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# Pollard Languishes

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# Pollard Languishes

**Prof. Kenneth Lasson - Baltimore Jewish Times - February 27, 2009**

The worldwide Jewish community waits, at varying degrees anxious and rueful, to see how President Obama will treat Israel.

Anxious, because no one knows what audacious aspirations he can realistically harbor for a Mideast foreign policy that has been challenged by intractable hatreds and hopes for more than half a century. Rueful, because a lot of us felt that George W. Bush, while a bad president for America, was a good one for the Jewish state.

Not so fast. Even for many of those inclined toward the latter view, Mr. Bush turned out to be a great disappointment in handling the needlessly festering case of the imprisoned Jonathan J. Pollard.

In his two terms, fervent appeals were made quietly to the president  from people as diverse as U.S. senators and members of the Knesset, American law professors and the chief rabbi of Israel, and thousands of common citizens worldwide. To many of them, Mr. Bush appeared to be receptive and respectful, and he promised a thoughtful response. A petition for clemency was on his desk the day he left office. He did nothing.

Is there any chance that Mr. Obama will be any more enlightened, honest and just?

The plight of the former U.S. naval intelligence analyst, convicted in 1985 of passing classified information to Israel and sentenced to

[life in prison,](#)

is a sorry stain on the moral fabric of two great countries. Pollard has been

used and abused by both America and Israel ❖ treated unjustly by our generally fair-minded system of justice, and forsaken by a Jewish state founded on humanitarian values and ennobled by the single-minded pursuit of its enemies and the redemptions of those held captive for its sake.

Why is Jonathan Pollard still in prison?

Never mind the legal arguments ❖ that he was convicted on trumped-up evidence that he❖s never had the chance to challenge, that the U.S. Justice Department violated an honest plea agreement and that his life sentence is grossly disproportionate to any other punishment of similar offenders. The hard facts remain that he was never charged with treason, never caused Americans any great harm, and has suffered mightily for the confessed sins of others.

On the other hand, there is a good case to be made that Pollard is being punished for a crime he did not commit ❖ the one to which the convicted traitor Aldrich Ames has openly confessed; nor was he ever charged with treason. In fact, the ❖victim impact statement❖ offered by prosecutors did not impute to him any damage to American interests or harm to intelligence personnel.

The life sentence handed out to Pollard for an offense that normally nets a four-year term amounts to a gross miscarriage of justice. So does the fact that the government of Israel abandoned one of its loyal agents,

Applying for parole is not an option for Pollard, because of a severe and wholly unique impediment placed in his way by the Department of Justice: His current attorneys ❖ both of whom have been given top secret security clearances ❖ have never been permitted to see the documents submitted to the judge before Pollard❖s sentencing in 1987. Without access to that file, persons opposed to parole have free rein to say anything about Pollard they wish, with no risk of being contradicted by the documents.

Thus, Mr. Obama should show clemency for clear, straight-forward reasons:

He❖d be correcting a longstanding miscarriage of justice.

Pollard's life sentence by far the harshest ever meted out for a similar offense continues to make "equal justice under law" seem like little more than a palsied proverb. Of the dozens of Americans convicted of the same crime, many more perfidious spies have received lesser or no punishment.

He'd be acting the way other countries have acted toward us.

Few know the mirror-image cases that make Pollard's plight all the more sadly ironic: In the 1990s, Israel caught at least two Americans and one Mossad agent spying for the U.S. The Americans were noiselessly expelled, the Israeli pardoned.

He'd be making an important gesture of America's appreciation for Israel's abiding friendship, acknowledging the Jewish state's willingness to accede to much of our Middle East strategy.

In short, the president should act now to reflect the time-honored values of fairness and decency to which the nation he leads has always aspired. Here's a change he could implement without spending a penny a moral stimulus every bit as necessary as an economic one.

Jonathan Pollard has already served 24 years in prison.

Grant him clemency.

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### See Also:

- [Not treason, not dual loyalty, but equal justice is the issue:](#) Esther Pollard, The Jerusalem Post
- [Not a security risk but a bargaining chip:](#) Esther Pollard, The Jerusalem Post

[Home](#)