

The LIFE-SAVING LETTER That Was SPURNED

BY DAVID STERN

These officials, who include a Director of the CIA; a National Security Advisor; two chairmen of the Senate Intelligence Committee; a Chair of the Select Committee on Intelligence, and an Assistant U.S. Secretary of Defense, note that "at the parole hearing, the government relied heavily on a stale, largely discredited, 28-year old classified memorandum written by former Secretary of Defense, Casper Weinberger, without any scrutiny or rebuttal."

Although their letter to the president was written prior to the recently published new declassifications of the Weinberger Document, they did point out that "The unreliability of the 1987 Weinberger document was known to and ignored by the Parole Commission.

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May 31, 2015
 Senator Charles Schumer
 780 Third Avenue, Suite 2301
 New York, NY 10017

Dear Senator Schumer:

We the undersigned write to seek your urgent intervention to resolve an on-going travesty of justice. We refer to the case of Jonathan Pollard.

In a 1999 letter to constituents you wrote that Pollard's sentence for passing classified information to an ally was disproportionate and even harsher than those who spied for enemies of the US: "The question in the Pollard case is whether the punishment fits the crime. With the information we have to date, it appears that Mr. Pollard's sentence is inconsistent with that of other Americans convicted for similar offenses and in fact is harsher than sentences meted out to individuals convicted of spying for enemy nations."

In your letter, you indicated that you were hopeful that a resolution to the case would shortly be achieved. Another 16 years have passed since then and Pollard continues to languish in prison.

The most recent episode of injustice to Mr. Pollard occurred last August when the US Parole Commission turned down conditional release for Mr. Pollard by citing a blatant lie provided by the government.

The lie was exposed by eight former senior US officials, all of whom have first-hand knowledge of the case and of the classified file. In a November 14, 2014 letter to President Obama (copy attached) they decry the failed parole process and call on the president to use his constitutional powers of executive clemency to correct a severe injustice by commuting Mr. Pollard's sentence to time served.

They write: "The Parole Commission decision document mischaracterizes Mr. Pollard's actions and makes a patently false claim upon which it bases its denial of parole... [The Commission's statement] is false; and not supported by any evidence in the public record or the classified file. Yet it was this fiction that the Parole Commission cited to deny parole."

absolutely required at this time to repair a serious breach in the fabric of our justice system, as much for our own sake as for his. We thank you in advance for your positive response to ensure equal justice for all Americans.

הקטגוריה הזו היא לא אמורה להיות פתוחה

Recha Bunim Eherenfeld
 Moshe Rav

release" date for Mr. Pollard. I am writing that his life may well be at risk because of a commission that turned

Justice has failed to act on the merits by Mr. Pollard and have been stonewalled by the government, not substance; the government is lined to discharge his sentence leaving Mr. Pollard to

hope in securing a resolution for the attorney, the party whip, and as someone very close to the position of being able to secure justice to an immediate release for his wife.

Justice standing, legislative action is necessary via a bipartisan effort. We are asking you to take and any number of actions the House may prefer.

Mr. Pollard is serving a sentence far in excess of what he deserves for passing classified information. I have personally expressed remorse and regret. He is entitled to a sentence of two to four years.

Mr. Pollard's severely deteriorated health, nor provide him with the family he never had – all consequences of his grossly disproportionate incarceration. But this belated measure of justice is

האנשים שכתבו את המכתב הזה הם אנשי מפתח בממשל ובקונגרס

משה וולפון

HaRav Moshe Wolfson
 Mashgiach, Mesivta Torah Vodaas
 Rav of Emunas Yisrael

Yisroel Belsky

HaRav Yisrael Belsky
 Rosh Yeshiva Mesivta Torah Vodaath,

אנחנו מודים לך מאוד על המכתב הזה

HaRav Chaim Yaakov Tauber
 Bobover Dayan

אנחנו מודים לך מאוד על המכתב הזה

HaRav Yosef Yisrael Eisenberger
 Dayan of New Square

אנחנו מודים לך מאוד על המכתב הזה

HaRav Usher Anshil Ekstein
 Belzer Dayan

אנחנו מודים לך מאוד על המכתב הזה

HaRav Yaakov Yechezkia Greenwald
 Pupa Rebbe

So join in pleading with your honor to do all you possibly can to ensure that Jonathan Pollard is set free as soon as possible.

אנחנו מודים לך מאוד על המכתב הזה

HaRav Yisrael Hager
 Rav of Vizhnitz

See full text on page 10

It was April, 2015. Jonathan Pollard was to face his 30-year-mark mandatory parole hearing in less than four months. After receiving a resounding refusal at his first voluntary parole hearing a year earlier — a refusal that was based entirely on what would later be described by senior government officials as lies and unsubstantiated allegations — it was clear to everyone on the Pollard team that it would take a miracle for Jonathan to be released on parole.

Mr. Pollard had already served nearly 30 years of a life sentence that had broadly been decried by knowledgeable American officials as “grossly disproportionate,” after he pleaded guilty to one count of passing classified information to an ally, Israel, without intent to harm the United States. His 30 years in prison were served in some of America’s harshest prisons and included seven years in solitary confinement.

The information Mr. Pollard gave the Israelis was not about America; it was vital information about Israel’s sworn enemies that America was legally required to share with Israel. But the United States chose instead to deny the information to the Jewish state as part of an undeclared intelligence embargo. The information that was withheld from Israel included Syrian, Iraqi, Libyan and Iranian nuclear, chemical, and biological warfare capabilities — all being developed specifically for use against Israel. It also included information on ballistic missile development by these countries and information on planned terrorist attacks against Israeli civilian targets.

No one else in the history of the United States has ever received a life sentence for passing classified information to an ally — only Jonathan Pollard. (The median sentence for this offense is 2 to 4 years.) Even agents who have committed far more serious offenses on behalf of enemy nations have not received such a harsh sentence.

His wife, Mrs. Esther Pollard, led a decades-long indefatigable battle to try to gain his freedom. Joined by a small group of committed activists, including Pollard’s pro-bono attorneys Eliot Lauer and Jacques Semmelman, and noted *askan* Rabbi Pesach Lerner, the “Pollard Team” refused to give up.

With the passage of years, Mrs. Pollard and her activist team worked tirelessly at reaching out to and mobilizing an ever-growing list of prominent former American government officials with first-hand knowledge of the details of the case. These officials lent their voices to the demand for an end to what they described as a travesty of justice. On numerous occasions, hopes were raised that this heart-wrenching saga — which includes blatantly broken promises by American officials and cruel, unprecedented betrayal by the Israeli government — would come to an end, only to be bitterly dashed.

In point of fact, legally Mr. Pollard had been eligible to request a parole hearing after 10 years in prison, but, upon the advice of leading post-conviction experts, he never requested one. The experts saw a parole request as a “poison pill” — not only did he not have any chance of gaining early release on parole, they pointed out, but the rejection would greatly weaken any chance of receiving a presidential commutation, which the experts saw as Mr. Pollard’s only realistic hope of freedom.

At the time of Mr. Pollard’s sentencing, federal law defined “life imprisonment” as 45 years, with a mandatory parole hearing after two-thirds, or 30 years, of the time served.

In December of 2013, during President Obama’s trip to Israel, the president indicated that, while he was not ready to grant clemency, he promised publicly that if Pollard would apply for parole, he would be treated fairly. Reading this public assurance by the president as a positive sign, and also desiring to “test the waters,” Pollard submitted a parole application, and a hearing was held in August 2014.

If the Pollard team had any illusions that the Department of Justice’s unprincipled, baseless and relentless animosity toward him had cooled over three decades, it was shattered at that 2014 hearing. In what would later be described by official observers as a “kangaroo court,” the DoJ attorneys strongly opposed his release and Pollard’s First Ever parole request was denied.

For many years, the Bureau of Prisons website had listed a projected release date for Pollard of Nov. 21, 2015. Many took this to be a guaranteed release date. It was not. It was simply a presumptive date for a mandatory parole hearing

that year. This hearing is compulsory and not indicative of whether or not any release will occur.

In early 2015, with Mr. Pollard’s mandatory parole hearing just a few months away in July, his team was getting every indication that the government would once again strongly oppose his release before the Parole Commission.

Since the inception of the English-language *Hamodia*, the publication had been at the forefront of Jewish media efforts to disseminate Mr. Pollard’s plight. *Hamodia* publisher Mrs. Ruth Lichtenstein had visited Mr. Pollard in prison, and had written and encouraged her staff to do all they could to be of help.

Over the years, Rabbi Avraham Y. Heschel, an editor at *Hamodia* and *chizuk* columnist for *Inyan* magazine, had written a number of editorials and op-eds regarding the Pollard case. He had become close with Rabbi Pesach Lerner, then Executive Vice President Emeritus of the National Council of Young Israel, and currently President of the Coalition for Jewish Values, who had been the biggest public champion — other than Mrs. Pollard — of Mr. Pollard’s cause.

With the date of the parole hearing drawing closer, the sense of urgency increased exponentially.



Jonathan Pollard in his New York City apartment.

During the last week of April, at the request of Mrs. Lichtenstein, Rabbi Heschel emailed Mrs. Pollard and Rabbi Lerner, proposing that *Hamodia* launch an effort to get readers to write letters to the Parole Commission, urging them to release Mr. Pollard.

Mrs. Pollard responded, thanking *Hamodia* but pointing out that there would be no advantage to expending the effort. The Parole Commission, she explained, was acting as if it were a branch of the Justice Department, and just followed instructions from higher up.

Mrs. Pollard reiterated that Jonathan and all of Jonathan’s closest associates felt strongly that his best chance at freedom remained through a presidential commutation of his LIFE sentence to the 30 years he had already served.

Enormous efforts had been made to try to convince President Barack Obama — as well as his predecessors — to commute Jonathan Pollard’s sentence to time served, but to no avail.

One route that had not been sufficiently explored, Mrs. Pollard pointed out, and which Jonathan and his closest associates agreed upon, was a concerted effort to enlist Senator Charles Schumer (D-N.Y.) in Jonathan’s fight for freedom.

Mr. Schumer was set to take over the Democratic Senate leadership position in the next Congress and had the ear of the president.

In 1993, then-Rep. Schumer had written a letter to President Bill Clinton, stating that “the lifetime sentence imposed on Mr. Pollard is unduly severe and inconsistent with the sentences awarded to other Americans convicted of similar offenses,” and asking that the president “consider commutation of Jonathan’s sentence to a term appropriate to the nature of the offense for which he was convicted and more accurately reflective of the consequences of his crime.” Six years later, Senator Schumer had written constituents who sent him letters about Mr. Pollard, that he believed the sentence was “harsher than sentences meted out to individuals convicted of spying for enemy nations” and that he was “heartened by President Clinton’s promise to review the Pollard case.”

But in the 16 years since that letter, as the 2015 hearing neared, nary a word was heard from Mr. Schumer about the Pollard case.

It wasn’t as though he hadn’t been approached.

One member of the extended Pollard team, who asked not to be named, said that “Senator Schumer would make appointments but not keep them. Pollard advocates would come in the front door, and Schumer would duck out the back door.”

“Even those to whom he owed a political debt of gratitude for funding tried, but he shunned them the minute he heard it was about Pollard. We knew that the only way he would be brought to heel was if there was a very strong public campaign impossible for him to ignore.”

Mrs. Pollard recommended that a public campaign should be launched to enlist Mr. Schumer to intervene with Mr. Obama — either that he grant a commutation, or at the very least, that the government should not oppose Mr. Pol-

Text of letter written to Senator Schumer, signed by Gedolim, that couldn't be delivered

Dear Senator Schumer:

We the undersigned write to seek your urgent intervention to resolve an on-going travesty of justice. We refer to the case of Jonathan Pollard.

In a 1999 letter to constituents you wrote that Pollard's sentence for passing classified information to an ally was disproportionate and even harsher than those who spied for enemies of the U.S.: *"The question in the Pollard case is whether the punishment fits the crime. With the information we have to date, it appears that Mr. Pollard's sentence is inconsistent with that of other Americans convicted for similar offenses and in fact is harsher than sentences meted out to individuals convicted of spying for enemy nations."*

In your letter, you indicated that you were hopeful that a resolution to the case would shortly be achieved. Another 16 years have passed since then and Pollard continues to languish in prison.

The most recent episode of injustice to Mr. Pollard occurred last August when the U.S. Parole Commission turned down conditional release for Mr. Pollard by citing a blatant lie provided by the government.

The lie was exposed by eight former senior U.S. officials, all of whom have first-hand knowledge of the case and of the classified file. In a November 14, 2014 letter to President Obama (copy attached) they decry the failed parole process and call on the president to use his constitutional powers of executive clemency to correct a severe injustice by commuting Mr. Pollard's sentence to time served.

They write: *"The Parole Commission decision document mischaracterizes Mr. Pollard's actions and makes a patently false claim upon which it bases its denial of parole... [The Commission's statement] is false; and not supported by any evidence in the public record or the classified file. Yet it was this fiction that the Parole Commission cited to deny parole."*

These officials, who include a Director of the CIA; a National Security Advisor; two chairmen of the Senate Intelligence Committee; a Chair of the Select Committee on Intelligence, and an Assistant U.S. Secretary of Defense, note that *"at the parole hearing, the government relied heavily on a stale, largely discredited, 28-year old classified memorandum written by former Secretary of Defense, Casper Weinberger, without any scrutiny or rebuttal."*

Although their letter to the president was written prior to the recently published new declassifications of the Weinberger Document, they did point out that *"The unreliability of the 1987 Weinberger document was known to and ignored by the Parole Commission. Worse, the Parole Commission ignored all other documentary evidence that mitigates in favor of Mr. Pollard's immediate release."*

They further note that *"all factors considered, including his comportment as a model prisoner for nearly three decades, Mr. Pollard's unconditional release (let alone his release on parole, which does not address the disproportionality of his sentence) is long overdue."*

These senior officials end their letter summarizing the failed parole process and appealing to the president to intervene: *"Denying a man his freedom based on a claim of damage that is patently false while ignoring exculpatory documentary evidence and hiding behind a veil of secret evidence is neither fair nor just, and it simply is not the American way. It is precisely for cases like this which clearly deviate from the standard of American justice — and compassion — that our nation prides itself on, that the Constitution grants the president of the United States virtually unlimited powers of executive clemency."*

We therefore strongly urge you, Mr. President, to tolerate no further delay in rectifying an injustice that has gone on for far too long. We urge you to act expeditiously to commute Mr. Pollard's life sentence to the 29 years which he has already served."

A similar appeal for commutation to the president was filed by Jonathan Pollard's attorneys on October 30, 2014, and in it they fully detailed the failed parole process as well. (A copy of their letter is attached.) There has been no response from President Obama in the many months that have ensued. Indeed, Mr. Pollard's application to the president for executive clemency, detailing decades of judicial inequity, has been sitting on the President's desk since October 2010.

Although the Parole Commission website shows a "mandatory release" date for Mr. Pollard of November 21, 2015, the Commission recently informed him in writing that this date is "not automatic" and indicated that "45 years" to natural life may well be what he can expect instead of release. Not surprising from a Commission that turned down his original parole request with a blatant lie.

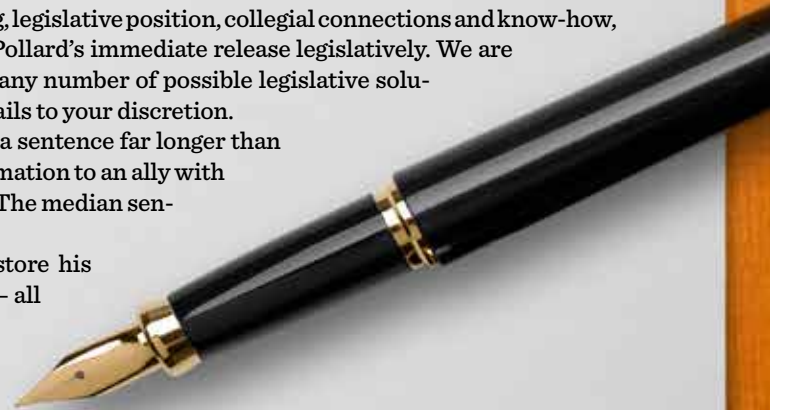
Despite the manifest injustice of his case, the Department of Justice has failed to provide relief for Jonathan Pollard. Three decades of intense efforts by Mr. Pollard and his attorneys to secure relief from his disproportionate sentence have been stonewalled and stymied. Every legal remedy has failed dismally on technicality, not substance; the parole process has failed entirely; and the president seems disinclined to discharge his constitutional responsibility to ensure equal justice in this case, leaving Mr. Pollard to languish in prison for the rest of his life. (Heaven forbid!)

Senator Schumer, we therefore turn to you as the last avenue of hope in securing a modicum of justice for Mr. Pollard. As the ranking Democratic Senator, the party whip, a man well-known and widely respected on both sides of the aisle, and as someone very familiar with the injustice of the Pollard case, you are in the unique position of being able to do what no one else has or can, to bring this travesty of justice to an immediate end and ensure that Jonathan Pollard is set free and reunited with his wife.

We, the undersigned, implore you to act at once, to use your Senate standing, legislative position, collegial connections and know-how, to do whatever is necessary via a bi-partisan initiative to secure Jonathan Pollard's immediate release legislatively. We are aware that there are many forms that this critical initiative could take and any number of possible legislative solutions that you and your colleagues in the House may prefer. We leave the details to your discretion.

Mr. Pollard has paid a severe price for the offense he committed, serving a sentence far longer than any one else in American history for the one count of passing classified information to an ally with which he was charged. He has repeatedly expressed remorse for his actions. The median sentence for the offense Pollard committed is two to four years, not life.

Releasing Jonathan Pollard now will not bring full restitution, nor restore his severely deteriorated health, nor provide him with the family he never had — all consequences of his grossly disproportionate incarceration. But this belated measure of justice is absolutely required at this time to repair a serious breach in the fabric of our justice system, as much for our own sake as for his. We thank you in advance for your positive response to ensure equal justice for all Americans.



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

November 14, 2014

Dear Mr. President:

Re: Unjust Denial of Parole for Jonathan Pollard

We, the undersigned, in our official US government capacities, at the time of and subsequent to Jonathan Pollard's arrest, are fully familiar with the Pollard file and with its classified contents.

We write to protest the unjust parole process which on August 4, 2014 denied parole to Jonathan Pollard after 29 years in prison. Our review of the Parole Commission decision compels our strongest objections to the conclusions of the Commission and our dismay with the deeply flawed process.

The Parole Commission decision document mischaracterizes Mr. Pollard's actions and makes a patently false claim upon which it bases its denial of parole.

The Commission's allegation that Mr. Pollard's espionage "was the greatest compromise of US security to that date" is false, and not supported by any evidence in the public record or the classified file. Yet it was this fiction that the Parole Commission cited to deny parole.

We have learned that at the parole hearing, the government relied heavily on a stale, largely discredited, 28-year old classified memorandum written by former Secretary of Defense, Casper Weinberger, without any scrutiny or rebuttal since Pollard's security-cleared attorneys were denied access to the document and the Parole Commission is not cleared to review it. Mr. Weinberger himself discounted his original damage assessment of the Pollard case in a 2002 interview when he stated that the Pollard case had been exaggerated out of all proportion and that it was in fact "a very minor matter but made very important."

The unreliability of the 1987 Weinberger document was known to and ignored by the Parole Commission. Worse, the Parole Commission ignored all other documentary evidence that mitigates in favor of Mr. Pollard's immediate release.

As we have indicated in previous communications to you, Mr. President, Jonathan Pollard's sentence is grossly disproportionate. All factors considered, including his comportment as a model prisoner for nearly three decades, Mr. Pollard's unconditional release (let alone his release on parole, which does not address the disproportionality of his sentence) is long overdue. Copies of our previous letters to you, urging Mr. Pollard's release were included in his parole submission and ignored.

We would like to point out as well, that the Parole decision document notes Mr. Pollard's Salient Factor Score, indicating his suitability for release as "10" which is the highest score possible. This too was ignored.

The Parole Commission also ignored compassionate factors, such as Mr. Pollard's age (he has spent half of his life in prison) and his poor state of health; and his family situation (his wife has had two bouts with cancer and had to manage without her husband's presence or assistance).

As former officials of the US government who served our country with pride, we take no pride in the ongoing miscarriage of justice which has deprived Mr. Pollard of his right to fair and equal treatment before the law. Mr. Pollard committed a serious offense and justifiably received a severe sentence. Efforts to secure commutation of Mr. Pollard's life sentence began in earnest only after Mr. Pollard had served 20 years as a model prisoner and

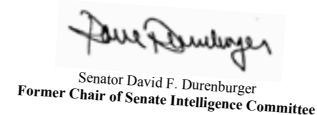
adequately expressed remorse. It is clear that his sentence is far more severe than others in the US convicted of the same offense. We are deeply troubled that his grossly disproportionate sentence is now continuing into a 30th year of incarceration with no end in sight.

Denying a man his freedom based on a claim of damage that is patently false while ignoring exculpatory documentary evidence and hiding behind a veil of secret evidence is neither fair nor just, and it simply is not the American way. It is precisely for cases like this which clearly deviate from the standard of American justice – and compassion – that our nation prides itself on, that the Constitution grants the president of the United States – virtually unlimited powers of executive clemency.

We therefore strongly urge you, Mr. President, to tolerate no further delay in rectifying an injustice that has gone on for far too long. We urge you to act expeditiously to commute Mr. Pollard's life sentence to the 29 years which he has already served.

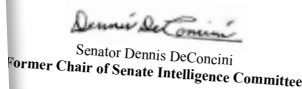
Respectfully,

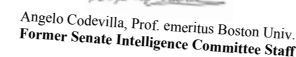

Robert C. MacFarlane
Former US National Security Advisor

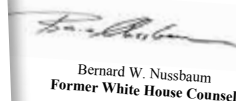

Senator David F. Durenburger
Former Chair of Senate Intelligence Committee

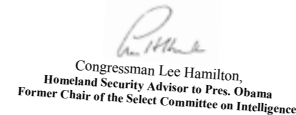

Lawrence J. Korb
Former Assistant US Secretary of Defense

-Signed -
Amb. R. James Woolsey
Former Director of the CIA


Senator Dennis DeConcini
Former Chair of Senate Intelligence Committee


Angelo Codevilla, Prof. emeritus Boston Univ.
Former Senate Intelligence Committee Staff


Bernard W. Nussbaum
Former White House Counsel


Congressman Lee Hamilton,
Homeland Security Advisor to Pres. Obama
Former Chair of the Select Committee on Intelligence

A letter sent by 8 former senior U.S. officials in 2014, to then-President Obama, protesting the denial of parole to Jonathan Pollard the previous August.

lard's being granted parole.

It was then that Rabbi Heschel proposed the idea of getting dozens of New York Rabbanim, *Roshei Yeshivah*, and Rebbes to sign a letter to Schumer, asking him to make the request of Mr. Obama. Mrs. Pollard was intrigued with the idea, but said that the final decision was, as always, Jonathan's. She relayed the idea to her husband, and he liked the idea very much and immediately gave his blessing to proceed with the initiative.

Mrs. Pollard felt it would be helpful to include in the entreaty to Mr. Schumer quotes from a letter written by eight former government officials in the intelligence and national security fields to Mr. Obama the previous November (2014), decrying the denial of parole to Mr. Pollard following the hearing in August (2015). That letter had addressed, and strongly condemned, the Commission's claim that Mr. Pollard's espionage "was the greatest compromise of U.S. security to that date."

"Yet it was this fiction," wrote the officials in their letter to Mr. Obama, "that the Parole Commission cited to deny parole."

Mrs. Pollard, after consulting with her husband and his attorneys, wrote the letter for the Rabbanim to sign.

"Senator Schumer," read the letter, "we ... turn to you as the last avenue of hope in securing a modicum of justice for Mr. Pollard ... you are in the unique position of being able to do what no one else has or can, to bring this travesty of justice to an immediate end and ensure that Jonathan Pollard is set free and reunited with his wife."

The letter asks Mr. Schumer "to do whatever is necessary via a bi-partisan initiative to secure Jonathan Pollard's immediate release legislatively. We are aware that there are many forms that this critical initiative could take and any number of possible legislative solutions that you and your colleagues in the House may prefer. We leave the details to your discretion." (See the full text of the letter in the sidebar.)

By the time the effort actually got underway, it was less than three months until the parole hearing. Obtaining the dozens of signatures they were hoping for would not be easy. The Rabbanim had very busy schedules, and getting appointments could take some time. Many, for various reasons, did not sign letters at all. But Rabbi Heschel and Rabbi Lerner set out, at the frenetic pace this task would require, to acquire the necessary signatures.

The goal was to have as many *kehillos* as possible involved in this letter. Rabbi Lerner had built close connections with many Rabbanim while at the National

Council of Young Israel; in addition, his late father-in-law, the noted *askan* and *baal chessed* Reb Sidney Greenwald, *z"l*, had forged close relationships with many *kehillos*. Rabbi Heschel, as the son and grandson of Kopyczynitzer Rebbes, *zy"ta*, had close connections with many of the Rebbes as well.

Mrs. Lichtenstein also expressed her strong support for the idea, and was of great assistance throughout the effort, making connections and giving important advice.

One of the earliest meetings Rabbi Lerner and Rabbi Heschel had was with Harav Mayer Yosef Rubin, *Rachmastrivka Dayan*, with whom Rabbi Heschel has a close relationship. Rabbi Lerner, in turn, is close with Rav Rubin's father, the Sulitzta Rebbe, *shlita*, and is an integral part of the Sulitzta Beis Medrash and night *kollel*.

"That meeting was an extremely constructive one, and really gave our project the impetus we needed," Rabbi Heschel recalls. "The *Dayan* was extremely supportive, and immediately offered his assistance."

While some Rebbes had a policy of never signing letters, it was hoped they'd allow designated representatives to do so in specific instances. The goal was to have the Rebbe, or authorized representative, of as many well-known *kehillos* as possible sign the letter.

Rav Rubin and Rabbi Heschel arranged a meeting with a son of the elderly Skulener Rebbe, *shlita*, who promptly agreed to ask his father to sign the letter. Within days, the Rebbe signed the letter and offered a warm *brachah*, and asked for Mr. Pollard's Hebrew name, so that he could *daven* for his *yeshuah*.

Rabbi Heschel reached out to Rabbi Chaim Dovid Zwiebel for his help in obtaining signatures of the members of the Moetzes Gedolei HaTorah.

Years earlier, Rabbi Zwiebel had written an article in the *Middle East Quarterly* about the Pollard case, and he had been one of the lawyers on an *amicus* brief submitted in support of Mr. Pollard's 1991 appeal to the U.S. Court of Appeals for the D.C. Circuit. In his current role as Executive Vice President of Agudath Israel of America, Rabbi Zwiebel, at the direction of the Moetzes, had encouraged *Klal Yisrael* to write letters and call the White House on behalf of Mr. Pollard.

Now, when Rabbi Heschel reached out to him, Rabbi Zwiebel contacted all six Moetzes members who lived in New York. They all agreed to participate, Rabbis Heschel and Lerner soon made the rounds to their respective houses, and each of them affixed his signature to the letter.

Rabbi Lerner and Rabbi Heschel then traveled to Monsey to visit the

Tefillah rally at the Kosel led by Rishon L'Tzion Harav Mordechai Eliyahu, zt"l.



It was clear that for the Gedolei Yisrael the case of Jonathan Pollard was something so unique that they were ready to do something unprecedented.

then-Vizhnitzer Rav (current Vizhnitzer Rebbe) of Monsey, Harav Yisrael Hager, *shlita*.

The Rav graciously welcomed them and expressed much interest in the Pollard case. He was also delighted to meet Rabbi Lerner because of his friendship with Mr. Greenwald. The two left a copy of the letter for the Rav to read.

Soon afterward, the Rav's older brother, Harav Pinchus Shulem Hager (Rav of Vizhnitz Boro Park) was *niftar*. Rabbi Lerner and Rabbi Heschel went to be *menachem avel*. At the *shivah*, the Rav himself brought up the topic of the Pollard letter. And right after *shivah*, he signed it, and personally called Rabbi Heschel to inform him that it was ready to be picked up.

"I was impressed with the care and concern that all these Rebbes and *Roshei Yeshivah* showed for the Jonathan Pollard cause," says Rabbi Lerner. "Some knew more, some knew less; some asked more questions, some asked less, but everybody was concerned for this Yid. That came out very strongly throughout this process. Everybody found time in their busy schedules. Whether we went to *beis medrash*, house, yeshivah office, everyone found the time to meet with us. The *chashivus* that they gave to the *inyan*, and the *brachos* and the *tefillos*, were impressive and memorable."

While Rabbi Heschel and Rabbi Lerner were going around obtaining signatures in those frantic days of Spring 2015, Mrs. Pollard, who was based in Israel, spent her time, as always, running the day-to-day business of the case on her husband's behalf, and also *davening* day and night daily at the Kosel and at *kivrei tzaddikim*, while also orchestrating the worldwide efforts at *hishtadlus*. Among her other duties, she kept close track of the efforts, giving content updates to her husband in prison.

Rabbi Heschel and Rabbi Lerner continued making the rounds. They visited the Skverer Rebbe, *shlita*, who gave his *brachos* and instructed that Harav Yosef Yisrael Eisenberger, *Dayan* of New Square, sign.

With the assistance of Harav Baruch Rubin, another son of the Sulitz Rav, the two obtained an appointment with the Pupa Rebbe, *shlita*, who personally signed the letter.

He and the Vizhnitzer Rav added a personal message to Schumer near their signatures.

When Rabbi Heschel visited Harav Chaim Yisroel Belsky, zt"l, *Rosh Yeshivas* Torah Vodaas, Rav Belsky began reading the letter and stopped halfway through. "Of course I will sign," he said. "I am with this 100 percent ... This Yid saved many Yidden."

Late one night, Rabbi Lerner and Rabbi Heschel managed to obtain a meeting with the Klausenburger Rebbe, *shlita*. They had been warned by Klausen-

burger Chassidim that the Rebbe would not sign such a letter — but perhaps they could ask that he have a representative sign it.

The Rebbe was happy to meet Rabbi Lerner, as Mr. Greenwald had been very close with his father, the previous Rebbe, *zy"a*. Mr. Greenwald had been a member of Vaad Hapoel of Agudath Israel of America, and he had helped the Rebbe, *zy"a*, build Laniado Hospital, serving as chairman of the hospital's international board. When the Klausenburger Rebbe created Mifal Hashas, he sent Mr. Greenwald to get *Roshei Yeshivah* and Rebbes on board.

In addition, the Rebbe had fond memories of the time Rabbi Heschel's father, the Kopyczynitzer Rebbe, Harav Moshe Mordechai, *zy"a*, had visited his father, the Klausenburger Rebbe, *zy"a*.

When they showed the Rebbe the letter and said that they were trying to get Rabbanim from different *kehillos* to sign, the Rebbe replied, "Of course I am signing it!" He took out a pen and signed it on the spot. "His *gabba'im* were flabbergasted!" recalls Rabbi Heschel.

"It was clear that for the *Gedolei Yisrael*, the case of Jonathan Pollard was something so unique that they were ready to do something unprecedented," says

Rabbi Heschel.

"The fact that I was there and an *eidim* of Reb Sidney Greenwald made an impact, and could have been a factor in the Rebbe's decision," says Rabbi Lerner. "But I think that when we shared with him some of the stories about Jonathan, and his *mesirus nefesh* for *mitzvos* in prison, that was a major factor as well."

Though the letter was generally limited to New York Rabbanim, the Boyaner Rebbe, *shlita*, who resides in Eretz Yisrael, in particular had for years expressed an interest in the Pollard case, and though he, too, generally does not sign public letters, he enthusiastically signed this one.

In the course of their efforts, Rabbis Lerner and Heschel realized that having a Yiddish translation of the letter would be very helpful. They reached out to Rabbi Yosef Rappaport and asked him to translate it. He eagerly did so, refusing to accept any payment.

The Boro Park *askan*, Rabbi Yitzchak Fleischer, assisted the team, making connections for them to *kehillos*. One afternoon, just a few hours before he was to host *sheva brachos* for a grandchild, he went around personally getting signatures from Rabbanim. He was helpful in obtaining signatures from Bobov and Satmar, among others.

When Rabbi Heschel went to see Harav Moshe Wolfson, *shlita*, *Mashgiach Ruchani* of Torah Vodaas and Rav of Emunas Yisrael, Rav Wolfson modestly replied, "These are big names, I don't belong here," referring to the Rebbes on the letter. He quickly added, "But I will sign wherever you tell me..."

"He knew all about Mr. Pollard's story and was eager to help," Rabbi Heschel says.

And the signatures kept coming. In addition to members of the Moetzes, the Rebbes and Rabbanim, *shlita*, of Boyan, Vizhnitz, Pupa, Skver, Bobov, Satmar, Klausenburger and Emunas Yisrael, they soon also had representatives of Lubavitch, Ger, Bobov-45, Stolin, Belz, Rachmastrivka, and Kossov.

Even as the signatures were being gathered, the team had already reached out to Sen. Schumer's office in June to request a brief meeting, to personally deliver the letter. But his office wouldn't commit to a date for the meeting; they'd make tentative dates, then postpone. Numerous efforts to reach the senator were rebuffed as soon as it became clear that the reason for the meeting had to do with Jonathan Pollard.

On June 15, the Parole Commission confirmed that Mr. Pollard's parole hearing would be held on July 7 — and that the same envoy of the Department of Justice who had represented the government a year earlier, and had so harshly opposed Mr. Pollard's release, would represent the government this time as well. The Commission also denied Mr. Pollard's request to have both his attorneys present at the hearing; only one would be allowed.

The vibes were entirely negative, adding to the pressure and sense of urgency.

"We had a letter, with lots of signatures, but nobody to meet with," recalls Rabbi Heschel. "It was very frustrating. We were being stonewalled by Schumer's office and we were running out of time. We had gone to all these Rabbanim, they had exerted themselves to sign and help, and it seemed to be for naught.

"It was Jonathan via Mrs. Pollard who was actually giving us *chizuk*, telling us not to feel that our efforts were wasted," he recalls.

"Mrs. Pollard kept on reminding us that we were doing our *hishtadlus* on

WHY NOW? *By Rabbi Pesach Lerner*

After numerous failed efforts to reach out to Senator Schumer via reliable, well-connected third parties, some of whom were key to Schumer's campaigns and career, the Pollards gave up on trying to deliver this letter to him. Without the Senator's assistance, Jonathan was nevertheless miraculously granted Parole in November of 2015.

Much to the dismay of the Pollards, immediately after Jonathan's release, they discovered that after 30 years in prison as a "model inmate" (including seven years in solitary confinement), Jonathan's life sentence — which knowledgeable U.S. officials have termed "grossly disproportionate" — had been replaced by an unjust parole plan, tantamount to a form of house arrest for the balance of his life sentence — another 15 years.

As long as Pollard's original **45-year life sentence** remains intact and is not commuted (even though he is no longer in prison) he remains subject to arbitrary restrictions and even to politically motivated re-arrest for the duration.

Worse still, the numerous, redundant restrictions that Pollard is currently subject to as part of this parole plan prevent him from being gainfully employed, prohibit him from the free exercise of his religious rights as an observant Jew, and severely limit any possibility of his reintegrating into mainstream American society as a productive citizen.

On March 5, 2018, the Prime Minister of Israel, Binyamin Netanyahu, met with President Trump and requested that the Pollard case be resolved once and for all, for the good of both nations. The Prime Minister proposed a bureaucratic solution to the problem via the U.S. Department of Justice, known as "Treaty Transfer," whereby



Rabbi Pesach Lerner discussing the Pollard case with Hagoon Harav Aharon Leib Shteinman, *zt"l*. In 2007, Rav Shteinman and Hagoon Harav Yosef Shalom Elyashiv, *zt"l*, signed a letter to then-President George Bush pleading with him to free Pollard.

Pollard would be granted permission to return to Israel, to live there and to finish his parole there. The President and virtually all of his cabinet agreed.

The bureaucratic solution should have been quick and simple, but the DoJ is still populated by Obama holdovers who dragged out the process for months, and then turned down Pollard's application for Treaty Transfer on the basis of spurious and false assertions, which were not based on any evidence whatsoever.

Now that Treaty Transfer has been turned down, it falls to President Trump to make good on his tacit agreement with the Prime Minister via commutation of both Pollard's sentence and his parole.

It would strengthen the President's hand greatly, especially at this time, to have bipartisan support on this issue.

In allowing this letter to be published, the Pollards are once again turning to Senator Schumer in the only way left to them, through the pages of *Hamodia*. They hope that through the grace of G-d, this letter and the story behind it will reach Senator Schumer's eyes and touch his heart. Perhaps now, after serving 30 years of an unjust sentence and three years of a very harsh parole plan, Jonathan Pollard's appeal to Senator Schumer through these pages will be heard and help will be forthcoming in the form of bipartisan support.

The illustrious signees of this letter believed in the cause with such passion that each of them broke lifelong habits of refraining from political involvement to sign the letter urging the Senator to become involved. Perhaps, now, at this critical time, the Senator's heart will heed their words, and he will do right by Jonathan, Israel and the Jewish People.

this temporal realm, but ultimately, it would be Hashem Who would free her husband."

And then, four days before the parole hearing, the tide suddenly turned.

When Rabbis Lerner and Heschel opened their email inboxes on July 3, they saw the following message from Mrs. Pollard:

"In what can only be described as an utter miracle *min haShamayim*, there is a totally unexpected new development!

"In response to our prayers, our activities, the signatures of the Rabbanim, the unprecedented unity on the issue (which was felt in Heaven, even if no one on earth knows about it) and their blessings, and the superb, sublime, miraculous Memorandum which the attorneys submitted to The Parole Commission, a great wall has fallen.

"The attorneys just received word that the government will not pursue the claim that [Jonathan] is likely to commit further crimes if released on parole. This is a great concession! Miraculous, actually!" she wrote.

She stressed, however, that any celebration was premature, pending the actual decision by the Parole Commission.

The hearing, which took place four days later, went amazingly well. A letter was presented at the hearing which the government had issued. It indicated that there was no probability that Pollard would ever offend again. This turned the whole hearing on its head. The same government official who just a year earlier had vehemently assured Pollard and his attorney that *Gehinnom* would freeze over before he would ever recommend Pollard's release, was suddenly subdued and civil. Unlike the previous year, the parole examiner informed Pollard at the end of the hearing that she was going to recommend parole, but it was up to the Parole Commission to make the final decision.

Three weeks later, Pollard was officially informed that he would be granted parole. He was freed from prison less than four months later — albeit under very harsh restrictions which include wearing a GPS monitoring system that consists of a bulky non-removable transmitter installed on his wrist, and two box receivers that are plugged into outlets in his tiny Manhattan studio apartment, which he shares with his wife. Whenever he moves outside the range of the receiver, the transmitter — which is three inches long and two inches wide — acts as a GPS tracker and monitors his location. Were Mr. Pollard to step

out of his apartment to *daven* with a *minyán* or get some fresh air on Shabbos or Yom Tov, the battery would quickly drain, forcing him to choose between violating Shabbos or facing rearrest.

The parole restrictions also include a "curfew" that puts him under house arrest between 7:00 p.m. and 7:00 a.m. During the daytime, he is only permitted to be in specific parts of South Manhattan, and is even prohibited from visiting nearby Brooklyn. The restrictions also include the unfettered monitoring and inspection of any computer he touches, including those of any employer who *might* choose to hire him, which has prevented him from being able to gain employment.

Notwithstanding intensive efforts to deliver the "Schumer letter," it was never received by the senator. Nor was it ever publicly released, until now.

Nevertheless, according to the Pollards, it definitely had a significant impact.

In an email sent by Mrs. Pollard to Rabbis Lerner and Heschel after Jonathan was released, she expressed how she and her husband viewed this effort:

"The letter was never read by Senator Schumer, but it was read in *Shamayim*," the message said. "Unprecedented in its nature, the letter was a miracle in itself, reflecting the unity of all of the major Jewish leaders of the American *frum* world on the issue of Jonathan Pollard. The letter with its unprecedented illustrious signees was a capstone of sorts, crowning the *tefillot*, tears, *hishtadlus*, and *mesirus nefesh* of world Jewry for 3 decades. This description is the tip of the iceberg of the endless *hishtadlus* and *tefillah* which the Pollard case generated in Israel and in countries round the world, as far as our efforts were able to reach. All kinds of prayer initiatives continue in Israel to this very day! The Schumer letter came late in the day, but seems to have crowned all of these efforts, and very soon after, the miracle occurred. Against all odds and in spite of all of the opposition, Jonathan was released!"

"We experienced tremendous *siyatta diShmaya*. When we set out on this unprecedented journey, we didn't dream that we would get so many prominent names," Rabbi Heschel says. "*Baruch Hashem*, he is now reunited with his wife, and is out of prison, but he still is far from free. The efforts on his behalf must continue until all the terrible restrictions are removed and he is allowed to leave for Eretz Yisrael." ■