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Kenneth Lasson

University of Baltimore School of Law, klasson@ubalt.edu

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Op-Ed: Jews in Jail

Kenneth Lasson - The Baltimore Jewish Times (Print Edition) - September 25, 2009

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As the Day of Atonement approaches, it is hard to say who among us will be charged, tried, and convicted of criminal activity, and who won't, in the year to come.

Of the high-profile American Jews currently in jail, two deserve to be there and one doesn't.

In January of 2006, Jack Abramoff pleaded guilty to three federal felony counts related to the defrauding of American Indian tribes and corruption of public officials. In September of 2008 he was also convicted of trading expensive gifts in exchange for political favors. Mr. Abramoff, who has said he became a baal teshuva (one who has repented) at the age of twelve after seeing "Fiddler on the Roof," is currently incarcerated at a prison camp adjacent to the federal penitentiary in Cumberland, Maryland.

In June of this year Bernard Madoff, admitted mastermind of the largest investor fraud ever committed by a single person - bilking thousands of investors of billions of dollars from the early 1990's onward - was sentenced to 150 years in prison (the maximum allowed) and \$170 billion in restitution. Mr. Madoff was also a prominent philanthropist, whose Madoff Family Foundation made sizable donations to hospitals, schools, theaters, and charities (including those later forced to close because of his fraud. He is currently at the Federal Correctional Institution in Butner, North Carolina.

One of Mr. Madoff's fellow prisoners at Butner is Jonathan Pollard, the former civilian intelligence analyst who in 1987 pleaded guilty of spying for

Israel and was sentenced to

life in prison

with a recommendation against parole.

It is not necessary to rehearse here the sad facts of the Pollard case - the botched spy operation, the failed plea bargain, the grossly disproportionate sentence - except to point out that Mr. Pollard has been locked up in a federal penitentiary for the past twenty-four years (he was arrested in 1985) and has little prospect of getting out.

All three of these men committed punishable offenses, but that's where the similarities end. Those perpetrated by Mr. Abramoff and Mr. Madoff were for personal gain. Not so that of Mr. Pollard, who transferred documents containing information about Syrian and Iraqi chemical weapons production and other significant security matters. It is undisputed that these documents were knowingly being withheld from the Jewish State. None of them jeopardized American interests.

Who's to say whether the other two have truly repented for their sins, but we know that Mr. Pollard has long conceded his wrongdoing. Nevertheless he has exhausted all of his legal remedies. His appeals were denied for technical/procedural reasons that fly in the face of traditional American values of fairness and compassion. (A dissenting judge on one of his appeals called the government's conduct in the case, and the legal reasoning applied by the courts, a gross miscarriage of justice.)

To anyone who dispassionately views the facts of the case, it is hard to avoid the conclusions that our justice system failed to deliver basic due process and that the ensuing punishment has clearly been excessive (the average sentence for this offense is four years). Now Mr. Pollard's only chance for relief is a Presidential commutation - or a deal done at the behest of Israel, which in 1996 granted citizenship to its acknowledged agent but has done exceedingly little over the years to seek his freedom.

Several weeks ago a supposedly independent report by Micha Lindenstrauss, Israel's comptroller, largely exonerated successive prime ministers from responsibility for Mr. Pollard's plight. The Lindensrass Report has been roundly criticized as a whitewash.

It was. The Israeli government has always been reluctant to assume responsibility - waiting more than ten years to acknowledge that Mr. Pollard indeed had been working on its behalf. Nor is there anything on the record to support claims that "Israel has made many efforts over the years to secure [his] release," and continues to do so. In the eleven years that have passed since Prime Minister Binyamin Netanyahu abandoned Mr. Pollard at the Wye Plantation to former President Bill Clinton's promises "to review" the case, he has done precious little to bring the matter to public attention. Whatever he may have done behind closed doors in the years since remains a matter of empty speculation.

In 2007, Mr. Netanyahu said that if he were elected prime minister he would bring about Pollard's release. Now is the time for him to try keeping that promise, forcefully and publicly.

To demonstrate the depth of grass-root sympathy, Mr. Pollard's supporters in Israel have organized an online statement of kinship which will be relayed to him in prison in the next few days. [The website can be found at <http://www.atzuma.co.il/petition/freepollard/1>. Instructions for English Speakers wishing to sign the Hebrew Petition follow the text below.]

On this Yom Kippur, may Jonathan Pollard be written and inscribed for a good year, one that sees him released to Israel, where he belongs.

The author, Kenneth Lasson, is a law professor at the University of Baltimore.

Sign the Petition for Pollard!

INSTRUCTIONS FOR ENGLISH SPEAKERS:

1. Go to [the petition](#).
 2. Scroll down past all the Hebrew text to the signature box. You will recognize it as a large square box surrounded by broken lines.
 3. In the large signature box you will see 3 small rectangles, one underneath the other. Underneath all three of these rectangles, you will see one more large rectangle. Type your name (in English) into the first rectangle (it is the one that has a red asterisk to the right). All the other boxes are optional. You can ignore them and go straight to number 5 below!
 4. OR for those who insist in filling in all the rectangles: In the first one, type your name.
In the second one, type your location. (City / State / Country) -
OPTIONAL
In the third, your email address. - OPTIONAL
In the 4th and largest rectangle you can comment in English-up to 600 characters. - OPTIONAL
 5. Click on the red and white stamp (it appears on a diagonal underneath the largest rectangle in the signature box) and your information will be added to the petition.
- **See Also:** [Support Israeli Citizens' Petition for Jonathan Pollard](#)

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