

# The Pollard Case: More Than Unfair

By SOL MODELL

Jonathan Pollard, who has just turned 40, has spent almost nine years in federal prisons. His most recent appeal for commutation of his sentence to time already served has been rejected by President Clinton, and it is even doubtful that he will be freed when he presents his appeal for parole toward the end of 1995.

During the years of Pollard's incarceration, every possible legal and political effort has been made to attain his freedom, all to no avail. Thousands of religious and secular organizations have participated in this campaign, but without effect. Hundreds of thousands of individuals have joined the movement to free him, but all their labors have failed to bring about a positive result.

The president has been sent countless numbers of letters, telegrams and petitions, including those from prominent Americans in many different walks of life, as well as from Israeli presidents and prime ministers. I have therefore been forced to conclude that the time for appealing and begging has passed. Something stronger is required.

I am sending President Clinton a message, which I hope others will repeat. As long as Jonathan Pollard remains in prison, Mr. Clinton will receive from me no help of any kind, political or financial, in his campaign for the presidency in 1996. And I hope that my position will be supported by every advocate of justice, Jewish or non-Jewish, in the United States of America.

I am taking this stand for the following reasons: **The government of the United States willfully violated a solemn 1983 agreement by failing to transfer to Israel information it possessed regarding the development of weapons of mass destruction by the Arab powers for use in their contemplated war against the Jewish State.**

Two American officials at the time, Defense Secretary Caspar Weinberger and CIA director Bobby Inman, personally gave orders to their subordinates to **illegally withhold** — because of their hatred of the Jewish State — **the vital intelligence information Israel was entitled to receive.**

The United States Justice Department, after

reaching an agreement with Pollard to the effect that his acceptance of a plea bargain arrangement would lead to a less-than-maximum sentence, **violated its solemn pledge** and instead urged that the sentencing judicial authority commit him to a life term in a federal prison.

Caspar Weinberger sent a secret letter, the full context of which has yet to be disclosed, to the sentencing judge, in which Weinberger accused Pollard of treason (with which Pollard was never charged). It has also been reported that Weinberger suggested that Pollard should be hanged.

The U.S. Justice Department attempted blackmail, since it proposed to Pollard that it would go easy with his wife Anne if he agreed to name some prominent American Jews as accomplices in his transmission of classified intelligence information to Israel. Since there were no such persons, Pollard did not fall into the trap laid for him by the Justice Department.

The U.S. government initially sent Pollard to a federal prison for the criminally insane, where he spent 10 and a half months and suffered every indignity that could be imposed upon him. It thus violated the Eighth Amendment to the Constitution, which **prohibits the infliction of cruel or unusual punishment.**

The U.S. federal department of prisons incarcerated Pollard in the most-maximum security prison in the United States where, for 23 hours a day in total isolation, he never saw the light of day, and for some six years suffered constant harassment by hostile guards and prison authorities.

The U.S. government issued false reports about Pollard to the media, in which it was suggested that Pollard had attempted to transmit 14 letters containing classified intelligence information to anti-American associates outside the prison. The fact that this charge was blatantly false, since every piece of mail Pollard sent from prison was first mailed to Washington, where it was examined by intelligence agents before being sent to its destination, did not stop our hostile media from broadcasting this accusation throughout the country.

The two Jewish federal judges on the U.S. District Appeals Court **willfully disregarded the violation** (Continued on page 81)

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by the U.S. government of Pollard's constitutional rights when they voted, because of a ridiculous technicality, to reject his appeal for a trial by jury. The single non-Jewish member of the court voted in favor of Pollard's appeal and called his treatment by the U.S. Justice Department a "fundamental miscarriage of justice." But he was outvoted, two to one.

Interestingly, one of the two Jewish judges in this case was Ruth Bader Ginsburg, who was shortly thereafter appointed to the U.S. Supreme Court by President Clinton. A strange reward!

The CIA and certain personnel in the State and Defense Departments attempted to place on Pollard the blame for the disclosure to the Soviet authorities of the identity of about a dozen American spies in the Soviet Union. These people had been arrested, tortured and executed. But the guilty party turned out to be Aldrich Ames, the CIA chief of counter-intelligence in its Soviet department, who successfully shifted the blame from himself to Pollard until his guilt was revealed (shades of the Dreyfus Case and the true German spy, Major Esterhazy). This anti-Pollard plot has never been admitted by the CIA or by any other U.S. agency, including the Justice Department.

The CIA, the Defense Department, former Defense Secretary Les Aspin, the State Department and Atty. Gen. Janet Reno joined together to do a hatchet job on Pollard as they urged President Clinton to reject Pollard's appeal for a commutation of sentence to time

already served. Their action is particularly outrageous in light of the demoralizing corruption the Aldrich Ames affair has shown to be the current state of affairs in the CIA.

President Bill Clinton, who made a politically-motivated, mean, shallow and unfair decision, without adequately studying the facts in the case, rejected Pollard's appeal for a commutation of sentence to time served. In the statement released to the press, he accused Pollard of doing great harm to the United States, a charge that is totally untrue. He further stated that the punishment meted out to Pollard would serve to deter future acts similar to those committed by Pollard. That is most unlikely. The truth is that no one, other than Pollard, who has spied for an ally has been sentenced to more than four years in prison.

Leaders of important American Jewish organizations, like the Anti-Defamation League and the National Jewish Community Relations Advisory Council, among others, sabotaged the countrywide effort to win freedom for Jonathan Pollard. It was probably because of people like these that the president felt he could deny Pollard's appeal for clemency without suffering any political loss within the Jewish community.

I speak only for myself. To me, the Pollard case is not merely an example of an unfair sentence being imposed on a particular individual. It includes ever so much more. It indicates that to many people in positions of power in this country, the security of Israel is of little consequence, and that they would shed only crocodile tears if it were destroyed.

It also indicates that the entire power of the federal government could be — and in this case was — mobilized to inflict a heartless sentence, based upon a perversion of justice, on an individual because he is a Jew.

It further indicates that all too many Jews in positions of authority are prepared, for a variety of reasons, including self-hatred as Jews (masochism), to betray their fellow Jews in times of crisis. ■