



U. S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

MAR 14 2011

Grant F. Smith  
Institute for Research: Middle Eastern Policy  
Calvert Station  
Post Office Box 32041  
Washington, D.C. 20007

Re: Freedom of Information Act Request  
Request No. 2011-036

Dear Mr. Smith:

This is in reply to your request pursuant to the Freedom of Information Act (FOIA), received in this office on February 24, 2011, in which you requested "Jonathan J. Pollard's 10/15/2010 application for commutation of sentence and all subsequent inbound, outbound and all related internal correspondence and communications for officials, individuals, organizations, and governments in support or opposition."

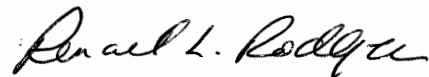
Mr. Pollard, through counsel, applied for commutation (reduction) of sentence on October 15, 2010. His application remains pending at this time.

As I informed you in my letter of November 15, 2010 in which I replied to your previous request pursuant to the FOIA, absent the specific, written authorization of Mr. Pollard and his attorneys, Mr. Pollard's application for executive clemency and written communications between this office and his attorneys are not subject to disclosure due to Exemptions 6 and 7(C) of FOIA, which limit the disclosure of information that could reasonably be expected to constitute an unwarranted invasion of an individual clemency applicant's personal privacy. Contrary to your view that there would be no privacy interest that could be threatened by the release of Mr. Pollard's application for executive clemency, the two federal judicial circuits which have considered this question have ruled that clemency applications are exempt from disclosure under Exemptions 6 and 7(C) of FOIA. Associated Press v. United States Department of Justice and its component, Office of the Pardon Attorney, 549 F.3d 62 (2<sup>nd</sup> Cir. 2008); Judicial Watch, Inc., v. Department of Justice, 365 F.3d 1108 (D.C. Cir. 2004). I have also determined that a discretionary release of the withheld material, which totals 51 pages, would not be appropriate.

A total of approximately 70 pages of documents responsive to your request have been located and are hereby provided. You will note that several pages have matters which have been redacted due to the applicability of the aforementioned Exemptions 6 and 7(c) of FOIA as well as Exemption 2 of FOIA, which limits the disclosure of internal matters of a trivial nature related solely to the internal personnel rules and practices of an agency of the United States Government.

I am required to inform you that if you consider my response to be a denial of your request, you may appeal to the Co-Director, Office of Information Policy, Department of Justice, Suite 11050, 1425 New York Avenue, N.W., Washington, DC 20530-0001. Your appeal must be received within 60 days from the date of this letter. Your envelope and letter should be clearly marked "Freedom of Information Act Appeal" or "Information Appeal." In the event your appeal is unsuccessful, judicial review will thereafter be available to you in the federal district court for the district in which you reside or have your principal place of business or in the District of Columbia, where the requested records are located.

Sincerely,

A handwritten signature in cursive script that reads "Ronald L. Rodgers".

Ronald L. Rodgers  
Pardon Attorney

Enclosures



U. S. Department of Justice

b6/7c

Pardon Attorney

WH 01262011-59

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Washington, D.C. 20530

FEB 24 2011

Alan P. Solow  
Chairman  
Conference of Presidents of Major  
American Jewish Organizations  
[REDACTED]  
New York, NY 10017

Dear Mr. Solow:

This responds to your letter to President Obama of September 13, 2010, in which you recommend executive clemency for Jonathan Pollard.

Mr. Pollard's clemency application was filed on October 15, 2010, and is being processed. You may assured that the petition will be carefully considered and that Mr. Pollard will be notified when final action has been taken. Your letter will be included in Mr. Pollard's clemency file.

Thank you for your interest in this matter and for writing to the President.

Sincerely,

Ronald L. Rodgers  
Pardon Attorney

b2(low)

Lilley, Gail (SMO)

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**From:** WH Agency Liaison [REDACTED]  
**Sent:** Friday, February 11, 2011 12:45 PM  
**To:** USPardon Attorney  
**Subject:** WH 02112011-51 - Alan P. Snow  
**Attachments:** 20110211090208914.pdf

Dear Mr. Rodgers:

The Office of Presidential Correspondence received the enclosed letter to President Obama, which appears to fall within the jurisdiction of your agency. The White House has no view on the merits of the request presented by the letter. We encourage you to respond to the letter within 30 days, if a response is appropriate under your standard policies. If your agency does respond, please indicate in the response that the letter to the President was forwarded by the White House to your agency. In addition, please send an informational copy of the response to [REDACTED] for our records.

You may contact Jonathan Asen at the White House Office of Presidential Correspondence, Agency Liaison by email at [REDACTED] or phone at [REDACTED].

CASE: WH 02112011-51 - Alan Snow

Please let us know if you need anything else regarding this case.

**Please note: a hard copy of this case will be forwarded to your office from the White House Office of Records Management. Please provide a copy of your response to both [REDACTED] as well as ORM. Thanks very much.**

**Jonathan**



**CONFERENCE OF PRESIDENTS**  
**of Major American Jewish Organizations**

b6/7c

**Alan P. Solow**  
Chairman

**Malcolm Hoenlein**  
Executive Vice Chairman

September 13, 2010

Hon. Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President,

We write as the Jewish high holidays approach, a time of prayer and introspection. We are reminded that as we seek divine compassion and forgiveness, we must show the same in our relationships with our fellow human beings. It is in that spirit that we approach you in regard to Jonathan Pollard.

While they represent a broad spectrum of views, the member organizations authorized us to communicate this appeal that you grant clemency to Mr. Pollard. After more than 25 years of incarceration, we believe that Mr. Pollard has paid a heavy price. He has expressed remorse both publicly and privately. Our feeling that it is time to let him rebuild his life is shared by many outstanding Americans of every religion and walk of life. Among those who have petitioned on his behalf are members of both houses of Congress, religious leaders, Nobel laureates, public officials, and many others.

As a matter of compassion and justice, we respectfully request that you consider this humanitarian plea to release Mr. Pollard.

Sincerely,

Alan P. Solow  
Chairman

Malcolm Hoenlein  
Executive Vice Chairman

- AMIT
- American-Israel Friendship League
- American Friends of LIBES
- American Gathering / Federation of Jewish Holocaust Survivors
- American Israel Public Affairs Committee
- American Jewish Congress
- American Jewish Congress
- American Jewish Joint Distribution Committee
- American Sephardi Federation
- American Zionist Movement
- AMT
- Anti-Defamation League
- ARZA
- Brit Shalom International
- Bnei Zion
- Central Conference of American Rabbis
- Committee for Accuracy in Middle East Reporting in America
- Development Corporation for Israel / State of Israel Bonds
- Empire of America
- Friends of the Israel Defense Forces
- Holocaust Women's Zionist Organization of America
- Historic Investigative Aid Society
- IBET: The Foundation for Jewish Campus Life
- Jewish Community Centers Association
- Jewish Council for Public Affairs
- Jewish Institute for National Security Affairs
- Jewish Labor Councils
- Jewish National Fund
- Jewish Reconstructionist Federation
- Jewish War Veterans of the USA
- Jewish Women International
- Morav USA, Zionist Organization of the Conservative Movement
- NATAMAT USA
- National Council of Jewish Women
- National Council of Young Israel
- NCJ: Advocates on Behalf of Jews in Russia, Ukraine, the Baltic States & Georgia
- ORT America, Inc.
- Rabbinical Assembly
- Rabbinical Council of America
- Religious Zionists of America
- Union for Reform Judaism
- Union of Orthodox Jewish Congregations of America
- United Jewish Communities
- United Synagogue of Conservative Judaism
- WJZO
- Women of Reform Judaism
- Women's League for Conservative Judaism
- Workmen's Circle
- World Zionist Executive, USA
- Zionist Organization of America



U. S. Department of Justice

Pardon Attorney

WH 02222011-21

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Washington, D.C. 20530

FEB 24 2011

The Honorable Dan Quayle

[REDACTED]  
Scottsdale, AZ 85253

Dear Vice President Quayle:

This responds to your letter to President Obama of January 31, 2011, in which you recommend executive clemency for Jonathan Pollard.

Mr. Pollard's clemency application was filed on October 15, 2010, and is being processed. You may assured that the petition will be carefully considered and that Mr. Pollard will be notified when final action has been taken. Your letter will be included in Mr. Pollard's clemency file.

Thank you for your interest in this matter and for writing to the President.

Sincerely,

Ronald L. Rodgers  
Pardon Attorney

b2(low)

Lilley, Gail (SMO)

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**From:** USPardon Attorney  
**Sent:** Wednesday, February 23, 2011 5:59 AM  
**To:** Lilley, Gail (SMO)  
**Subject:** FW: WH 02222011-21 - The Honorable Dan Quayle  
**Attachments:** Dan Quayle PARDON Request.pdf

Jordan Pendergrass

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**From:** WH Agency Liaison [REDACTED]  
**Sent:** Tuesday, February 22, 2011 2:50 PM  
**To:** USPardon Attorney  
**Subject:** WH 02222011-21 - The Honorable Dan Quayle

Dear Mr. Rodgers:

The Office of Presidential Correspondence received the enclosed letter to President Obama, which appears to fall within the jurisdiction of your agency. The White House has no view on the merits of the request presented by the letter. We encourage you to respond to the letter within 30 days, if a response is appropriate under your standard policies. If your agency does respond, please indicate in the response that the letter to the President was forwarded by the White House to your agency. In addition, please send an informational copy of the response to [REDACTED] for our records.

You may contact Jonathan Asen at the White House Office of Presidential Correspondence, Agency Liaison by email at [REDACTED] or phone at [REDACTED].

CASE: WH 02222011-21 - Dan Quayle

Please let us know if you need anything else regarding this case.

**Please note: a hard copy of this case will be forwarded to your office from the White House Office of Records Management. Please provide a copy of your response to both [REDACTED] as well as ORM. Thanks very much.**

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MI Parlan



b6/7c

DAN QUAYLE

January 31, 2011

The Honorable Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500-0001

RE: Jonathan Pollard

Dear Mr. President.

I write this letter urging you to consider commuting the sentence of Jonathan Pollard.

I believe that a life sentence for the crime committed is very extreme. Though his crime was very serious, I hope you will once again look very carefully at this pending request.

Many others have written you on this matter. I join them in urging a commutation of his sentence.

Thank you considering this request.

With warm regards,

Dan Quayle



OFFICE OF DAN QUAYLE

Scottsdale, Arizona 85253



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The Honorable Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington DC 20500-0004



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U. S. Department of Justice

Pardon Attorney

WH 02112011-60

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Washington, D.C. 20530

FEB 24 2011

The Honorable Lawrence J. Korb

  
Alexandria, VA 22304

Dear Dr. Korb:

This responds to your letter to President Obama of September 27, 2010, in which you recommend executive clemency for Jonathan Pollard.

Mr. Pollard's clemency application was filed on October 15, 2010, and is being processed. You may assured that the petition will be carefully considered and that Mr. Pollard will be notified when final action has been taken. Your letter will be included in Mr. Pollard's clemency file.

Thank you for your interest in this matter and for writing to the President.

Sincerely,



Ronald L. Rodgers  
Pardon Attorney

b2(low)

Lilley, Gail (SMO)

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**From:** WH Agency Liaison [REDACTED]  
**Sent:** Friday, February 11, 2011 1:05 PM  
**To:** USPardon Attorney  
**Subject:** WH 02112011-60 - Lawrence Kolb  
**Attachments:** Lawrence Kolb Letter to POTUS.pdf

Dear Mr. Rodgers:

The Office of Presidential Correspondence received the enclosed letter to President Obama, which appears to fall within the jurisdiction of your agency. The White House has no view on the merits of the request presented by the letter. We encourage you to respond to the letter within 30 days, if a response is appropriate under your standard policies. If your agency does respond, please indicate in the response that the letter to the President was forwarded by the White House to your agency. In addition, please send an informational copy of the response to [REDACTED] for our records.

You may contact Jonathan Asen at the White House Office of Presidential Correspondence, Agency Liaison by email at [REDACTED] or phone at [REDACTED].

CASE: WH 02112011-60 - Lawrence Kolb

Please let us know if you need anything else regarding this case.

**Please note: a hard copy of this case will be forwarded to your office from the White House Office of Records Management. Please provide a copy of your response to both [REDACTED] as well as ORM. Thanks very much.**

**Jonathan**

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MI/Pollard

b6/7c

September 27, 2010

Dr. Lawrence J. Korb

[REDACTED]  
Alexandria, VA 22304

The Honorable Barack H. Obama  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

As Assistant Secretary of Defense at the time of Jonathan Pollard's arrest, I respectfully request that you exercise your power of clemency on behalf of Mr. Pollard who has now been in prison for 25 years.

Jonathan Pollard is the only person in the history of the United States to receive a life sentence for passing classified information to an American ally.

Based on my first-hand knowledge, I can say with confidence that the severity of Pollard's sentence is a result of an almost visceral dislike of Israel and the special place it occupies in our foreign policy on the part of my boss at the time, Secretary of Defense Caspar Weinberger. Secretary Weinberger submitted two affidavits to the court in order to convince the judge to give Pollard a harsher sentence than the one requested by the government, despite Pollard admitting guilt, plea bargaining and cooperating with the government. The government committed to not seeking a life sentence but due to the Weinberger Affidavits, the redacted version of which I have read, Mr. Pollard received a disproportionate life sentence.

Secretary Weinberger omitted his crucial involvement in the Pollard case from his memoirs and when asked by the famed investigative journalist, Edwin Black, about the omission, Weinberger indifferently responded, "Because it was, in a sense, a very minor matter, but made very important." Asked to explain, Weinberger continued, "As I say, the Pollard matter was comparatively minor. It was made far bigger than its actual importance." When asked why this was so, Weinberger replied, "I don't know why-it just was."

Mr. Pollard was not charged with harming America and has repeatedly expressed remorse for his actions. Furthermore, the average sentence for this offense is 2-4 years and today the maximum sentence is 10 years. Justice would best be served by commuting Pollard's sentence to the time he has already spent in prison.

Sincerely,

  
Lawrence J. Korb



b6/7c

U. S. Department of Justice

Pardon Attorney

WH 02112011-59

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Washington, D.C. 20530

FEB 24 2011

The Honorable Bernard W. Nussbaum

[REDACTED]  
New York, NY 10019

Dear Mr. Nussbaum:

This responds to your letter to President Obama of January 28, 2011, in which you recommend executive clemency for Jonathan Pollard.

Mr. Pollard's clemency application was filed on October 15, 2010, and is being processed. You may assured that the petition will be carefully considered and that Mr. Pollard will be notified when final action has been taken. Your letter will be included in Mr. Pollard's clemency file.

Thank you for your interest in this matter and for writing to the President.

Sincerely,

Ronald L. Rodgers  
Pardon Attorney

b2(low)

Lilley, Gail (SMO)

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**From:** WH Agency Liaison [REDACTED]  
**Sent:** Friday, February 11, 2011 1:00 PM  
**To:** USPardon Attorney  
**Subject:** WH 02112011-59 - Bernard Nussbaum  
**Attachments:** Bernard Nussbaum Letter to POTUS.pdf

Dear Mr. Rodgers:

The Office of Presidential Correspondence received the enclosed letter to President Obama, which appears to fall within the jurisdiction of your agency. The White House has no view on the merits of the request presented by the letter. We encourage you to respond to the letter within 30 days, if a response is appropriate under your standard policies. If your agency does respond, please indicate in the response that the letter to the President was forwarded by the White House to your agency. In addition, please send an informational copy of the response to [REDACTED] for our records.

You may contact Jonathan Asen at the White House Office of Presidential Correspondence, Agency Liaison by email at [REDACTED] or phone at [REDACTED].

CASE: WH 02112011-59 - Bernard Nussbaum

Please let us know if you need anything else regarding this case.

**Please note: a hard copy of this case will be forwarded to your office from the White House Office of Records Management. Please provide a copy of your response to both [REDACTED] as well as ORM. Thanks very much.**

Jonathan

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AGL/Pardon

BERNARD W. NUSSBAUM

January 28, 2011

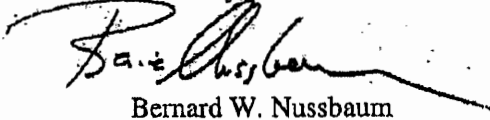
The Honorable Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500-0001

Dear Mr. President:

I was Counsel to the President in 1993-94. Along with Deputy Attorney General Philip Heymann, who has written to you regarding Jonathan Pollard, I also extensively reviewed the Pollard file while I served in the White House. I write this letter to state that I fully share the view expressed by Professor Heymann — as well as the other distinguished former public officials who have written to you — that the time has come for Jonathan Pollard's sentence to be commuted.

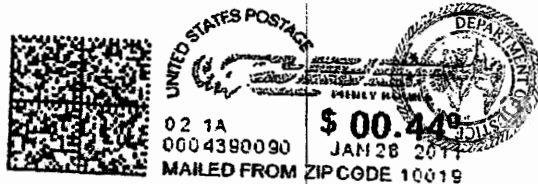
I will not repeat the cogent reasons set forth in Professor Heymann's letter except to say that I too believe that Jonathan Pollard has been appropriately punished for his conduct and that a failure at this time to commute his sentence would not serve the course of justice; indeed, I respectfully believe, it would be a miscarriage of justice.

Sincerely,



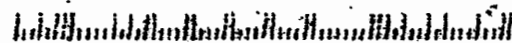
Bernard W. Nussbaum

BWN:bw



The Honorable Barach Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington DC 20500-0001

WHITE HOUSE POSTAL UNIT  
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1800 G ST/USPS  
20500-0001



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Washington, D.C. 20530

FEB 04 2011

U.S. Department of Justice  
Office of the Pardon Attorney

BERNARD W. NUSSBAUM  
NEW YORK, N.Y. 10019





U. S. Department of Justice

Pardon Attorney

WH 02222011-23

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Washington, D.C. 20530

FEB 24 2011

The Honorable George P. Shultz  
Hoover Institution  
Stanford University  
Stanford, CA 94306-6010

Dear Secretary Shultz:

This responds to your letter to President Obama of January 11, 2011, in which you recommend executive clemency for Jonathan Pollard.

Mr. Pollard's clemency application was filed on October 15, 2010, and is being processed. You may assured that the petition will be carefully considered and that Mr. Pollard will be notified when final action has been taken. Your letter will be included in Mr. Pollard's clemency file.

Thank you for your interest in this matter and for writing to the President.

Sincerely,

A handwritten signature in cursive script that reads "Ronald L. Rodgers".

Ronald L. Rodgers  
Pardon Attorney

b2(low)

Lilley, Gail (SMO)

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**From:** USPardon Attorney  
**Sent:** Wednesday, February 23, 2011 5:59 AM  
**To:** Lilley, Gail (SMO)  
**Subject:** FW: WH 02222011-23 - George Shultz  
**Attachments:** George Shultz PARDON Request.pdf

**Jordan Pendergrass**

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**From:** WH Agency Liaison [REDACTED]  
**Sent:** Tuesday, February 22, 2011 2:50 PM  
**To:** USPardon Attorney  
**Subject:** WH 02222011-23 - George Shultz

Dear Mr. Rodgers:

The Office of Presidential Correspondence received the enclosed letter to President Obama, which appears to fall within the jurisdiction of your agency. The White House has no view on the merits of the request presented by the letter. We encourage you to respond to the letter within 30 days, if a response is appropriate under your standard policies. If your agency does respond, please indicate in the response that the letter to the President was forwarded by the White House to your agency. In addition, please send an informational copy of the response to [REDACTED] for our records.

You may contact Jonathan Asen at the White House Office of Presidential Correspondence, Agency Liaison by email at [REDACTED] or phone at [REDACTED].

CASE: WH 02222011-23 - George Shultz

Please let us know if you need anything else regarding this case.

**Please note: a hard copy of this case will be forwarded to your office from the White House Office of Records Management. Please provide a copy of your response to both [REDACTED] as well as ORM. Thanks very much.**



January 11, 2011

GEORGE P. SHULTZ  
THOMAS W. AND EDITH G. DORIS  
DISTINGUISHED FELLOW

Dear Mr. President,

I am writing to join with many others in urging you to consider that Jonathan Pollard has now paid a huge price for his espionage on behalf of Israel and should be released from prison.

I am impressed that the people who are best informed about the classified material he passed to Israel, former CIA Director James Woolsey and former Chairman of the Senate Intelligence Committee Dennis DeConcini, favor his release.

I find the letter you received from former Attorney General Michael Mukasey of the Bush administration particularly compelling.

With my respect,

Sincerely yours,

A handwritten signature in cursive script that reads "George".

George P. Shultz

The President  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

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JAN 14 2011



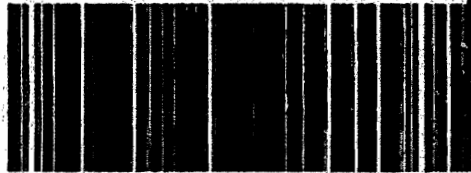
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b6/7c

U.S. Department of Justice

Office of the Pardon Attorney

WH 02222011-29

Washington, D.C. 20530

FEB 24 2011

Philip B. Heymann, J.D.  
Harvard Law School  
[REDACTED]  
Cambridge, MA 02138

Dear Professor Heymann:

This responds to your letter to President Obama of January 25, 2011, in which you recommend executive clemency for Jonathan Pollard.

Mr. Pollard's clemency application was filed on October 15, 2010, and is being processed. You may assured that the petition will be carefully considered and that Mr. Pollard will be notified when final action has been taken. Your letter will be included in Mr. Pollard's clemency file.

Thank you for your interest in this matter and for writing to the President.

Sincerely,

A handwritten signature in black ink that reads "Ronald L. Rodgers".

Ronald L. Rodgers  
Pardon Attorney

b2(low)

Lilley, Gail (SMO)

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**From:** USPardon Attorney  
**Sent:** Wednesday, February 23, 2011 6:00 AM  
**To:** Lilley, Gail (SMO)  
**Subject:** FW: WH 02222011-29 - Philip Heymann  
**Attachments:** Philip Heymann PARDON Request.pdf

Jordan Pendergrass

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**From:** WH Agency Liaison [REDACTED]  
**Sent:** Tuesday, February 22, 2011 2:50 PM  
**To:** USPardon Attorney  
**Subject:** WH 02222011-29 - Philip Heymann

Dear Mr. Rodgers:

The Office of Presidential Correspondence received the enclosed letter to President Obama, which appears to fall within the jurisdiction of your agency. The White House has no view on the merits of the request presented by the letter. We encourage you to respond to the letter within 30 days, if a response is appropriate under your standard policies. If your agency does respond, please indicate in the response that the letter to the President was forwarded by the White House to your agency. In addition, please send an informational copy of the response to [REDACTED] for our records.

You may contact Jonathan Asen at the White House Office of Presidential Correspondence, Agency Liaison by email at [REDACTED] or phone at [REDACTED]

CASE: WH 02222011-29 - Philip Heymann

Please let us know if you need anything else regarding this case.

**Please note: a hard copy of this case will be forwarded to your office from the White House Office of Records Management. Please provide a copy of your response to both [REDACTED] as well as ORM. Thanks very much.**

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P. Bar



HARVARD LAW SCHOOL

b6/7c

██████████ • Cambridge, Massachusetts 02138

**PHILIP B. HEYMANN**  
*James Barr Ames Professor of Law*  
*Director of Center for International Criminal Justice*

TEL: ██████████  
FAX: ██████████  
E-MAIL: ██████████

25 January 2011

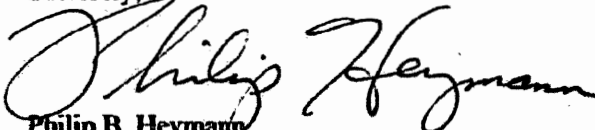
The Honorable Barack Obama  
The White House  
1600 Pennsylvania Ave., NW  
Washington DC 20500-0001

Dear Mr. President:

Having reviewed the Pollard file at length as Deputy Attorney General in 1993-1994, I enthusiastically join the many distinguished others who are now urging you to commute the sentence of Jonathan Pollard. Like Jim Woolsey and Dennis DeConcini, I know the record thoroughly and fully share their conclusions. Like Secretary of State George Shultz, I particularly admire the precise statement of the issues by former Attorney General Mukasey.

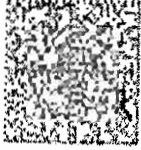
Pollard's conviction was justified but his sentence was entirely out-of-line with others engaging in similar behavior and it was made less-than-legitimate by a treacherous recommendation of the then Secretary of Defense. There is no evidence that Pollard intended to harm the United States or help its enemies. Having already served a severe sentence, Pollard is now supported by political and religious leaders across the political spectrum in seeking a commutation. I join them with deep conviction as to the justice of their shared cause.

Sincerely,

  
Philip B. Heymann



HARVARD LAW SCHOOL  
CAMBRIDGE, MASS. 02138

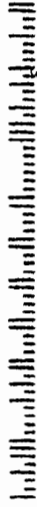


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The Honorable Barack Obama  
The White House  
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**Rodgers, Ronald L. (SMO)**

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**From:** Harris, Kimberley D. [REDACTED]  
**Sent:** Monday, November 22, 2010 4:37 PM  
**To:** Rodgers, Ronald L. (SMO)  
**Subject:** FW: Letter from Prof. Wiesel for the President  
**Attachments:** Pres Obama J Pollard 11.18.10.doc

FYI re: Pollard. For your files.

b6/7c

**Boston University**

ELI WIESEL  
*University Professor and  
Andrew W. Mellon Professor in the Humanities*



██████████  
Boston, Massachusetts 02215  
██████████ Fax: ██████████

November 18, 2010

**The Honorable Barack Obama  
President of the United States of America  
The White House**

Dear Mr. President,

I hope you will not mind my writing this letter adding my voice to all those Americans who have urged you, on purely humanitarian grounds, to pardon Jonathan Pollard. I believe, we all believe, that what he did was wrong – terribly, terribly wrong. I condemned his action then, and still do today. But his punishment, though deserved, was harsh. He has already spent 25 remorseful years in jail – longer, I think, than any Soviet spy in history. His wish is to go to Israel. You are a man of compassion: please, let him go.

Respectfully,

Your friend,

A handwritten signature in dark ink, appearing to read "Elie Wiesel". The signature is fluid and cursive, with the first name "Elie" and the last name "Wiesel" clearly distinguishable.

Elie Wiesel



b6/7c

OFFICE OF THE  
EXECUTIVE VICE PRESIDENT

Agudath  
Israel  
of America  
אגודת ישראל באמריקה

**FAX MESSAGE**

Please deliver this message to the below referenced immediately upon receipt:

DATE: December 14, 2010

DELIVER TO: Mr. Ronald L. Rodgers

RECEIVER'S FAX NUMBER: (202) 616-6069

FROM: Rabbi David Zwiebel, Esq.

SENDER'S PHONE NUMBER: [REDACTED]

TOTAL PAGES: 6  
(includes cover page)



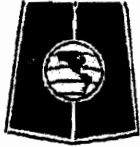
**MESSAGE**

RECEIVED  
DEPT. OF JUSTICE  
PARDON SERVICE  
2010 DEC 15 AM 7:25

Mr. Rodgers:

FYI, here's a copy of the letter that I just sent to President Obama, supporting Jonathan Pollard's request for executive clemency.

Rabbi David Zwiebel, Esq.



b6/7c

T"ט

OFFICE OF THE  
EXECUTIVE VICE PRESIDENT

Agudath  
Israel  
of America  
אגודת ישראל באמריקה

December 14, 2010

**BY FAX & OVERNIGHT MAIL**

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Dear Mr. President:

On behalf of Agudath Israel of America, a national Orthodox Jewish organization, I wish to renew our longstanding humanitarian plea that Jonathan Pollard, who has already served 25 years of his life sentence, be granted executive clemency. We have made this plea to several presidents over the years – but with each passing year that Mr. Pollard languishes in prison, the urgency of the plea is compounded.

We acknowledge, as we always have, that Pollard's crime was extremely serious. But we maintain, also as we always have, that the exceptional severity of his sentence is troubling. His espionage took place during a time of peace. The country for which he was charged with spying, Israel, was and is a staunch ally of the United States. He received his sentence after a plea bargain, not a trial. Each of these factors, on its own, should have softened the harshness of his sentence; taken collectively, they render his sentence of life in prison virtually incomprehensible.

Indeed, the 25 years Pollard has already served – let alone the life sentence imposed upon him – is entirely out of line with sentences served by others convicted of spying for friendly governments. As Representative Barney Frank and 38 of his colleagues wrote to you last month:

We believe that there has been a great disparity from the standpoint of justice between the amount of time Mr. Pollard has served and the time that has been served — or not served at all — by many others who were found guilty of similar activity on behalf of nations that, like Israel, are not adversarial to us. It is indisputable in our view that the nearly twenty-five years that Mr. Pollard has served stands as a sufficient time from the standpoint of either punishment or deterrence.

THE RABBI MOSHE SHERER NATIONAL HEADQUARTERS

• New York, NY 10004 • Fax:

**b6/7c**

The Honorable Barack Obama  
December 14, 2010  
Page 2

We respectfully add our voice to those of Representative Frank and his colleagues in asking you to recognize that Jonathan Pollard has more than adequately repaid his debt to society through the quarter-century he has already spent in federal prison. The length of his incarceration, considering the nature of his crime and the fact that he entered into a plea bargain, is itself a compelling justification for the humanitarian exercise of your executive clemency authority.

There are, however, two additional factors that strongly militate in favor of clemency: the fact that the government, in a variety of ways, did not play fair in the process leading up to the imposition of Pollard's life sentence; and the fact that Pollard lost his opportunity to appeal his life sentence due solely to his own attorney's shoddy lawyering. It is fair to assume that Pollard is still sitting in jail today only because both the government and his lawyer deviated from the norms that characterize our system and sense of American justice. There is something very wrong with that picture, and we respectfully ask you to set it right.

Let me elaborate on these two additional points:

1. *The Government's Troubling Conduct:* After entering into a plea bargain agreement with Pollard, the government proceeded in a manner that was in substantial tension with the commitments it had made under the agreement. In the words of Judge Stephen Williams, the dissenting vote in the 1992 D.C. Circuit Court of Appeals 2-1 ruling rejecting Pollard's §2255 motion to withdraw his guilty plea:

On its side, the government made three promises of significance here. First, it would bring to the court's attention "the nature, extent and value of [Pollard's] cooperation and testimony" and would represent that the information supplied was of "considerable value to the Government's damage assessment analysis, its investigation of this criminal case, and the enforcement of the espionage laws." Second, it would not ask for a life sentence (this promise was implicit but is not contested by the government), though it would be free to recommend a "substantial period of incarceration". Third, the government limited its reserved right of allocution to "the facts and circumstances" of Pollard's crimes. The government complied in spirit with none of its promises; with the third, it complied in neither letter nor spirit. [*United States v. Pollard*, 959 F2d 1011, 1034 (D.C. Cir. 1992) (Williams, J., dissenting) (citations omitted; emphasis added).]

**b6/7c**

The Honorable Barack Obama  
December 14, 2010  
Page 3

These factors led Judge Williams to describe the government's conduct as "a fundamental miscarriage of justice." *Id.* at 1032.

The two judges who formed the court's majority disagreed with their colleague's bottom line, but they too acknowledged "the grudging nature of the government's compliance," 959 F.2d at 1026; that "the government's presentation was certainly not generous – it could well be thought stingy," *id.*; and that "the government was engaged in rather hard-nosed dealings with the defendant," *id.* at 1030. The majority took note of the "rather polemical tone" of Secretary Caspar Weinberger's pre-sentencing memorandum to the district judge, *id.* at 1017, conceding that the Secretary's words might accurately be characterized as "rank hyperbole." *Id.* at 1025. The majority did not disagree that the government's unflattering description of Pollard's character and motivation constituted a breach of its pledge to limit its allocution to the "facts and circumstances" of the case; it merely held that any such breach, "troublesome" though it may be (*id.* at 1026), did not rise to the level of a "fundamental defect" in the sentence that resulted in a "complete miscarriage of justice" sufficient to warrant §2255 collateral relief. *Id.* at 1028.

The government's inappropriate handling of the case after it entered into the plea agreement extends beyond the manner in which it carried out its terms of the bargain with Pollard. As I pointed out in an article I wrote for the June 1997 *Middle East Quarterly*, it was only after the government had secured Pollard's guilty plea that it began speaking in terms of the harm Pollard caused to the United States. Pollard's indictment had charged him under the federal law that makes it a crime to deliver defense information "to the advantage of a foreign nation" – conspicuously avoiding charging him under the parallel law that makes it a crime to deliver such information "to the injury of the United States." Pollard thus had good reason to assume, when he agreed to plead guilty to a criminal charge of spying for an ally where there had been no charge of harm to the United States, that he would receive something less than a life sentence.

After his plea, though, the government began to sing a different tune, essentially converting the charge from the less morally culpable crime of benefiting a foreign nation to the more serious crime of injuring the United States. Thus, as elaborated in the aforementioned *Middle East Quarterly* article, the government submitted a Victim Impact Statement that spoke in various ways of the harm Pollard had caused to American interests; Secretary Weinberger submitted a declaration raising the specter that Pollard had endangered American lives; and then, in a second submission on the eve of sentencing, the Secretary went so far as to accuse Pollard of "treason" – a legal term that Article III, Section 3 of our Constitution defines as levying war against the United States or aiding America's enemies.

b6/7c

The Honorable Barack Obama  
December 14, 2010  
Page 4

What happened, in other words, is that the government leveled a charge of lesser moral magnitude against Pollard, secured his guilty plea, and then post-facto changed the focus of the sentencing process by upping the ante on Pollard's crime. This may have been clever prosecutorial strategy – but it was not fair play.

2. *Pollard's Lawyer's Failure to Appeal the Sentence:* There is yet another reason why there is something fundamentally unfair about Pollard's life sentence. It is by now clear that Pollard's original lawyer made a number of serious tactical mistakes in his representation of Pollard – most egregiously his failure directly to appeal Pollard's life sentence.

The devastating consequences of that failure are spelled out quite clearly in the D.C. Court of Appeals' aforementioned 2-1 ruling against Pollard's §2255 motion to withdraw his guilty plea, in which the majority point out that “in a §2255 collateral challenge, an appellant, in order to gain relief under any claim, is obliged to show a good deal more than would be sufficient on a direct appeal from his sentence. §2255 is not a substitute for a direct appeal. ...The mood, atmosphere or ‘rhetoric’ of the government's allocution – upon which the dissent relies – might justify relief on direct appeal of the sentence, but it is unlikely to satisfy the rigorous test of §2255.” (*United States v. Pollard, supra*, 959 F.2d at 1020, 1029-30 [emphasis added].) In other words, had Pollard's lawyer decided directly to appeal the life sentence on the grounds that the government had breached the plea bargain agreement, chances are that he would have prevailed on that appeal. But the lawyer, for whatever reason (or for no reason), did not file an appeal – and the rest is tragic history. It is therefore fair to ask as a matter of simple justice whether Pollard should be made to suffer such severe consequences – spending the rest of his life in prison – as a result of his lawyer's egregious mistake.

That Pollard committed an extremely serious crime and deserved to pay for it is clear. But it is also clear that for a man to spend his entire life in prison based on questionable tactics by the government in its prosecution of a case and an inexplicable blunder by his lawyer simply does not comport with fundamental fairness. It may be too late, under the applicable statutes of limitations, for a court of law to allow Pollard to withdraw his guilty plea or appeal his sentence on the basis of these considerations. *United States v. Pollard*, 290 F. Supp. 2d 153 (D.D.C. 2003). But it is not too late for the President of the United States to take them into account when considering Pollard's clemency application. The genius of our constitutional system is that the Chief Executive has the power, entirely independent of the courts, to act in a humanitarian manner that upholds our nation's most noble traditions of fair play and compassionate justice. This is a case that screams out for the exercise of such humanitarian executive authority.

**b6/7c**

The Honorable Barack Obama  
December 14, 2010  
Page 5

Let me conclude with a simple plea from the heart. By no means does Agudath Israel of America condone what Pollard did. He is no hero. But he committed his crime more than a quarter-of-a-century ago. He has expressed remorse for his actions. He has languished in prison for 25 years. He is in declining health. He is a broken man. We respectfully echo the words of former CIA director James Woolsey: "He's served long enough."

During this holiday season, Mr. President, Agudath Israel of America implores you, respectfully but urgently, to grant clemency to Jonathan Pollard.

Many thanks for your consideration of this plea – and many thanks for your courageous leadership of our great nation. As always, you have our blessings and every good wish.

Sincerely,



Rabbi David Zwiebel, Esq.  
Executive Vice President

DZ/aa





U.S. Department of Justice

b6/7c

Pardon Attorney

Washington, D.C. 20530

Dennis DeConcini  
United States Senator, Retired

FEB - 4 2011

[REDACTED]  
[REDACTED]  
Tucson, Arizona 85712

Dear Senator DeConcini:

This is in reply to your letter of December 6, 2010 regarding clemency for Jonathan Pollard.

Mr. Pollard's application for commutation (reduction) of sentence was received in this office on October 15, 2010 and is being processed. The amount of time required to process such applications can be lengthy, and no assurance can be provided that final action will be taken within a specific period of time. Mr. Pollard will be promptly advised when his application has been adjudicated.

Thank you for your letter in support of clemency for Mr. Pollard. Your views in his support are appreciated, and your letter has been made a part of Mr. Pollard's clemency case file.

Sincerely,

Ronald L. Rodgers  
Pardon Attorney

b2(low)

**THE WHITE HOUSE OFFICE  
REFERRAL**

January 26, 2011

**TO:** DEPARTMENT OF JUSTICE

**ACTION COMMENTS:** ATTN: PARDON ATTORNEY, RONALD RODGERS

**ACTION REQUESTED:** APPROPRIATE ACTION

**REFERRAL COMMENTS:**

**DESCRIPTION OF INCOMING:**

**ID:** 1047129

**MEDIA:** LETTER

**DOCUMENT DATE:** December 06, 2010

**TO:** PRESIDENT OBAMA

**FROM:** THE HONORABLE DENNIS DECONCINI  
TUCSON, AZ 85712

**SUBJECT:** RECOMMEND THAT JONATHAN POLLARD'S SENTENCE BE COMMUTED TO  
TIME SERVED

RECEIVED  
DEPT. OF JUSTICE  
PARDON ATTORNEY  
2011 JAN 31 AM 11:53

**COMMENTS:**

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**PROMPT ACTION IS ESSENTIAL – IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT,  
UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT [REDACTED].**

**RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT,  
[REDACTED] OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500  
FAX A COPY OF REPOSE TO: [REDACTED]**

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THE WHITE HOUSE  
DOCUMENT MANAGEMENT AND  
TRACKING WORKSHEET



DATE RECEIVED: January 26, 2011

CASE ID: 1047129

NAME OF CORRESPONDENT: THE HONORABLE DENNIS DECONCINI

SUBJECT: RECOMMEND THAT JONATHAN POLLARD'S SENTENCE BE COMMUTED TO TIME SERVED

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION	
		CODE	DATE	TYPE RESPONSE	CODE
CORRESPONDENCE	JONATHAN ASEN	ORG	01/26/2011		

ACTION COMMENTS:

DEPARTMENT OF JUSTICE A 01/26/2011

ACTION COMMENTS: ATTN: PARDON ATTORNEY, RONALD RODGERS

COUNSEL TO THE PRESIDENT ROBERT BAUER I 01/26/2011 C 01/26/2011

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS:

MEDIA TYPE: LETTER

USER CODE:

ACTION CODES	TYPE RESPONSE	DISPOSITION	COMPLETED DATE
A = APPROPRIATE ACTION	INITIALS OF SIGNER (W.H. STAFF)	A = ANSWERED OR ACKNOWLEDGED	DATE OF ACKNOWLEDGEMENT
B = RESEARCH AND REPORT BACK	NRN = NO RESPONSE NEEDED	C = CLOSED	OR CLOSEOUT DATE (MM/DD/YY)
D = DRAFT RESPONSE	OTBE = OVERTAKEN BY EVENTS	X = INTERIM REPLY	
I = INFO COPY/NO ACT NECESSARY			
R = DIRECT REPLY W/ COPY			
ORG = ORIGINATING OFFICE			

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES  
REFER QUESTIONS TO DOCUMENT TRACKING UNIT  
SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT  
EEOB.

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b6/7c

1047129  
2010-10-0139  
RLR VC

# The Honorable Dennis DeConcini

United States Senator, Retired

Tucson, AZ 85712  
Tel: [REDACTED]  
Fax: [REDACTED]

Tucson, AZ 85719  
Fax: [REDACTED]  
Mobile: [REDACTED]

December 6, 2010

RECEIVED  
DEPT. OF JUSTICE  
PAROLE & PROBATION  
2011 JAN 31 AM 11:53

President Barack Obama  
The White House  
1600 Pennsylvania Ave, NW  
Washington, D.C. 20500

Re: Jonathan Pollard

Dear Mr. President,

Due to the recent Congressional letter, signed by 39 Congressman, sent to you advocating your commuting Jonathan Pollard's sentence to time served, I feel it is important that I send you a follow up letter concerning Pollard.

I was on the Senate Intelligence Committee when Pollard was arrested, and subsequently became its chairman. I am well aware of the classified information concerning the damage he caused. Pollard was charged with one count of giving classified information to an ally, Israel. He was never charged with nor to my knowledge did he ever give any information to a third country.

There is considerable controversy regarding the plea bargain which Pollard entered into with the Justice Department. Not being a party to that plea bargain, it is difficult for me to pass judgment, although, it appears to me that the eventual punishment awarded to Mr. Pollard, life in prison, exceeded the severity of the crime. In addition, it is note-worthy that what law Pollard broke, though a violation, clearly it was information given to an ally and a friend of the US. Not an enemy. Though in determining the guilt or innocence this would not weigh heavy on a court or jury, however, I do believe it is important to note if there is consideration for commutation. Pollard has been punished significantly more than most convicts of similar crimes.

I believe that Pollard has been sufficiently punished, and that it is unjust for him to serve any more time in prison. I join the 39 House Members in recommending that Pollard's sentence be commuted to time served – which would also be entirely consistent

with the agreement the government originally made with him. Thank you for your consideration.

Sincerely,

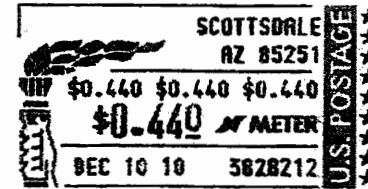
*Dennis DeConcini*

Dennis DeConcini  
United States Senator, Ret.

DDC/jmc

Dennis DeConcini  
United States Senator, Retired

Tucson, AZ 85712

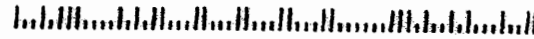


WHITE HOUSE POSTAL UNIT  
JAN 14 2011  
1800 G ST/US

President Barack Obama  
The White House  
1600 Pennsylvania Ave, NW  
Washington, D.C. 20500

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JAN 06 2011

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b6/7c

February 25, 2011

President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President,

I join many other distinguished Americans to request that you exercise your power of clemency and commute Jonathan Pollard's prison sentence to time served.

I do not underestimate the gravity of Mr. Pollard's crime, but I do believe that he has served a disproportionately severe sentence and that he should be promptly released. He has already spent over 25 years in prison, several of which were spent in solitary confinement.

I have been acquainted for many years with members of his family, especially his parents, and I know how much pain and anguish they have suffered because of their son's incarceration. The mother is now deceased, but the father lives. He deserves to see their son freed.

My support of clemency for Jonathan Pollard extends back many years. I hope you will act promptly on the requests you have received. Commuting his sentence is a matter of basic compassion and justice.

Thank you for your consideration of this request.

With warm personal regards,

Lee H. Hamilton  
Director

The Center on Congress at Indiana University

Bloomington, IN 47405-1701

Phone: [REDACTED]

Fax: [REDACTED]

E-mail: [REDACTED]

Web: [www.centeroncongress.org](http://www.centeroncongress.org)

b6/7c

**Arlen Specter**  
Attorney-at-Law

Philadelphia, Pennsylvania 19102

PA, N.J., D.C. Bars

telephone  
facsimile

Washington, D.C. 20007

February 16, 2011

The President  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

I write to recommend the pardon of Jonathan Pollard.

Based on my experience as District Attorney of Philadelphia, Chairman of The Senate Judiciary Committee, Chairman of The Senate Intelligence Committee and my studies of incarceration, I believe Jonathan Pollard has served more than long enough.

I think his spying was a very serious crime. Unfortunately, spying is not an uncommon practice even between allies and friendly nations.

Considering all the factors, in my judgment Jonathan Pollard should not have a life sentence without parole or a pardon.

Sincerely,

  
Arlen Specter

AS/re



b6/7c

Beth Shalom B'nai Zaken Ethiopian Hebrew Congregation

Chicago, Illinois 60629

Tel: [REDACTED]

Fax: [REDACTED]

www.bethshalombz.org

Rabbi Capers C. Funnye, Jr.  
Spiritual Leader & C.E.O.

January 25, 2011

Moses L. Buie  
President

Michael Grier  
Vice President

Angela Grier  
Secretary

Carolyn McCollough  
Treasurer

Gwendolyn Ellis  
Assistant Treasurer

The Honorable Barack Hussein Obama  
President of the United States  
The White House  
Washington, DC 20500

Fax: [REDACTED] b2(low)

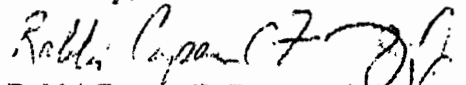
Dear Mr. President,

I write to add my voice to the many voices that have appealed to you for clemency by commuting Jonathan Pollard's prison sentence to time served.

Jonathan Pollard has served over 25 years in prison for a crime that he has expressed great remorse publicly and privately for committing against our country. Mr. Pollard pled guilty under a plea agreement with which he fully complied but the sentencing judge ignored the normal course of action in these matters.

It is with great humility and knowing your sense of fairness, that I ask you to give the matter of commuting the sentence of Jonathan Pollard every consideration.

Sincerely,

  
Rabbi Capers C. Funnye, Jr.

January 3, 2011

---

**The Honorable Barack H. Obama  
President of the United States  
The White House  
Washington, D.C. 20500**

**Dear Mr. President:**

We, the undersigned over five hundred religious and communal leaders representative of the broad spectrum of the American faith community – wish to add our voices in support of clemency for Jonathan Pollard. We are united in the fundamental belief that “Justice, only justice, shall you pursue” (Deuteronomy 16:20), which rests at the core of our moral principles and system of justice.

Mr. Pollard is currently serving his 26th year of a life sentence, having been indicted on one count of passing classified information to an ally without intent to harm the United States. We certainly do not condone his crime, nor do we underestimate the gravity of the offense. But it is patently clear that the sentence was and remains terribly disproportionate – the average punishment is a 2-4 year prison term – and (as several federal judges have noted) constitutes a gross miscarriage of justice.

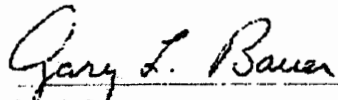
As you know, prominent figures from across the spectrum have publicly stated their support for Mr. Pollard’s release. They include Nobel Laureate Elie Wiesel, Senators Charles Schumer and Arlen Specter, Harvard Law Professors Charles Ogletree and Alan Dershowitz, former Attorney General Michael Mukasey, former Assistant Secretary of Defense Lawrence Korb, Rev. Theodore Hesburgh of Notre Dame, Benjamin Hooks of the NAACP, former federal Judge George Leighton, former New York City Mayor Rudy Giuliani, former U.S. Solicitor General Theodore Olsen, Pastor John Hagee, and Gary Bauer. Furthermore, thirty-nine members of Congress have recently submitted to you a “Dear Colleague” letter led by Congressman Barney Frank in support of commuting Mr. Pollard’s sentence. Perhaps most noteworthy, similar support has come from those who have seen the classified information of the actual damage caused including former CIA Director R. James Woolsey, Congressman Anthony Weiner, and former Senator and Chairman of the Senate Intelligence Committee Dennis DeConcini.

After more than two and a half decades in prison, Mr. Pollard’s health is declining. He has repeatedly expressed remorse for his actions, and by all accounts has served as a model inmate.

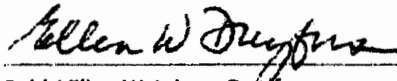
Commuting his sentence to time served would be a wholly appropriate exercise of your power of clemency - as well as a matter of basic fairness and American justice. It would also represent a clear sense of compassion and reconciliation – a sign of hope much needed in today’s world of tension and turmoil.

Thank you for your consideration of this request.

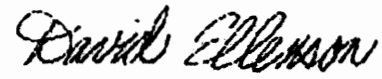
Respectfully,



Gary L. Bauer  
President  
American Values



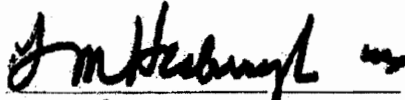
Rabbi Ellen Weinberg Dreyfus  
President  
Central Conference of  
American Rabbis



Rabbi Dr. David Ellenson  
President  
Hebrew Union College -  
Jewish Institute of Religion



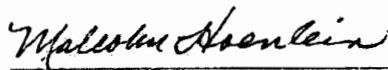
Pastor John C. Hagee  
President and CEO of John  
Hagee Ministries  
Founder and Chairman, CUFI



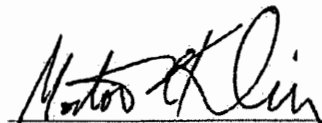
Rev. Theodore M. Hesburgh  
President Emeritus  
University of Notre Dame



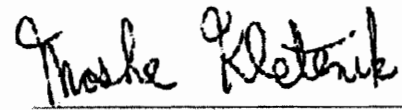
Rabbi Marvin Hier  
Founder and Dean  
Simon Wiesenthal Center  
Museum of Tolerance



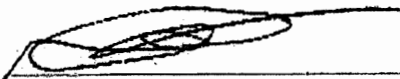
Malcolm Hoenlein  
Executive Vice Chairman  
Conference of Presidents of  
Major American Jewish Organizations



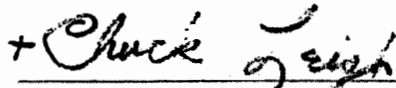
Morton A. Klein,  
President  
Zionist Organization of America



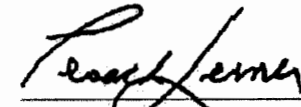
Rabbi Moshe Kletenik  
President  
Rabbinical Council of America



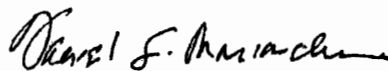
Rabbi Dr. Norman Lamm  
Chancellor  
Yeshiva University



Bishop Chuck Leigh  
Apostolic Catholic Church  
President, Florida Council of Churches



Rabbi Pesach Lerner  
Executive Vice President  
National Council of Young Israel



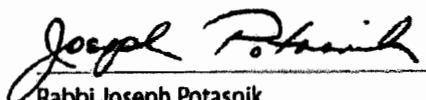
Daniel S. Mariaschin  
Executive Vice President  
B'nai B'rith International



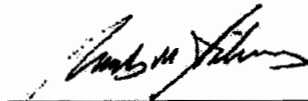
Shlomo Z. Mostofsky  
National President  
National Council of Young Israel



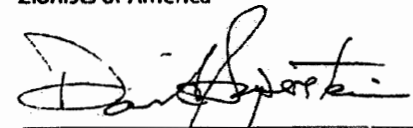
Rabbi Robert J. Orkand  
President  
Association of Reform  
Zionists of America



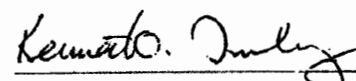
Rabbi Joseph Potasnik  
Executive Vice President  
New York Board of Rabbis



Carlos Salinas  
Executive Director, Healing Bridges  
Former Acting Director of Government  
Relations Amnesty International USA



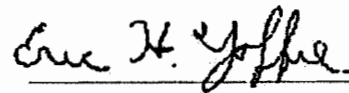
Rabbi David Saperstein  
Director and Counsel  
Religious Action Center  
of Reform Judaism



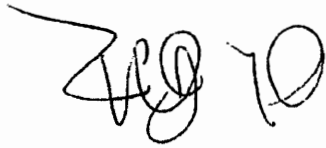
Rev. Kenneth O. Turley  
President  
General Convention of the  
New Jerusalem (Swedenborgian)



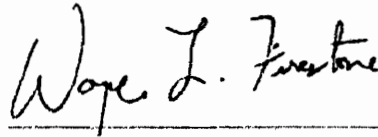
Rabbi Steven Weil  
Executive Vice President  
Orthodox Union



Rabbi Eric H. Yoffie  
President  
Union for Reform Judaism



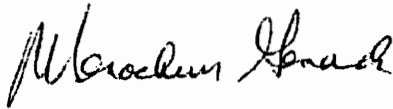
Rabbi Shmuley Boteach  
Executive Director  
The Values Network



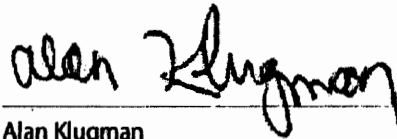
Wayne Firestone  
President and CEO Hillel:  
The Foundation for Jewish Campus Life



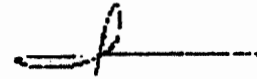
Allan Finkelstein  
President  
JCCs of North America



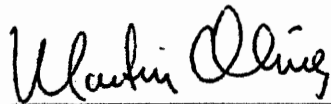
Rabbi Menachem Genack  
Rabbinic Administrator  
Chief Executive Officer  
Orthodox Union



Alan Klugman  
National Executive Director  
ORT America, Inc.



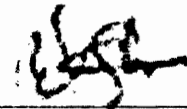
Rabbi Irwin Kula  
President  
Clal - The National Jewish Center  
for Learning and Leadership



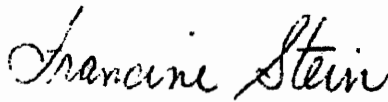
Martin Oliner  
Chairman  
Religious Zionists of America-Mizrachi



Seymour D. Reich  
Former Chairman  
Conference of Presidents of Major  
American Jewish Organizations



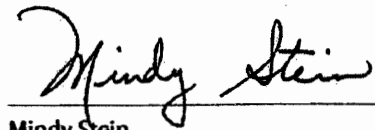
Rabbi Zalman Schachter-Shalomi  
Rabbinic Chair of ALEPH  
Alliance for Jewish Renewal  
Founder of the Spiritual Eldering Institute



Dr. Francine Stein  
President  
Amit



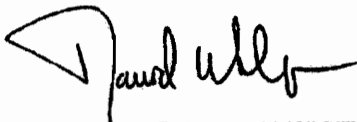
Paula L. Sidman  
Chair  
JCCs of North America



Mindy Stein  
National President  
EMUNAH of America



Lori Weinstein  
Executive Director  
Jewish Women International



Rabbi David Wolpe  
Rabbi  
Sinai Temple - Los Angeles

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 379. Rabbi Ben Romer (VA)  
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 381. Rabbi Zvi Romm (NY)  
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 385. Rabbi Aaron Rosenberg (CT)  
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 393. Rabbi Donald B. Rossoff (NJ)  
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 407. Rabbi Jeffrey Saxe (VA)  
 408. Rabbi Herschel Schachter (NY)  
 409. Rabbi Zalman Schachter-Shalomi (CO)  
 410. Rabbi Jacob J. Schacter (NJ)  
 411. Rabbi Gershon Eliezer Schaffel (IL)  
 412. Rabbi Peter B. Schaktman (HI)

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414. Rabbi Richard J. Shapiro (FL)  
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421. Rabbi Julie S. Schwartz (GA)  
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447. Rabbi Shimon Silver (PA)  
448. Rabbi Lawrence Silverman (MA)  
449. Rabbi Robert Silvers (FL)  
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451. Rabbi Jonathan Singer (WA)  
452. Rabbi Suzanne Singer (CA)  
453. Rabbi Eric J. Siroka (IN)  
454. Rabbi Arnie Sleutelberg (MI)  
455. Rabbi Robert Slosberg (KY)  
456. Rabbi Ze'ev Smason (MI)  
457. Rabbi Scott Sperling (VA)  
458. Rabbi Adam Stock Spilker (MN)  
459. Rabbi Charles Spirn (NY)  
460. Rabbi Nahum Spirn (NY)  
461. Rabbi John Spitzer (OH)  
462. Rabbi Cy Starway (NJ)  
463. Mindy Stein (NY)  
464. Rabbi Avraham Steinberg (PA)  
465. Rabbi Nathaniel Steinberg (NY)  
466. Rabbi Peretz Steinberg (NY)  
467. Rabbi Carl Steinhart (NY)  
468. Rabbi Chaim Steinmetz (NY)  
469. Rabbi Sholom Stern (NY)  
470. Rabbi Susan B. Stone (OH)  
471. Rabbi Elliot Strom (PA)  
472. Rabbi Saul Strosberg (TN)  
473. Rabbi Harold Sutton (NY)  
474. Rabbi Loren Sykes (IL)  
475. Rabbi Ari Sytner (SC)  
476. Rabbi Irwin A. Tanenbaum (NY)  
477. Rabbi Gershon Tannenbaum (NY)  
478. Rabbi Lawrence Teitelman (NY)  
479. Rabbi Joseph Telushkin (NY)  
480. Rabbi Sholom Tendler (CA)  
481. Rabbi Miriam Terlincham (OH)  
482. Rabbi Brian Thau (NY)  
483. Rabbi Aaron S. Tirschwell (NY)  
484. Rabbi Kalman Topp (CA)  
485. Rabbi Ben Travis (OH)  
486. Rabbi Daniel Treiser (FL)  
487. Rabbi Theodore Tsuruoka (NY)  
488. Rabbi Neal Turk (FL)  
489. Rev. Kenneth O. Turley (ME)  
490. Rabbi Chaim Twerski (IL)  
491. Rabbi Yakov Vann (CA)  
492. Rabbi David Vorspan (CA)  
493. Rabbi David Wadler (NY)  
494. Rabbi Greg Wall (NY)  
495. Rabbi Mayer Waxman (NY)  
496. Rabbi Donald A. Weber (NJ)  
497. Rabbi Steven Weil (NY)  
498. Rabbi Elchanan J. Weinbach (PA)  
499. Rabbi Alexandria Shuval-Weiner (KS)  
500. Rabbi Arthur Weiner (NJ)  
501. Rabbi Jennifer Weiner (VA)  
502. Rabbi Tzvi Hersh Weinreb (NY)  
503. Rabbi Jay Weinstein (NJ)  
504. Lori Weinstein (DC)  
505. Rabbi Yosef Weinstock (FL)  
506. Rabbi Ari Weiss (CT)  
507. Rabbi Avi Weiss (NY)  
508. Rabbi Saul Weiss (NJ)  
509. Rabbi Gershon Weissman (CA)  
510. Rabbi Yehoshua Wender (TX)  
511. Rabbi Shimon Wiggins (GA)  
512. Rabbi Jeffrey Wildstein (MA)  
513. Rabbi Neil N. Winkler (NJ)  
514. Rabbi Greg Wolfe (CA)  
515. Rabbi Daniel Wolff (NJ)  
516. Rabbi David Wolpe (CA)  
517. Rabbi Eric Yoffie (NY)  
518. Rabbi Benjamin Yudin (NJ)  
519. Rabbi Howard Zack (OH)  
520. Rabbi Elaine Zecher (MA)  
521. Rabbi Michael Zedek (IL)  
522. Rabbi Ziona Zelazo (NJ)  
523. Rabbi Aharon Ziegler (NY)  
524. Rabbi Sheldon Zimmerman (NY)  
525. Rabbi Israel Zoberman (VA)  
526. Rabbi Daniel M. Zucker (NY)  
527. Rabbi Eliezer Zwickler (NJ)



b6/7c

██████████  
New York, NY 10022  
Tel ██████████  
Fax ██████████

December 21, 2010

The Hon. Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500-0001

Dear Mr. President:

I write to ask that you consider commuting the sentence of Jonathan Pollard, and releasing him after he has served more than 25 years of a life term imposed following his plea of guilty to one count of disclosing classified information.

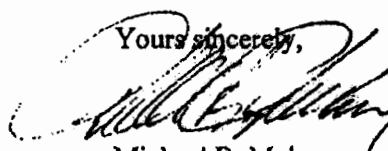
You have received, and no doubt will receive, letters from others, seeking the same result. My purpose here is not simply to add one more letter to the stack, or simply to invoke my own public service in aid of this request. Rather, it is to focus attention on a few of the many letters you have already received from people knowledgeable of the underlying facts, and to add the perspective of a former district judge and a former Attorney General.

Particular weight should be attached to the views of former CIA Director James Woolsey and former chair of the Senate Intelligence Committee Dennis DeConcini, who are familiar with the information Pollard disclosed and the circumstances of its disclosure, and who have expressed firmly their belief that his sentence should be commuted. Moreover, the highly unusual submission to the sentencing court of affidavits from Defense Secretary Caspar Weinberger, seeking a heavier sentence than requested by the prosecutors despite Pollard's guilty plea and cooperation, as discussed in the submission by former Assistant Secretary of Defense Lawrence Korb, is deeply disturbing.

Pollard disclosed the information in question to an ally, and has not been alleged by anyone to have had any motive to harm the United States. In these circumstances, a life sentence can only be considered utterly disproportionate to the crime. I say that reluctantly because the district judge in the case no doubt did his level best with what was put before him. But I had occasion myself to consider life sentences, and indeed to impose them. In more than 18 years on the bench, I imposed such sentences on four defendants. Two of them committed and ordered multiple murders, often under circumstances of great cruelty. The other two were convicted in a terrorism prosecution, one having committed murder with his own hand and plotted further killing, the other having provided the theological justification that he knew would be, and in fact was, taken as the order by others to commit multiple murders. Pollard's offense does not nearly approach any of those.

In addition, during the time I served as Attorney General, I had the obligation to review every request by the government to impose a capital sentence, and to review as well numerous plea bargains in which a lesser penalty, whether a term of years or life, was agreed to. Again, Pollard's offense is in no way comparable to any of those cases.

Even considering that assigning particular periods of confinement to human behavior has inherently arbitrary aspects, Pollard has suffered confinement well beyond the severity of what he did. The Constitution places in your hands the power to commute his sentence; I believe that doing so would be a wise and proper exercise of that power.

Yours sincerely,  
  
Michael B. Mukasey

# American Values

---

Gary L. Bauer, President

November 15, 2010

The Honorable Barack H. Obama  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

Joining the call of others, I respectfully write to request that you exercise your power of clemency by commuting Jonathan Pollard's prison sentence to time served.

Mr. Pollard is currently serving his 25th year of a life sentence (seven of which were spent in solitary confinement). He was indicted on one count of passing classified information to an ally without intent to harm the United States - an offense that normally results in a 2-4 year sentence. He pled guilty under a plea agreement with which he fully complied but which was ignored by the sentencing judge.

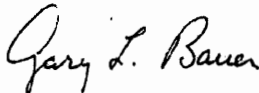
I do not condone espionage, nor do I underestimate the gravity of Pollard's crime. But it is patently clear that Mr. Pollard's sentence is severely disproportionate and (as several federal judges have noted) a gross miscarriage of justice.

Religious leaders from all faiths and prominent national figures have publicly stated their support for Mr. Pollard's release: former assistant secretary of defense Korb, Rev. Hesburgh of Notre Dame, Benjamin Hooks of the NAACP, former federal judge Leighton, former NYC Mayor Rudy Giuliani, former U.S. Solicitor General Theodore Olsen, Pastor John Hagee, and Nobel Laureate Elie Wiesel. Perhaps most noteworthy, similar support has come from those who have seen the classified information of the damage that Pollard caused - former CIA Director James Woolsey, and former head of the Senate Intelligence Committee Senator Dennis DeConcini.

After more than two decades in the harshest prison conditions, Mr. Pollard's health is declining. He has repeatedly expressed remorse for his actions, and by all accounts has been a model prisoner.

Commuting his sentence to time served would be a wholly appropriate exercise of your power of clemency -- as well as a matter of basic compassion and American justice.

Sincerely,



Gary L. Bauer  
President  
American Values

---

• [Redacted] • Arlington, VA 22206

Phone: [Redacted] • Fax: [Redacted]

[www.ouramericanvalues.org](http://www.ouramericanvalues.org)

**Congress of the United States**  
Washington, DC 20515

November 18, 2010

President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

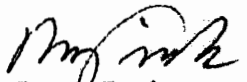
Dear Mr. President,


We write to urge you to use your constitutional power to extend clemency to Jonathan Pollard, thereby releasing him from prison after the time he has already served. Mr. Pollard committed serious crimes and he has expressed remorse. Such an exercise of the clemency power would not in any way imply doubt about his guilt, nor cast any aspersions on the process by which he was convicted. Those who have such views are of course entitled to continue to have them, but the clemency grant has nothing to do with that.

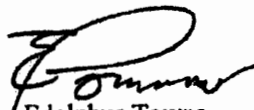
We believe that there has been a great disparity from the standpoint of justice between the amount of time Mr. Pollard has served and the time that has been served -- or not served at all -- by many others who were found guilty of similar activity on behalf of nations that, like Israel, are not adversarial to us. It is indisputable in our view that the nearly twenty-five years that Mr. Pollard has served stands as a sufficient time from the standpoint of either punishment or deterrence.

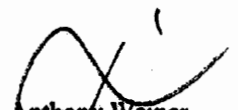
In summary, we see clemency for Mr. Pollard as an act of compassion justified by the way others have been treated by our justice system. We urge you to use the clemency power in this case.


Sincerely,


  
Barney Frank  
Member of Congress

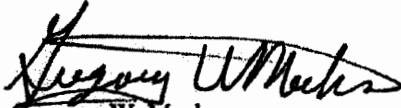
  
Bill Pascrell, Jr.  
Member of Congress

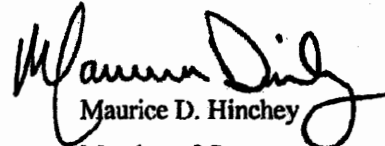
  
Edolphus Towns  
Member of Congress

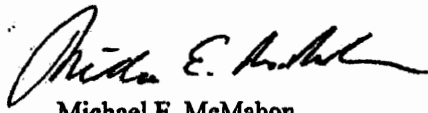
  
Anthony Weiner  
Member of Congress

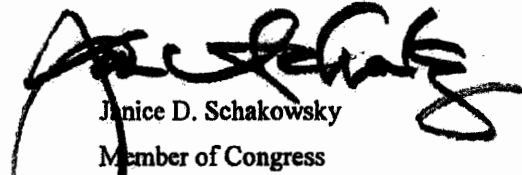
  
Henry A. Waxman  
Member of Congress

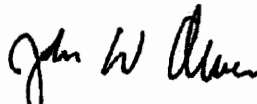
  
Gary L. Ackerman  
Member of Congress


  
Gregory W. Meeks  
Member of Congress

  
Maurice D. Hinchey  
Member of Congress


  
Michael E. McMahon  
Member of Congress


  
Janice D. Schakowsky  
Member of Congress

  
John W. Olver  
Member of Congress

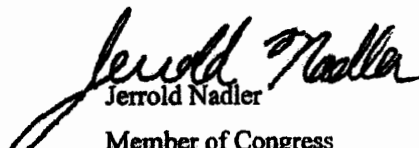
  
Eliot L. Engel  
Member of Congress

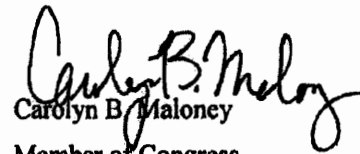
  
Theodore E. Deutch  
Member of Congress


  
Robert A. Brady  
Member of Congress


  
Donald M. Payne  
Member of Congress

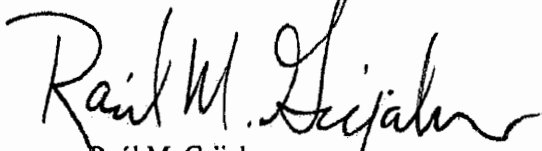
  
Shelley Berkley  
Member of Congress

  
Jerrold Nadler  
Member of Congress


  
Carolyn B. Maloney  
Member of Congress

  
Steven R. Rothman  
Member of Congress

  
Ron Klein  
Member of Congress



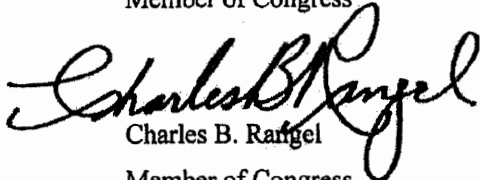
Raúl M. Grijalva  
Member of Congress



Carolyn McCarthy  
Member of Congress



John Lewis  
Member of Congress



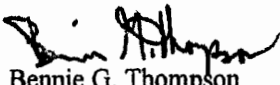
Charles B. Rangel  
Member of Congress



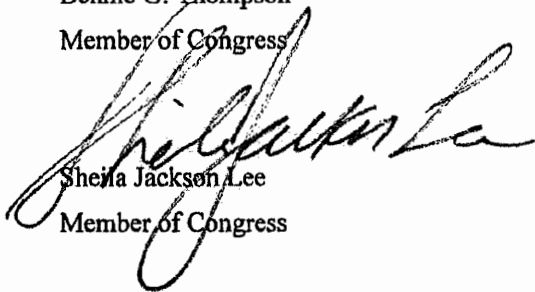
Laura Richardson  
Member of Congress



Brad Sherman  
Member of Congress




Bennie G. Thompson  
Member of Congress



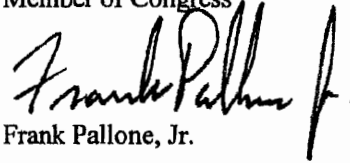
Sheila Jackson Lee  
Member of Congress




Steve Kagen  
Member of Congress



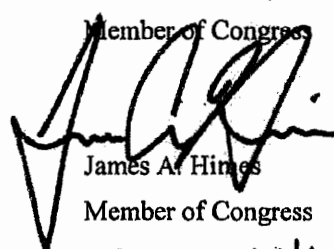
Chaka Fattah  
Member of Congress



Frank Pallone, Jr.  
Member of Congress



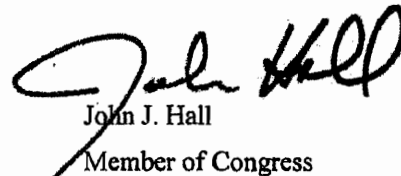
Robert C. "Bobby" Scott  
Member of Congress



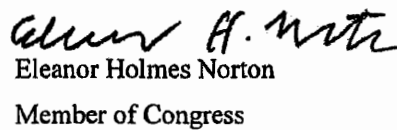
James A. Himes  
Member of Congress



Patrick J. Kennedy  
Member of Congress



John J. Hall  
Member of Congress



Eleanor Holmes Norton  
Member of Congress

*Robert E. Andrews*

Robert E. Andrews

Member of Congress

*Danny K. Davis*

Danny K. Davis

Member of Congress

*Niki Tsongas*

Niki Tsongas

Member of Congress

List of Signatories

1. Rep. Barney Frank
2. Rep. Bill Pascrell, Jr.
3. Rep. Edolphus Towns
4. Rep. Anthony Weiner
5. Rep. Henry A. Waxman
6. Rep. Gary L. Ackerman
7. Rep. Gregory W. Meeks
8. Rep. Maurice D. Hinchey
9. Rep. Michael E. McMahon
10. Rep. Janice D. Schakowsky
11. Rep. John W. Olver
12. Rep. Eliot L. Engel
13. Rep. Theodore E. Deutch
14. Rep. Robert A. Brady
15. Rep. Donald M. Payne
16. Rep. Shelley Berkley
17. Rep. Jerrold Nadler
18. Rep. Carolyn B. Maloney
19. Rep. Steven R. Rothman
20. Rep. Ron Klein
21. Rep. Raúl M. Grijalva
22. Rep. Steve Kagen
23. Rep. Carolyn McCarthy
24. Rep. Chaka Fattah
25. Rep. John Lewis
26. Rep. Frank Pallone Jr.
27. Rep. Charles B. Rangel
28. Rep. Robert C. "Bobby" Scott
29. Rep. Laura Richardson
30. Rep. James A. Himes
31. Rep. Brad Sherman
32. Rep. Patrick J. Kennedy
33. Rep. Bennie G. Thompson
34. Rep. John J. Hall



List of Signatories, continued

- 35. Rep. Sheila Jackson Lee
- 36. Rep. Eleanor Holmes Norton
- 37. Rep. Robert E. Andrews
- 38. Rep. Danny K. Davis
- 39. Rep. Niki Tsongas

2010-10-0139  
RLRVC

Yale Interdisciplinary Center for Bioethics

RECEIVED  
DEPT. OF JUSTICE  
PARDON ATTORNEY

b6/7c

2010 NOV 17 PM 3:10  
New Haven CT 06520-8293

October 29, 2010  
www.yale.edu/bioethics  
courier  
New Haven CT 06511

Ronald L. Rogers, Pardon Attorney  
Office of the Pardon Attorney  
1425 New York Avenue N.W.  
Suite 11000  
Washington, DC 20005

Dear Mr. Rogers,

Enclosed are three documents I wanted to add to Jonathan Pollard's case file.  
Jonathan is my brother.

The number on the letter that you sent to my father was WH 09242010-24, so I'm  
assuming that's Jonathan's case number.

If you need further information or clarification, please contact me.

I thank you for your time and consideration of this request. My father is 94 years  
old, with good reason fears his days are numbered, and is anxious to see  
Jonathan out of prison.

I also wanted to thank Ms. Sally Crawford who graciously responded to my  
telephone calls.

Sincerely,



Carol Pollard  
Associate Director  
Yale University's Interdisciplinary Center for Bioethics

Enclosures: (3)

latimes.com

## Free Jonathan Pollard

**The former U.S. naval intelligence analyst has already served far too long for giving classified information to Israel.**

By Lawrence Korb

October 28, 2010

About 25 years ago, Jonathan Jay Pollard, a U.S. naval intelligence analyst, betrayed advertisement his country by providing highly classified information to Israel. Even though Israel was and still is a U.S. ally and is routinely supplied with U.S. intelligence, Pollard deserved to be severely punished for his actions. However, the punishment should fit the crime. In his case, it does not.

After his arrest and indictment by a grand jury, Pollard agreed to plead guilty to one count of giving classified information to a U.S. ally. In return for his guilty plea — which spared the government the embarrassment of conducting a trial involving highly sensitive information — and his cooperation with the U.S. government, the U.S. attorney pledged not to seek a life sentence for Pollard.

This seemed like a reasonable resolution. The average sentence meted out to individuals convicted of giving classified information to an ally is seven years, with average time served about four years.

Despite the terms of the plea bargain, in 1987 Pollard was sentenced to life, a sentence generally reserved for spies such as Aldrich Ames, who pleaded guilty to giving classified information to the Soviet Union during the Cold War, information that led to the loss of many lives.

The question is why Pollard received such a harsh sentence and why he still languishes in prison despite the pleas of hundreds of U.S. legislators, dozens of distinguished attorneys (including a former solicitor general), a former CIA director, one former chairman of the Senate Intelligence Committee and several Israeli leaders to have him released.

There are at least three reasons for this state of affairs.

First is the victim impact statement of my former boss, Caspar Weinberger, the secretary of Defense at the time of Pollard's arrest. The statement, much of which remains classified, implied

that some of the information that Pollard had supplied to Israel made its way to the Soviet Union. Weinberger argued that Pollard was no different from spies who provided information to the Soviets and was guilty of treason.

Second, at the time of his arrest, the Israeli government refused to acknowledge that Pollard was one of its agents, claiming that he was part of a rogue operation. Not surprisingly, the Israelis also steadfastly refused to return the reams of documents that Pollard had delivered to them or debrief the U.S. about their contents. This added fuel to the notion that Pollard was working for the Soviets or another U.S. enemy rather than for an American ally.

Third, Pollard was an unsympathetic character. He not only took about \$45,000 from the Israelis in exchange for the information he handed over, he gave two highly publicized interviews from jail before his sentencing, one with Wolf Blitzer and another with Mike Wallace. In these interviews, which the government claimed were not authorized, he didn't express remorse but instead attempted to rationalize his behavior.

But none of these conditions exists now. Weinberger's contention has been debunked. Information that Pollard gave to Israel did not make its way to the USSR. Instead, the information that the Soviets received during the 18 months Pollard was spying for Israel most likely came from Ames and Robert Hanssen, a onetime FBI agent who spied for the USSR and Russia from 1979 to 2001.

R. James Woolsey, the CIA director from 1993 to 1995, stated after examining the Pollard case file that none of Pollard's information went to the Soviet Union. Moreover, Woolsey now believes that Pollard has served long enough and should be released. And in a 2004 interview, Weinberger himself admitted that in retrospect, the Pollard matter was comparatively minor. In fact, he does not even mention it in his memoirs.

In 1998, the Israeli government finally admitted that Pollard was one of its agents, granted him Israeli citizenship and has sought clemency for him from three U.S. presidents. Finally, Pollard himself not only expressed remorse before the sentencing judge but has done so several times publicly over the past 25 years (and the government has conceded that the jailhouse interviews had to have been authorized).

One president actually agreed to grant clemency to Pollard. In October 1998, President Clinton and Israeli Prime Minister Benjamin Netanyahu worked out an agreement to release Pollard as a way of facilitating an Arab-Israeli peace agreement. However, the deal was scuttled when George Tenet, the CIA director at the time, threatened to resign. Tenet was apparently concerned about the signal Pollard's release would send to the intelligence community and believed he still had information that could jeopardize national security.

Some now argue that Pollard should be released because it would improve U.S.-Israeli relations and enhance the prospects of success of the Obama administration's Middle East peace process. Although that may be true, it is not the reason I and many others have recently written to the

September 27, 2010

b6/7c

Dr. Lawrence J. Korb

[REDACTED]  
Alexandria, VA 22304

The Honorable Barack H. Obama  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

As Assistant Secretary of Defense at the time of Jonathan Pollard's arrest, I respectfully request that you exercise your power of clemency on behalf of Mr. Pollard who has now been in prison for 25 years.

Jonathan Pollard is the only person in the history of the United States to receive a life sentence for passing classified information to an American ally.

Based on my first-hand knowledge, I can say with confidence that the severity of Pollard's sentence is a result of an almost visceral dislike of Israel and the special place it occupies in our foreign policy on the part of my boss at the time, Secretary of Defense Caspar Weinberger. Secretary Weinberger submitted two affidavits to the court in order to convince the judge to give Pollard a harsher sentence than the one requested by the government, despite Pollard admitting guilt, plea bargaining and cooperating with the government. The government committed to not seeking a life sentence but due to the Weinberger Affidavits, the redacted version of which I have read, Mr. Pollard received a disproportionate life sentence.

Secretary Weinberger omitted his crucial involvement in the Pollard case from his memoirs and when asked by the famed investigative journalist, Edwin Black, about the omission, Weinberger indifferently responded, "Because it was, in a sense, a very minor matter, but made very important." Asked to explain, Weinberger continued, "As I say, the Pollard matter was comparatively minor. It was made far bigger than its actual importance." When asked why this was so, Weinberger replied, "I don't know why-it just was."

Mr. Pollard was not charged with harming America and has repeatedly expressed remorse for his actions. Furthermore, the average sentence for this offense is 2-4 years and today the maximum sentence is 10 years. Justice would best be served by commuting Pollard's sentence to the time he has already spent in prison.

Sincerely,

  
Lawrence J. Korb

## Orthodox, Reform groups back Pollard clemency

The Jewish Telegraphic Agency [JTA] - October 12, 2010

(JTA) -- Orthodox and Reform Jewish groups are backing a letter circulating in the House of Representatives asking President Obama to extend clemency to Jonathan Pollard.

Pollard, a former civilian intelligence analyst for the U.S. Navy, has been serving a life sentence since 1985 for passing classified information to Israel.

U.S. Reps. Barney Frank (D-Mass.), Bill Pascrell (D-N.J.), Edolphus Towns (D-N.Y.) and Anthony Weiner (D-N.Y.) are circulating the letter among their colleagues and plan to submit it to Obama in the coming days.

The effort is backed by a number of Orthodox groups, including the National Council of Young Israel, the Orthodox Union and Agudath Israel, as well as by the Religious Action Center of Reform Judaism.

The letter does not question Pollard's guilt or sentencing, but says that "There has been a great disparity from the standpoint of justice between the amount of time Mr. Pollard has served and the time that has been served -- or not served at all -- by many others who were found guilty of similar activity on behalf of nations adversarial to us, unlike Israel."

The letter also notes that the act of granting Pollard clemency could help in the current standoff over Israeli-Palestinian peace talks.

"We further believe that at a time when Israel, our democratic ally, is being faced with difficult decisions, a decision by you to grant clemency would not only be a humane act regarding Mr. Pollard, but it would also be taken in Israel as a further affirmation of the strong commitment the U.S. has to the ties between us, and we believe that such an affirmation could be especially useful at a time when those decisions are being made," it said.

Reports last month, citing unnamed sources, suggested that Israeli Prime Minister Benjamin Netanyahu might offer to extend the West Bank construction freeze in exchange for Pollard's release.

McElroy, Brenda (SMO)

From: [REDACTED]  
 Sent: Monday, February 07, 2011 3:05 PM  
 To: OPA FOIA; askdoj@usdoj.gov  
 Subject: Re: jonthan pollard

In a message dated 2/7/2011 7:38:18 A.M. Eastern Standard Time, [REDACTED] writes:

#### Appeals

In *United States of America v. Jonathan Jay Pollard*<sup>[38]</sup> 1990 U.S. Dist. LEXIS 11844, Pollard's attorney filed a motion to withdraw the plea, among other things. The motion was denied. Several parts of the plea agreement are mentioned in the appeal, *United States of America v. Jonathan Jay Pollard* 295 U.S. App. D.C. 7; 959 F.2d 1011; 1992 U.S. App. LEXIS 4695. The appeal was also denied. Several years later, with a different attorney, Pollard filed a *Habeas Corpus* petition. A panel of the U.S. Court of Appeals for the District of Columbia Circuit ruled two-to-one to deny Pollard's petition, primarily due to the failure of Pollard's original attorneys to file his appeal in a timely manner. The dissenting judge, Judge Stephen F. Williams, stated that "because the government's breach of the plea agreement was a fundamental miscarriage of justice requiring relief under 28 U.S.C. § 2255, I dissent."<sup>[39]</sup>

In July 2005, the District of Columbia Circuit rejected Pollard's latest appeal. Pollard had sought a new trial on the grounds of ineffective assistance of counsel, and he sought to receive classified documents pertinent to his new lawyers' efforts in preparing a clemency petition. The Court of Appeals rejected both arguments, however, and Pollard remains imprisoned. On February 10, 2006, lawyers for Pollard filed a petition for certiorari with the United States Supreme Court to attempt to gain access to the classified documents. The brief was based on the notion that the separation of powers doctrine is a flexible doctrine that does not dictate the complete separation of the three branches of Government from one another. The brief argued that the Court of Appeals violated this principle in asserting sua sponte that the judiciary has no jurisdiction over the classified documents due to the fact that access was for the ultimate purpose of clemency, an executive function. In fact, the President's clemency power would be wholly unaffected by successor counsel's access to the classified documents, and the classified documents were sealed under protective order, a judicial tool. The Supreme Court denied the cert petition on March 20, 2006.

#### [edit] Israel and Pollard

Pollard applied for Israeli citizenship 1995; his petition was granted the same year on November 22.

For thirteen years Israel publicly denied that Pollard was an Israeli spy. Their official position was that he worked for an unauthorized rogue operation. In 1997, Pollard initiated legal action with the High Court of Israel to force the government to admit he was its agent. On May 11, 1998 Benjamin Netanyahu admitted Pollard was a known and sanctioned agent, handled by high ranking officials of the Israeli Bureau for Scientific Relations (Lekem).

The Israeli government has paid for at least two of Pollard's trial attorneys—Richard A. Hibey and Hamilton Philip Fox III—and continues to ask for his release.<sup>[22]</sup> Benjamin Netanyahu and Ehud Barak, in 1999 in the context of the Israeli elections, exchanged barbs in the media over who was more supportive of Pollard.<sup>[4]</sup>

In 2002, Netanyahu visited Pollard in prison.<sup>[40][41]</sup> In 2007, Netanyahu claimed that if he was elected Prime Minister he would bring about the release of Jonathan Pollard.<sup>[42]</sup>

In September 2009, Israeli State Comptroller Micha Lindenstrauss released a report stating that the Israeli government has made concerted efforts for years to gain Pollard's release, but the American government has refused to budge.<sup>[43]</sup> The Pollards rejected the findings of the report, calling it a "whitewash" of the Israeli government.<sup>[44]</sup> However, they did agree with another finding of the report that stated Pollard had been denied

due legal process in the United States. Israeli officials at one point considered offering to exchange the American spy Yosef Amit for Jonathan Pollard, but rejected the idea.

## **[edit]** Official requests for clemency

Yitzhak Rabin was the first Israeli prime minister to ask for the release of Pollard, requesting US President Bill Clinton to pardon him in 1995.<sup>[45]</sup> Among the many requests for Pollard's release was one at the 1998 Wye River conference, where Netanyahu recalls, "if we signed an agreement with Arafat, I expected a pardon for Pollard".<sup>[1][22]</sup> Clinton and Netanyahu worked out an agreement to release Pollard, but the deal was scuttled after George Tenet, CIA director at the time, threatened to resign.<sup>[46]</sup>

Another Israeli request for Pollard's release was made in New York on September 14, 2005 and was declined by President George W. Bush. A request on Pollard's behalf that he be designated a Prisoner of Zion was rejected by the High Court of Justice of Israel on January 16, 2006. Another appeal for intervention on Pollard's behalf was rejected by the High Court on June 8, 2006.

On January 10, 2008, the subject of Pollard's pardon was again brought up for discussion, this time by Prime Minister Ehud Olmert, during President George W. Bush's first visit to Israel as President. Subsequently, this request was turned down by President Bush. The next day, at a dinner attended by several ministers in the Israeli government (in addition to U.S. Secretary of State Condoleezza Rice), the subject of Pollard's release was again discussed. This time however, Prime Minister Olmert commented that it was not the appropriate occasion to discuss the fate of the convicted Israeli spy.<sup>[47][48]</sup>

As President Bush was about to leave office in 2009, a worldwide<sup>[citation needed]</sup> campaign from Israel to Europe was made to the USA requesting and pleading with President Bush to give clemency to Jonathan Pollard while he was still chief executive. In an interview to Newsweek former CIA director James Woolsey endorsed Pollard's release on two conditions: that he show contrition and decline any profits from books or other projects linked to the case. Bush did not pardon him.<sup>[49]</sup>

The New York Times reported on 21 September 2010 that the Israeli government (again under Netanyahu) informally proposed that Pollard be released as a reward to Israel for extending by three months a halt to new settlements in occupied territories.<sup>[50]</sup>

In 2010 representatives Barney Frank (D-Mass.), Edolphus Towns (D-N.Y.), Anthony Weiner (D-N.Y.) and Bill Pascrell (D-N.J.) wrote a letter which "notes the positive impact that a grant of clemency would have in Israel, as a strong indication of the goodwill of our nation towards Israel and the Israeli people."<sup>[51]</sup>

On November 18, 2010, 39 members of Congress submitted a Plea Of Clemency to the White House on behalf of Pollard, asking the president for his immediate release: "Such an exercise of the clemency power would not in any way imply doubt about his guilt, nor cast any aspersions on the process by which he was convicted".<sup>[citation needed]</sup>

Lawrence Korb, former assistant secretary of defense under Ronald Reagan, has called on the Obama Administration to grant clemency to Pollard:

Some now argue that Pollard should be released because it would improve US-Israeli relations and enhance the prospects of success of the Obama administration's Middle East peace process. Although that may be true, it is not the reason I and many others have recently written to the president requesting that he grant Pollard clemency. The reason is that Pollard has already served far too long for the crime for which he was convicted, and by now, whatever facts he might know would have little effect on national security.<sup>[48]</sup>

On December 21, 2010, Israeli Prime Minister Benjamin Netanyahu said he would formally and publicly call for Pollard's release.<sup>[52]</sup> This was the first formal request made by Israel. On January 4, 2011 Netanyahu formally submitted a letter to President Obama requesting clemency. The White House issued a statement saying the letter would be reviewed.

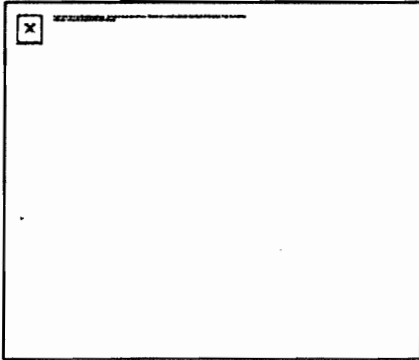



Philip B. Heymann, former Deputy Attorney General of the United States, wrote to U President Obama in January 2011

Pollard's conviction was justified but his sentence was entirely out of line with others engaging in similar behavior and it was made less-than-legitimate by a treacherous recommendation of the then secretary of defense [Caspar Weinberger]<sup>[53]</sup>

in a request to Obama asking for commutation of Pollard's sentence.

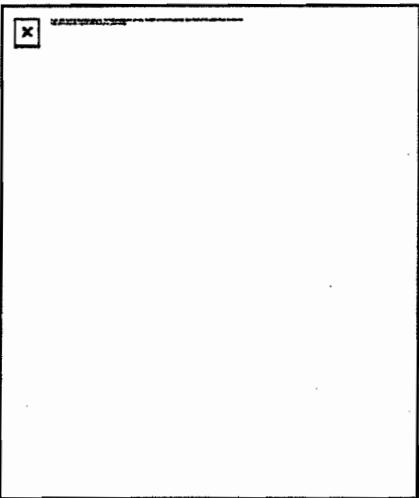
## **[edit]** Public campaigns




 This sign reads "Rotsim et Pollard Babait" or in English "We Want Pollard Home".

In addition to the release requests by the Israeli government, there has been a long running public campaign to free Pollard. The organizers include the Pollard family, his ex-wife, Anne, and Jewish groups in the US and Israel. The campaign's main points claim that Pollard spied for an ally instead of an enemy, that his sentence was out of proportion when compared to similar crimes, and that the US failed to live up to its plea bargain.<sup>[54][55]</sup> Some Israeli activists compared President Bush to Hamas and Hezbollah leaders who have taken Israeli soldiers prisoner.<sup>[56][57]</sup>

## **[edit]** Pro-Pollard efforts



 An Israeli billboard comparing former US President Bush to Hamas and Hezbollah leaders Ismail Haniyah and Hassan Nasrallah (shown left and right of Bush respectively). The people in blue text were taken prisoner by these groups. Bush is shown above Pollard's name, in red.

Pollard's supporters argue that his sentence was excessive. Although Pollard pleaded guilty as part of a plea bargain for himself and his wife, he was shown no leniency and was given the maximum sentence with the exception of death, because he allegedly broke the terms of that plea agreement even before the sentence was handed down.<sup>[58]</sup>

The issue of his imprisonment has sometimes arisen amidst Israeli domestic politics.<sup>[59]</sup> Benjamin Netanyahu has been particularly vocal in lobbying for Pollard's release, at one point even visiting Pollard in prison<sup>[when?]</sup><sup>[60]</sup> Netanyahu raised the issue with President Bill Clinton during the Wye River peace talks in 1998.<sup>[61]</sup> In his autobiography, Clinton writes that he was inclined to release Pollard, but the objections of American intelligence officials proved too tenacious:

For all the sympathy Pollard generated in Israel, he was a hard case to push in America; he had sold our country's secrets for money, not conviction, and for years had not shown any remorse. When I talked to Sandy Berger and George Tenet, they were adamantly opposed to letting Pollard go, as was Madeleine Albright.<sup>[62]</sup>

Alan Dershowitz has been among Pollard's high-profile supporters, both in the courtroom as a lawyer and in various print media. Characterizing the sentence as "excessive", Dershowitz writes in an article reprinted in his bestselling book *Chutzpah!*, "As an American, and as a Jew, I hereby express my outrage at Jonathan Pollard's sentence of life imprisonment for the crime to which he pleaded guilty."<sup>[63]</sup> Dershowitz writes,

[E]veryone seems frightened to speak up on behalf of a convicted spy. This has been especially true of the Jewish leadership in America. The Pollards are Jewish... The Pollards are also Zionists, who--out of a sense of misguided "racial imperative" (to quote Jonathan Pollard)--seem to place their commitment to Israeli survival over the laws of their own country... American Jewish leaders, always sensitive to the canard of dual loyalty, are keeping a low profile in the Pollard matter. Many American Jews at the grass roots are outraged at what they perceive to be an overreaction to the Pollards' crimes and the unusually long sentence imposed on Jonathan Pollard.<sup>[63]</sup>

The Jerusalem City Council has also acted in support of Pollard, changing the name of a square near the official prime minister's residence from Paris Square to Freedom for Jonathan Pollard Square.<sup>[64]</sup>

Pollard has at times claimed that he provided only information that, at the time, he believed was vital to Israeli security and that was being withheld by the Pentagon, in violation of a 1983 Memorandum of Understanding between the two countries regarding the sharing of vital security intelligence. According to Pollard, this included data on Soviet arms shipments to Syria, Iraqi and Syrian chemical weapons, the Pakistani atomic bomb project, and Libyan air defense systems.<sup>[65]</sup>

In December 2010, former US attorney-general Michael Mukasey sent a letter to US President Barack Obama calling for Jonathan Pollard's sentence to be commuted to time served. He wrote: "[Pollard] has not been alleged by anyone to have had any motive to harm the United States. In these circumstances, a life sentence can only be considered utterly disproportionate to the crime," the letter read. I had occasion myself to consider life sentences, and indeed to impose them. In more than 18 years on the bench, I imposed such sentences on four defendants."<sup>[66]</sup>

## **[edit] Responses**

At the 1998 Wye River Conference, Benjamin Netanyahu demanded Pollard's release, and President Clinton made a public statement about reviewing the case.<sup>[67]</sup> This precipitated an "incredulous" reaction in the American intelligence community.<sup>[67]</sup> Former Secretary of Defense Donald Rumsfeld, as well as six other former U.S. Secretaries of Defense (Melvin R. Laird, Frank C. Carlucci, Richard B. Cheney, Caspar W. Weinberger, James R. Schlesinger and Elliot L. Richardson) spoke out in opposition to clemency for Jonathan Pollard.<sup>[35]</sup> They were joined by several senior congressional leaders.<sup>[35]</sup>

Four past directors of Naval Intelligence, William Studeman, Sumner Shapiro, John L. Butts, and Thomas Brooks, authored a response to the talk of clemency and what they termed "the myths that have arisen from this clever public relations campaign... aimed at transforming Pollard from greedy, arrogant betrayer of the American national trust into Pollard, committed Israeli patriot".<sup>[68]</sup>

Admiral Shapiro stated that he was troubled by the support of Jewish organizations for Pollard: "We work so hard to establish ourselves and to get where we are, and to have somebody screw it up... and then to have Jewish organizations line up behind this guy and try to make him out a hero of the Jewish people, it bothers the hell out of me".<sup>[10]</sup>

Eric Margolis alleges that Pollard's spying may have led to the capture and execution of CIA spies in the Eastern Bloc after Israel sold or bartered Pollard's information to the Soviet Union.<sup>[69]</sup> According to one theory, Israeli businessman and convicted Soviet spy Shabbatai Kalmanovich may have been made a scapegoat for information from Pollard that had been willingly shared by Israel with the Soviets in order to secure the release of certain Jewish scientists in the USSR.<sup>[70]</sup> However, according to Lawrence Korb, Weinberg's original contention that information Pollard gave to Israel made its way to the Soviet Union is false. Korb argues the information the Soviets received during the 18 months Pollard spied for Israel came from Aldrich Ames and Robert Hanssen.<sup>[46]</sup>

Ron Olive, retired Naval Criminal Investigative Service, led the Pollard investigation and in 2006 published the book *Capturing Jonathan Pollard - How One of the Most Notorious Spies in American History Was Brought to Justice*. In his book, Olive writes that Pollard was not serving Israel solely, and that Pollard confessed to passing secrets to South Africa and to his financial advisers, shopping his access to Pakistan and recruiting others for money.<sup>[71]</sup>

New Republic editor (and vocal supporter of Israel) Martin Peretz has argued against freeing Pollard, writing that "Jonathan Pollard is not a Jewish martyr. He is a convicted espionage agent who spied on his country for both Israel and Pakistan (!)—a spy, moreover, who got paid for his work. His professional career, then, reeks of infamy and is suffused with depravity." Peretz called Pollard's supporters "professional victims, mostly brutal themselves, who originate in the ultra-nationalist and religious right. They are insatiable. And they want America to be Israel's patsy."<sup>[72]</sup>

Former FBI and Navy lawyer M.E. "Spike" Bowman, top legal adviser to Navy intelligence at the time, and with intimate knowledge, of the Pollard case, has issued a detailed critique of the case for clemency, asserting "Because the case never went to trial, it is difficult for outside observers to understand the potential impact and complexity of the Pollard betrayal. There is no doubt that Pollard was devoted to Israel. However, the extent of the theft and the damage was far broader and more complex than evidenced by the single charge and sentence."<sup>[73]</sup>

## **[edit] Miscellaneous**

Pollard divorced his first wife, Anne, after her release from prison. Following his divorce, Jonathan Pollard was reportedly remarried to an activist who had been working to free him. His second wife, Elaine "Esther" Pollard, is frequently active in the Israeli media, calling for his release or criticizing officials as she believes they have forgotten about Jonathan Pollard. In 1996, she embarked upon a public hunger strike, which she hoped would lead to the release of her husband.<sup>[74]</sup> There have been some questions in the media as to whether the two are actually married, or if they only claim to be.<sup>[75]</sup>

Jonathan Pollard's story inspired the movie *Les Patriotes* (*The Patriots*) by French director Éric Rochant in which US actor Richard Masur portrayed a character resembling Pollard.

**McElroy, Brenda (SMO)**

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**From:** [REDACTED]  
**Sent:** Monday, February 07, 2011 7:44 AM  
**To:** president@messages.whitehouse.gov; OPA FOIA; askdoj@usdoj.gov  
**Subject:** Jonathan Pollard

Next: It is generally accepted by truthful people that Jonathan Pollard had apologized sufficiently. The former director of the CIA recently did an interview on Channel 2 TV and announced that Jonathan apologized, and you are still asking for more, and to all the american people and Government? Aren't you ashamed of yourself? THIS is all you have to say to Jonathan after 26 years in prison?!!! [justice4jp@gmail.com](mailto:justice4jp@gmail.com) //jonathanpollard.org/

From Elly Lieberman



b6/7c

U.S. Department of Justice

Office of the Pardon Attorney

WH 07142010-54

Washington, D.C. 20530

DEC - 3 2010

Tracy Green

[REDACTED]  
Baltimore, MD 21215

Dear Ms. Green:

This responds to your letter postmarked June 2, 2010 to President Obama in which you recommend executive clemency for Jonathan Pollard.

Mr. Pollard's clemency application was filed on October 15, 2010, and is being processed. You may assured that the petition will be carefully considered and that Mr. Pollard will be notified when final action has been taken.

Thank you for your interest in this matter and for writing to the President.

Sincerely,

A handwritten signature in black ink that reads "Ronald L. Rodgers".

Ronald L. Rodgers  
Pardon Attorney

Lilley, Gail (SMO)

b2(low)

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**From:** EOP Agency Liaison [REDACTED]  
**Sent:** Friday, October 22, 2010 8:55 AM  
**To:** US Pardon Attorney  
**Subject:** WH 07142010-54 - Tracy Green  
**Attachments:** AGL-DOJ\_07122010\_1506160272.pdf

Dear Mr. Rodgers:

The enclosed correspondence appears to fall under the jurisdiction of your office. It is requested that you reply on behalf of President Barack Obama according to the rules and regulations of your office.

Please respond to the constituent within 30 days.

Please provide a copy of the response to the White House via email by responding to this message

( [REDACTED] )

You may contact Jonathan Asen at the White House Office of Presidential Correspondence, Agency Liaison by email at [REDACTED] or phone at [REDACTED]

CASE: WH 07142010-54 - Tracy Green

Please let us know if you need anything else regarding this case.

ACW / Don  
President Barack Obama  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Obama –

I respectfully ask to you to consider the following facts regarding Jonathan Pollard life sentence:

This year, Jonathan Pollard celebrated his 55<sup>th</sup> birthday. This is the 24<sup>th</sup> year he has celebrated his birthday in prison. On Nov. 21, 2009 he will enter the 25<sup>th</sup> of his life sentence.

The time has come to free him.

Almost 25 years ago Jonathan spied for Israel by passing on classified information. The information that was given to Israel included Syrian, Iraqi, Libyan and Iranian nuclear, chemical and biological warfare capabilities that were being developed against Israel. Pollard also learned that the objective of cutting off the flow of information to Israel was to severely curtail Israel's ability to defend its own interest.

When Pollard originally discovered this suppresses information and questioned his superiors, he was told to mind his own business and that "Jews get nervous about poison gas; they don't need to know". Pollard was painfully aware that Israeli lives were being placed in jeopardy as a result of this undeclared intelligence embargo. He did everything possible to stop this covert policy and to have the legal flow of information to Israel restored. When all legal options were exhausted, Pollard began to supply the information directly.

He did commit a serious crime and deserved to be punished for his actions.

However, after carefully reviewing the case, one can tell that that he has served a sentence that far exceeds what is appropriate for the crimes he committed. Jonathan Pollard is the only person ever in US history to receive a life sentence for spying for an American ally.

Today the maximum sentence for such a crime is 10 years. The normal sentence is 2-4 years. Here are some examples spies and their punishments:

1. Xuedong Sheldon Ming spied for China. His sentence was 2 years
2. Samuel Morison spied for Great Britain. His sentence was 2 years. He served 3 months and was released.
3. Steven Baba and Thomas Dolce spied for South Africa. They served less than 6 years
4. Alberto Cull spied for Cuba. His sentence was 1 year
5. James W and Francis Pizza spied for the Soviet Union. They served less than 10 years
6. Alberto Tombola spied for Iraq and Jordan. His sentence was 19 years
7. Marian Zacharski spied for Poland. He received a life sentence. He served only 4 years.
8. Aldrich Ames spied for an enemy nation, the Soviet Union. He committed treason and was responsible for the deaths of at least 11 agents. He received a life sentence, the same as Jonathan Pollard.

Pollard's only indictment was one count of passing classified information to an ally. Can we compare Aldrich with Pollard?

b6/7c

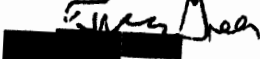
President Obama, as a man of justice you pledged "to restore honor to the American Democracy".

As president you have the power to grant executive clemency to Jonathan Pollard. This will help "restore honor to the American Democracy".

Thank you for your thoughtful consideration to this crucial issue.

Respectfully Yours

TRACY GREEN

A handwritten signature in black ink, appearing to read "Tracy Green", written over a black rectangular redaction box.

Baltimore, MD 21215