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Sounds Of Silence

Kenneth Lasson - Special to the Baltimore Jewish Times - September 23, 2005

American silence on various issues relating to Israel speaks loud and clear as to the Bush administration's policies and intentions.

When Palestinian Authority President Mahmoud Abbas goes out of his way to praise the "martyrs" - read suicide bombers - for finally bringing about Israel's unilateral disengagement from Gaza, he is explicitly endorsing terrorist acts. Yet not one word of condemnation, criticism, or even caution is forthcoming from U.S. Secretary of State Condoleezza Rice or her boss, President Bush, not even a modest protest of this flagrant flouting of the so-called road map to peace.

When synagogues in Gaza are torched under the watchful eyes of the Palestinian Authority, or a Jewish student is stabbed to death in the Old City of Jerusalem, nary an utterance of disapproval or consolation is heard from the White House State Department.

And when Israel does the bidding of Washington policy-makers and exercises restraint - both during its withdrawal from "occupied" territories that were won in war, and in response to murderous attacks against innocent civilians - the United States is totally devoid of any meaningful gesture of support for its only true ally in the Middle East.

One such response could have been the commutation of Jonathan J. Pollard's life sentence to time already served in prison, now [over 20 years and counting](#). Here the sound of American silence has been both deafening and defining.

Pollard, conscientious and justice-seeking Americans should know full well by now, was a Navy intelligence analyst caught passing classified

information to Israel - data that should have been shared in the first place and in no way damaged the United States.

What did Jonathan Pollard do to deserve life imprisonment? Nowhere did his indictment allege that he ever gave classified information to other countries before working for the Israelis, or that he ever betrayed any intelligence agents (as has often been widely misreported by the media).

Not one instance has ever surfaced (or been documented in the victim impact statement written by his prosecutors) of any real harm that he caused.

No doubt that what Pollard did was wrong under the law. Over the years, however, the dozens of other Americans who have been convicted of the same crime have been sentenced to an average of four years in prison; some similarly apprehended have served no time at all. All the more ironic are the mirror-image cases. During the time Pollard has been incarcerated, Israel has caught at least two Americans and one Mossad agent spying for the United States. The Americans were quietly expelled; the Israeli was pardoned.

The circumstances of Pollard's ill-fated plea-bargain - the government promised not to seek a harsh sentence in return for his cooperation; he fulfilled his part of the agreement, the Justice Department did not - led one federal judge to call the case "a complete and gross miscarriage of justice." But Steven Williams of the D.C. Circuit Court of Appeals was the lone dissenter on a three-judge panel, the other two of whom ruled against Pollard on technical procedural grounds (essentially that he had not filed his appeal in a timely fashion).

Now Pollard has virtually exhausted all of the legal appeals available to him. Only intervention by the president could set him free. But Mr. Bush has never spoken publicly about the case, much less offered Pollard to Israel - which would be a simple but altogether appropriate token of mutual understanding for an isolated and harmless instance of misplaced allegiance. Instead, he

has succumbed to the shrill will of a single-minded State Department and a largely discredited intelligence community, which apparently demand that Pollard never see the light of day.

To be sure the United States is not the only party to share the shame in this tragic failure of simple fairness. Israel could and should declare Pollard a "Prisoner of Zion" - a classification that would ensure continued efforts to liberate him. Israel could and should have made the modest demand for Pollard's liberty in return for the substantial concessions it has already made in the American-brokered peace process. Instead, by all realistic measures, the Jewish state has effectively abandoned one of its acknowledged agents.

And the American Jewish establishment, still apprehensive about igniting lingering canards of dual loyalty, has been too weak-kneed to make Pollard's case a grievance worthy of loud support.

There is ample time for Mr. Bush to make things right.

No, that's wrong.

He should end his silence now, and let Pollard go.

The writer is a professor of law at the University of Baltimore.

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