role played by Aldrich Ames and other officials in the intelligence establishment in the disinformation campaign to place the blame on Pollard for the crimes committed by Ames.

These are some of the reasons why Pollard's petition, unlike the others before the President, enjoys the support of both U.S. Catholic Cardinals and Israel's Chief Rabbis, the European Parliament and members of the U.S. Congress, Nobel Peace Prize Laureate Elie Weisel and former Soviet Refuseniks, U.S. city councils and state legislatures, Hollywood personalities such as Gregory Peck, Jack Lemon and Jon Voight, liberal Democrats such as Robert Drinan and Benjamin Hooks and conservative Republicans such as Pat Robertson.

Given all the national and international opprobrium surrounding the Pollard case, Prime Minister Rabin's public request that Pollard's life sentence be commuted to time served, the lingering distracting influence of Pollard's continued imprisonment on U.S. Israel relations, the gross disproportionality of Pollard's draconian sentence and suggestions of government misconduct in the Pollard affair, one would have thought and expected that the President would act to bring this sorry chapter to a close. But the President did not simply passively fail to right a wrong. He became an active participant in the perpetuation of this injustice.

Notwithstanding the explanation you gave for the President's decision, Mr. Clinton's denial of Pollard's petition was not, in fact, originally presented in terms of the President's exercise of self restraint in handling appeals for clemency. If we can analogize to petitions to the Supreme Court, this was not simply a case of the denial of certiorari in which the Court's denial has no precedential value.

In considering Pollard's petition, the President had a number of options. The President could have granted Pollard's

-3-

petition. He could have denied the petition on the kinds of philosophical grounds suggested in your letter, but have still passed the word, either explicitly or implicitly, that he recognized the merit in Pollard's petition. Or the President could have denied Pollard's petition without comment.

The President, however, not only denied Pollard's petition, but he then proceeded to explain his rejection based, not on philosophical grounds having to do with self-imposed restraints on the exercise of executive clemency, but on the merits of Pollard's case. By so doing, the President placed his imprimatur on Pollard's clearly aberrant life sentence.

In speaking of the harm Pollard's action purportedly caused, the President ignored the fact that Pollard was never accused of acting to injure the United States. Indeed, nine years after Pollard's arrest, nobody has yet to explain or cite one example of how Pollard actually hurt this country, certainly not in any way that would begin to justify a life sentence.

And the President's statement on March 23 took no cognizance of the fact that even the out of court leaks and accusations leveled against Pollard, accusing him of somehow being inadvertently responsible for the deaths of U.S. agents, were wholly contrived and without foundation. We now, of course, know that the deaths of U.S. informants in the Soviet Union and the associated intelligence disasters suffered by the United States were directly attributable to the treachery of Aldrich Ames.

The President's suggestion that he rejected Pollard's petition because of the need for deterrence puts the Presidential seal of approval on a system of justice that, as I mentioned in my earlier letter, very wrongly singles out one and only one individual out of many for particularly harsh treatment.

In immediately accepting the recommendation of Janet Reno over that of Philip Heymann, and in rubberstamping the opinions of a highly discredited intelligence community in announcing the rejection of Pollard's petition, the President not only failed to do justice in 1994. He also severely hurt Pollard's chances even for parole in November 1995.

You asked that I judge the President on his entire record. Yet as one who had such high hopes for this President, his handling of the Pollard case is a watershed event. He dealt with a critically important issue in the worst possible way. I very much want to feel again the way I used to about Bill Clinton. But unless the President takes the necessary action, be it publicly or quietly, to bring the Pollard case to an end in the very near future, his mishandling of this affair will remain, for me, and for so many others across this country, the defining moment of his presidency.

Very truly yours,



David Kirshenbaum

# Pollard: the US's Dreyfus

**A**S Jonathan Pollard celebrates his 40th birthday today, his supporters wonder if history may record his case as America's Dreyfus affair.

The two cases are, of course, different in at least one respect. Dreyfus was innocent and Pollard has admitted his guilt. But guilty of what? Unfortunately, with government officials falsely condemning Pollard of treason and other crimes he was never even accused of, the comparison to the Dreyfus case cannot be readily dismissed.

The tragedy of former defense secretary Les Aspin's flawed understanding of the Pollard case is that Aspin was one of the key people advising President Clinton on Pollard's petition for commutation. It was Aspin who made the outrageous charge, in a letter to the president, that Pollard tried to leak classified information in 14 letters from prison. (The Pentagon refused to show that letter to Pollard's counsel, or any of the letters allegedly containing classified information, so that the preposterous charges could be refuted.)

Aspin's recent comments at the Hebrew University, accusing Pollard of being "a traitor to his country" expose his ignorance of fundamental facts. Treason is clearly restricted to aiding the government or citizenry of a foreign country that is involved in an armed conflict with the US.

That Israel is not an enemy of the US but one of its closest allies was also not understood by Bobby Inman, Clinton's first choice to succeed Aspin as defense secretary. In his bizarre announcement withdrawing his nomination, Inman confirmed Pollard's long-held contention that the US had

## ARNOLD FORSTER

withheld vital intelligence information from Israel.

Inman acknowledged, without apology, that he was so outraged that Israel had the temerity to take out Iraq's Osirak nuclear reactor in June 1981, that he ordered re-

**Any fair appraisal will lead to the conclusion that he has paid his debt and ought to be released**

strictions on intelligence-sharing with the Israelis.

The moral dilemma Pollard faced in his work in Naval Intelligence was thus a direct consequence of Inman's attempt at reshaping US policy toward Israel.

GIVEN THE nature of the special US-Israel relationship and the fact that all the information supplied by Pollard related to third-party Arab states, the government did not accuse Pollard of acting with intent to injure the US. Nor was there any evidence by which the government could show that someone in Pollard's position would have had any reason to believe that the information he transmitted to Israel could cause injury to the US.

Indeed, nine years after Pollard's arrest, nobody, including Aspin, has given one specific ex-

ample of how Pollard hurt the US.

But those in the defense and intelligence communities who wanted to put the squeeze on Pollard were not going to let the facts get in their way. And so he was made the fall guy, perhaps by recently convicted Soviet master spy Aldrich Ames himself, for somehow being responsible for the previously unexplainable series of US intelligence mishaps in the Soviet Union in the mid- and late 1980s.

Of course, we now know that it was Ames who was responsible for, among other disasters, the collapse of the US intelligence apparatus and the compromising of all US informants in the Soviet Union. But instead of acknowledging that they either spread or were fooled by misinformation, government officials like Aspin continue to make damning accusations about Pollard that fly in the face of the truth.

Aspin is also entirely off base when he mangles the facts about Pollard's motive. The record shows that Pollard never asked for money in exchange for the information he believed Israel needed for its defense. In fact, for the first six months, Pollard did not receive a cent for his services. The idea of payment came from the Israelis.

Aspin's diatribe confirms what Pollard's supporters have long been arguing. The president relied on advisers who were grossly misinformed. Justice demands that the president immediately reconsider the facts of the Pollard case. Any fair appraisal will lead to the conclusion that Pollard has already paid his debt and that the time has come for his release.

*The writer is a New York-based attorney.*

*Jerusalem Post, Aug. 7, 1994*

## EMANUEL RACKMAN

## A Plea For Pollard

Jewish Week  
June 10 '94

*An open letter to President Clinton  
seeking clemency in this 'miscarriage of justice.'*

I am a rabbi and I pray often. More often than not my prayers are answered. Perhaps my words are more effective on some days than on others. Perhaps I will learn to accept the will of the One whose reasons are beyond my fathoming. But when I plead with a fellow human being and am denied what I seek, I cannot reconcile myself to the surrender of my reason or my sense of justice.

Please believe me that I write not in anger but in anguish.

Twice I sent you messages that I believe [former White House Counsel] Bernard Weissbaum delivered to you. And now I resume my praying for the life and freedom of Jonathan Pollard, not next year, or 10 years hence, but now — for his sake and yours, and for the sake of our country's honor.

First, I beg of you to bear in mind what our country's founding fathers had in mind when they granted you as president of "the last best hope of the earth" the power to exercise clemency, a power that could not be delegated. It was a power given precisely to avoid reliance upon subordinates who to begin with were instrumental in the "miscarriage of justice." It is precisely this that I seek of you. Please look at it from the perspective of millions of American Jews whose view I know that I express.

American law generally tolerates no verdict of guilt to be sustained unless the jury is unanimous. Yet one judge out of three of the federal Court of Appeals described the Pollard case as a miscarriage of justice. And the two judges who disagreed are co-religionists of mine who appear to be victims of an un-American obsession that Jews must never tolerate their personal embarrassment or that of their fellow Jews because of the behavior of someone in their beloved country, and if they do so, the offenders should pay heavily for their behavior. Even

more significant, the two judges upheld the Pollard sentence only for reasons procedural rather than substantive.

I submit that you who are making so many of us rejoice that every American, rich or poor, black or white, will one day have good medical care will not permit two standards of justice in our country — one for non-Jews and a stricter one for Jews.

A man languishes in jail because of a combination of circumstances created by individuals on the propriety of whose role in this case you — in your constitutional role — must give your own independent personal judgment. And one must scream that those most responsible for his present status characterized what he did as treason when he was never even accused of it.



I wrote you once before that I am the rabbi who pleaded with Judge Irving Kaufman not to give the Rosenbergs the death sentence. He lived to regret his failure to heed my plea. In the Pollard case I cannot cease to plead.

I ask of you, please give million of American Jews — Jews committed to their heritage as Americans and as Jews — cause for thankfulness. I was a college student when Sacco and Vanzetti were executed, and I cannot forget how sick I was when the real murderer confessed. I was ashamed of my beloved USA. In the Pollard case, the issue is not guilt or innocence but unequal justice, which is worse than death for the victim. That he can still bear the strain is miraculous.

But many of us cannot bear the guilt of silence. And by commuting his sentence to time served, no one will be hurt. The punishment will have been suffered, and our pride in the equal justice of the American legal order will have been restored. And you will have proven yourself to be the man of courage we hold you to be. □

Rabbi Emanuel Rackman's column runs three times a month.

→ more names to  
follow!  
Do not publish yet!  
(4)

July 11, 1994

President William Clinton  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20510

We, representing many people in the entertainment industry, were deeply disappointed by your recent decision not to grant clemency to Jonathan Pollard. The rejection of Mr. Pollard's petition undermines the fundamental principle of the American judicial system that people who commit similar crimes are supposed to receive reasonably similar punishments.

Jonathan Pollard has already served a longer sentence than any other American who passed classified data to an ally. Accordingly, every additional day that Jonathan Pollard is forced to remain in prison exacerbates the already gross injustice in this case.

We urge to reconsider your decision and demonstrate your commitment to the application of equal justice under the law by commuting Jonathan Pollard's sentence to the eight and a half years he has already served.

Sincerely,

*Jon Voight*

Jon Voight

*Tina Turner*

Jack Lemmon

*Whoopi Goldberg*

Whoopi Goldberg

*Gregory Peck*

Gregory Peck

*Barbara Hershey*

Barbara Hershey

*Kirk Douglas*

Kirk Douglas

*Merv Adelson*

Merv Adelson

*Leonard Nimoy*

Leonard Nimoy

*Arthur Hiller*

Arthur Hiller

*Karl Malden*

Karl Malden

*Roddy McDowall*

Roddy McDowall

*Haskell Wexler*

Haskell Wexler

*Robert Wise*

Robert Wise

August 11, 1994 MW Jewish News

# National/International

## As Pollard turns 40, supporters revive efforts to win his freedom

By Larry Yudelson

Jewish Telegraphic Agency

NEW YORK— As Jonathan Pollard turned 40 on Sunday, Aug. 7, supporters of the American Jew who spied for Israel were gearing up for several more rounds in the struggle to release him from his life sentence.

To mark his birthday, the more than 350 chapters of Citizens for Justice for Jonathan Pollard held rallies and letter-writing campaigns across the country.

The calls for solidarity went as far as Israel where some 40 Women in Green, joined by New York rabbi and activist Avi Weiss and other supporters, held a solidarity rally across from the U.S. Consulate in Jerusalem.

"Jonathan has never been so psychologically down as he is now, even though he is in the [less restrictive] Butler facility," Weiss told the rally. "If anything can help him, perhaps it is the knowledge that he has supporters."

Weiss called on Prime Minister Yitzhak Rabin to continue to press "quietly" for Pollard's release, while a letter of support from 49 Knesset members from across the political spectrum was read out to the gathering.

What all the voices for Pollard across the political spectrum and the continent are seeking is clemency for the former Navy intelligence analyst who was arrested in 1985 and sentenced in 1987.

The campaign in the U.S. has recently garnered support from Hollywood celebrities, as well as from the leadership of the Conference of Presidents of Major American Jewish Organizations.

On the legal front, meanwhile,

Pollard's supporters are considering a new appeal. And they have just received what they are taking as a sign that President Bill Clinton may be open to reconsidering clemency for Pollard.

Clinton turned down a clemency request in March, saying his decision reflected "the grave nature" of Pollard's offense and



Pollard — will clemency come?

"the considerable damage that his actions caused our nation."

But Carol Pollard, who has been leading the fight for her brother's freedom as the head of Citizens for Justice, says a supporter recently received a letter from the White House that gave a glimmer of hope.

According to Carol Pollard, White House counsel Lloyd Cutler wrote that Clinton's denial of clemency was based on "the best information at that time."

In a telephone interview from

her home in Connecticut, Carol Pollard described the tone of the letter as much more positive than that found in previous letters from the White House.

She said she interpreted the letter as an indication that Clinton is open to reconsidering his decision.

She said the Cutler letter indicated that in order to review the decision, Pollard must submit a renewed clemency request. Carol Pollard said that she and her brother's lawyers plan to do so immediately.

While she would not disclose details, Carol Pollard said that Pollard's lawyers have "new material" that could provide grounds to reopen the case. A source close to the Pollard family said some of that evidence emerged from the case of former CIA employee and master spy Aldrich Ames. The case will also relate to allegations by former defense secretary Les Aspin that Pollard had sent 14 letters containing classified information from his prison cell.

Opponents of an early release for Pollard have contended that the information he gave Israel could have reached the KGB through Russian spies in Israel. But Ames, the highest ranking official to betray his country, was found guilty of selling information directly to the former Soviet Union, thus obviating the need for a Pollard link to Moscow. Ames is also serving a life sentence.

One of the central points raised by Jonathan Pollard's supporters has been that the classified information passed to Israel by the then-Navy analyst had, in fact, been promised to Israel, but was improperly held back.

See POLLARD page 19

## POLLARD

Continued from page 16

This argument received new credence recently in the wake of the abortive nomination of former CIA chief Bobby Ray Inman to be Clinton's defense secretary earlier this year.

Inman soon withdrew his name from consideration, citing media conspiracies against him.

In discussing his refusal to accept the post, he admitted to having cut back on American intelligence satellite sharing with Israel when he was at the CIA.

*New York Times* columnist William Safire, who Inman cited as a reason for his withdrawal, charged that "Inman's animus also later contributed to the excessive sentencing of Jonathan Pollard."

Carol Pollard indicated that the information revealed by Inman also constitutes one of the pieces of new evidence she hopes will convince a court to re-hear the case.

The one topic Carol Pollard refuses to discuss is her new sister-in-law, Elaine Zeitz Pollard, who married Jonathan Pollard in prison earlier this year.

Carol Pollard is clearly not happy about the situation, but she will not say why.

Pollard's new wife is considered to be a member of the more extreme pro-Pollard camp.

But the Pollard campaign is garnering strength in other powerful circles. Among the latest to sign on to a request for commuting Pollard's sentence to time served are Jon Voight, Jack Lemmon, Whoopi Goldberg, Gregory Peck, Barbara Hershey, Merv Adelson and Roddy McDowell.

Also in Los Angeles, Rabbi Abraham Cooper, associate dean of the Simon Wiesenthal Center, has been active on Pollard's behalf.

Cooper recently wrote to Clinton, suggesting that the Washington Declaration of non-belligerency between Jordan and Israel signaled an occasion for "the leadership of the Jewish community" to reiterate its call "to re-evaluate the case of Jonathan Pollard."

Voight, the actor, recently wrote a letter to Pollard, describing how he had been in close touch with Cooper. He also said he had met Pollard's family.

Urging Pollard to maintain his "will to live," Voight wrote: "My dream is that your energy will be interwoven into the energy of men like Moses, and it would be like a ray of sunshine. When the sun shines, this energy will shine upon the new children of the universe."

Meanwhile, Lester Pollack and Malcolm Hoenlein, chair and executive vice chair, respectively, of the Conference of Presidents, last month visited Pollard at his Butler, NC, prison. It was the first visit by the Conference of Presidents.

Carol Pollard, who speaks often with her brother on the telephone, said he thought the visit went well.

For her part, Carol Pollard seems intent on healing the fissures that surfaced last year, just as Clinton was considering the commutation decision, between those who thought Jonathan Pollard acted properly and was wrongly imprisoned, and those who thought that although what he did was wrong, he had served enough time. □

*Pollard*



RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS  
PRESIDENT 838 FIFTH AVENUE NEW YORK, NY 10021-7064 (212)249-0100

4 Page Fax

August 15, 1994  
8 Elul 5754

*Sent 8/15*

From: Rabbi Alexander M. Schindler

To: Carol Pollard

The enclosed two letters, as promised, are for your files. The first dated September 28 was a personal letter from me to the President. I gave that to Seymour Reich but I did not make a public release of that statement because the leadership of our organization as not on board and I did want to be in a confrontational position with them in the public arena.

The second letter was sent immediately after our Biennial Assembly and was released to the press.

As far as the "Mandela letter" is concerned, as I told you we have no working relationship with him and while I met him together with a great many other people when he visited the United States, my name will mean nothing to him. For all I know it may well be counter productive for he might say "who are these American Jews to tell me what to do?"

I really feel that it is best left to the South African Jews and their Board of Deputies, of which our Progressive congregations are a part, and as could be expected in its liberal wing with the best contacts with the group around Mandela.



COPY

RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS  
PRESIDENT 838 FIFTH AVENUE NEW YORK, NY 10021-7064 (212)249-0100

November 11, 1993  
27 Heshvan 5754

President William J. Clinton  
The White House  
Washington, DC

Dear Mr. President:

Last month, the Biennial Assembly of the Union of American Hebrew Congregations was held in San Francisco. Approximately 4000 delegates attended, representing 875 congregations and 1.25 million members. We were honored to welcome your wife as our guest, and to hear her address on the issue of health care.

Our delegates approved a number of resolutions, including an appeal that you commute the sentence of Jonathan Pollard to time served.

Our resolution noted that in no way do we condone breaking the law, and neither do we claim that Mr. Pollard is innocent of the crime with which he is charged. However, his sentence is grossly disproportionate to sentences that others have received for comparable espionage offenses. No other individual convicted of disclosing information to an ally has received such a sentence. A more typical sentence for an offense comparable to Pollard's is considerably less than the seven and a half years he has already served.

As you know, many religious and community leaders and organizations have supported the reduction or commutation of Jonathan Pollard's sentence, including the Central Conference of American Rabbis.

President William J. Clinton -2- November 11, 1993

Mr. President, I understand that you are to consider this matter in the near future. I urge you to show compassion for Mr. Pollard and to respond positively to our appeal.

Sincerely yours,

Alexander M. Schindler



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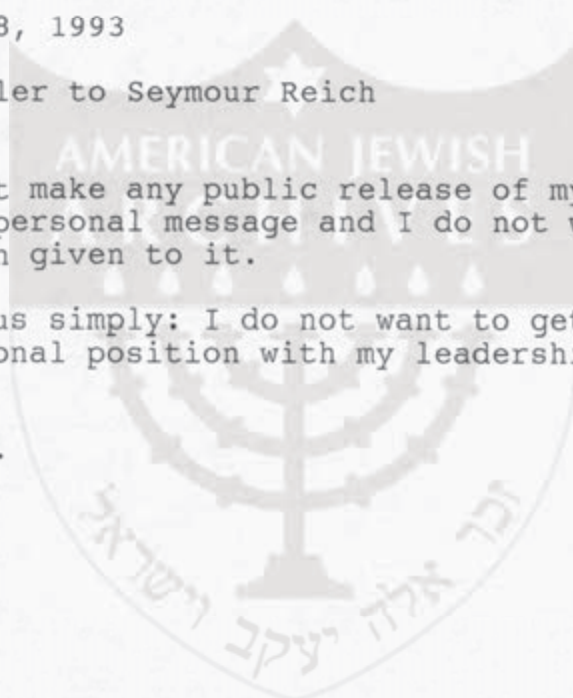
September 28, 1993

Alex Schindler to Seymour Reich

Please don't make any public release of my letter, it was sent as a personal message and I do not want any distribution given to it.

The reason is simply: I do not want to get into a confrontational position with my leadership in the public arena.

Many thanks.



Fax CC To Seymour Reich

Seymour -- Just to remind you this letter was sent as a private individual and was not on the UAHC Letterhead...  
AMS

September 28, 1993  
13 Tishri 5753

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

This sacred season for the Jewish people is a time of introspection and the situation of Jonathan Pollard has weighed heavily on my mind. He has been paying a rather high penalty for his acknowledged wrong-doing and I believe that it is time to offer him forgiveness and a new beginning.

I am writing to you as a private citizen and on a personal level to urge that his sentence be commuted to time already served.

It is my fond hope you will give serious thought to this request and find it in your heart to provide Jonathan Pollard with a chance to be renewed and restored to a productive life.

With warm good wishes, I am

Sincerely,

Alexander M. Schindler

DREYER AND TRAUB  
101 Park Avenue  
New York, New York 10178

## TELECOPIER COVER SHEET

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Date: September 22, 1993

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Rabbi Alex Schindler

TELECOPIER NO.: (212) <sup>570</sup>~~507~~-0895

FROM: Seymour D. Reich

DIRECT DIAL NO.: (212) 984-6068

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Speed Memorandum

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Seymour

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ABRAHAM H. FOXMAN  
833 UNITED NATIONS PLAZA  
NEW YORK, NEW YORK 10017  
(212) 490-2555

September 15, 1993

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

Although I have written to you before in my capacity as National Director of the Anti-Defamation League, in this letter I speak not for ADL but only for myself. I believe the time has come for you to grant clemency to Jonathan Pollard and commute his sentence to the time already served, and I urge you to do so.

This week, as you know, marks the beginning of the Jewish New Year. As recent momentous events vividly demonstrated, it is a season of new beginnings around the world and an appropriate time to offer forgiveness to those who have transgressed.

There is no question that what Pollard did was wrong, and cannot be justified. However, he has acknowledged his transgressions, and he has paid a steep price for them. Pollard, too, deserves forgiveness, and a chance to turn the page and begin a new chapter in his life. I hope you will give him that chance.

Sincerely,

Abraham H. Foxman

AHF:saj

Melvin Salberg

Anderson, Kill, Olick & Oshinsky  
666 Third Avenue  
New York, NY 10017  
(212) 850-0298

September 15, 1993

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

On the eve of Rosh Hashanah and Yom Kippur, the holiest days in the Jewish calendar, I write to you as a private citizen with regard to Jonathan Pollard.

As you may know, the Anti-Defamation League, which I serve as National Chairman, determined sometime ago, as an institutional matter, not to involve itself in Pollard's case because it found no probative evidence of anti-Semitism in his sentencing. It now is my personal view that as serious as his crime was, Jonathan Pollard has paid his debt to society.

To say the world has changed profoundly in the years since Jonathan Pollard's arrest is an understatement. The Soviet Union no longer exists, the United States and Russia are working together, the Israelis and the PLO are now talking to each other and are committed to reconciliation. At this season of new beginnings and forgiveness for past transgressions and in your words on Monday of this week, "...let us go from this place to celebrate the dawn of a new era...", let Pollard's appeal for clemency receive your favorable consideration.

Sincerely,



Melvin Salberg

MS:saj

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Cit. for Justice

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STEINLAUF-3-STEINLAUF TEL No.516-822-8665

Sep 18,93 10:24 No.001 P.02

**DAILY NEWS**

220 E. 42d St., New York, N.Y. 10017

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## Time to free Jonathan Pollard

**H**E HAS BEEN IN PRISON nearly eight years. He has served much of his time in solitary confinement in the federal maximum-security pen at Marion, Ill. He shares his harsh home with the likes of John Gotti, former Libyan gun runner Edwin Wilson and Navy officer-turned-Soviet spy John Walker. Jonathan Pollard does not belong there. He doesn't belong behind bars anywhere.

A former civilian analyst for the U.S. Navy, Pollard pleaded guilty to giving classified information to Israel. He broke the law and deserved to be firmly punished. But the length of his sentence and the harsh conditions he has endured far outweigh his crime. Only notorious spies working for enemy nations — like John Walker and his brother, Arthur, who sold secrets to the Soviets for 37 years — usually receive life sentences. Pollard is the only person ever to receive a life sentence for helping an ally. The case ended his marriage and broke the health of his former wife, who also served time. Justice now calls on President Clinton to commute his penalty.

Pollard didn't spy for money, and certainly not for an enemy. He confessed and cooperated with the government in return for a reasonable sentence. But the government reneged on the deal. Just before sentencing, then-Defense Secretary Caspar Weinberger sent a note to the judge accusing Pollard of "treasonous" behavior and asking for the maximum sentence. Federal prosecutors, who had promised to request leniency, suddenly switched tunes and echoed Weinberger's refrain. The judge obliged — with a life sentence.

"Treason," of course, is a loaded word, and it had not before been used in the case for a very good reason: None of the intelligence Pollard disclosed compromised American security or personnel. The information he gave Israel dealt with the military might of Iraq and Syria. The disclosure did not hurt the U.S. but did help Israel prepare for possible gas attacks from Saddam's SCUDs during the Gulf War.

The Justice Department is now considering Pollard's petition for commutation, which has wide support in Congress and the American Jewish community. His supporters also include the Rev. Pat Robertson, Nobel laureate Elie Wiesel, Benjamin Hooks, former executive director of the NAACP, and the Rev. Theodore Hesburgh, former president of Notre Dame.

Oddly, the Mideast peace breakthrough gives the case a special resonance. Abandoned by the Israeli government and jailed by the U.S., Pollard is a man without a country. But so is Yasser Arafat. And if Arafat can shake hands with Yitzhak Rabin on the White House lawn and be toasted in Washington, certainly Jonathan Pollard deserves freedom.

## He's a chump, not a champ

Mike Tyson, former boxer and convicted rapist, has gotten a promotion. No longer merely a celebrated athlete, he's suddenly a cultural icon. The proof? Men and women all over town are sporting shirts showing Tyson squeezing out of his jail cell above the caption "I'll be back."

YOU BROUGHT ME  
SUBSECTION 4B  
ON REINVENTING  
GOVERNMENT. I  
CLEARLY ASKED  
FOR SUBSECTION 25B!



## VOICE OF THE PEOPLE

### Unworthy of salute

Hackensack, N.J.: I applaud the service to our country in time of war by Volcer Robert L. Reed and by his father and his grandfather — but I've got to clue him in that his Confederate ancestor was no United States of America hero. The Confederate flag was the symbol of traitors who sought to split the country and hold a people in bondage. The descendants of those oppressed people find that symbol as revolting as the survivors of Nazi horrors find the swastika.

**Henri M. Truesdel**

### Just plain nuts

Hoboken, N.J.: Who, who, who okayed the entrance to the U.S. of 4,000 Iraq POWs captured in the Persian Gulf War? They are now being settled throughout the U.S., as they claim sanctuary. Each one is to receive \$7,000 and medical care! We have our own veterans from previous wars lying in our streets and getting no benefits. Have we all lost our minds?

**Jack O'Brien**

### Glory day

Flushing: I would like to be one of the many thousands to congratulate Jim Abbott on his first no-hitter. It was the most exciting game I've seen since the first Yankee-Cleveland game my dad took me to see more than 50 years ago. Then it was Joe DiMaggio hitting against Rob Feller. Good luck, Jim. I'm sure this will not be your last no-hitter. Do it again!

**Dorothy Cullen Daetlecker**

ing about this important policy change. Had not the Legislature pressed the issue, the very test program that you cite as the basis for Kelly's decision might never have occurred.

**Enmanuel R. Gold**  
Deputy Minority Leader

### Indelicacy

Canandaigua, N.Y.: The American Society for the Prevention of Cruelty to Animals last year cited "intense suffering and frequently painful deaths" associated with the production of foie gras, a gourmet delicacy made from the fattened livers of ducks. Three times a day, the ducks have a metal pipe jammed down their throats. A pump drives large quantities of corn mixture into the stomach, eventually swelling the liver to eight times its normal size. Even though the district attorney of Sullivan County — where two of the country's three foie gras

COPY

*Pollard*

April 23, 1993  
2 Iyar 5753

Herbert M. Levetown  
Bernel Chemical Co. Inc.  
174 Grand Avenue  
Englewood, NJ 07631

Dear Mr. Levetown:

Thank you for writing to share with me your disappointment on learning that the Union of American Hebrew Congregations has not joined other American Jewish organizations in seeking to gain a re-evaluation of Jonathan Pollard's sentencing. The matter was thoroughly discussed, and I want to share with you the reason for our position.

This matter was brought before the Commission on Social Action of Reform Judaism following an appearance by Carol Pollard with the Commission's Executive Committee. The Commission debated the matter for several hours, with the participation of many attorneys and two federal judges, who helped to clarify the legal issues involved. When a resolution which recommended commutation came to a vote, it was defeated by 26 to 4. In this connection, you should know that the Commission consists of lay leaders and rabbis, and representatives of all Reform affiliates as well as leaders from Reform communities around the country.

The debate was lengthy, serious, and thorough. The matter was considered from every perspective, and all points of view were discussed. The particular issue which your resolution mentions - - the matter of sentencing - - was also very carefully examined; the Commission took note of the fact that while some people accused of similar crimes have received lesser sentences, others accused of such crimes have received harsher sentences. It really isn't possible to summarize in a few words the full discussion at the Commission but if you wish, I would be happy to send you the minutes of the meeting.

This difficult case has elicited a great deal of emotion on both sides. Many leaders of the Jewish community support commutation at best, a lesser sentence at least. At the same time, most Jewish leaders and organization do not. The special committee established by NJCRAC - - the community relations umbrella body of the Jewish community - - has refrained from endorsing commutation or even a lesser sentence. They feel it best to hold off making any pleas in Pollard's behalf until such time as he is up for parole.

I firmly believe the Commission did everything possible to give this matter full and fair consideration. We do, of course, recognize that not everyone will agree with our course of action. Please don't hesitate to contact me if you have any questions to pose.

With every good wish, I am

Sincerely,

Alexander M. Schindler



April 8, 1993

Rabbi Alexander M. Schindler  
President, U A H C  
838 Fifth Avenue  
New York, New York 10021

Dear Rabbi Schindler:

It was with regret and disappointment that the members, and the Board of Trustees of Beth Chavairuth learned of the U A H C's lack of public support for Jonathan Pollard.

We cannot understand the lack of compassion on the part of Reform Judaism's leading organization in not supporting the growing groundswell of Jewish organizations such as B'nai B'rith, The World Jewish Congress and the Central Conference of American Rabbi's in asking for a commutation of Pollard's life sentence. His crime being of a much lesser nature than those who committed treason against the United States. Why should we allow Chester Weinberger's vindictiveness against Pollard continue to silence our outcry against this injustice. We should be raising our voices to the entire American Population, making them aware of this outrageous sentence. Murderers and rapists are paroled after committing more heinous crimes. Pollard only gave to Israel what had been promised, and then withdrawn by the Weinbergers.

The facts should be published and the U A H C should be in the forefront. We at Beth Chavairuth hope you will take this initiative.

Sincerely,

Herbert M. Levetown  
Member, Board of Trustees  
Beth Chavairuth

*Pollard*

January 5, 1993  
12 Tevet 5753

Lawrence J. Elish, President  
Central Synagogue of Nassau County  
430 De Mott Avenue  
Rockville Centre, NY 11570-1815

Dear Mr. Elish:

Thank you for sharing with me the unanimous Resolution of the Board of Trustees of Central Synagogue which calls upon the Union of American Hebrew Congregations to join other American Jewish organizations in seeking a re-evaluation of Jonathan Pollard's sentencing.

This matter was brought before the Commission on Social Action of Reform Judaism following an appearance by Carol Pollard with the Commission's Executive Committee. The Commission debated the matter for several hours, with the participation of many attorneys and two federal judges, who helped to clarify the legal issues involved. When a resolution which recommended commutation came to a vote it was defeated by 26 to 4. In this connection, you should know that the Commission consists of lay leaders and rabbis, and representatives of all Reform affiliates as well as leaders from Reform communities around the country.

The debate was lengthy, serious, and thorough. The matter was considered from every perspective, and all points of view were discussed. The particular issue which your resolution mentions -- the matter of sentencing -- was also very carefully examined; the Commission took note of the fact that while some people accused of similar crimes have received lesser sentences, others accused of such crimes have received harsher sentences. It really isn't possible to summarize in a few words the full discussion at the Commission but if you wish, I would be happy to send you the minutes of the meeting when they are ready in a few days.

Lawrence J. Elish  
January 5, 1993  
Page -2-

This difficult case has elicited a great deal of emotion on both sides. Many leaders of the Jewish community support commutation at best, a lesser sentence at least. At the same time, most Jewish leaders and organizations do not. The special committee established by NJCRAC -- the community relations umbrella body of the Jewish community -- has refrained from endorsing commutation or even a lesser sentence. They feel it best to hold off making any pleas in Pollard's behalf until such time as he up for parole.

I firmly believe the Commission did everything possible to give this matter full and fair consideration. We do, of course, recognize that not everyone will agree with our course of action. Please don't hesitate to contact me if you have any questions to pose.

With every good wish, I am

Sincerely,

Alexander M. Schindler

cc: Melvin Merians  
NYFRS  
Comm. on Social Action



*Ask Eric how I should answer 12/29*

# CENTRAL SYNAGOGUE OF NASSAU COUNTY

430 DEMOTT AVENUE • ROCKVILLE CENTRE, NEW YORK 11570-1815 • (516) 766-4300

December 24, 1992

Rabbi Alexander Schindler, President  
Union of American Hebrew Congregations  
838 Fifth Avenue  
New York, NY 10021-7064

Dear Rabbi Schindler:

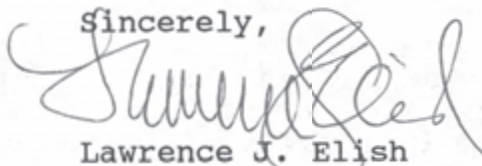
By unanimous vote, the Board of Trustees of Central Synagogue of Nassau County approved the enclosed resolution calling upon the UAHC to join the more than two hundred North American Jewish organizations (including the Central Conference of American Rabbis) in endorsing efforts to make Jonathan Pollard's sentence commensurate with other sentences for those who have spied for friendly powers, or to reduce his sentence to time served, or at the very least, to call for a government reevaluation of the Pollard case.

Pursuant to the resolution, I have also requested President Bush to take such action. A copy of that letter is enclosed.

We are concerned that the Union has not taken a forthright and courageous stand on this issue of basic justice. We believe the injustice that continues to be inflicted by our government in this case demands that we speak out, even though we risk becoming targets of false accusations of "dual loyalty".

As Herschel Shanks has written, we believe that if Pollard had been a "WASP" spying for Great Britain, he would not have received a life sentence.

Sincerely,



Lawrence J. Elish  
President

cc: Mr. Melvin Merians  
Rabbi Allen Kaplan  
Rabbi Eric Yoffie  
Mr. John Stern

Rabbi David Saperstein  
Ms. Evily Laser Schlensky  
Mr. Melvin Greenberg



# CENTRAL SYNAGOGUE OF NASSAU COUNTY

430 DEMOTT AVENUE • ROCKVILLE CENTRE, NEW YORK 11570-1815 • (516) 766-4300

December 24, 1992

President George Bush  
The White House  
Washington, DC

Dear Mr. President:

The Board of Trustees of Central Synagogue of Nassau County, by unanimous vote, has asked me to appeal to you to grant clemency to Jonathan Pollard by commuting his sentence to time served or, otherwise, to make to make his sentence commensurate with others who have been convicted of espionage for friendly nations. While there is no doubt that his crime was indeed serious, the life sentence he received is clearly excessive when compared with the sentences for other Americans who have spied for friendly governments, or even for our worst enemies. In addition, his particular treatment in solitary confinement constitutes cruel and unusual, if not inhuman, punishment.

We ask that, as you complete your term in office, you do so with this act of compassion.

Sincerely,

Lawrence J. Elish  
President

CENTRAL SYNAGOGUE OF NASSAU COUNTY  
ROCKVILLE CENTRE, NEW YORK

RESOLUTION ON JONATHAN POLLARD

In November, 1985, Jonathan Jay Pollard, an intelligence researcher and analyst for the U.S. Navy, was arrested and charged with spying on behalf of Israel, America's staunchest democratic ally in the Middle East. He had transferred documents to Israel that he believed to be beneficial to Israel's security needs, including material relating to Iraq's poison gas capabilities. It should be noted that President Ronald Reagan had signed an Executive Agreement in 1983, promising that the United States would relay all intelligence that was vital to Israel's survival.

Pollard's wife, Anne Henderson Pollard, was arrested the next day and charged with being an accessory after the fact to her husband's possession of classified national defense documents. Anne Pollard had developed a severely debilitating intestinal disease, causing her to lose over fifty pounds during her three months of incarceration. The Pollards were compelled to plead guilty, and Jonathan Pollard received a life sentence, though a grand jury declared that his actions in no way endangered the United States. Former Secretary of Defense Caspar Weinberger characterized Pollard as "the worst spy in American history," and asked that he never get parole.

Jonathan Pollard's story has been one of unrelenting woe. He

was held for ten months in a psychiatric ward for the criminally insane. For the past five years he has been in solitary confinement at the maximum security United States penitentiary at Marion Prison.

There is little question that Pollard broke the law. His actions, however well-intentioned and idealistically motivated, were wrong. Nevertheless, there is growing public outrage over the excessive nature of his sentence, which is much harsher than any meted out to other Americans convicted of spying for friendly governments or even our worst enemies. By way of contrast: John and Michael Walker were spied for the former Soviet Union over a period of seventeen years. They were indicted on five counts of treason each. John Walker will be eligible for parole within ten years. There is growing public sentiment, shared by both Jews and Christians, that Pollard's sentence violates the Constitutional stricture against "cruel and unusual punishment."

THEREFORE, be it resolved that the Board of Trustees of Central Synagogue of Nassau County:

1. Calls upon President George Bush (or, if he fails to act, President-elect Bill Clinton, when he takes office) to affirm Jonathan Pollard's basic civil rights by making his sentence commensurate with other sentences for espionage for friendly powers, or to reduce his sentence to time served.

2. Calls upon the Union of American Hebrew Congregations to join more than two hundred North American Jewish organizations in endorsing efforts to make Pollard's sentence commensurate with

other sentences for espionage for friendly powers, or to reduce his sentence to time served, or at the very least, to call for a government reevaluation of the Pollard case.

3. Directs that appropriate communications expressing the above views be sent by the President of Central Synagogue of Nassau County.

Adopted by unanimous approval of the Board of Trustees  
Central Synagogue of Nassau County, Rockville Centre, New York  
December 22, 1992



P

March 9, 1993  
16 Adar 5753

Jonathan Pollard/09185-016  
P O. Box 1000  
Marion, Il 62959

Dear Jonathan:

My overseas travel schedule precluded an earlier response to your recent note and I hope you will understand the delay.

You should know that it was at my urging that the Commission on Social Action of Reform Judaism discussed your situation. There was a great deal of expressed concern and compassion regarding your personal situation during a lengthy discussion. Nonetheless, following extensive debate the decision was made not to do anything further at this time in terms of a formal appeal to the President.

The men and women who serve on the Commission come from varying backgrounds and they listened to all sides with open minds and each made their decision according to their personal principles. I am not in a position to dictate policy to our Board or, for that matter, any arm of our Union and I am bound by mandate to follow the will of the majority.

With every good wish, I am

Sincerely,

Alexander M. Schindler

# MEMORANDUM

Date: March 4, 1993

From: Rabbi Eric Yoffie *EWY*

To: Rabbi Alexander Schindler

*Put H's item  
in folder  
B. Pollard*

1. The threat of the Christian right is real enough, although it is far more problematic in some places than in others. The Commission is now preparing a social action packet for distribution to our congregations on how to recognize and respond to the Christian right in your local community.

By the way, the Christian right is targeting local school board elections here in New York, and as you may know, ~~only~~ New York Federation is involved in the effort to combat them.

2. On Pollard: I would recommend a brief note, saying that the Commission on Social Action took up the subject of his case last October, that the members of the Commission expressed concern and compassion for his personal situation, but that the decision was made not to do anything further at this time in terms of a formal appeal to the President.

I would not suggest entering into any of the issues, and trying to explain why the Commission did what it did. Obviously, Pollard will not accept any of our reasoning, and there's no point debating with him.

As far as visiting Pollard with Reich, I mentioned this to Dick Cohen a while back, and he strongly advised against your going. I told him that I personally had no problem with this, but his reaction was that since the Commission -- in the name of the movement -- has taken a position against commutation of sentence, if you go this will lead to stories on divisions within the movement, etc. If you are planning to pursue this, I recommend that you talk to Dick.



3<sup>00</sup>  
February 9, 1993  
Marian, IL

~~Handwritten  
of me  
a DP~~

Dear Rabbi Schindler,

In light of your belief that G-d doesn't want us to stand idly by in the face of injustice, will the VAHC be making any statements on my behalf? I didn't think so. I guess my sentence isn't covered by your organization's definition of injustice. So much for principle!

Jonathan

# Push on Gay Ban Roils Religious Community

## Clinton Move Seen as 'Godsend' for Foes

1/29/93

By Gustav Niebuhr  
Washington Post Staff Writer

President Clinton's push to lift the ban on homosexuals in the military has struck America's religious community like a thunderclap, spurring conservatives to prepare for battle, prompting declarations of support from liberals and unnerving moderates.

Some on the religious right exult that the issue offers them a double-win, providing a recruiting poster for their causes and possible political damage for Clinton at the very dawn of his presidency.

"Clinton's decision to press this forward is a godsend to us," declared Randall Terry, an antiabortion activist and a leader in the Resistance, a group that sponsored rallies nationwide against homosexuals in the military this month.

"He is squandering political capital. . . . And now this coalition of evangelicals that he was able to build [before the election] is shattering before his eyes," said Terry, who likened Clinton to the biblical king Ahab (husband of Jezebel), who, acting on advice from false prophets, is destroyed in battle.

"Our phone lines have been practically jammed for the past few days, [with] people asking what they can do," said Gary Jarmine, legislative consultant for the Christian Voice, an Alexandria-based lobbying organization. "I haven't seen anything like this in the last 10 years."

This wave of conservative activism comes directly after another, triggered last week by Clinton's executive orders upholding abortion rights. At Operation Rescue National, spokeswoman Margeaux Farrar said local chapters of the antiabortion group have been flooded with calls. "People whom they haven't seen in a couple of years are coming back and saying, 'What can we do now?'" she said.

Yet Clinton's push to include homosexuals in the military has won its share of religious supporters, some of them nationally prominent.

"We just feel very strongly the attempt to include gay and lesbian people in the armed services is really an attempt to extend full civil rights and equal protection under the law to all people in American society," said the Rev. Paul Sherry, president of the 1.6 million-member United Church of Christ (UCC), a Protestant denomination that traces its historical roots to the New England Puritans.

On Wednesday, the church's Washington office waded into the fray, faxing top UCC ministers and social activists pleas to lobby Congress to end the gay ban, said Jay Lintner, the office's director.

Also outspoken for lifting the ban was Rabbi Alexander Schindler, president of the Union of American Hebrew Congregations, which represents 1.5 million Reform Jews. "I applaud President Clinton," he said. A decorated World War II veteran, Schindler said he recently wrote to a Jewish veterans group that opposed lifting the ban to say he was "ashamed of them."

But many religiously oriented persons feel caught uncomfortably in the middle on this issue—among them moderate evangelical Protestants, some of whom broke ranks with their conservative co-religionists to vote for Clinton, according to post-election surveys.

Numerically, they are a significant group, said Lyman "Bud" Kellstedt, a professor of political science at Wheaton College in Wheaton, Ill., and one of four scholars who surveyed the religious and political orientations of 4,001 American adults last year.

The survey found nearly 25 percent of adults identified themselves as belonging to evangelical denominations. Of that group, nearly a quarter placed themselves well within the moderate political camp—saying they would support federal action for comprehensive national health insurance, tax increases to fight poverty, and new taxes for environmental protection, he said. "If there are approximately 43 million evangelicals out there by denominations, we're talking



**RANDALL TERRY**

... sees Clinton coalition shattering

about 10 million people [with politically moderate views]," he said. "That's a chunk of folks."

For Clinton to begin his administration by pushing for homosexuals in the military risks alienating this group, Kellstedt said. "It puts the moderate evangelical on the defensive."

For many in this camp, it is impossible to discuss homosexuality, and any acceptance of it by civil authorities, without reference to a pair of Bible verses, Leviticus 18:22—"Thou shalt not lie with mankind as with womankind, it is abomination"—and Leviticus 20:13, which makes a similar statement.

"You can't violate the physical laws of the Creator with impunity and you can't violate the spiritual laws with impunity, either," said Robert P. Dugan Jr., spokesman for the National Association of Evangelicals, which represents nearly 50 denominations with a total of about 15 million members. "Because God does judge the nations—it's in the historical record."

But others say the passages must be read differently. "You can't take one text and say this is the totality," said Schindler. "Yes, there is the angry God who punished the men of Sodom, but there is the loving God who doesn't want us to stand idly by in the face of injustice, he said."

Sherry also rejected a literal approach. "Jesus Christ . . . helps me see the center of Scripture is the law of love—reach for the society of justice and mercy and peace for all people," he said.



הארגון הבינלאומי של עורכי־דין ומשפטנים יהודים  
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS

RESOLUTION RE JONATHAN POLLARD,  
JANUARY 1, 1993, TIBERIAS, ISRAEL

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Observing that Jonathan Pollard has been sentenced to life imprisonment in the U.S. for transmitting State secrets to Israel and considering that the sentence of Jonathan Pollard is grossly disproportionate in comparison with sentences of others convicted for similar crimes in the United States and even disproportionate in comparison with those sentenced for espionage against the United States and on behalf of enemy countries, The International Association of Jewish Lawyers and Jurists calls on the President of the United States to commute Jonathan Pollard's sentence to the time already served.

Dated at Tiberias, Israel, this 1st day of January, 1993.

# The Board of Deputies of British Jews

Woburn House, Tavistock Square, London, WC1H 0BZ. Telephone: 071-387 3952, 071-388 7651.  
Telex: 262666 BOD G. Fax: 071-383 5848.



8 December 1992

The Attorney General of the United States of America  
Department of Justice  
WASHINGTON DC  
U.S.A.

RE: CASE OF JONATHAN POLLARD

I am writing to you on behalf of the Board of Deputies, which is the representative body for the Jewish community in Britain, regarding the case of Jonathan Pollard. Mr. Pollard was convicted in 1987 of spying for Israel and sentenced to life imprisonment. As you will know, the circumstances of Mr. Pollard's continuing imprisonment are causing grave disquiet among Jewish communities around the world.

It is no part of the Board's purpose to question the guilt of Mr. Pollard. He was convicted of serious crimes by a court of law in accordance with due judicial process, and various appeal processes upheld the conviction.

The Board is, however, concerned on grounds of equity and humanity over the circumstances of Mr. Pollard's imprisonment. Mr. Pollard has been sentenced to life imprisonment for spying for Israel. The material in question related to information which the US Government had formally undertaken to pass over to Israel but failed to do so. That information enabled Israel to prepare itself, as an ally of the United States, against Iraq during the Gulf War.

Mr. Pollard was not spying for an enemy country. No other US citizen spying for an allied country has ever received more than five years in prison. Even where US citizens have been sentenced to life imprisonment for spying for an enemy power, none has ever had to serve his or her sentence in full. Most have been released after a few years; whereas Mr. Pollard has already spent more than seven years in jail. He is serving his sentence in solitary confinement; we understand that he spends his entire life in an underground cell and is confined to his cell for 23 hours a day.

The Board of Deputies of British Jews would urge you to review the case of Mr. Pollard on humanitarian grounds. The conditions of Mr. Pollard's incarceration and their impact upon his health and sanity surely merit the exercise of clemency. We would very much hope that, given the nature of Mr. Pollard's offences and the circumstances of his detention, you would be prepared to consider commuting his sentence on humanitarian grounds. It goes without saying that there is no way in which he can ever reoffend in this way.

If you are unable to consider this matter personally in view of the imminent change of administration, we would ask that you be good enough to pass on this request to your successor once he or she has assumed office.

Neville Nagler  
Chief Executive

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CARDINAL'S RESIDENCE

2101 COMMONWEALTH AVENUE  
BRIGHTON, MASSACHUSETTS 02135

May 5, 1992

George Bush  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President:

A few months ago, the Chief Rabbi of Jerusalem, Abraham Shapira, came to visit me. This was an important meeting for both of us in our mutual commitment to deepen relations between our two faiths.

One of the issues that concerns the Rabbi is the incarceration of Jonathon Pollard. The Chief Rabbi did not base his concern on the merits of the case, but rather in pursuit of mercy. Since that time, I have heard from a number of people in both the Jewish and Catholic communities expressing their desire that clemency be granted to Mr. Pollard.

After reflecting on this issue, I write to you to ask if consideration could be given to extending clemency to Mr. Pollard as a humanitarian gesture. Such an act would not call in question the judgment rendered by the court. Nor would it be in response to any charges that some have been making. Rather I am thinking of a humanitarian gesture of the President of the United States which then would allow Mr. Pollard to pick up his life again either here or in Israel.

Mr. President, I know you understand the spirit that motivates this request, a spirit that rests on the importance of forgiveness and reconciliation. In that spirit, I thank you for any consideration you might give to my thoughts.

With warm personal regards to you and Barbara, and asking God to bless you, I am

Sincerely yours in Christ,

Archbishop of Boston

# *Temple Beth-El of Patchogue*

45 Oak Street  
Patchogue, New York 11772  
(516) 475-1882

Fax No. (516) 475-1928

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Over 100 American & Canadian rabbis, who participated in the Eighth Annual Conference of the Israel Bonds Rabbinic Cabinet recently held in Jerusalem, January 9-13, signed a petition thanking Prime Minister Rabin "for his efforts to prevail upon the Government of the United States to commute the life sentence imposed upon Jonathan Jay Pollard." The petition urged the Prime Minister to continue to work vigorously to win Pollard's freedom.

Rabbi Richard Thaler of Temple Beth-El in Patchogue, Long Island, who initiated the petition, observed that Prime Minister Rabin recently urged President Bush to avail himself of the waning days of his administration to commute Pollard's sentence.

Thaler, Rabbinic Chairman of the Long Island Cabinet of Israel Bonds, noted that the Pollards are grateful to Rabin for placing Jonathan at the top of the Israeli - American agenda. "Jonathan's sister Carol asked me to convey the Pollard family's appreciation to the Prime Minister for intervening with the American administration to secure his immediate release from Marion Federal Penitentiary." The petition, signed by rabbis representing all four movements of American Jewry, is the latest expression of broad based American Jewish support for Pollard, now in his seventh year of imprisonment.

# Pollard's Term Is Too Long; It Should Match Other Spies'

By Barry Dov Schwartz

**D**REARY. DRIZZLY. Deep fog. The weather fit the occasion as we drove from the St. Louis airport to the federal penitentiary at Marion, Ill., to visit Jonathan Pollard. Seven years ago Pollard was sentenced to life imprisonment for giving top-secret documents to Israel.

We were three rabbis: Sholom Stern of Cedarhurst, Kenneth Hain of Lawrence and myself. Our mission was to share the pain of a fellow Jew, as required by Jewish law; to reduce by a few hours the isolation of a man confined to a cell for 23 hours a day; to publicize the disproportionate punishment imposed on Jonathan Pollard.

Those of us who advocate commutation of Pollard's sentence do not in any way condone his action. He is guilty. He should be punished. But he should be punished no more harshly than any other spy who has committed a similar crime. Those following the Pollard case must take into consideration that he cooperated with the government throughout the entire ordeal; that he spied for an ally in time of peace, not for an enemy of our country, and therefore the information he passed on, while helping Israel in her fight for survival, never once compromised the national security of the United States; that no similar spy accused of a similar offense ever received a life sentence; that he is remorseful and has stated so publicly on many occasions. Bearing in mind that his accusers stated for the official record, which is now in Pollard's parole jacket, that "Pollard should never again see the light of day," chances for parole are negligible. A presidential commutation of sentence is Pollard's only viable hope.

Jonathan Pollard is everything you would expect a spy not to be. He is sweet in his demeanor, naive in his thinking, idealistic in his philosophy. "I did what I had to do to warn Israel of impending disaster from Iraqi weapons. I was concerned about Israel's survival." But he was quick to add: "I now realize that I should have taken another course of action to help the Jewish state. I got in too deep, way over my head. I made a terrible mistake."

Our visit deep within the penitentiary walls, in the cellar K-unit, would have been overwhelming were it not for Jonathan's contagious optimism and faith. Against greater odds than are imaginable, he is an observant Jew trying to maintain a kosher diet. He spends his days studying religious, secular and scientific works. He yearns for the day when he will be able to make a scientific contribution to the welfare of society.

He is very grateful for human contact from the outside world. His "inside world" provides no comfort. It includes John Walker, who with his family gave secrets to the Soviet Union for more than a decade; Edward Wilson, who sold 20 tons of explosives to Libya's Moammar Gadhafi; Joseph Franklin, who shot Vernon Jordan, bombed three synagogues in Kentucky and went on a killing spree against interracial couples.

Among these resides Jonathan Pollard, who never killed anyone, nor caused the loss of life of any American or American agent, nor conspired with any enemy of the United States. These circumstances explain why Pollard was never indicted for treason. He was indicted on, and pleaded guilty to, a single count: delivering classified information to a foreign government, and that government, Israel, an ally.

Not that he is proud of what he did. By his own admission, he is no hero. He speaks of his crime: "God forbid that I should ever become a role model for anyone, young or old. Unbridled passion can be disastrous, as it was in my case."

We had entered the visitor's cell with a few gifts for Pollard: a prayer book, prayer shawl and phylacteries, study material, Chanukah cards from my Hebrew school children. Nothing could be kept by Pollard, who is strip-searched every time he re-enters private hell. He would return to his cell with no tangible evidence that we had been there. Our five-hour visit ended — but not our fight to commute his sentence to one proportionate to the punishments of others for comparable crimes.

ter from Iraqi weapons. I was concerned about Israel's survival. But he was quick to add: "I now realize that I should have taken another course of action to help the Jewish state. I got in too deep, way over my head. I made a terrible mistake."



Newsday / B

Barry Dov Schwartz is the rabbi of Temple B'nai Sholom of Rockville Centre.

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December 24, 1992

President George Bush  
The White House  
Washington, D.C. 20500

Dear Mr. President:

As a member of Congress dismayed by the disproportionate prison term received by Jonathan Pollard, I wish to voice my plea for justice. Pollard, convicted of one count of passing classified information to an ally, was sentenced to life in prison.

I in no way condone acts of espionage, nor do I underestimate the gravity of Jonathan Pollard's crime. Nonetheless, the lifetime sentence imposed on Mr. Pollard is unduly severe and inconsistent with the sentences awarded to other Americans convicted of similar offenses. Indeed, Mr. Pollard's sentence is harsher than the sentences meted out to individuals convicted of spying for enemy countries and is the harshest sentence in United States history for the crime of spying for an allied country.

Furthermore, in return for the government's promise to request a lesser term at sentencing, Pollard pled guilty and fully cooperated with prosecutors and security agency investigators. A prison term of life in prison with a recommendation of no parole -- the maximum sentence possible -- is excessive in this instance.

I therefore call on you to consider commutation of Jonathan Pollard's sentence to a term appropriate to the nature of the offense for which he was convicted and more accurately reflective of the consequences of his crime. Today you pardoned Caspar Weinberger, the man who requested the sentencing judge to award Pollard a lifetime sentence. It would only be proper to now address the question of Jonathan Pollard's fate.

Sincerely,

  
CHARLES E. SCHUMER  
Member of Congress

Congress of the United States  
House of Representatives  
Washington, DC 20515-3203

January 21, 1993

Mr. David Kirshenbaum  
3308 Fourth Street  
Oceanside, New York 11572

Dear Mr. Kirshenbaum:

Thank you for contacting my office to express concern about the treatment of Jonathan Pollard. I certainly understand and appreciate the points you raised in this important matter.

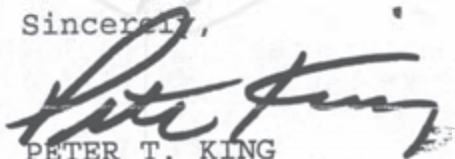
I am pleased to report that on January 20th -- Inauguration Day -- I sent a letter to President Clinton to urge that he take immediate action to reduce Mr. Pollard's sentence. For your review, I have enclosed a copy of my letter.

It is my belief that Mr. Pollard's life sentence is unfairly harsh and should be reduced to reflect fairness and justice. Please be assured that I will be closely following the President's consideration of this issue.

Should you have any further questions or comments concerning the Pollard case, please do not hesitate to contact me. Once again, thank you for getting in touch.

With warm regards, I remain

Sincerely,



PETER T. KING  
Member of Congress

PTK/jfh

Congress of the United States  
House of Representatives  
Washington, DC 20515-3203

January 20, 1993

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

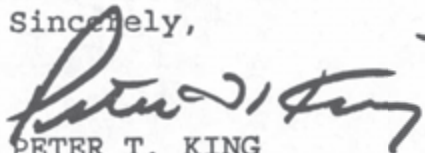
I am writing to relay the serious concerns I share with a great number of my constituents about the Jonathan Pollard case.

As you know, Mr. Pollard pled guilty to one count of passing classified information to a foreign government and was sentenced to life in prison. Since June 1988, he has been incarcerated in solitary confinement in the maximum security Federal prison in Marion, Illinois. The prison rules allow Mr. Pollard to exercise and have contact with a single inmate for only one hour per day. For the remaining 23-hours of each day, he must remain in his cell.

I condemn Jonathan Pollard's criminal acts and any acts of espionage against the United States. Mr. Pollard knows that his crimes cannot be excused and are deserving of punishment. Nevertheless, the sentence in this case is excessive and should not exceed the sentences of other individuals convicted of similar crimes.

Accordingly, it is with humanitarian concern that I call on you to favorably consider the request that Jonathan Pollard's sentence be reduced to better reflect fairness and justice.

Sincerely,

  
PETER T. KING  
Member of Congress



## PERSPECTIVE

### Is the Pollard Case A Jewish Issue?



The American Jewish community should have no special interest in the Jonathan Pollard case, argues a **MOMENT** reader (Matthew E. Lieff, see page 74). Pollard

admittedly violated United States law by spying for Israel: "[He] made his own bed and now he must lie in it."

Some mainstream Jewish organizations, such as affiliates of the National Jewish Community Relations Advisory Council, have taken this same position: It isn't a Jewish issue. They concede, like reader Lieff, that Pollard's life sentence is unfair and grossly disproportionate. Pollard received the maximum sentence (life imprisonment) despite pleading guilty (saving the government the expense of a trial and the exposure of classified material), despite spying for an ally (not an enemy), and despite cooperating with the government after apprehension. The severity of his sentence, they argue, is just one of the breaks of the game. The trial judge in our justice system decides the sentence; that's the chance you take when you commit a crime. This is the way it works for Jews and non-Jews alike. Although no one defends Pollard's sentence as fair or just, this isn't an issue that should engage the American Jewish community.

What if, instead of spying for Israel, Pollard had robbed a bank (no one got hurt, the amount taken was not large and he needed the money for medical attention for his wife); and what if, instead of getting the usual ten-year sentence, he got life? Would this be a Jewish issue? Clearly not.

Well, I'm not so sure. What if, instead of a Jewish Pollard who robbed

the bank in these circumstances and got a life sentence, it were a middle-class black? I suspect the black community—and many whites—would be up in arms. The system was discriminating against blacks, they would argue. The proof of this would be the sentence itself, which discriminated against a black person by imposing a patently unjust life sentence, despite the defendant's guilt.

In Pollard's case, we certainly cannot prove the sentence was the result of antisemitism. Many people can't avoid feeling, however, that this disproportionate sentence had something to do with the fact that an American Jew was caught spying for Israel. Maybe it wasn't antisemitism. Maybe the trial judge thought spying for Israel was especially bad because the region was so volatile. Or maybe he thought that for a Jew to do this—in America yet—was especially bad given Jewish values. As it says in the Bible, God has singled us out for punishment *because we are a special people*:

You only have I known  
Of all the families of the earth.  
Therefore will I punish you  
For all your iniquities (Amos 3:2).

Or maybe former Defense Secretary Caspar Weinberger's secret memo to the trial judge convinced him that such irreparable damage occurred (Weinberger clearly harbored a harsh view of Israel) that the book should be thrown at Pollard.

It may not be antisemitism, but most of us have the nagging feeling that if Pollard had been a WASP spying for Great Britain, he would not have received a life sentence.

That alone may make Pollard's case a Jewish issue. But there is more.

Pollard was involved in our enterprise. He was a rogue doing what we would have condemned and do condemn; his is not the way to support

Israel. He deserves to be punished but, still, not unfairly. If his spying for Israel and his unfair sentence doesn't make his case a Jewish issue, then his engagement by Israel—and his abandonment by her—makes it a Jewish issue.

It is embarrassing for American Jews to stick up for Pollard, a confessed spy who sullied our image and acted disloyally to the country we love. We may even feel we are proving our loyalty by remaining silent, by affirming that this is not a Jewish issue. But that, it seems to me, is not the courageous way. We can in one breath—as Jews—both condemn what Pollard did and object to his unfair sentence. In this great country, we can be loyal American citizens and still recognize that Pollard was trying to help Israel and, although we condemn how he sought to do this, we as a community can still decry his unfair sentence.

The Pollard case is not an easy one. It requires us as a community to walk a fine line. We don't want Pollard's crime to rub off on us as a community. We can't prove his unfair sentence resulted from antisemitism. Yet he is a Jew engaged by Israel who has been unfairly treated—not unfairly convicted but unfairly sentenced. Moreover, he has been forsaken by Israel. As a community, it takes some backbone to take the risks involved in inveighing against Pollard's unfair sentence. But it is the right thing to do.

### Responsibilities Of a Jewish Journalist

At the annual meeting of the American Jewish Press Association this summer, Jewish journalists struggled with an age-old question: Are we journalists who happen to be Jewish or are we Jews who happen to be journalists? Do we write regardless of the effect on the

*continued on page 6*

HADASSAH  
THE WOMEN'S  
ZIONIST  
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OF AMERICA, INC.

# NEWS

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CHAIRMAN  
WENDY HIRSCHHORN  
DIRECTOR

FOR IMMEDIATE RELEASE

Contact: Wendy Hirschhorn (212) 303-8153

## HADASSAH VOTES TO SUPPORT COMMUTATION

### FOR JONATHAN POLLARD

NEWARK, N.J. (January 27, 1993) — The National Board of Hadassah, the Women's Zionist Organization of America, adopted the following statement at its Mid-Winter Meetings here:

WHEREAS, Jonathan Pollard pleaded guilty to the charge of Conspiracy to Deliver National Defense Information to a Foreign Government, and

WHEREAS, Jonathan Pollard has already served seven years,

NOW THEREFORE, BE IT RESOLVED, that on humanitarian grounds, Hadassah calls on the President of the United States to commute Jonathan Pollard's sentence to time already served.

"We urge President Clinton to understand the humanitarian motivation which compelled our Board members to take this action and to give this matter his serious consideration," said Deborah Kaplan, National President of Hadassah.

# # #

FOREIGN AFFAIRS COMMITTEE

SUBCOMMITTEES

EUROPE AND MIDDLE EAST

(RANKING MINORITY MEMBER)

INTERNATIONAL OPERATIONS

# Congress of the United States

House of Representatives

Washington, DC 20515-3222

December 7, 1992

SERVICE COMMITTEE  
(RANKING MINORITY MEMBER)

SUBCOMMITTEE:  
INVESTIGATIONS

SELECT COMMITTEE ON  
NARCOTICS ABUSE AND  
CONTROL

SELECT COMMITTEE ON  
HUNGER

VICE CHAIRMAN,  
TASK FORCE ON  
AMERICAN PRISONERS AND  
MISSING IN SOUTHEAST ASIA

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I deeply regret that current events will preclude our continuing to work together. The past twelve years have brought about many changes, most particularly the end of the Cold War. Your foresight and leadership over these years are greatly appreciated, and your substantial contributions have helped change history forever.

During these final weeks of your administration, I would like to bring to your attention a serious matter which I believe deserves your personal consideration and action. After carefully reviewing the facts in the case of Jonathan Pollard, I believe that a commutation of his sentence is in order. It is my understanding that you have been contacted about this by many individuals, among them Elie Wiesel and Pat Robertson.

While Jonathan Pollard committed serious violations, I believe that our justice system should be uniformly fair. Jonathan Pollard was sentenced to life imprisonment without parole, while others, sentenced on similar charges, have received less severe sentences, with eligibility for parole. Therefore, I am enclosing some information for your review.

Jonathan Pollard's conviction may be justified, but his sentence is not. Accordingly, I urge you to use your authority to commute Jonathan Pollard's sentence to time served by granting him a presidential pardon.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN  
Member of Congress

BAG/deb  
Enclosure

PLEASE REPLY TO:

WASHINGTON OFFICE  
2185 RAYBURN BUILDING  
WASHINGTON, DC 20515-3222  
TELEPHONE (202) 225-3776

DISTRICT OFFICE  
24 EAST AVENUE  
P.O. BOX 358  
MIDDLETOWN, NY 10940-0358  
TELEPHONE: (914) 343-6666

DISTRICT OFFICE:  
220 ROUTE 58  
MONSIEY, NY 10952-3498  
TELEPHONE: (914) 367-9000

DISTRICT OFFICE:  
32 MAIN STREET  
HASTINGS-ON-HUDSON,  
NY 10705-1602  
TELEPHONE: (914) 478-2550

# MEMORANDUM

March 2, 1993

FROM: Rabbi Alexander M. Schindler  
TO: Rabbi Eric H. Yoffie

In the JTA Daily News Bulletin of February 26th, page 4,  
there is an article relating to the "Christian Right Poses  
Serious Threat in Local Elections."

Is this threat real? Ought we to be concerned? What can  
we do about it? Please let me have your assessment.



Union of American Hebrew Congregations

SERVING REFORM JUDAISM IN NORTH AMERICA

838 FIFTH AVENUE, NEW YORK, NY 10021-7064 (212) 249-0100

9

September 21, 1990  
2 Tishri 5751

Jonathan Pollard/09185-016  
P.O. Box 1000  
Marion, IL 62959

Dear Jonathan:

I reciprocate your good wishes for a healthy year.

Needless to say, I was deeply touched by your accounting of the problems you have had with Ann. Would that there was something that I could do to be of help. Hopefully you will have the strength you must have for this travail as well.

I share your hope that the changing situation in the Middle-East will ultimately have its effect on your future as well. It does lend a new perspective to what transpired - now that the fearsome weaponry concerning which you warned is turned against America's own soldiers. Certainly the severity of your sentence merits a re-examination.

SP We are all quite ~~worried~~ about the future. More than Iraq's withdrawal is at stake here, or even Saddam Hussein's personal status. Somehow this mighty arsenal of conventional and non-conventional weaponry has to be neutralized and that will be difficult, though not impossible, to achieve by diplomatic means.

Israel is at military and diplomatic risk --at least from a long time perspective, although I still cling to the hope that out of the present chaos a new regional security arrangement can be forged which will help to secure Israel's future.

Every good wish.

Sincerely,

Alexander M. Schindler



COPY

RABBI ALEXANDER M. SCHINDLER • UNION OF AMERICAN HEBREW CONGREGATIONS  
PRESIDENT 838 FIFTH AVENUE NEW YORK, NY 10021-7064 (212)249-0100

May 27, 1992  
24 Iyar 5752

Jonathan Pollard/09185-016  
P.O. Box 1000  
Marion, IL 62959

Dear Jonathan:

As you know, Rabbi Schindler has been out of the city for an extended period of time. He has still not returned, but I did have an opportunity to read your letter of May 2nd to him. He asked me to let you know that he will not be back in the office until June and he will try to be in touch with you on his return, albeit he is scheduled to leave for Israel a week or two after he gets back to his desk.

Be that as it may, Rabbi Schindler has asked me to convey to you his warm good wishes.

With kindest greetings, I am

Sincerely,

Edith J. Miller  
Assistant to the President

COPY

*Help -  
Tell him I won't  
be back till June -  
You read me his letter -  
I. Send him my good  
wishes -*

May 14, 1992  
11 Iyar 5752

Jonathan Pollard/09185-016  
P.O. Box 1000  
Marion, IL 62959

Dear Mr. Pollard:

Your correspondence to Rabbi Schindler arrived, unfortunately, after he left the city for engagements that will keep him from his desk for an extended period of time.

I will, of course, hold your letter for his return in June and I write to inform you of the reason for the delay in his response to you.

With all best wishes, I am

Sincerely,

Marian Brewer  
Rabbi Schindler's office

*I think I will want  
to visit him  
find out how  
about it - maybe  
from Westport  
also his wife  
Reich  
he'll know  
but don't promise  
Pollard that I'll  
come.*

307  
May 2, 1992  
Marion, IL

Dear Rabbi Schindler,

Many thanks for your letter of April 20<sup>th</sup>. Needless to say, I was extremely happy to learn that the UAHC's Commission on Social Action is intending to meet with my sister, Carol. I'm confident, Rabbi, that positive things will flow from this meeting. I'm only sorry that I won't be able to address the Commission in person!

On a private note, I had a wonderful visit with Rabbi Emanuel Rackman several weeks ago. Without doubt, he has got to be one of the nicest individuals I've ever been privileged to meet. The fact that I was able to do some learning with him only made the visit all that more memorable for me. You know, Rabbi, I really think that if I'd been able to study with a man like Rabbi Rackman earlier in my life, I just might have entered the rabbinate. There was one rather disagreeable aspect of the visit, though, that I had not anticipated: namely, the presence of a DOD monitor. While Rabbi Rackman didn't say anything about this at the time, I understood that he was incensed by the government's implied distrust of him. What is it, Rabbi, that the administration is so afraid of I'm going to reveal? The Iraq had a secret poison gas program? My Lord, most of the facilities associated with that enterprise are now nothing more than piles of rubble. It's all rather confusing, to say the least.

Speaking of Iraq, please be sure, Rabbi, to pay particular attention to the enclosed letter Congressman Lee Hamilton recently sent my father. I nearly had a stroke when I saw how a U.S. soldier who'd been convicted of spying for Iraq during the Gulf War had had his 35 year sentence reduced on appeal to 19 years. Given the new parole guidelines, Rabbi, this means he'll be released after serving only 13 years. And I received a life sentence for helping Israel? What in the world is going on here, Rabbi?

Well, as usual, the local authorities managed to make Perach as miserable as possible for me. For the first time in 6 years, Rabbi, the BOP prevented several synagogues from sending me the special provisions I needed to make a Seder. In spite of this, though, I still managed to put something together out of paper facsimiles. It may not have been very "aesthetic", but it was the best I could do under the circumstances. Luckily, though, one

of my lawyers in Washington, Judith Barnett, came through for me on the second night. During the course of a legal call, Judith and Michael Berenbaum, who is one of the directors of The U.S. Holocaust Memorial Museum, put on a special 10 minute Seder for me. Can you believe I had to go through all this? Some times, Rabbi, I really wonder where I am.

About an hour after the "Seder" with my friends I decided to turn on PBS and watch a documentary on the Lodz Ghetto. What a mistake. I don't know whether or not you've ever seen this documentary, Rabbi, but I, for one, was absolutely devastated after viewing it. I just sat in my chair for what seemed to be an eternity trying to sort out all <sup>of</sup> my emotions - rage, hate, fear, and most of all, profound sadness. And then, just when I thought that I'd gotten control of myself, my next door neighbor, John Walker, called out to me: "Hey, Pollard, your people sure do die like dogs." What could I say? I just turned out the lights and prayed that I would never <sup>again</sup> spend another Pesach like this one, surrounded by animals like Walker and alone with my thoughts of vengeance. This kind of emotional mix is not healthy, Rabbi - it's not healthy at all. Well, I suppose that this, too, will pass.

At any rate, let me just tell you, Rabbi, how much I deeply, deeply appreciate your continued support. And if your travels ever take you out this way, please know that I would be honored to meet with you.

Stay well,

Moshe



# Religious Zionists of America

מזרחי • הפועל המזרחי • MIZRACHI - HAPOEL HAMIZRACHI

April 1, 1992

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Rabbi Max Schreier  
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## RESOLUTION ON THE CASE OF JONATHAN POLLARD

The Religious Zionists of America emphasizes that persons convicted of espionage under the laws of this country should expect to be punished under its laws and condemns all crimes of espionage against the United States.

In the case of Jonathan Pollard, the Religious Zionists of America notes the findings of the International Association of Jewish Lawyers and Jurists that

1. "Jonathan Pollard's sentence is far harsher than those meted out to many persons convicted of spying for the Soviet Union and other Soviet-bloc countries even where such espionage activities endangered the lives of U.S. agents and the loss of critical strategic and technical data to the Soviets."
2. "Jonathan Pollard's sentence is grossly inconsistent with, and far harsher than the treatment received by other Americans accused or convicted of spying for friendly third parties of governments."

Accordingly, the Religious Zionists of America calls for the commutation of Jonathan Pollard's sentence, to time served.

Cordially yours,

Rabbi Dr. Sol Roth  
President

SR:rc

DANTE B. FASCELL, Florida  
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GARY L. ACKERMAN, New York  
JAMES B. FUSTER, Puerto Rico  
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JOHN J. BRADY, JR.  
Chief of Staff

One Hundred Second Congress

# Congress of the United States

Committee on Foreign Affairs

House of Representatives

Washington, DC 20515

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JOHN R. SINCLAIR  
Minority Chief of Staff

March 31, 1992

Dr. Morris Pollard  
Lobund Laboratory  
University of Notre Dame  
Notre Dame, IN 46556

Dear Morris,

I wanted to follow up on your letter of February 26th regarding the case of Specialist Albert Sombolay. I regret the delay in getting this information, but it took time to find the right people to talk to.

Mr. Sombolay was convicted in Germany in July, 1991 on five counts: two counts of espionage; two counts of attempted espionage; and one count of communicating directly with the enemy. In this case, the enemy was an Iraqi Government official in Germany. It is my understanding that he pleaded guilty to these counts, and that he also pleaded not guilty to other counts involving larceny and other violations. He was sentenced to dishonorable discharge and 35 years. The case is still in process and will be taken up by the Court of Military Review sometime in the next six months. In one step in the process, his sentence was already reduced to 19 years, I understand.\*

The Court-appointed attorney for Mr. Sombolay is Capt. Robin Slope (703) 756-0592. She is understandably quite knowledgeable about the case. It is not yet clear who will be the Government's attorney in the case, so I could not talk to her or him, but at this point the case is under the purview of Lt. Col. Dell'Orto (703) 756-8367. When Capt. Slope files an appeal in roughly two months, an attorney for the Government's side in the case will be assigned, I am told.

I hope this information is helpful. A transcript of the proceedings in Germany was made available to Mr. Sombolay. I do not know if it is available to others.

It was good to see you recently. I trust you will stay in touch on all issues of mutual interest.

With best regards,

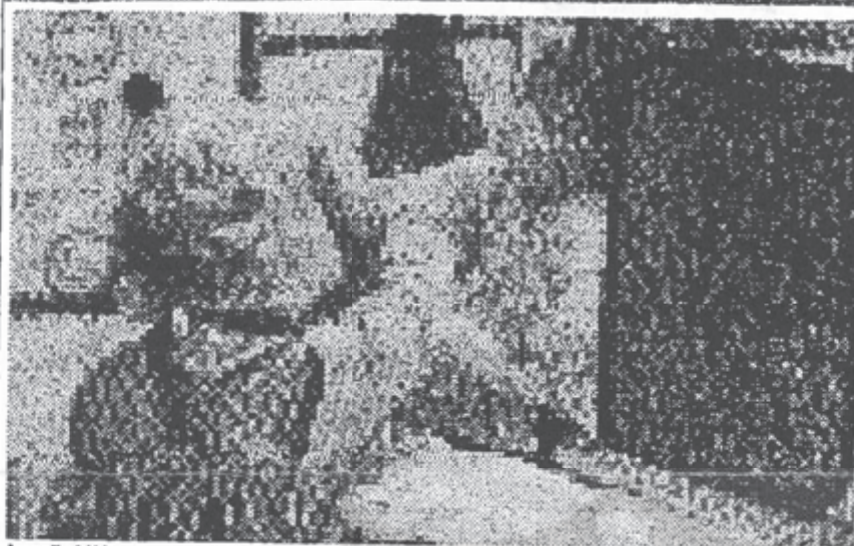
Sincerely,



Lee H. Hamilton  
Chairman  
Subcommittee on Europe  
and the Middle East

\* This means he'll be out in 13 years!

## THE INSIDE STORY



Israeli children prepare for chemical weapons attack during Gulf War

### "The Ghost of Israel's Sealed Rooms"

The man who helped Israel to be prepared for the Gulf War is languishing in a U.S. maximum security prison. Why?

It was not long after he ordered his "Republican Guard" to ravish Kuwait that Saddam Hussein turned his attention to Israel, threatening to destroy the tiny Jewish State with poison gas. But due to the actions of one man, Israeli citizens were prepared for such an occurrence. Today, Israelis call this individual "the ghost of the sealed rooms," for it was largely due to his efforts and sacrifice that they were prepared when Saddam launched "El-Abed," the Iraqi missile, at Israel in January of 1991.

It had long been a standard practice in Israel to include a bomb shelter in each new building. But in 1985, the Israelis suddenly changed their approach to civilian defense. Bomb shelters were still built, but the emphasis was shifted to a new concept—the "sealed room." Every building, house, and apartment would contain a room that would be sealed with plastic and therefore capable of protecting its occupants from poison gas. Five years later, when the Iraqi Scuds rained down on Tel Aviv, the poignant and bizarre specter of thousands of men, women, and children donning gas masks and retreating to their "sealed rooms" became one of the most enduring images of the Gulf war.

The mass protection provided by the nation's "sealed rooms" intrigued outside observers previously unaware of Israel's comprehensive preparations for a chemical weapons attack. Dr. Peter Hutchinson, the noted British expert on mass crisis intervention, stated to *The Jerusalem Post* that "there is nowhere else on

earth as prepared as Israel" for a chemical attack against her population. The fact that Saddam Hussein proved unable or unwilling to use his poison gas on the Israelis is beside the point. The Gulf war saw almost fifty ballistic missiles fall on the Jewish State. Had they carried the promised chemical warheads, Israel would have been ready.

How, then, did Israel come to be prepared, while all of the other Middle East nations, and even some of the coalition armies arrayed against the Iraqis, were not? Herein lies our "ghost story." Like many stories dealing with Israeli security, it is one of Byzantine intrigues, admirable farsightedness, and great sacrifice. It is the story of how the Israelis, haunted by the memory of their slaughtered millions, burned political bridges, broke all the rules, and sacrificed the lives of one Jewish family in order to prevent a potential second Holocaust. The Israelis suffered consequences for their actions; of that there can be no doubt. But they were prepared when Saddam's missiles flew.

Still, the fate of the man who warned them of Saddam's chemical weapons capability weighs heavily on Israelis, who feel he stood between them and their worst nightmare.

"Why such information, some of it vital to Israel's very survival, was being officially withheld from Israel by the U.S. remains a mystery."

"Every day," wrote one Israeli journalist, "we fight the Arabs and win. But every night, we fight the Nazis and lose."

The defense of Israel's civilian population is charged to a special unit within the Israel Defense Forces known as Hago. It is to this unit that the older men and those generally unfit for combat duty are sent. In an army whose components are mostly combat units, Hago has been the butt of some pretty mean jokes over the years. The Gulf war proved, however, to be their war. For it was the soldiers of the Hago units who found themselves on the "front lines," while the combat units cooled their heels on the borders or remained at home, unmobilized.

It was Hago that introduced the "sealed room" doctrine in 1985 and placed the orders for gas mask design and production. The now-famous Protective Infant Carrier or "cocoon" (see photo) was designed and produced during this period, as were smaller, blower-driven gas masks for older children. When the British refused to sell Israel a blower-driven gas hood for younger children, Hago ordered the design copied and rushed into production. Millions of doses of the nerve gas antidote, Atropine, in automatic injectors were also ordered, as well as decontamination powder, extra gas mask filters, blower batteries, and the like. Movies, lectures, and pamphlets were prepared to educate the population to use the protective equipment and prepare their sealed rooms. Finally, Hago drew up a plan to rapidly distribute protective kits to every man, woman, and child—Jewish and Arab—inside the Israeli borders, including the West Bank and the Gaza Strip, should the need arise.

Hago had a little more than five years to prepare, but the day finally arrived in the fall of 1990 when the population of Israel was ordered to prepare their sealed rooms and take out their protective equipment. Kuwait had been invaded, and "the Butcher of Baghdad" was openly threatening Israel.

At a little past two in the morning, on Friday, January 18, 1991, the time for preparations ended, and Hago's foresight was tested. A salvo of eight Iraqi Scuds landed in Israel's population centers, but, prepared for the worst, the Israelis withstood the tense hours of high explosives and fear. Throughout the Gulf war, with repeated Scud attacks on the Jewish State, Israelis found refuge within their sealed rooms from the promised Iraqi gas attacks.

Still the question remains: How did the Israelis know the danger in 1985, with time enough to prepare? How could they have known back then, when the Iran-Iraq War was in a lull, before any missiles had been launched at any cities, before the Iranian troops had been gassed in the Fao Peninsula, and even before the Kurdish villages had perished in the lethal vapors? It was, of course, the work

of Israeli Intelligence, the Jewish State's first line of defense.

The gathering, analysis, and dissemination of the critical information rank this coup high among the legendary successes of Israel's Secret Services. There was, however, the cumbersome, untidy problem of the Jewish family this intelligence coup destroyed. That is the story of the convicted Israeli spy, Jonathan Jay Pollard.

Then a bright, young U.S. Naval Intelligence officer, Pollard betrayed the trust of the U.S. Government, destroyed his family, and sacrificed his freedom in order to pass on certain intelligence information to the Israelis. What sort of information? Details of Iraqi and Syrian gas, chemical, and biological warfare capabilities; Soviet arms shipments to Arab countries; Pakistan's efforts to build an atom bomb; U.S. Intelligence assessments of PLO-planned activities; Libyan air defenses, and more.

Why such information, some of it vital to Israel's very survival, was being officially withheld from Israel by the U.S.—despite the "U.S.-Israel Exchange of Intelligence Agreement" the two nations had signed just two years earlier—remains a mystery. To Pollard it was more than a mystery; it was an outrage. (When Pollard asked his superiors in the U.S. Defense Department why information about the poison gas capabilities of Israel's sworn enemies was being withheld from Israel, he was reportedly told: "Jews are too sensitive about gas.") Pollard responded by breaking the rules—big time.

For his sins, Jonathan Jay Pollard is currently and perhaps permanently sealed in a different kind of room—three stories underground, at the federal maximum security prison in Marion, Illinois. It is a place where they lock you in a room and throw away the room. He may remain there, in solitary confinement, for the rest of his life—even though, as a result of the Gulf war, many now believe he was astride the moral high ground.

And while the U.S. Government remains angry and defensive, or at the very least perplexed, over the Pollard affair, Israelis hold him in a special place in their hearts. "You know how we feel," said one Tel Aviv attorney. "Every time we put the baby into her (gas) crib, every time my son pulled on his gas hood, I thought of Pollard. Every time my family went into our sealed room, Jay Pollard went with us." ■

—William Northrop  
Israel Bureau Chief

**COMING NEXT MONTH:** *New Dimensions'* in-depth investigative report on the Jonathan Pollard affair. Our story explodes the official U.S. version of what happened, and shows how the U.S. and Israeli governments crushed one family in a game of political hardball. More ominously, close examination of the Pollard affair reveals a secret change in U.S. policy toward Israel, a drastic shift from the traditional and supportive "special relationship" Israel has relied upon for decades.

NEW DIMENSIONS: The Psychology Behind the News, JUNE 1993

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David Kirshenbaum  
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Oceanside, NY 11572  
(212) 830-2651 (B)  
(516) 764-6945 (H)

April 13, 1992

Mr. Robert K. Lifton  
President  
American Jewish Congress  
Steven Weiss Congress House  
15 East 84th Street  
New York, NY 10028

Dear Mr. Lifton:

I am an attorney in New York who has been involved in the Jonathan Pollard case for a number of years. I have, for example, visited with Jonathan on two occasions at the Federal Prison in Marion, Illinois and have spoken and written about the case. During the course of my activities, I've had the pleasure of getting to meet a wonderful group of dedicated people - Jews and non-Jews - who are justifiably outraged at the unprecedented and draconian like sentence imposed on Jonathan Pollard. One such person, Albert Kaplan, shared with me your letter to him dated March 30, 1992 (copy enclosed).

I have long been aware of the decision of the American Jewish Congress to turn a deaf ear to Jonathan Pollard's desperate plea for help and to ignore the growing sentiment among the "AMCHA" of American Jewry to positively respond to that cry for assistance. Nevertheless, it still pains me to read a letter like the one you wrote to Al Kaplan in which you try to articulate the grounds for non-involvement. What is especially frustrating is your reliance on the findings of the NACRAC Ad Hoc Committee on the Pollard case. That report is so filled with inaccuracies that I can only respectfully suggest that if you are truly interested in fulfilling your mandate as President of the AJC, you have an obligation to look beyond the NACRAC Ad Hoc Report for your facts. It is a tragedy that this report, as replete as it is with distortions and half-truths, continues to be the source of information for responsible organizations.

Last October, I had the occasion to debate the merits of the Pollard case with Jerome Chanes of NACRAC before a UJA Lawyers meeting. I can only tell you that the NACRAC position, faithfully articulated by Mr. Chanes, met not only with disfavor and disbelief, but with outright hostility from the group of about sixty lawyers and guests present, all UJA contributors, but otherwise of diverse affiliations and backgrounds.

I would truly welcome the opportunity to sit down with you and talk about the NACRAC report and the Pollard case in general, but for the time being, let me simply offer some reactions to the specific points raised in your letter.

For the record, contrary to your suggestion, Ted Olson, Pollard's lawyer, has not even once made any "effort to formulate a case which demonstrates discrimination against [Pollard] based on his Jewishness and the fact that he acted for Israel." Nevertheless, many people, within and outside the Jewish community, find this conclusion inescapable. Quite frankly, Mr. Lifton, if you are looking for a "smoking gun" evidencing anti-Semitism in this case, I cannot produce one. There does not exist any written or any legally admissible oral statement by any of the principals responsible for Pollard's life sentence - the prosecutor, Joseph DiGenova, Caspar Weinberger or Judge Aubrey Robinson - to the effect that they acted as they did because Pollard was a Jew spying for Israel. If it would require a smoking gun to bring groups like the American Jewish Congress to join with grassroots Jewry, numerous Jewish organizations such as the Simon Wiesenthal Center and virtually the entire rabbinical organizational structure in this country, then perhaps all of us who urgently look to you to join with us, ought to stop wasting our time. But, as you know, Mr. Lifton, the U.S. Congress and the courts of this country understand that smoking guns usually are non-existent and, accordingly, the law provides that smoking guns need not be produced when remedies are sought for alleged past or present discrimination. Appropriate inferences can be drawn and circumstantial evidence is acceptable.

This is not simply a case of someone who received a sentence that was, as you put it, "very harsh", and it will not due to casually and facilely reduce the arguments of advocates for Jonathan Pollard to one that "constantly restate(s) the thesis that [Pollard] has been sentenced unduly harshly..." If the typical sentence for a spy for an allied country was 25 or 30 years, and only on very rare occasions would such a spy receive a life sentence, one might in that case describe a life sentence as simply "very harsh" or "unduly harsh". But Pollard's case is far different. He is in a group of one who has been singled out for a life sentence when no other spy for an allied country has received anything even remotely comparable.

It is not life imprisonment, as opposed to 30 years; it is life versus the four years or less received by every other spy for an allied country. It is a life sentence versus the 20 years given to Richard Miller, the first FBI agent to spy for the Soviet Union (who, by the way, is expected to be paroled next year after serving six years). It is life versus the 48 months received by Abdulkedar Helmy, who passed U.S. stealth technology to Egypt for use in a joint weapons project with Iraq. I know you have heard this all before, Mr. Lifton, but if an argument is never refuted

or satisfactorily answered in any manner, it does not become stale, weak or outdated, no matter how often it is, as you put it, "constantly restated". Given the unexplainable gross disparity in Pollard's sentence, your apparent insistence on finding a smoking gun proving that Pollard was treated differently because he was a Jew spying for Israel is hard to understand.

Consider a situation where nine whites and one black commit the same crime but while all the whites get jail terms of four years or less, the black person gets life in prison with a recommendation against parole and is sent to the most notorious prison in the United States. How much credibility would you attach in such a case to government assertions that race did not play a role in the sentencing? Would you insist on a smoking gun proving discrimination? I think not.

Finally, I do not agree with your rejection and dismissal of the thesis that concerted action by the Jewish community could have a positive effect on the Jonathan Pollard case. As only one example of the importance of the position adopted by groups like the American Jewish Congress, one need only look to the editorial written by The Washington Post following the adoption of a resolution by the American Section of the World Jewish Congress supporting commutation of Pollard's sentence to time already served. In expressing its opposition to the resolution, The Washington Post, in the very first paragraph, cited the lack of support of major Jewish groups, like the American Jewish Committee, the American Jewish Congress and the Anti-Defamation League. You must know that your refusal to speak out on this issue sends a message to the non-Jewish world which, not knowing any better, still looks at American Jewry through the prism of the major Jewish defense organizations. Moreover, I never knew that it was part of our Jewish heritage to support just causes only when we can be sure that we will succeed in our efforts.

A victim of anti-Semitism is no less deserving of the assistance of the Jewish community simply because he is unpopular with the government or has been victimized by respected government persons and institutions. It is easy for Jewish organizations to protest the blatant anti-Semitism of a David Duke. It takes some backbone, however, to protest the more subtle but nevertheless real, manifestations of anti-Semitism in the case of Jonathan Pollard.

If you do the crime you do the time, but under our judicial system, the time is supposed to be proportionate to the crime. When punishment is selective and terribly excessive, as it so obviously is in the Pollard case, it is a perversion of justice. Thus, even if Jewish groups choose to ignore the anti-Semitism in the Pollard case, they are not absolved from the responsibility to pursue justice in the Pollard case on humanitarian grounds and

they may not shirk from the paramount Jewish duty of aiding in the redemption of wrongfully imprisoned captives. The argument that the AJC must restrict its activities to cases where there is clear evidence of anti-Semitism and that it cannot become involved simply on a humanitarian basis is totally transparent in view of the positions Jewish defense groups correctly take on purely humanitarian issues, of no direct relation to Jews, such as the current debate concerning Haitian refugees.

If the status quo is not changed, Jonathan Pollard will remain in jail until the day he dies. Those Jewish groups which have thus far stayed on the sidelines, and in some cases, even undermined efforts to help Jonathan Pollard must finally join with grassroots American Jewish community to help change that status quo.

When we sit down later this week at the Seder we will all begin by inviting all who are hungry to come eat with us. If we cannot actually have needy people at our tables, we are obligated to at least have made contributions to the poor prior to the Seder. Our rabbis tell us that we have no right to sit down to our Seder and our festive meal unless we have provided in some way for others less fortunate. In the same spirit, our celebration of freedom is meaningless if we allow a Jew like Jonathan Pollard to rot in the most notorious prison in this country. Jonathan Pollard is a dedicated Jew who has already paid the price many times over for his actions and we must not acquiesce in the unjustified prolongation of his imprisonment. I therefore implore you to make the decision to lead the American Jewish Congress in helping to secure Pollard's long delayed freedom. I promise you it will add true meaning to your Seder celebration.

Very truly yours,

*David Kirsh*

David Kirshenbaum, Esq.

DK:jb  
cc: Mr. Albert J. Kaplan

★ ★ ★  
**AJ Congress**  
★ ★ ★

American Jewish Congress  
Stephen Wise Congress House  
15 East 84th Street  
New York, NY 10028  
212 879 4500 • Fax 212 249 3672

Office of the President

March 30, 1992

Mr. Albert J. Kaplan  
187-Byrd Street  
Oceanside, N.Y. 11572

Dear Al:

I am delighted to have the opportunity to hear from you a third time in our lives since our days at the Yeshiva together on a very difficult topic, namely the Pollard situation.

On the last occasion that you wrote me, I sent you the material that we made public with respect to our position on Pollard. In case that got lost, I am herewith sending you another copy.

The reason the situation is so difficult is that every organization including our own feels that the sentencing of Pollard was very harsh, and sincerely wants to see that sentence reduced. Unfortunately, with all the best will and desire that the organized Jewish community can muster, it has not been presented with a case strong enough to present it with the opportunity to take the kind of action that would impact on the length of the sentence. I note that Mr. Pollard's counsel has made and is continuing to make every effort to formulate a case which demonstrates discrimination against him, based on his Jewishness and the fact that he acted for Israel. However, until such a case is presented, which frankly requires more than constantly restating the thesis that he has been sentenced unduly harshly, we have no hard basis on which to act. As painful as it is to recognize that, that is the reality. The thesis that if only the American Jewish community would speak out publicly on the matter, it would change the course of events for Pollard is totally without foundation and reality.

I am sorry to be so blunt with you, but I think it is better that you understand the situation and that the real frustration lies in the case being made for Pollard and not in the lack of activity on his behalf by the organized Jewish community.

I hope this letter finds you in good health.

Warmest personal regards.

RKL:ilb  
enc.

Sincerely,  
*Bob*  
Robert K. Lifton

April 20, 1992  
17 Nisan 5752

Jonathan Pollard/09185-016  
P.O. Box 1000  
Marion, Illinois 62959

Dear Jonathan:

Your letter of March 31 has just arrived at my office. I hope that my response to you will reach you with a lesser delay.

Our Commission on Social Action-- which met some weeks ago - considered the various issues which you had raised in your earlier correspondence with me. They, too, were perturbed, as am I, by the length of your sentence and by the severity of its application. They reacted with particular sympathy to the arguments advanced by the dissenting judge ruling on your appeal who felt that your plea bargaining agreement had in fact been violated.

Our Rabbinic association, the CCAR, had added its name as amicus curiae to this appeal. Our Commission also determined to invite your sister Carol to the upcoming meeting of its executive committee in order to determine what further steps we might be able to take.

With warm good wishes, I am

Sincerely,

Alexander M. Schindler

300  
March 31, 1992  
Marian, IL

Dear Rabbi Schindler,

I've attached a letter that was recently issued by the OU, which I think you'll find rather interesting. Given my current predicament, Rabbi, would it be possible for the VAHC to send a comparable appeal to Attorney General Barr? Believe me, Rabbi, at this point in time such a gesture would be greatly appreciated.

Alternatively, a simple, straight forward endorsement of the attached World Jewish Congress' call for the commutation of my sentence would probably be just as effective. While I realize that your organization is an affiliate of the WJC, many people still seem to be unsure as to whether or not the VAHC agrees with the WJC's stand on the case. I can only hope and pray, Rabbi, that it does.

Please, Rabbi, I really need the VAHC's help right now.

Stay well,  
Jonathan



# Orthodox Union

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OF AMERICA  
איחוד  
קהילות  
האורתודוקסיות  
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Executive Vice President

February 20, 1992


Honorable William Barr  
Attorney General of the United States  
Department of Justice  
Constitution Avenue & 10th Street, N.W.  
Washington, D.C. 20530

Dear Attorney-General Barr:

The Orthodox Union, which represents close to one thousand synagogues across America, expresses to you its deep concern with the humanitarian dimension of the Jonathan Pollard case. We strongly favor commutation of Mr. Pollard's life sentence on humanitarian grounds. Furthermore, we call for an investigation of the conditions of his incarceration with the aim of improving the treatment in a manner consistent with those governing the treatment of other prisoners.

Our position is not meant to be taken as a judgment on the particulars of the case, the severity of the offense, or as support for those who advocate a new trial. It is the humanitarian aspects of this case which motivate us to urge you to commute Mr. Pollard's sentence to time served.

Respectfully,

  
Sheldon Rudoff  
President

SR:mar

# WORLD JEWISH CONGRESS



## American Section

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### Resolution on the Case of Jonathan Pollard

The World Jewish Congress American Section emphasizes that persons convicted of espionage under the laws of this country should expect to be punished under its laws and the Section condemns all crimes of espionage against the United States.

In the case of Jonathan Pollard, the World Jewish Congress American Section notes the findings of the International Association of Jewish Lawyers and Jurists that

1. "Jonathan Pollard's sentence is far harsher than those meted out to many persons convicted of spying for the Soviet Union and other Soviet-bloc countries even where such espionage activities endangered the lives of U.S. agents and the loss of critical strategic and technical data to the Soviets;"
2. "Jonathan Pollard's sentence is grossly inconsistent with, and far harsher than the treatment received by other Americans accused or convicted of spying for friendly third parties or governments."

Accordingly, the World Jewish Congress American Section calls for the commutation of Jonathan Pollard's sentence to time served.

#### *Member Organizations of the American Section:*

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS; AMERICAN JEWISH CONGRESS; AMERICAN JEWISH LEAGUE FOR ISRAEL; AMERICAN SEPHARDI FEDERATION; AMERICANS FOR PROGRESSIVE ISRAEL; AMIT WOMEN; ASSOCIATION OF REFORM ZIONISTS OF AMERICA; B'NAI ZION; CENTRAL CONFERENCE OF AMERICAN RABBIS; EMUNAH WOMEN OF AMERICA; FEDERATION OF POLISH JEWS; FEDERATION OF RECONSTRUCTIONIST CONGREGATIONS AND HAVUROT; HADASSAH; HERUT ZIONISTS OF AMERICA; HIAS; INTERNATIONAL NETWORK OF CHILDREN OF JEWISH HOLOCAUST SURVIVORS; JEWISH NATIONAL FUND; LABOR ZIONIST ALLIANCE; MERCAZ; NATIONAL COUNCIL OF YOUNG ISRAEL; NATIONAL FEDERATION OF TEMPLE SISTERHOODS; NORTH AMERICAN JEWISH STUDENTS' NETWORK; PIONEER WOMEN/NA'AMAT; POALE AGUDATH ISRAEL OF AMERICA; RABBINICAL ASSEMBLY; RELIGIOUS ZIONISTS OF AMERICA; UNION OF AMERICAN HEBREW CONGREGATIONS; UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA; UNITED SYNAGOGUE OF AMERICA; WIZO-USA; WOMEN'S LEAGUE FOR CONSERVATIVE JUDAISM; WORKMEN'S CIRCLE; WORLD FEDERATION OF HUNGARIAN JEWS, U.S.A. DIVISION; ZIONIST ORGANIZATION OF AMERICA



**B'NAI  
BRITH  
CANADA**

February 10, 1992

Ms. Elaine Zeitz,  
Canadian Spokesperson  
for the Pollard Case,  
120 Shelborne Avenue, #1510,  
Toronto, Ontario. M6B 2M6

Dear Ms. Zeitz:

The following resolution was passed at a District Administrative Board (Board of Directors) meeting of B'nai Brith Canada:

"Be it resolved that B'nai Brith Canada authorize a delegation to make representations to the Ambassador of the U.S. government to commute the sentence of Jonathan Pollard to time already served".

In accordance with this resolution, on February 4 a senior delegation from B'nai Brith Canada's Institute for International Affairs met with officials at the U.S. Embassy in Ottawa. Enclosed is a press release providing information on this meeting.

We hope that these steps will be helpful to you in your efforts on behalf of Jonathan Pollard.

Please feel free to contact Paul Marcus of our office if you require any further information.

Yours very truly,

*Marilyn Wainberg*  
Marilyn Wainberg,  
National President

*Frank Dimant*

Frank Dimant,  
Executive Vice President

/gr

cc: Brian Morris,  
National Chairman Institute  
for International Affairs  
Paul Marcus,  
National Director Institute  
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Ms. Carol Pollard,  
Executive Director,  
Citizens for Justice for Jonathan Pollard,  
80 Fowler Street, #2L,  
New Haven, CT.  
06515. U.S.A.

AMERICAN JEWISH  
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Dear Ms. Pollard,

Although Kadima is a member of The Canadian Zionist Federation and thus associated with its statement of July 18, 1991, I am pleased to re-iterate the support of our members of all those who urge a review of the harsh sentence imposed on Jonathan Pollard, and that he be granted executive clemency.

Wishing you success in your endeavours, I am,

Yours sincerely,

Rabbi Dow Marmur  
President

A Constituent of  
THE CANADIAN  
ZIONIST FEDERATION

A Constituent of  
ARZENU - The International  
Reform Zionist Movement

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HEBREW CONGREGATIONS

## Pollard and the Zionist Left

It is time for the Zionist left, in Israel and in the Diaspora, to speak out on behalf of Jonathan Pollard.

In Israel the leading figure in the Knesset multi-party Pollard lobby has been right-wing MK Geula Cohen. In the United States, the organizations which have signed on their support for Pollard include Agudath Israel, the Central Conference of American Rabbis and the American Section of the World Jewish Congress. Though there are Labor MKs in the Pollard lobby in Israel, and probably some left-wing supporters of Pollard among American Jews, the Pollard case has been adopted largely by the right.

I think there are two reasons for this, one tactical and one strategic.

The tactical reason is that the chairman of the Labor Party (and leader of Israel's left), Shimon Peres, was Prime Minister at the time of Pollard's arrest. Yitzhak Rabin was Defense Minister. The Labor leadership immediately offered its support to the American investigators who came to Israel, returned all the Pollard documents to the American government, and turned its back on the Pollards. Peres and Rabin bore responsibility for Pollard at the time he was caught; they were running the country when he was betrayed. In the Knesset investigation of the case, headed by MK Abba Eban, the Labor representatives led the way in support of the government decision to cooperate with the Americans, while it was the right wing which criticized that cooperation.

The strategic reason runs a little deeper. The Israeli left has, for several years now, been increasingly pro-American. As the left weakened from one Knesset election campaign to the next, disillusioned leaders of the peace camp began to talk openly of American pressure on the Likud government being the only way to push the peace process forward. Often it seemed as if the Labor leadership in Tel Aviv and the Republican leadership in Wash-

ington were singing a well-orchestrated duet. The revelation that Israel had recruited an American Jewish spy came as a severe blow to all those who were counting on Americans to replace the Israeli electorate as the driving force for peace in the Middle East.

Many Israelis argued — and I was one of them, in a column for the *Jerusalem Post* — that the Pollard operation was, from its inception, a stupid risk. The risk of being caught, we felt, was far greater than the possible rewards of the intelligence he provided.

We also argued that, in spite of the stupidity of the whole operation, it was Israel's responsibility to the Pollards to help get them out. Ann Pollard's appearance on *60 Minutes*, with her re-enactment of how they were denied the safety of the Israeli Embassy in Washington, touched the hearts of many here in the Jewish state.

Looking back on the case six years later, it has now become clear that the Pollard operation may not have been the stupid risk we thought it was. One result of the Gulf war was the revelation that Israel was prepared for chemical warfare because of the documents Jay Pollard was able to provide. The Reagan administration would not tell us what Iraq's chemical and nuclear capabilities were. Jay Pollard told us that. Thanks to his information, millions of gas masks and atropin needles were distributed in time. As one Israeli writing during the SCUD attacks put it, every time he went into the sealed room, Jay Pollard was there with him.

But even if one cannot condone the employment of an American Jew like Pollard, or thinks that this particular case was a stupid, unnecessary risk, the fact remains that Pollard was an Israeli agent risking his life and his freedom for the Jewish people. To make the point clearer, I think we can look at the issue of POWs and MIAs.

Americans were deeply divided over the Vietnam war. But when the war

ended, and for the past 16 years, they have been united in their hope that any living POWs and MIAs who are still in Southeast Asia will be returned home. They all want the bodies of MIAs returned to the States. There is widespread sympathy for the families of MIAs. That sympathy extends to the most vigorous opponents of the Vietnam war.

Israel also has its own POW and MIA problem — the seven Israelis who didn't return from Lebanon. Israel was also deeply divided over the Lebanon war. But all Israelis, left- and right-wing, Peace Now and Gush Emunim alike, support our government's efforts to get our POWs and MIAs back alive. There is widespread sympathy for the families of those men.

The same logic applies to the Pollards. Even if one doesn't support or condone the employment of American Jews by Israeli intelligence to spy from within the intelligence community in the U.S. — even if one thinks that Israel's actions were criminal, stupid, or just plain wrong — the fact remains that Jay Pollard is sitting in an isolation cell deep underground in the K-block of the federal maximum security facility in Marion, Illinois. He has been in solitary confinement for more than four years. He has not seen the sun.

His wife, Ann Henderson Pollard, was treated brutally during her stay in American prisons and emerged, according to some press reports, a drug addict. She has been in and out of Israeli hospitals, her life and her health permanently destroyed. A Jewish family has been destroyed, and the Israeli government does nothing. Meanwhile, Jay Pollard's jailors continue to ask him to provide the names of other American Jews who were involved in espionage on behalf of Israel.

Enough is enough. Americans who spied for the Soviet Union have been in and out of jail in the time Jay Pollard has been sitting in his cell in Mari-

on. His sentence is excessively long. President Bush has made it clear he has no intention of letting Pollard out. Israelis and American Jews, of the right and left, must make common cause to increase the pressure on both governments now. The Zionist left has a role to play and we must play it. We must do our part to get Jay Pollard out of prison and home to Israel.

—Eric Lee  
Kibbutz Ein Dor  
ERIC LEE is a veteran socialist activist andoleh from the U.S. and an occasional contributor to IH.

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## A meeting with Jonathan Pollard

David Kirschenbaum

**T**HE drive from St. Louis airport to the Federal Prison in Marion, Illinois, to visit Jonathan Pollard is filled with anticipation. You hope to bring some much-needed and friendly human contact to someone who should no longer be imprisoned, yet remains incarcerated in the US's most notorious prison. He is now beginning the seventh year of a life sentence.

The return trip is filled with feelings of sadness and anger from seeing first-hand how terrible the consequences can be when justice is perverted.

Having visited Jonathan last year, I was less jarred this time by the fortress-like structure at Marion, with its frightening watchtowers and its series of iron gates and doors.

Jonathan is incarcerated underground in an eight-cell ward known as the K-Unit, the most tightly guarded unit in Marion prison. *Newsweek* described the unit as "a collection of prisoners who are there for symbolic reasons, to show what the Federal Government can do if it really gets angry." According to the magazine, Jonathan is the most well-guarded prisoner in the unit.

The activity that landed him in the K-Unit was transmitting to Israel classified US documents concerning the weapon systems and military capabilities of various Arab states, including information about Iraqi efforts to produce chemical, biological and nuclear weapons. He was given a life sentence and sent to the K-Unit even though he was never even charged with acting to injure the US.

Seeing Jonathan in that underground meeting room was a bitter-sweet moment. Very glad to meet him again, I was momentarily overcome by the enormity of his tragedy.

Unlike my first visit, which was monitored by a member of US Naval Intelligence, this meeting was allowed to take place without any overt government presence. I sat down with Jonathan at about 10 o'clock a.m.; we talked about a range of matters until I was required to leave after 3 p.m.

Jonathan had plenty he wanted to talk about. He showed me the prayerbook presented to him by Is-

rael's Sephardi chief rabbi, Mordechai Eliahu, who visited Jonathan last October. It contained a very moving handwritten inscription, and it was clear that Jonathan was profoundly touched by the chief rabbi's visit. Jonathan hopes it will send a message to those Jewish leaders who have failed to extend any type of assistance to him all these years.

He hopes that just as his case has

energy problems, sleeping only two to four hours a night. He acknowledges that this virtually constant mental activity is in part a defense mechanism against the depression he experiences when his thoughts are not distracted from the tragedy of his situation.

As for physical activity, he is confined to his cell 23 hours a day and allowed out for only one hour of

### It's easy to protest the blatant antisemitism of a David Duke. It takes courage to protest the more subtle variety in the Pollard case

united virtually the entire Knesset, regardless of party affiliation, over the fact that he should be released from prison, so too the American Jewish community might be able to unite on the fundamental principle of *pidyon shvuyim* - the redemption of captives.

Jonathan spends a significant amount of time studying desalination and alternative energy, areas of great concern to Israel in which he hopes to contribute in the future. He took great pleasure in explaining some practical applications of his research.

Although his academic and professional background is in the area of political science, it is clear that he is one of those brilliant people who are able to excel in any chosen area. It is equally clear that Jonathan has inherited at least some of his scientific acumen from his father, Dr. Morris Pollard, a renowned professor of microbiology at Notre Dame University.

**J**ONATHAN also spends much of his day reading and corresponding about his case. He is, however, not always at liberty or in the position to respond to everything said or written about him - and, unfortunately, there have been a tremendous number of false statements and outright lies. The restrictions and limitations placed on his freedom to get his message across and to respond to falsehoods and misinformation is, obviously, a source of tremendous frustration for him.

Jonathan has thrown himself fully into his legal case and into his pursuit of solutions to Israel's water and

years of incarceration in one of the harshest prisons in the US, the time for his release is long overdue.

No other American who spied for an allied country ever received more than five years in prison, and the overwhelming number of Americans who spied for enemies of the US received sentences substantially less than life imprisonment.

Much as we might feel better denying or ignoring it, it is hard to avoid the conclusion that what really seems to have damned Jonathan Pollard was the fact that he is a Jew and that the country on whose behalf he was spying was Israel.

A victim of antisemitism deserves the assistance of the Israeli government and the American Jewish leadership no less because he is unpopular with the US government or, has been victimized by respected US government personnel and institutions.

It is easy for Jewish leaders and organizations to protest the blatant antisemitism of a David Duke. It takes some courage, however to protest the more subtle, but nevertheless real, manifestations of antisemitism in the case of Jonathan Pollard.

If the status quo is not changed, Jonathan Pollard will spend the rest of his life in jail. Those Jewish leaders and organizations, both in Israel and the US, who have thus far stayed on the sidelines and, in some cases, even undermined efforts to help Jonathan, must be prevailed upon to help change that status quo.

*The writer is active in efforts to bring about Jonathan Pollard's release.*

White House  
Washington, D.C. 20500

February, 1992

Dear Mr. President;

As citizens of the U.S. who strongly believe in democracy, fairness, and honesty, we must express to you our deep disappointment over several matters of American policy, some recent, and one of many years' standing.

We are outraged by the fact that our administration has not taken the least notice, or action, over the expulsion of hundreds of thousands of Palestinians from Kuwait, yet stridently joined in a U.N. vote to "strongly condemn" the State of Israel for issuing an expulsion order for twelve known terrorist agitators from territories it administers. Even Saddam Hussein's murderous invasion of Kuwait was condemned, but not strongly, by the U.N. Do you consider the action of the Israelis to be more reprehensible than Iraq's invasion??

We are grieved that our government holds back on its earlier promise of guaranteeing a \$10 billion loan for its only stable ally in the Middle East, needed for humanitarian purposes. To force Israel not to build settlements on territory having no official owner, only because Arab governments refused to negotiate for over 40 years about its status, means in effect that the U.S. has decided before negotiations that this land must become exclusive Arab property. We have no right to make such legal determinations before the negotiations take place.

Worst of all - the U.S. government has treated a convicted spy, who spied during peacetime for a friendly ally, worse than any other traitor in our time, including those (the Walkers) who spied for an avowed enemy at the time, and caused great damage to our cause. Jonathan Pollard primarily caused embarrassment to our government, that it did not warn Israel about impending threats to its existence from an array of enemies all around it. Keeping Pollard in solitary confinement for seven years is as ugly an act as the abominable actions of the French Government towards Alfred Dreyfuss early in this century. In recording this terrible blot on American justice, history will condemn not only Caspar Weinberger for his deviousness, but every American president who refused to undo this blatant discrimination of administering a punishment that does not fit the crime, and indeed smacks of naked anti-Semitism.

Mr. President - the time has come for you to release Mr. Pollard from his long incarceration, and to take the necessary courageous political steps that will demonstrate that you recognize the important contributions to our own country and to stability in the Middle East by Israel - the only democracy in the entire area. The eyes of all citizens of the U.S. who care for democracy and even-handedness are upon you in this election year. Please give us the kind of bold leadership that will prove you merit another term as leader of our great nation.

Respectfully, NATIONAL COUNCIL OF YOUNG ISRAEL



RABBINICAL ASSOCIATION OF VANCOUVER/VICTORIA

January 8, 1992

Tevet/Shevat 5752

Mr. William Barr  
Attorney General of the United States  
Department of Justice  
Constitution Avenue & 10th Street N.W.  
Washington, D.C. 20530

We, of the Rabbinical Association of Vancouver (RAV), endorse the World Jewish Congress resolution on Jonathan Pollard and appeal to the Justice Department of the United States to move to commute Mr. Pollard's sentence to time served (6 years.)

We, in no way are attempting to pass judgement or comment on the trial or to condone espionage. What we are concerned with is the issue of the appropriateness of the length of his sentence in light of sentencing of others who were guilty of spying for our "then" enemy, the Soviet Union. Pollard was sentenced for spying for Israel and his sentence has been longer and harsher.

As an act of justice tempered by kindness and leniency, we urge in the strongest terms possible that Jonathan Pollard's sentence be commuted.

Rabbi Ronnie Cahana  
Chairman, RAV

*COPY FOR YOUR INFORMATION*

/ia

## Pollard deserves better

"Few voices are being raised in this country to protest the life sentence handed down to Jonathan Pollard, the American Jew convicted of spying for Israel. Particularly deafening is the silence from the organized Jewish community." That was the opening paragraph in the editorial that ran in this space on Jan. 12, 1989. Has anything changed during the past three years?

Certainly there has been no change in the conditions of the former naval analyst who turned over to Israel secret documents about the locations of chemical and biological weapons arsenals in Iraq, Libya and Syria — information that the Pentagon *should* have, but didn't, share with its ally. For most of the past six years, he has remained in solitary confinement in the federal penitentiary in Marion, IL.

"Mainstream" American Jewish organizations generally persist in their refusal to become involved in Pollard's quest for a new trial or for reduction of his sentence to time served. (His appeal to set aside his plea bargain, on the grounds that it was violated by the U.S. government, is now being considered by the U.S. Court of Appeals for the District of Columbia.)

However, a groundswell of support for Pollard is growing, particularly among American rabbis. Rabbinical associations across the continent and from every Jewish denomination have passed resolutions voicing support for Pollard's appeal. A few secular leaders — notably, Seymour Reich, past chair of the Conference of Presidents of Major Jewish Organizations — are also beginning to stand up for Pollard. Reich was among the speakers at the first major "compassion" rally on Pollard's behalf, held in Los Angeles on Jan. 12.

After (stupidly) exploiting Pollard and (reprehensibly) denying him safe haven, the Israeli authorities are only now beginning to rally to his cause. Again, the rabbis go before the camp; Israel's Sephardi chief rabbi, Mordechai Eliahu, has been one of the few Israeli dignitaries to visit Pollard in prison.

Pollard's case constitutes a maze of legal complexities and government duplicity, with strong overtones of anti-Semitism. The convicted spy has always admitted he broke the law and should serve time. But, in 1987, he had the book thrown at him by the judge, despite his plea bargain — made with the understanding that the prosecution would not seek a life sentence.

While it didn't, Pollard received the stiffest sentence ever handed down to an American who spied for an ally — because the then secretary of defense, Caspar Weinberger (perhaps responding to his own twisted discomfiture over his Jewish ancestry), signed court papers urging severity due to "the magnitude of the treason committed." One of the prosecutors repeated the slur in court, speaking of Pollard's "traitorous conduct."

Whether Pollard is an authentic Jewish hero who put Israel's welfare first (as his supporters insist), or no more than a felon who delivered secrets to a foreign government for material gain (as his detractors hold), Pollard is *not* guilty of treason.

The Constitution clearly defines that crime: "Treason against the United States shall consist only in levying war against them or, in adhering to their enemies, giving them aid and comfort." Even a self-hating semi-Jew like Weinberger cannot claim that Pollard helped Israel make war on the U.S. or that Israel is an enemy.

Pollard was betrayed — not only by his Israeli handlers, but also by the U.S. government and the justice system. *The Wall Street Journal* wrote (on Sept. 4, 1991): "No crime entitles prosecutors to induce plea bargains with broken promises or bullying tactics."

With Pollard's appeal now under judicial consideration, it is time for American Jews to consider seriously whether he is a victim of injustice and, if they deem he is — as we do — they should overcome the *shah-shall* mentality and speak out boldly for his release — or a new trial.

**MetroWest** Jewish News



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### RESOLUTION ON JONATHAN POLLARD

Whereas Jonathan Pollard, an admitted spy for Israel, received an unduly cruel and unusual punishment for spying for a friendly nation in a non-wartime era; and

Whereas Mr. Pollard has already spent over five years in solitary confinement,

The New York Board of Rabbis calls upon President Bush to commute the sentence of Jonathan Pollard to time served on humanitarian and compassionate grounds.

# THE BROOKLYN BOARD OF RABBIS

## ORTHODOX - CONSERVATIVE - REFORM

### RESOLUTION ON THE CASE OF JONATHAN POLLARD

THE BROOKLYN BOARD OF RABBIS

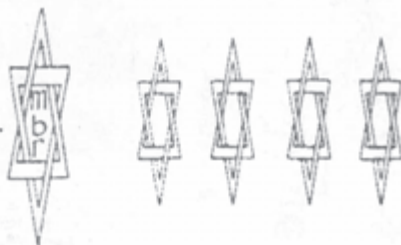
JANUARY 16, 1992

The Brooklyn Board of Rabbis emphasizes that persons convicted of espionage under the laws of this country should expect to be punished under its laws and The Brooklyn Board of Rabbis condemns crimes of espionage against the United States.

In the case of Jonathan Pollard The Brooklyn Board of Rabbis notes the findings of the International Association of Jewish lawyers and Jurists that:

"Jonathan Pollard's sentence is far harsher than those meted out to many persons convicted of spying for the Soviet Union and other Soviet-bloc countries even where such espionage activities endangered the lives of U.S. agents and resulted in the loss of critical strategic and technical data to the Soviets. Jonathan Pollard's sentence is grossly inconsistent with and far harsher than the treatment received by other Americans accused or convicted of spying for friendly third parties or governments."

Accordingly, The Brooklyn Board of Rabbis asks that Jonathan Pollard's sentence be commuted to time served.



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\*(deceased)

## MBR Resolution on the Case of Jonathan Pollard

October 16, 1991

Heshvan 8, 5752

In light of the fact that Jonathan Pollard's sentence of life imprisonment for the crime of espionage is far harsher than the treatment of many of those convicted of spying for the Soviet Union and other unfriendly nations and grossly inconsistent and far harsher than the punishments received by other Americans convicted of spying for friendly third parties or governments, the Massachusetts Board of Rabbis calls for the commutation of Jonathan Pollard's sentence to the six years of time already served in solitary confinement.

## More news

# Local rabbinical board protests extreme punishment of Pollard

By Melissa Peerless  
Editorial Intern

The Cincinnati Board of Rabbis has joined the recent groundswell of community groups speaking out against the sentence of Jonathan Pollard, the American Jew convicted of passing United States military secrets to Israel.

At a recent meeting, the Cincinnati Board of Rabbis drafted a resolution asking that Pollard's sentence be reconsidered and stating its belief that Pollard's sentence is too harsh for the crimes he committed.

Board President Rabbi Abie Ingber said: "The Pollard case was the most important Jewish spy case since the Rosenbergs. The Jewish community was embarrassed and scared that Jews would be equated with treason, communism and similar kinds of emotions.

"In this case, there was the extra dimension of dual loyalty that American Jews have to the United States and to Israel to

complicate the issue."

Ingber said that Pollard felt the United States was not only greatly endangering Israel, but also acting against the formal U.S. policy. He felt it was his duty to stop the activities, and did so by passing along naval information to Israel.

Pollard received a much more stringent sentence for his activities than other people who were convicted of similar crimes. Pollard was also sentenced for the crime of treason, which he did not commit, Ingber noted.

There have also been charges that Pollard was sentenced unfairly because of personal feelings of former Defense Secretary Caspar Weinberger and others involved in the case.

Ingber said: "At first, the Jewish community did whatever they did, which was primarily a response characterized by silence. Now many institutions and groups are calling for a reassessment of the severity of the sentence that Jonathan Pollard received. It is completely

out of line with similar cases."

Acting as president of the Board of Rabbis, Ingber wrote Pollard a letter telling him that the Cincinnati Board of Rabbis supports him and enclosing their resolution.

Although the board objects to Pollard's sentence, the reso-

*Pollard also stressed that he has learned from his prison stay and that he is... committed to Israel.*

lution clearly states that it finds espionage to be a serious, punishable crime.

The opening paragraph of the resolution reads, "Persons convicted of espionage under the laws of this country should expect to be punished...and the Cincinnati Board of Rabbis condemns crimes of espionage

against the United States."

Ingber recently received a letter of response from Pollard, who wrote from prison in Marion, Ill. Pollard's letter thanked the Board of Rabbis for their resolution and request on his behalf.

Pollard also attempted to explain "how and why (he) was capable of taking the actions that (he) did." Pollard also enclosed similar resolutions from other Jewish groups and organizations from throughout the United States.

Pollard wrote, "I have always accepted the fact that I am not above the law, and deserve to be punished for my actions, however well motivated I may have believed them to be."

At the time, I was faced with a cruel dilemma in which I thought I had to choose between the law and my conscience. The danger that I perceived to Israel's existence was so acute that I instinctively chose action over reflection.

"I now know that that was

wrong. I should have made the effort to discover a legal solution to the predicament that I faced. For this error in judgment I am sorry."

Pollard also stressed that he has learned from his prison stay and that he is still strongly committed to Israel and the Jewish people.

Pollard closed his letter by thanking Ingber again and said: "Let me just thank you once again, Rabbi, from the bottom of my heart for the resolution. Perhaps in the not too distant future, my friend, we can meet in Israel, where we can talk of better things. Until then, though, please know that I will never forget your uncommon decency and courage."

Although those who have filed resolutions and amicus curiae briefs in support of Pollard do not know what effect, if any, these actions will have on Pollard's future, support continues to increase as more organizations speak out on Pollard's behalf.

Comité de Coordination des  
Organisations Juives de Belgique

A.S.B.L.

Avenue Ducpétiaux, 68 - 1060 Bruxelles

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Joodse Organisaties van België

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Ducpétiauxlaan 68 - 1060 Brussel

SECTION BELGE  
DU  
CONGRES JUIF MONDIAL

MINISTÈRE DES AFFAIRES  
ÉTRANGÈRES

Le 19 novembre 1991  
Monsieur le Secrétaire d'État  
des Affaires Étrangères  
Rue de la Loi 20  
1050 Bruxelles

Objet : Cas de Jonathan POLLARD  
Réf. : 1000/1000/1000

En référence à votre lettre  
du 14 novembre 1991

Je vous prie d'agréer, Monsieur le  
Secrétaire d'État, l'assurance de ma haute  
et respectueuse salutation.

Je vous prie d'agréer, Monsieur le  
Secrétaire d'État, l'assurance de ma haute  
et respectueuse salutation.

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et respectueuse salutation.

Je vous prie d'agréer, Monsieur le  
Secrétaire d'État, l'assurance de ma haute  
et respectueuse salutation.

Mrs Judith BARNETT  
Cooter & Gell  
1201 NEW YORK AVENUE N.W.  
Suite 900  
WASHINGTON, D.C. 20005  
UNITED STATES OF AMERICA

BRUSSELS, 19th November 1991

Concern : Case of Jonathan POLLARD

The board of the coordination committee of the Belgian Jewish organisations (C.C.O.J.B.) wishes to express its support for Mr Jonathan POLLARD. It also supports strongly the opinion that the american justice has in this case given a sentence which seems disproportionate with the actions he is accused of.

Therefore, the C.C.O.J.B. and his president will do every effort necessary to ensure Jonathan POLLARD in set free as soon as possible, by adresssing the american authorities and keeping the media constantly informed of their proceedings.

Sincerely yours,



קהילת ספרדי ויוצאי איראן  
SEPHARADIC SOCIETY of MANHATTAN

163 East 67th Street • New York, N.Y. 10021 • (212) 737-6900

November 26, 1991

Rabbi:

Yedidia Azarahian

Captor:

David Melamed-Havoh

Ms. Carol Pollard  
Executive Director  
CITIZENS FOR JUSTICE FOR JONATHAN POLLARD  
80 Fowler Street #21  
New Haven, CT 06515

Dear Ms. Pollard:

At a recent meeting of the Board of Trustees of the Sephardic Society of Manhattan, the following resolution was passed unanimously regarding Jonathan J. Pollard:

"Insomuch as Jonathan J. Pollard has been incarcerated in numerous federal correctional facilities under harsh and severe conditions for the past six years for the crime of espionage, for delivering national defense information which should have freely been available to Israel, we believe that a re-examination of his sentence and his immediate release from prison would be appropriate and just."

We wish you luck and success in your endeavors.

Very truly yours,

Rabbi Yedidia Azarahian



Asher Roshanzamir  
President



# The Board of Rabbis of Southern California

אגוד הרבנים של קליפורניה הדרומית

PAUL DUBIN  
Executive Vice President  
MARTIN B. RYBACK  
Director of Chaplaincy

## RESOLUTION ADOPTED BY BOARD OF RABBIS OF SOUTHERN CALIFORNIA

August 27, 1991

Jonathan Pollard is presently serving a life sentence for passing classified information to a nation friendly to the United States. In contrast, Abdelkader Helmy, an Egyptian-born American citizen, was sentenced to just 46 months in prison for illegally exporting to Egypt, for the benefit of the Egyptians and the Iraqis, 420 pounds of a material used in Stealth Aircraft, along with missiles and rockets. Samuel Morison, an analyst at the U.S. Navy's ultra secret Naval Intelligence Support Center, was sentenced to two years for selling classified photographs of Soviet Naval Vessels. Navy Ensign Steve Babs received only a two year prison term for illicitly transmitting code indices and a document on electronic warfare to South Africa.

And, in addition, even many convicted of spying for hostile nations have received prison sentences significantly less than Pollard's. For example, William Holden Bell was sentenced to eight years for providing information on antitank missiles and radar technology to a Polish agent, and even those convicted of spying for the Soviet Union have received sentences considerably less than life imprisonment.

Yet, although never accused nor convicted of treason, Jonathan Pollard is serving an unprecedented life sentence in solitary confinement, with no realistic chance for parole, for passing classified information to an allied country.

Therefore, we call upon the President and the Justice Department of the United States Government to recognize that the punishment meted out to Jonathan Pollard has been unduly harsh. His incarceration reflects a clear excess of punishment in comparison with that given to others sentenced for similar actions, and we therefore call for the commutation of Jonathan Pollard's sentence to the five and one half years he has already served.

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## The Chicago Board of Rabbis

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August 29, 1991

Fax #203-389-2444

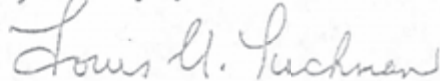
Ms. Carol Pollard  
80 Fowler Street-Unit 2C  
New Haven, CN 05615

Dear Ms. Pollard:

At a meeting of the Chicago Board of Rabbis held on August 28, 1991, the following resolution was passed.

"Whereas the punishment meted out to Jonathan Pollard has been far harsher than those meted out to many persons convicted of spying even where such espionage activities endangered the lives of United States agents, and because Jonathan Pollard's sentence is grossly inconsistent with and far harsher than the treatment received by other Americans accused or convicted of spying for friendly third parties of governments, the Chicago Board of Rabbis calls for the commutation of Jonathan Pollard's sentence to time served or at least a reduction of his sentence to equal the level proportionate to that of others who have been convicted of spying for friendly nations."

Very truly yours,



Rabbi Louis M. Tuchman  
President



חבר הרבנים דמינסטא  
**Minnesota Rabbinical Association**

RESOLUTION ON THE CASE OF JONATHAN POLLARD  
MINNESOTA RABBINICAL ASSOCIATION  
 OCTOBER 28, 1991

The Minnesota Rabbinical Association emphasizes that persons convicted of espionage under the laws of this country should expect to be punished under its laws and the Minnesota Rabbinical Association condemns crimes of espionage against the United States.

In the case of Jonathan Pollard the Minnesota Rabbinical Association notes the findings of The International Association of Jewish Lawyers and Jurists that:

"Jonathan Pollard's sentence is far harsher than those meted out to many persons convicted of spying for the Soviet Union and other Soviet-bloc countries even where such espionage activities endangered the lives of U.S. agents and resulted in the loss of critical strategic and technical data to the Soviets. Jonathan Pollard's sentence is grossly inconsistent with and far harsher than the treatment received by other Americans accused or convicted of spying for friendly third parties or governments."

Accordingly, the Minnesota Rabbinical Association asks that Jonathan Pollard's sentence be commuted to time served.

מועצת הרבנים דמונטריאל רבתי

THE BOARD OF JEWISH MINISTERS OF GREATER MONTREAL  
LA COMMISSION RABBINIQUE DU GRAND MONTREAL

1590 Avenue Docteur Penfield, Montréal, Québec H3G 1C5  
Telephone (514) 931-7531

STATEMENT CONCERNING  
THE CASE OF JONATHAN POLLARD

The Board of Jewish Ministers of Greater Montreal, representing congregational and communal rabbis of all branches of Judaism, fully supports the Resolution on the Case of Jonathan Pollard adopted by the World Jewish Congress, American Section.

While we agree that any individual convicted of crimes of espionage against the United States should be punished according to the laws of that country, we believe that the punishment meted out to Jonathan Pollard has been unduly severe and not consistent with that of others convicted of the same crime, even in cases the consequences whereof were far more critical.

Accordingly, we call for Jonathan Pollard's sentence to be commuted to time served.



קאנגרעס יידישער קאנגרעס • הקונגרס היהודי הקנדי

# CONGRÈS JUIF CANADIEN CANADIAN JEWISH CONGRESS

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1590 Avenue Docteur Penfield  
Montreal, Quebec H3G 1C3  
Cables: Ameicon, Montreal  
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July 2, 1991

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Ms. Carol Pollard  
Executive Director  
Citizens for Justice for Jonathan Pollard  
80 Fowler Street #2L  
New Haven, CT  
06515

Dear Ms. Pollard:


The World Jewish Congress, American Section's Resolution on the Case of Jonathan Pollard, was considered by the Administrative Committee of the National Officers of Canadian Jewish Congress today.

The following resolution was passed:

THAT the National Officers' Committee of Canadian Jewish Congress supports the World Jewish Congress, American Section's Resolution calling for the commutation of the Jonathan Pollard sentence to time served.

We hope that this will be helpful to you in your attempt to act on behalf of your brother.

Sincerely yours,

  
Les Scheininger  
President  
Canadian Jewish Congress

a189.mo

# San Diego Rabbinical Association

c/o 6660 Cowles Mtn. Blvd., San Diego, CA 92119 (619) 697-6001 FAX (619) 697-1102

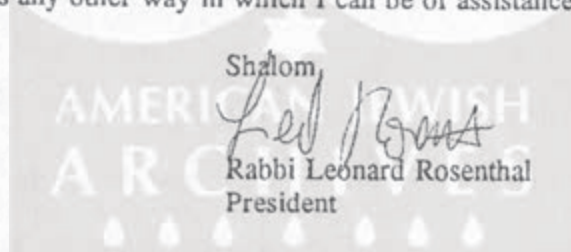
October 16, 1991  
8 Cheshvan 5752

Ms. Carol Pollard  
Executive Director  
80 Fowler Street #2L  
New Haven, CT 06515

Dear Ms. Pollard:

I am pleased to inform you that the resolution below concerning Jonathan Pollard was passed by the San Diego Rabbinical Association on October 15, 1991. I hope it speeds his release.

Please let me know if there is any other way in which I can be of assistance.



The San Diego Board of Rabbis endorses and supports the following World Jewish Congress resolution concerning the case of Jonathon Pollard:

The World Jewish Congress American Section emphasizes that persons convicted of espionage under the laws of this country should expect to be punished under its laws and the Section condemns all crimes of espionage against the United States.

In the case of Jonathan Pollard, the World Jewish Congress American Section notes the findings of the International Association of Jewish Lawyers and Jurists that

1. "Jonathan Pollard's sentence is far harsher than those meted out to many persons convicted of spying for the Soviet Union and other Soviet-bloc countries even where such espionage activities endangered the lives of U.S. Agents and the loss of critical strategic and technical data to the Soviets;"
2. "Jonathan Pollard's sentence is grossly inconsistent with, and far harsher than the treatment received by other Americans accused or convicted of spying for friendly third parties or governments."

Accordingly, the World Jewish Congress American Section calls for the commutation of Jonathan Pollard's sentence to time served.

# THE PARK SYNAGOGUE - Anshe Emeth Beth Tefilo Congregation

3300 Mayfield Rd. Cleveland Hts., OH 44118-1899 • (216) 371-2244 • FAX (216) 321-0639

PARK SYNAGOGUE EAST • 27575 Shaker Blvd. Pepper Pike, OH 44124 • (216) 831-5363



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NEWS RELEASE - THE CLEVELAND JEWISH NEWS  
ATTENTION: NINA ROTHMAN  
FAX #: 991-9556

10-22-91  
FROM: RABBI DOV PERETZ ELKINS  
TEL.: 371-2244

The Cleveland Board of Rabbis (CBR) met recently and adopted a resolution regarding the espionage case of Jonathan Pollard. Pollard, an American citizen, was convicted in March, 1987, of spying for Israel, and was given a life sentence. Driven by a passionate ideological commitment to the Jewish state and a deep concern about Israel's security, over a 1 1/2 year period, Pollard transmitted thousands of documents to Israel, which he believed were vital to her security yet withheld from her illegally by the American government. Much of this information was used by Israel to maintain her extraordinary restraint during the Persian Gulf War.

Many Jewish groups and organizations through the North America, includ The World Jewish Congress, The Central Conference of American Rabbis, and the New York Association of Reform Rabbis, have adopted resolutions regarding the Pollard case. The resolution adopted by the CBR reads, in part,

The Cleveland Board of Rabbis (CBR) emphasizes that persons convicted of espionage under the laws of this country should expect to be punished under its laws and the CBR condemns all crimes of espionage against the U.S.

In Pollard case, the CBR notes the findings of The International Association of Jewish Lawyers and Jurists that:

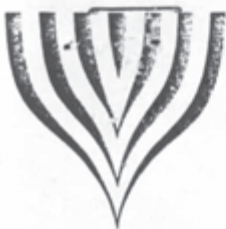
"Jonathan Pollard's sentence is far harsher than those meted out to many persons convicted of spying for the Soviet Union and other Soviet-bloc countries even where such espionage activities endangered the lives of U.S. agents and the loss of critical strategic and technical data to the Soviets."

"Jonathan Pollard's sentence is grossly inconsistent with and far harsher than the treatment received by other Americans accused or convicted of spying for friendly third parties or governments."

Accordingly, the Cleveland Board of Rabbis calls for the commutation of Jonathan Pollard's sentence to time served.

For further information, please call Rabbi Dov Peretz Elkins of The Park Synagogue, at 371-2244.

DPE:ask



איחוד  
ליהדות  
מתקדמת  
באמריקה

The CSA is a joint instrumentality of the UAHC, its affiliates, and the CCAR. It strives to apply Jewish ethics to contemporary issues of social justice, religious liberty and world peace.

# Commission on Social Action of Reform Judaism

SERVING REFORM JUDAISM IN NORTH AMERICA

UNION OF AMERICAN HEBREW CONGREGATIONS-CENTRAL CONFERENCE OF AMERICAN RABBIS

838 FIFTH AVENUE, NEW YORK, NY 10021-7064 (212) 249-0100

*Goldman*

November 25, 1992

Mr. Arthur Susswein  
21 Chapel Place  
Great Neck, NY 11021

Dear Mr. Susswein:

Thank you for your note of November 23, 1992, which Rabbi Schindler has referred to me as Director of the Commission on Social Action of Reform Judaism.

This matter was brought before the Commission at its October meeting, following an appearance by Carol Pollard with the Commission's Executive Board. The Commission debated the matter for several hours; participating in the deliberations were many attorneys and two federal judges, who helped us to clarify the legal issues involved. Finally, by a vote of 26-4, the Commission defeated a resolution recommending commutation. The Commission, it should be noted, consists of lay leaders and rabbis, and representatives of all Reform affiliates. Present at the meeting were leaders from Reform communities around the country.

As I indicated, the debate was lengthy, serious, and thorough. The matter was considered from every perspective, and all points of view were discussed. The particular issue that you mentioned -- the matter of sentencing -- was examined very carefully; the Commission took note of the fact that while some people accused of similar crimes have received lesser sentences, others accused of such crimes have received harsher sentences. I am reluctant to attempt to summarize for you in a few words the full discussion. If you wish, I would be happy to send you the minutes of the meeting when they are ready in a few weeks.

I appreciate the fact that this is a difficult case which has elicited much emotion on both sides. Many leaders of the Jewish community support commutation. At the same time, most Jewish leaders and organizations do not. The special committee established by NJCRAC -- the community relations umbrella body of the Jewish community -- has refrained from endorsing commutation.

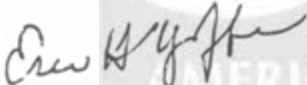
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NATIONAL FEDERATION OF  
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TEMPLE ADMINISTRATORS  
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TEMPLE EDUCATORS  
AMERICAN CONFERENCE  
OF CANTORS  
ASSOCIATION OF REFORM  
ZIONISTS OF AMERICA

Mr. Arthur Susswein  
November 25, 1992  
Page 2

In my view, the Commission did everything possible to give this matter full and fair consideration. We recognize, of course, that not everyone will agree with our course of action. If you have any additional questions I would be happy to answer them.

Sincerely yours,

  
Eric H. Yoffie

cc: Rabbi Jerome K. Davidson



16/01/92

WE DO NOT WANT  
TO SIGN

do you want to sign on or merely

Reply send on to abg? it was sent to you both

Our counsel  
says not to  
do too. Let's  
have our own  
statement of  
letter. Let CCM

ASK AV  
+ on DS  
if we should  
sign -  
we don't send  
to MBB.

# CITIZENS FOR JUSTICE FOR JONATHAN POLLARD

Carol Pollard, Executive Director  
80 Fowler Street #2L  
New Haven, CT 06515  
(203) 389-0033 - Phone  
(203) 389-2444 - Fax

Dear Friends of Jonathan Pollard:

My name is Carol Pollard. I am Jonathan Pollard's sister. Perhaps you have been following Jonathan's case in the media during the past five and one-half years. During this time, no events have done more to point out what my family knew all along -- and to reinforce Jonathan's case -- than the recent Gulf conflict. The material Jonathan provided to Israel should not have resulted in a life sentence, with him now forced to spend all of his days in virtual isolation in the toughest prison in the United States. Jonathan faced a moral dilemma; he saw information vital to Israel's defense purposely withheld by his superiors -- despite an Executive Agreement which allowed for an exchange of this information -- showing, among other things, nuclear and chemical developments in Syria and Iraq. During the war in the Persian Gulf, the Coalition Forces' ability to act in unison was due in part to Israel's ability to stay out of the conflict. Fortunately for the United States, Israel was warned by Jonathan over five years ago, acted on his information, and was in a position to defend itself confidently against aggressor nations in the Middle East. By giving this information, Jonathan has indeed helped both Israel and the United States.

Although Jonathan was never accused of treason (a fact that to this day is conveniently overlooked when this case is discussed by our opponents, including the Justice Department), he received a life sentence due to the intervention of Mr. Weinberger in the case. This is an extreme and disproportionate sentence when compared to sentences given to others who were involved in more serious matters with hostile nations.

Jonathan's case is being brought before the United States District Court of Appeals in Washington, D.C., in early September. **The Amicus Brief herein enclosed must be filed by early June.** I have also enclosed an updated packet of information on recent events in Jonathan's case. This information is merely a preface to a plea for your support.

We seek your support for the Amicus Brief. **A list of supporters must be submitted by June 10, 1991.** After reading the enclosed materials, please sign and return the enclosed reply sheet or contact me at the above phone or fax numbers. Other individuals you may contact for more information are: Professor Irwin Cotler; Professor Alan Dershowitz; Hamilton P. Fox, Esquire; Professor Kenneth Lasson; and Professor Charles Rice (see reverse side of this paper for addresses/phone numbers).

Please remember that every day that Jonathan spends in isolation is a living nightmare. During the past few months we have been very successful in dramatically raising interest in his case throughout the world. Please help us continue the fight to see that Justice is served.

Sincerely,

*Carol Pollard*

- p.s. (1) The enclosed brief should not go beyond your desk or your organization.  
(2) If you have any reason to believe that any of the Judges scheduled to hear this case (Laurence Silberman II, Stephen F. Williams, or Ruth Bader Ginsburg) either hold membership in, or are closely acquainted with officers in your organization, please inform us.

-----  
\*Please detach this reply sheet and return in the enclosed self addressed, stamped envelope\*

I wish to support Jonathan Pollard's Amicus Brief.

P Name: \_\_\_\_\_  
L  
E Organization: \_\_\_\_\_  
A  
S Address: \_\_\_\_\_  
E  
  
P  
R Phone: (\_\_\_\_\_) \_\_\_\_\_  
I  
N  
T

Signature: \_\_\_\_\_

## **CITIZENS FOR JUSTICE FOR JONATHAN POLLARD**

Carol Pollard, Executive Director

80 Fowler Street #2L

New Haven, CT 06515

(203) 389-0033 - Phone

(203) 389-2444 - Fax

### **INDIVIDUALS TO CONTACT FOR FURTHER INFORMATION**

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514-398-6622

Professor Alan Dershowitz

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Professor Kenneth Lasson

University of Baltimore Law School

1420 N. Charles Street

Baltimore, Maryland 21201

(301) 358-4649

Professor Charles Rice

Notre Dame Law School

Notre Dame, Indiana 46556

(219) 239-5667



I wish to support Jonathan Pollard's Amicus Brief

Name

Address

Phone

Signature

# FORWARD

FOUNDED APRIL 17, 1977

## Pollard in Perspective

**T**reason is unique in American law. It is the only crime for which America's founders denied the Congress authority to write the definition. "Treason against the United States," they wrote, "shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort." The founders went on to restrict the authority of the Judiciary in treason cases. They provided in the Constitution that no person shall be convicted of treason unless on the testimony of two witnesses. On top of this they provided that the witnesses would have to testify to the same overt act. Not even a confession could be accepted in treason cases, the founders insisted, unless it were made in open court. The reason for all these hurdles is not only that treason is the most heinous of all crimes, but also that it is the one that seems to arouse the most reckless political passions. We have long suspected that such passions ran amok in the case of Jonathan Pollard, who is now serving a life sentence for spying for Israel.

Pollard was not convicted, or even accused, of treason. Yet people seem to talk of the Pollard case as though he were a traitor. The crime Pollard was accused of is still a serious one, espionage; even his family understood that he had to serve some time in prison. The American defense secretary at the time, Caspar Weinberger, one of those who publicly described Pollard's act as treason, wrote an out-of-channels letter to the sentencing judge that is still being kept secret. Pollard drew a life sentence, even though the prosecution hadn't sought one and the espionage he was convicted of, following his confession, was a relatively mild form, involving no intent to harm the United States. His motive was to help Israel, which, our Roy Isacowitz reports this week, has now decided to seek his release. This comes as Pollard's partisans are pointing out that part of the intelligence that Pollard passed to Israel included information on Iraqi chemical weapons plants and offensive weapons. Suddenly — with Iraq raining Scud missiles on civilian population centers in Israel and preparing to gas American GIs in Saudi Arabia — Pollard's act appears less like one of desperation and more like one of foresight.

The new chairman of the Conference of Presidents of Major American Jewish Organizations, Shoshana Cardin, indicated on her recent visit to Israel that she intends to put her group into the campaign here at home. Certainly it would be a shame were the campaign for Pollard's release to be left to Israel. The outstanding issues, after all, are for Americans. While Pollard was desperately trying to alert Israel to the danger that was looming in Iraq, Secretary Weinberger was helping the Reagan administration's Gulf policy toward the Baghdad regime. Though wiser heads were publishing frantic warnings, the defense department even passed intelligence to Iraq, to help Saddam Hussein in his war with Iran. In other words, while Pollard passed some secrets to an American friend, Mr. Weinberger's defense department passed other secrets to an American enemy. It is an irony that the one man is in jail for life and the other free as a bird. History has a way of playing these kinds of tricks, which is something President Bush will no doubt contemplate as he decides what to do about Pollard.

# Appeasement of Iraq Made Me a Spy

In 1985, my son Jonathan Pollard pleaded guilty to providing Israel with information about the military capabilities of Arab states, including Iraq. Today he sits in a basement cell, in isolation 23 hours a day, serving a life sentence.

Jonathan was never accused of or indicted for treason, because he did not commit treason. He was indicted on one count—giving information to an ally, Israel. Abdel Kader Helmy, an Egyptian-American rocket scientist, participated in a scheme to illegally ship ballistic missile technology to Egypt—technology later used to help increase the range of Iraq's Scud-B missiles. Mr. Helmy got less than a four-year sentence. Jonathan, who warned Israel about Iraq's capabilities, got life.

America is now fighting a war with Iraq, while the one person who tried to warn Israel about Iraqi threats sits in jail. In a 1989 letter excerpted below, Jonathan wrote to an American rabbi from his cell that America would have to go to war against Iraq if we failed to prevent the completion of chemical facilities that we knew were under construction. How right he was.

—Morris Pollard

\* \* \*

Dear Rabbi,

My name is Jonathan Pollard and I am currently serving a life sentence due to my activities on behalf of Israel.

Lest you labor under a false impression, Rabbi, I want to state quite categorically that I do not consider myself to be above the law. I fully appreciate the fact that I must be punished for my activities, however justified I may have felt them to be. That being said, I do not believe that the draconian sentence meted out to me was in any way commensurate with the crime which I committed. Nowhere in my indictment . . . was I ever described as a "traitor," which is hardly a surprise given the fact that the operation with which I was associated actually served to strengthen America's long-term security interests in the Middle East.

Notwithstanding [then Defense Secretary Caspar] Weinberger's disingenuous opinion, any objective examination of the record will show that no American agent, facility or program was compromised as a result of my actions—not one. But this salient fact was conveniently overlooked by Mr. Weinberger, who felt that I deserved the death penalty for having had the audacity to make Israel "too strong."

In retrospect, perhaps one of the worst things the Reagan administration did to Israel during the course of our trial was that it purposely distorted the nature of my activities in such a way so as to leave the impression that Israel had somehow become a threat to the national security of this country. So by intent the subsequent sentence I received was an arrow aimed directly at the heart of the U.S.-Israel "special relationship."

The case of Mr. and Mrs. Abdel Kader Helmy appears to be yet another instance where the political aspects of an espionage trial have been of paramount concern to the government. As you'll recall, the Helmys are the Egyptian-born U.S. citizens who were accused last year of funneling highly sensitive ballistic missile technology to their native land. At the time of his arrest on June 24, 1988, [Mr.] Helmy was a senior propulsion engineer who held a "secret" level security clearance from the U.S. Department of Defense. According to a 36-page affidavit filed by the Customs Service . . . U.S. customs agents searching [Mr.] Helmy's trash found handwritten

notes outlining how to work with carbon-carbon fiber material, used in rocket nose cones and "stealth" aircraft . . . instructions on building rocket exhaust nozzles; a description of an extremely sensitive microwave telemetry antenna; and a complete package needed to build or upgrade a tactical missile system.

Although there is no public evidence linking [Mr.] Helmy directly with the Iraqis, intelligence sources have indicated that the Egyptians used [Mr.] Helmy's expertise to help Baghdad modify its stockpile of Soviet-supplied Scud-B ballistic rockets. His principal responsibility, however, was to ensure the success of an Egyptian-Iraqi missile program which had encountered some developmental problems. Code named BADR 2000 by the Egyptians and SAAD-16 by the Iraqis, this Argentine-designed weapon has an estimated range of 500-1,000 miles, and, from

**Jonathan Pollard:**  
*"What the Israelis would actually have considered was a preventive attack on the Iraqi chemical-arms factories before they had become fully operational."*

what I've been told, figures prominently in Arab strategic planning against Israel.

If one compares the way in which the government responded to my affair with that of its soft-peddling of the Helmy case, the existence of a double standard becomes apparent. Firstly, at the insistence of the State and Defense departments, all espionage-related charges against Mr. and Mrs. Helmy have been quietly dropped . . . [T]he administration has done everything it can to reduce the notoriety of the Helmy affair.

The problem . . . lay in the fact that many of the photos I turned over to the Israelis were of a number of Iraqi chemical weapons manufacturing plants which the Reagan administration did not want to admit existed. Why? Well, if no one knew about these facilities then the State and Defense Departments would have been spared the embarrassing task of confronting Iraq over its violation of the Geneva Protocol of 1925, which banned the use of chemical weapons in war. You have to remember . . . that at the time of my sentencing the massacre of Kurdish civilians in Halabja had not yet occurred, and what little public concern was being voiced over Iraq's apparent use of poison gas was largely ignored by the administration, which did not want to anger the Arab world by criticizing the employment of such barbaric weapons against Iran. The photos I gave Israel, though, if "compromised," would have jeopardized the administration's policy of callous indifference towards this issue, in that they constituted hard, irrefutable proof that Iraq was indeed engaged in the production and end-scale use of chemical weapons. What the administration was really concerned about was being placed in a position where it would have to admit that it had tacitly condoned the creation of an Iraqi chemical weapons manufacturing capability.

Once the atrocity at Halabja had occurred, though, the White House was placed in a rather awkward position. On the one hand, the U.S. intelligence community did not want to be accused of having failed to keep an eye on Iraq's bur-

geoning chemical weapons arsenal. Then again, the CIA . . . could not very well confirm the existence of the Iraqi poison gas plants without running the risk of compromising the Reagan administration's policy towards these facilities.

After a few days of "soul searching," the State Department finally admitted that the U.S. had intercepted some Iraqi military communications which indicated that lethal gas had, in fact, been employed against unarmed Kurdish civilians. The Iraqis had astutely outmaneuvered them, though, and the issue had to be "contained" before it caused a rift in U.S.-Arab relations. Certainly, confirming the undeniable operational employment of chemical munitions by the Iraqis was far preferable to describing the exact dimension of their poison gas plants, which would have raised some uncomfortable questions on Capitol Hill . . .

Thus, in an attempt to recapture the moral "high ground," so to speak, from Iran, the White House evidently decided that it would be better for the U.S. to be seen as leading the public denunciation of Iraq rather than the Ayatollah Khomeini. As it was, though, the administration still managed to salvage its standing in the Arab world by preventing Congress from imposing any punitive sanctions against Iraq. In essence, then, what I did by passing satellite photos of the Iraqi poison gas plants to Israel was endanger the Reagan administration's pro-Saudi political agenda, not the intelligence community's "sources and methods."

According to the prosecution, there were two reasons why the government refused to tell Israel about Iraq's poison gas plants: 1) fear of compromising the KH-11 [intelligence] system, and 2) concern over the Israelis' probable reaction once they recognized the threat these facilities posed to their survival.

What the Israelis would actually have considered was a preventive attack on the Iraqi chemical-arms factories before they had become fully operational. Once they had come on-line, you see, and the Iraqis had been able to disperse their arsenal of chemical munitions, these plants, like the ones in Syria, would only have been attacked either in war time, where the idea of a preemptive strike is valid, or in a clandestine sabotage campaign aimed at slowing their production of poisons. This was the same reasoning, by the way, that lay behind the Reagan administration's desire to bomb the Rabta industrial complex before the Libyans had had the opportunity to complete its construction.

The crisis over the Rabta plant does beg the question, though: If the Reagan administration felt justified in its desire to eliminate what it perceived to be an impending Libyan chemical threat to our national security, why was it so unwilling to grant Israel the same right of preventive self-defense with regard to Iraq's poison gas manufacturing facilities?

So what was I supposed to do? Let Israel fend for herself? If you think that is what I should have done, then how can we condemn all those . . . who during the Second World War consciously participated in the abandonment of European Jewry? Seriously, Rabbi, what would be the difference between what they did and a decision on my part to have kept silent about the Iraqi poison gas threat to Israel? I'd rather be rotting in prison than sitting shiva for the hundreds of thousands of Israelis who could have died because of my cowardice.

JONATHAN POLLARD

# OUTLOOK

SUNDAY, FEBRUARY 24, 1991

## My Brother's Vengeful Keepers

*Why Was Pollard So Harshly Punished  
For Helping Israel Against Saddam?*

By Carol Pollard

JONATHAN POLLARD is now completing his fifth year of a life sentence for having given to Israel U.S. intelligence data about Iraq and other hostile countries. He is held in isolation in the federal prison at Marion, Ill. The U.S. Court of Appeals here will rule soon on motions to withdraw the guilty plea that led to Jonathan's life sentence.

These five years have changed my life in ways I could never have imagined. My work on my brother's case has led me to ask many questions, and I have received too few answers. I have written countless unanswered letters and have had hundreds of telephone calls unreturned. I'm aware of press reports that Israel is seeking to have Jonathan released from prison in the United States and to serve his sentence in Israel. I'm hopeful that this will occur, but neither I nor the family can rely solely on such an outcome.

Jonathan broke the law. He and his family know this. He gave Israel secret information that our country had about critical military matters in the Middle East. In a letter to a rabbi, Jonathan has acknowledged that "many of the photos I turned over to the Israelis were of a number of Iraqi chemical weapons manufacturing plants which the Reagan administration did not want to admit existed."

But does this mean Jonathan should have received a life sentence as part of a plea bargain with the government? That he should spend 23 hours of each day locked alone in a basement cell? And that six years after his arrest, virtually everyone associated with the government's case against Jonathan should still stand behind a veil of secrecy as Jonathan's lawyers, family and friends attempt to get his sentence reduced to a just and fair punishment?

Jonathan had a plea bargain with the government. He was sentenced at a hearing before U.S. District Judge Aubrey E. Robin-

See POLLARD, B4, Col. 1



PETER MOEY—THE WASHINGTON POST

Carol Pollard is chairwoman of Citizens for Justice.

# Vengeful Keepers

POLLARD, From B1

son Jr. in Washington on March 4, 1987. A grand jury had studied the case for months and indicted him on one count: giving information to an ally—Israel. He was never accused of or indicted on a treason charge because he did not commit treason.

I understand that my brother pleaded guilty to a one-count indictment because the government promised not to seek a life sentence. But as Jonathan's motion to vacate his plea now argues: "The government made three promises and broke all three. It promised not to seek a life sentence. But the entire tenor of its written and oral submissions at sentencing was a request for just such a sentence. . . . It promised [to] limit the statements it made to the court about the sentence to the facts and circumstances of the offenses committed. Despite this promise . . . the government discussed many other subjects. It promised to inform the court of Pollard's cooperation and of the considerable value of that cooperation." But the government reneged "by claiming that his cooperation came too late to apprehend his Israeli co-conspirators who had fled the country."

Promises or not, a life sentence for Jonathan's crimes went way beyond sentences given in similar cases. Thomas Dolce, a former Army weapons analyst, received a 10-year sentence for giving defense information to South Africa. Rocket scientist Abdel Kader Helmy, who schemed to smuggle missile material to Egypt that were later used to increase the range of Iraq's Scud-B missiles, got less than four years. Samuel Morison, a Navy intelligence analyst, sold classified photographs to a magazine. He

didn't cooperate with the government and didn't plead guilty. He was sentenced to two years in prison and was released after eight months. But Jonathan received the same kind of sentence as John Walker, Jerry Whitworth and Ronald Pelton, who all spied for years for the Soviet Union. Why?

In sentencing Jonathan, Judge Robinson relied on classified memoranda submitted by then-secretary of defense Caspar Weinberger. As Robinson noted in a recent opinion rejecting Jonathan's motions to vacate his guilty plea: "It was difficult for [Weinberger] to conceive of greater harm to the national security than that caused by the defendant."

What was in the still-classified memos? Several years ago, Joseph DiGenova, who prosecuted Jonathan, told attorney Alan Dershowitz during a debate that Jonathan was prosecuted "so fully because the information he gave the Israelis could have gotten into the hands of the Russians." Dershowitz responded: "So, Jay was prosecuted for a crime which may not have even occurred."

No one connected with Jonathan's appeal has had the opportunity to carefully review and analyze the Weinberger memos. This is critical to the appeal because we believe the tenor of the two memos violated the government's promise not to request a life sentence. The attorney who handled Jonathan's original defense was given one chance to read Weinberger's first memo; the second memo was sent just before sentencing, preventing serious perusal. Yet the government now refuses to allow Jonathan's current attorney to examine the Weinberger documents.

I assumed until recently that the memos remained classified because they contained sensitive information. Now, I'm not so sure. In an affidavit in Jonathan's appeal, Der-

showitz says he was told by former U.S. Supreme Court justice Arthur Goldberg that Judge Robinson in a conversation with Goldberg declared that the government had provided Robinson evidence that my brother had given Israel U.S. satellite photos proving that: Israel had tested a ballistic missile, the Jericho, in South Africa; and Israel had given missile and nuclear technology to South Africa.

Dershowitz says Goldberg told him Robinson was outraged by the Israel-South Africa connection and Pollard's role in giving

## Who signs a plea agreement for life? Why won't the government justify Jonathan's sentence and treatment?

U.S. evidence of it to Israel. Dershowitz in his affidavit says, "Goldberg told me that Robinson had told him that the Pollard-South African connection had weighed heavily in his [Robinson's] decision to impose a life sentence. . . ."

Goldberg has since died, but the conversation provides great insight into Jonathan's sentence and why Robinson doesn't want the Weinberger memos read by Jonathan's attorney, much less made public. Besides the real possibility that the knowledge gained by Robinson consisted of a highly prejudicial ex parte communication from the government, and that Jonathan and his attorneys never had an opportunity to deny these claims (which Jonathan denies in no uncertain terms) at the time of sentencing, the Dershowitz affidavit raises the distinct probability that the memos contained no facts to justify Jonathan's life sentence.

The Dershowitz affidavit says Goldberg said that Robinson had sentenced Jonathan on the basis of "false, inflammatory, ex parte information." Although Robinson said in answer to Jonathan's appeal, "The court's recollection of events is in stark contradiction" to the assertions in the Dershowitz affidavit, Robinson did not deny that a conversation with Goldberg took place and didn't explicitly respond to Jonathan's assertion that the judge was influenced by the South African information in meeting out his sentence. Robinson has refused Jonathan's further motion for his attorney to examine the Weinberger memos.

Jonathan's case was of special interest to Weinberger. According to Wolf Blitzer's book, "Territory of Lies," in a conversation with Meir Rosenne, Israel's ambassador to the United States, Weinberger said Jonathan "should be shot." Jonathan did not provide America's adversaries with technology costing us billions of dollars, as did the Toshiba Corp. Yet Weinberger thought what Jonathan did for Israel was more damaging to America than these and other espionage activities that occurred on Weinberger's watch.

Lawrence J. Korb, a top Weinberger defense aide, recently wrote my father and said in part: "I do know that Weinberger had an almost visceral dislike of Israel and the special place it occupies in our foreign policy." So I am not alone in questioning Weinberger's motivations. Even Robinson admitted in his ruling that Weinberger "may not have been neutral and detached."

Even as the American public becomes more aware of how the Iraqi chemical, biological and nuclear threats were developed throughout the 1980s—threats that Jonathan informed Israel about—Weinberger wrote to me: "My memorandum to the trial judge in the case was and is classified, but essentially I stated the reasons why I felt a

major punishment was [required] in his case. Nothing I have seen since has changed any of the facts, or my opinion."

Jonathan is held in the K unit at Marion. David Ward, a University of Minnesota professor of sociology, wrote in Newsweek that K unit's prisoners "are there for symbolic reasons, to show what the federal government can do if it really gets angry." Jonathan is allowed four personal telephone calls each week, to immediate family only. His visitation privileges are highly restricted. Before arriving at Marion, he spent 10½ months in a ward for the criminally insane in Springfield, Mo., even though federal Director of Prisons Michael Quinlan stated in a letter to Rep. Lee Hamilton (D-Ind.) that Jonathan was not there for treatment. Jonathan would probably still be there if Hamilton hadn't protested his treatment to the Justice Department. Quinlan later wrote Hamilton that Jonathan was the only inmate of a federal prison to receive such treatment.

Why such harshness? Two years ago, in a meeting with the Rev. Frank Elkort and other clergy concerned about the Pollard case, Quinlan stated: "We have our orders from higher up." Asked what he meant, he responded, "The Justice Department, the Office of Navy Investigations and Mr. [then-U.S. attorney general Edwin] Meese."

We believe serious grounds exist to sustain Jonathan's appeal. Many troublesome questions remain about this case. Here are just two: Who signs a plea agreement for life? Why won't the government justify Jonathan's sentence and treatment?

I believe in the Constitution, which guarantees equal justice under the law. Jonathan Pollard broke the law, but his sentence is a challenge to the intent and purpose of our Constitution. I personally do not know how he continues to survive in isolation, under a sentence that is harsh and disproportionate. I can't understand how we can be fighting a war with Iraq, while one person who tried to warn Israel about Iraqi threats is still in jail.

## RECENT SENTENCING FOR AMERICANS CONVICTED OF ESPIONAGE FOR NON-COMMUNIST COUNTRIES

Alan Dershowitz, Harvard Law Professor and internationally renowned attorney, called the severity of Jonathan Pollard's sentence "the greatest miscarriage of American justice that I know of." Professor Liebman of Princeton University has stated publically: "Americans convicted of espionage for non-Communist countries have received much lighter sentences -- so did even spies for the Soviet Union."

**Here is a brief list of five recent cases of espionage for allied countries:**

1. In 1982, Ensign Stephen Baba was sentenced for selling secret electronic warfare documents to **South Africa**. he served only **TWO YEARS**.
2. In 1985, Samuel Morrison, former Naval Intelligence Analyst, was caught stealing secret Navy documents for a **British** publication, Jane's Defence Weekly. More than 3,600 confidential documents and 4,200 classified photos were found in his apartment. Morrison was sentenced to **TWO YEARS** and was released after **8 MONTHS**.
3. In 1985, A Federal Court reduced the sentence of Sharon Scrange, former CIA employee, convicted of spying for **Ghana**, from five years to **TWO YEARS** in jail.
4. Reported in the New York Times on October 12, 1988, Thomas J. Dolce, a 49-year-old former army weapons analyst, in an agreement with prosecutors that pre-empted more serious criminal charges, pled guilty to one count of communicating information to an agent of a foreign government. From 1979 to 1983 he furnished **South Africa** with a wide variety of defense-related information in collusion with three successive defense attaches in the South African Embassy in Washington, D.C. The Justice Department said it would recommend the maximum punishment of **10 YEARS IMPRISONMENT** and a **\$10,000 FINE**.
5. Reported in the Wall Street Journal on June 9, 1989, Abdelkader Helmy, a rocket scientist, participated in a scheme to ship to **Egypt** sophisticated missile making supplies in violation of the State Department's munitions control list. Helmy was recruited by Egypt's Defense Minister, Lieutenant Abdel Halim Abu Ghazala, who is considered Egypt's second most powerful man after President Hosni Mubarak. Our government agreed to recommend **MAXIMUM IMPRISONMENT OF 4 YEARS AND 9 MONTHS** and a **MAXIMUM FINE OF \$358,600**. He was sentenced 12/6/89 to **46 MONTHS PLUS AGREED FINE**. **HELMY WAS GIVEN "CREDIT" FOR HIS 18 MONTH PRE-SENTENCE PERIOD AND WILL SERVE A MAXIMUM 3 YEARS AND 10 MONTHS**.

## JONATHAN POLLARD'S SENTENCE

JONATHAN POLLARD IS INCARCERATED FOR **LIFE** WITH RECOMMENDATION AGAINST PAROLE. HE HAS BEEN IN **SOLITARY CONFINEMENT FOR OVER FIVE YEARS - CRUEL AND UNUSUAL PUNISHMENT!**

# Pollard gains the support of two major Jewish organizations

By ALIZA MARCUS

Two major Jewish groups have criticized convicted spy Jonathan Jay Pollard's life sentence, apparently signaling a shift in the community's position toward the American Jew who spied for Israel.

The American Section of the World Jewish Congress, which represents 40 mainstream Jewish groups, issued a statement asking that Pollard's life sentence be commuted to time served.

The Reform movement's Central Conference of American Rabbis said later that it believes there was an "injustice" in Pollard's sentencing.

The CCAR executive board's statement also said the group's officers will consider filing a friend-of-the-court brief next month, when Pollard's lawyers will seek a new trial.

Some Jewish community leaders

have said that these statements exemplify a new view of Pollard in the organized American Jewish community. He once was studiously ignored by many community leaders and organizations.

"I'm pleased [with the publicity] and think it's reflective of a change in the mood in the community," said Seymour Reich, former chairman of the Conference of Presidents of Major American Jewish Organizations, an umbrella group representing 47 major Jewish groups.

He added that "everywhere I go, people come over to me and say that it's about time the community responds to the harshness of the sentence." Reich visited Pollard three weeks ago in the maximum security prison in Marion, Ill., where he is being held in solitary confinement.

Pollard, a former naval intelligence analyst, was arrested in 1985 for passing hundreds of secret documents to Israel. Two years later, he

was sentenced to life imprisonment.

His former wife, Anne Henderson Pollard, was sentenced to two concurrent five-year terms for being her husband's accessory. Following allegations that the prison system failed to treat her digestive disorder adequately, she was released early on parole.

Pollard's arrest aroused the ire and embarrassment of many in the American Jewish community. Fearing that it raised the issue of dual loyalty, they were angered that Israel used an American Jew as a spy, endangering the community's status.

But those involved in organized Jewry say the community is beginning to believe it can criticize Pollard's sentence without excusing his crime.

"We would like commutation of the sentence, because we feel he has served enough," said Evelyn Sommer, chairwoman of WJC's

American Section. "We believe his suffering is really out of proportion to the crime."

Alan Dershowitz, Pollard's lawyer, said the WJC statement "is an important first step and reflects the growing grass-roots sentiment in the Jewish community" that Pollard's continuing imprisonment "is an affront to Israel, to American Jews and to justice."

The Gulf war and Iraqi Scud missile attacks on Israel may have improved U.S. Jewry's perception of Pollard because of his contention that he gave Israel early warning about Iraq's weapons capabilities.

During the Gulf crisis, his sister, Carol Pollard, said in an interview: "Right now is Jonathan's time" because people "realize that the information he gave Israel ensured that Israel was prepared" for such a threat.

In a later interview, she added that the WJC statement is "a historic step, given the size and stature of the group." She applauded the Jewish community for taking a more public stand on her brother's imprisonment.

The WJC resolution was also hailed by Israel's Knesset Lobby on Behalf of Jonathan Pollard. It wrote to the WJC, saying it had made a "very important decision" and adding its hope that other American organizations would follow suit.

The Israeli group has been campaigning on behalf of Pollard. Last winter it sent President Bush a petition, signed by 70 Knesset members, asking that he treat Pollard with leniency.

"We believe that the crimes that Jonathan Pollard committed stemmed, in great part, from his intention to warn also of the unconventional Iraqi threat, which endangers the security of Israel and indeed the whole world," said the Jan. 29 petition.

Pollard's supporters argue that he received an unduly harsh sentence, considering that he was charged with passing classified documents to an ally.

They cite much shorter sentences given to others who have given clas-

sified information to non-enemy nations. Pollard's sister referred to a 10-year sentence given a weapons analyst for passing information to South Africa and the less than four years given to a rocket scientist who tried to smuggle missile materiel to Egypt.

In a plea-bargain agreement with the government, Pollard agreed to cooperate and plead guilty in exchange for a reduced sentence. But the Justice Department claimed he broke his part of the agreement by speaking to journalist Wolf Blitzer, who wrote a book about the case.

Pollard's supporters suggest that anti-Semitism played a role in the long sentence. They point to alleged statements by former Defense Secretary Caspar Weinberger showing great hostility toward Pollard.

Dershowitz said Weinberger was known to have a "problem" toward Jews and Israel.

After Pollard's arrest, Weinberger referred to him as the most dangerous spy in U.S. history, saying he grossly compromised national security. A secret memo he wrote to the judge in Pollard's case has never been released.

"It's un-American to prosecute someone and sentence them on the basis of secrets and whispering, and people whispered into the judge's ear," said Dershowitz.

In a letter to Pollard's father written last October by former Weinberger aide Lawrence Korb, Weinberger's neutrality toward issues concerning Israel is raised.

"I am not aware of exactly what Weinberger told the court about the impact of the information Jonathan passed to Israel," Korb wrote. "I do know that Weinberger had an almost visceral dislike of Israel and the special place it occupies in our foreign policy."

Korb, now director of the Center for Public Policy Education at the Brookings Institution, added: "In my opinion, the severity of the sentence that Jonathan received was out of proportion to his alleged offense."

Jewish Telegraphic Agency

IN THE UNITED STATES DISTRICT COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 90-3276

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JONATHAN J. POLLARD,  
Petitioner

v.

UNITED STATES OF AMERICA,  
Respondent

BRIEF IN SUPPORT OF PETITIONER  
BY AMICI CURIAE, LAW PROFESSORS ET AL

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## TABLE OF AUTHORITIES

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### Cases

- Bordenkircher v. Hayes, 434 U.S. 357, 363 (1978)
- Brady v. United States, 317 U.S. 742, 748 (1970)
- Brunelle v. United States, 864 F.2d 64, 65 (8th Cir. 1988)
- Correale v. United States, 479 F.2d 944, 947  
(1st Cir. 1973)
- Cortez v. United States, 337 F.2d 699, 701-702  
(9th Cir. 1964)
- Crow v. United States, 397 F.2d 284, 285 (10th Cir. 1968)
- Innes v. Dalsheim, 864 F.2d 974, 978 (2d Cir. 1988),  
cert. denied, 110 S. Ct. 50 (1989)
- Johnson v. Wilson, 371 F.2d 911, 912 (9th Cir. 1967)
- Liljeberg v. Health Services Acquisition Corp.,  
108 S.C. 2194, 2202 (1988)
- Machibroda v. United States, 368 U.S. 487, 493 (1962)
- Mack v. United States, 635 F.2d 20, 27 (1st Cir. 1980)
- Martin v. Kemp, 760 F.2d 1244 (11th Cir. 1985)
- McCarthy v. United States, 394 U.S. 459, 467 (1969)
- North Carolina v. Alford, 400 U.S. 25, 31 (1970)
- People v. Wango, 534 P.2 1001 (1975)
- Sanders v. United States, 373 U.S. 1, 20 (1963)
- Solem v. Helm, 463 U.S. 277, 297 (1982)
- State v. Evans, 245 P.2d 788 (1972)
- Thacker v. Garrison, 445 F. Supp. 376 (W.D.N.C. 1978)
- Tyler v. Swenson, 427 F.2d 412, 415 (8th Cir. 1970)
- United States v. Bernstein, 546 F.2d 109 (5th Cir. 1977)

United States v. Bowler, 585 F.2d 851, 853-55  
(7th Cir. 1978)

United States v. Brown, 500 F.2d 375 (4th Cir. 1974)

United States v. Calabrese, 645 F.2d 1379, 1390  
(10th Cir. 1981), cert. denied, 451 U.S. 1018 (1982)

United States v. Cammisano, 599 F.2d 851 (8th Cir. 1979)

United States v. Casamento, 887 F.2d 1141, cert. denied,  
110 S. Ct. 1138 (1989)

United States v. Cody, 438 F.2d 287, 288 (9th Cir. 1971)

United States v. Colson, 230 F. Supp. 953, 955  
(S.D.N.Y. 1964)

United States v. Cook, 668 F.2d 317 (7th Cir. 1982)

United States v. Coplon, 185 F.2d 629, 638 (2d Cir. 1950)

United States v. Crusco, 536 F.2d 21, 26 (3rd Cir. 1976)

United States v. Daniels, 821 F.2d 76 (1st Cir. 1987)

United States v. Fisch, 863 F.2d 690 (9th Cir. 1988)

United States v. Foss, 501 F.2d 522, 530 (1st Cir. 1974)

United States v. Fountain, 777 F.2d 351, 356  
(7th Cir. 1985)

United States v. Grandinetti, 564 F.2d 723  
(5th Cir. 1977)

United States v. Greenwood, 812 F.2d 632, 635  
(9th Cir. 1987)

United States v. Gonzalez, 820 F.2d at 579 (2d Cir. 1987)

United States v. Harvey, 848 F.2d 1547 (11th Cir. 1988)

United States v. Heldt, 668 F.2d 1238, 1271 (D.C. Cir. 1981),  
cert. denied, 456 U.S. 9926 (1982)

United States v. Lewis, 743 F.2d 1127 (5th Cir. 1984)

United States v. Moscahlaidis, 868 F.2d 1357, 1361  
(3rd Cir. 1989)

United States v. Nuckols, 606 F.2d 566, 569  
(5th Cir. 1979)

United States v. Packwood, 848 F.2d 1009 (9th Cir. 1988)

United States v. Pollard, 747 F. Supp. 797, 807 (1990)

United States v. Pomazi, 851 F.2d 244 (9th Cir. 1988)

United States v. Read, 778 F.2d 1437 (2nd Cir. 1985),  
cert. denied, 479 U.S. 835 (1985)

United States v. Reardon, 787 F.2d 512 (10th Cir. 1986)

United States v. Rossillo, 853 F.2d 1062, 1066  
(2d Cir. 1988)

United States v. Simmons, 537 F.2d 1260, 1261  
(4th Cir. 1976)

United States v. Travis, 735 F.2d 1129 (9th Cir. 1984)

United States v. Tursi, 576 F.2d 396, 398 (1st Cir. 1978)

United States v. Usher, 703 F.2d 956, 958 (6th Cir. 1983)

Walker v. Johnston, 312 U.S. 275, 287 (1941)

#### Statutes

18 U.S.C. §§ 371, 793(e), 794(a), 794(c)

28 U.S.C. § 455

#### Articles

Friedman, The Secret Agent, N.Y. Rev. Books 10  
(Oct. 29, 1989)

N.Y. Times, 1/9/81, at A1, col. 1

N.Y. Times, 12/17/81, at A20, col. 6

N.Y. Times, 1/21/82 at B9, col. 6

N.Y. Times, 8/4/84, at A5, col. 6

N.Y. Times, 8/25/87, at A1, col. 1

N.Y. Times, 3/11/89, at A9, col. 2

N.Y. Times, 12/7/89 at A12, col. 3

N.Y. Times, 2/5/91, at B6, col. 2

U.S. News & World Rep, Sept. 24, 1990, at 40

Weiss, "The Quiet Coup," Harper's, September 1989  
at 54; N.Y. Times, 12/8/85 at D4, col. 1

Miscellaneous

Bench Book for U.S. District Judges  
(Federal Judicial Center)

Note, Disproportionality in Sentences of Imprisonment,  
79 Col. 2 Rev. 1119, 1131 (1979)

1954 Cong. Rec. at 10,105; 10,115; 14,598; 14,600

Federal Rules of Criminal Procedure, Rule 11



## INTEREST OF THE AMICI

Amici are professors of law and practitioners with special academic and professional interests in issues involving constitutional rights and civil liberties, and broad-based national communal organizations. Amici have a particularly strong interest in this case, because the totality of the circumstances surrounding Jonathan Pollard's guilty plea suggest coercion and bad faith to an aggravated degree, leading to a gross miscarriage of justice.

The potential for prosecutorial abuse in the "wiring" of guilty pleas requires that they be subjected to heightened judicial scrutiny -- an inquiry that was not undertaken here. Moreover, the court's insensitivity to the government's patent circumvention of both the letter and spirit of the plea agreement, its acceptance of ex parte evidence not subject to cross examination or rebuttal by the defendant, and its imposition of the harshest possible sentence -- in disregard of both the plea agreement and established sentencing guidelines -- dangerously undermine fundamental principles of fairness and due process.

KENNETH LASSON  
Professor of Law  
University of Baltimore

[ET AL]

## QUESTIONS PRESENTED

- I. DID THE LOWER COURT ERR IN REFUSING TO VACATE AN INHERENTLY SUSPECT WIRED PLEA WITHOUT HAVING APPLIED THE REQUISITE SPECIAL CARE TO DETERMINE WHETHER THE PLEA WAS TRULY VOLUNTARY -- FAILING EVEN TO CONDUCT AN EVIDENTIARY HEARING ON THE QUESTION?
- II. DID THE LOWER COURT ERR IN NOT NULLIFYING THE PLEA AGREEMENT, WHICH PROSECUTORS HAD BREACHED (A) BY FAILING TO LIMIT THEIR ALLOCATION OF THE FACTS AS AGREED UPON; (B) BY PROMISING TO DISCLOSE PETITIONER'S "VALUABLE" COOPERATION, BUT THEN CASTING ASPERSIONS UPON IT; AND (C) BY SEEKING TO INFLUENCE THE COURT TO IMPOSE THE HARSHEST POSSIBLE SENTENCE?
- III. DID THE COURT BELOW ERR WHEN THE SENTENCING JUDGE, HAVING IMPOSED UPON PETITIONER A DISPROPORTIONATELY HARSH SENTENCE, REFUSED HIS APPELLATE COUNSEL ACCESS TO THE VARIOUS EX PARTE DECLARATIONS AND DECLINED TO RECUSE HIMSELF WHEN HAVING TO RULE UPON A CHALLENGE TO HIS IMPARTIALITY?

## STATEMENT OF THE CASE

Amici adopt the statement of the case as set forth in Petitioner's Brief.

## STATEMENT OF FACTS

On November 21, 1985, Jonathan Pollard was arrested and charged with transferring classified documents to Israeli nationals. He was held without bond, while the government sought his cooperation in assessing whatever damage may have resulted from his activities.

On November 22, 1985, Anne Pollard (Petitioner's wife) was arrested and subsequently charged with being an accessory after the fact to her husband's possession of national defense documents.\*

She was held without bond for over three months in a District of Columbia jail, during which time she suffered severe physical and emotional disorders. Mrs. Pollard's long-standing medical problems, for which she had undergone a surgical procedure the day

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\* After Pollard had come under investigation, Mrs. Pollard (at her husband's request) attempted to remove from their apartment documents that were incriminating to him. She was also charged with conspiracy to receive embezzled government property; the material in question, however, was less-classified literature about the embassy of the People's Republic of China -- which Pollard had provided his wife to help her in a public relations presentation -- and not the documents that he had given to Israel.

before her arrest, worsened dramatically in jail. She endured long periods of constant pain and was often unable to eat. Her frequent requests for medical treatment went largely ignored, primarily because the jail's medical staff was unable to determine the causes of her condition. In the ninety-five days of her incarceration, Mrs. Pollard lost more than forty pounds and her hair began to turn gray. All of these problems were well known to her husband and had been amply documented before the court that accepted the guilty pleas. [See Anne Henderson Pollard's Memorandum in Aid of Sentencing, dated Feb. 26, 1987, particularly at pages 21-23.]

Mrs. Pollard was diagnosed by a private specialist (Dr. Michael Goldberg of Chicago) as having biliary dyskinesia, a rare condition of the bile duct that presents "a clinical enigma . . . difficult to diagnose and manage therapeutically." In October of 1986 she underwent multiple and complex surgical procedures to reduce pressure in her intestinal tract. The surgery was termed "not completely successful." [*Id.* at 24.]

While she was free on bond, Anne Pollard visited her husband at the federal penitentiary in Petersburg, Virginia. These visits served to make Petitioner even more acutely aware of the gravity of his wife's condition -- and of the apparent reality that her own guilty plea represented her best chance to survive.

The prosecutors, however, refused to allow Anne Pollard to plead guilty unless her husband did likewise. Moreover, if Petitioner did not cooperate the government threatened to bring new and additional charges against his wife. [cite?] Thus were

their two pleas inextricably linked (or "wired") to one another. The government did not conceal its intentions: Anne Pollard's plea agreement explicitly provided that --

If Mr. Jonathan Jay Pollard fails to completely fulfill all of his obligations pursuant to his plea agreement, at any time before both he and Mrs. Pollard have been sentenced, then the Government will be relieved of its obligations under this plea agreement with Mrs. Pollard. [Plea Agreement at ¶ 9.]

The plea agreement that the government offered Pollard required that he submit to interviews and polygraph examinations, that he testify before the grand jury investigating others involved in his offense, and that he respond to all questions put to him by federal law enforcement authorities. Specifically, Pollard would disclose everything he knew about espionage-related activities, including the nature and extent of any classified information that may have been compromised. [Plea Agreement at ¶ 3.] The plea agreement also contained a provision that required Pollard to submit to Navy censors any information he might disclose in a private interview or public statement. [*Id.* at ¶ 9.]

In return for Pollard's guilty plea the government would agree specifically not to ask for a life sentence, but to limit itself to recommending "that the Court impose a sentence of a substantial period of incarceration and a monetary fine." [Plea Agreement at ¶ 4.] The government would also agree to limit its allocution to the facts and circumstances of the offenses committed by Pollard, and to make his cooperation known to the court. [*Id.*]

On June 4, 1986, pursuant to the wired agreements described above, Petitioner pled guilty to one count of conspiracy to deliver

national defense information to a foreign government, in violation of 18 U.S.C. § 794(c). Anne Pollard pled guilty to conspiracy to receive embezzled government property, in violation of 18 U.S.C. § 371, and to being an accessory after the fact to possession of national defense documents, in violation of 18 U.S.C. § 793(e).

At the hearing, the court never scrutinized the voluntariness of Petitioner's guilty plea, even though it was wired to that of his wife and therefore inherently suspect. [Transcript of Guilty Plea at 7.]

Pollard subsequently spent many hours cooperating with prosecutors in interrogation and polygraph sessions. [See Government's Memorandum in Aid of Sentencing at 23-37 (hereinafter "Government's Memorandum").]

In November 1986, after the plea had been entered but before sentencing, a reporter named Wolf Blitzer contacted the warden at the federal penitentiary in Petersburg, Virginia, and requested (both orally and in writing) to interview Pollard. Pursuant to its standard procedures, the Bureau of Prisons contacted Pollard to see if he agreed to the interview; he did, and he executed the request form supplied to him by the government. The request was officially granted, the interview took place, and on November 30, 1986, Blitzer published an article based upon it. In January of 1987, Blitzer requested a second interview; Pollard again submitted the forms supplied by the government, which in turn again granted permission, and Blitzer later published a second article. [Defendant's Motion to Withdraw Guilty Plea at 9-10.] Despite the

fact that the government had approved and facilitated both interviews without imposing any restrictions on them -- and was fully aware of the fact that an article had appeared based on the first before it approved the second -- at sentencing the government charged that the interviews violated the plea agreement. [Id. at 10-11.]

Pollard disputed the claim that he had disclosed classified information to Blitzer [Sentencing Transcript at 59]; indeed the lower court never found that the interviews had in fact violated the plea agreement. Nor did the government ever attempt to have the agreement set aside and to proceed to trial, as the agreement permitted it to do in the event of a breach. [Plea Agreement at ¶ 5.]

In addition to asserting a breach of the plea agreement, the government in its sentencing memoranda and in its oral allocution -- far from limiting itself to the facts and circumstances surrounding Pollard's offenses, as it was required to do by the agreement -- discussed at great length what it portrayed as Pollard's nefarious motives and bad character. One example out of many: the government said that it was "arrogance and deception which drove this defendant to commit the acts, the criminal acts in this case, and they are also those two character traits, arrogance and deception, typical of the way he has sought to defend and excuse the things that he had done." [Sentencing Transcript at 35.]

The government also failed to abide fully by another of its promises under the plea agreement -- to inform the court of the "nature, extent and value of [Pollard's] cooperation." Although it characterized the information he provided as of "considerable value" as the plea agreement required, the government proceeded to ask that the court discount Pollard's cooperation because his Israeli co-conspirators had escaped -- an event that had occurred before the plea agreement -- and because it doubted the integrity of the defendant's motives in cooperating. [Government's Memorandum at 37-44.]

In addition, the government submitted as part of its allocution a classified declaration, under seal, from then-Secretary of Defense Caspar Weinberger, which presented his opinions as to the damage that Pollard had allegedly done to national security. Moreover, the day before sentencing Weinberger submitted a supplemental declaration to the court which stated that Pollard's interviews with Blitzer showed he was not loyal to the United States and called his actions "treason"; Weinberger went on to declare that he could not imagine worse damage to national security than that caused by Pollard.

On March 4, 1987 Pollard was sentenced to life imprisonment with a recommendation against parole ( ??? ) -- a sentence never before meted out against someone who has spied for an American ally, and considerably more harsh even than those typically given to enemy spies. He has been held in solitary confinement since January of 1988. As a practical matter there is

virtually no possibility of parole. \*\* His motion to have the sentence reduced pursuant to Rule 35 of the Federal Rules of Criminal Procedure was denied on February 22, 1988. Petitioner's new lawyer on the instant appeal, who had obtained a security clearance, requested access to materials which had been submitted under seal by the government; this request was denied. [Letter from David Geneson to Hamilton Fox, May 26, 1989.]

On March 12, 1990, citing the government's manifold failure to live up to its part of the plea agreement, as well as the involuntariness of his "wired" plea, Petitioner moved to have his guilty plea withdrawn, pursuant to 28 U.S.C. § 2255. In further support of this motion, on March 29, 1990 he submitted an affidavit executed by Professor Alan Dershowitz of the Harvard Law School (hereinafter Dershowitz Affidavit), reporting a telephone conversation he had had with the late Supreme Court Justice Arthur Goldberg, during which Justice Goldberg described a conversation that he had had with Judge Robinson of the court below. According to Justice Goldberg, Judge Robinson said that the government had supplied him with information indicating that Pollard had given Israel American satellite photographs which proved Israel tested Jericho missiles in South Africa and provided South Africa with military technology. This connection between Israel and South

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\*\* According to prosecuting U.S. Attorney Joseph diGenova, "Mr. Pollard . . . will not see the light of day." [Chicago Tribune, 3/5/87 at p.8.] "It's highly unlikely that he'll become eligible for parole." [New York Times, 3/5/87 at A1, col.2.]

Africa, said Justice Goldberg, had "weighed heavily" in Judge Robinson's decision to impose a life sentence upon Pollard. [Dershowitz Affidavit at 2.]

Pollard requested that he be given an opportunity in a hearing to explore whether the government had made such an ex parte disclosure, and to challenge the validity of these claims if they had been made. If the conversation were substantiated, it would raise a serious question about both the government's adherence to its part of the plea agreement and the fairness of the sentence. In addition, because Judge Robinson was the only available witness to the alleged conversation, Pollard moved for his recusal.

On September 11, 1990, in a memorandum opinion, Chief Judge Robinson denied all of Pollard's motions.

#### SUMMARY OF ARGUMENT

Although the court below was faced with an inherently suspect "wired" guilty plea -- one induced by the promise of lenient treatment toward a third party if the defendant pleads guilty -- it failed to apply the special care necessary to ensure that Petitioner's plea was truly voluntary. Moreover, it declined even to conduct an evidentiary hearing on the question. Such failure was especially prejudicial under the unique circumstances of this case -- where Petitioner agreed to plead guilty largely out of fear for the well-being (and perhaps the life) of his wife -- and reveals coercion to an aggravated degree. (See infra Argument I, pp. \_\_\_\_.)

In addition, the government breached the plea agreement in every particular. Despite their implicit promise not to seek a life sentence, prosecutors did precisely that by submitting hyperbolic declarations from the Secretary of Defense labelling Petitioner's crime "treason"; by not limiting itself in its presentence allocution to the "facts and circumstances" of Petitioner's crime, as it had promised to do, instead attacking his character and motivation; by undercutting its agreement to inform the court of Petitioner's "valuable" cooperation; and, as alleged in the Dershowitz Affidavit, by making ex parte disclosures that "weighed heavily" in the judge's sentencing decision. These breaches entitled Petitioner to withdraw his plea. (See infra Argument II, pp. \_\_\_\_.)

Finally, the court below paid scant if any deference to the plea bargain by imposing upon Petitioner the harshest possible sentence (life in prison) -- a penalty substantially more severe than similar or worse offenders have received in the recent past. The judge may well have been influenced by the ex parte declarations noted above, yet he denied Petitioner the right to pursue this issue in an evidentiary hearing, instead ruling that because he himself "knew" that he had not been improperly influenced there was no need for him to recuse himself or hold a hearing on the issue. This was plain error. (See infra Argument III, pp. \_\_\_\_.)