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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.

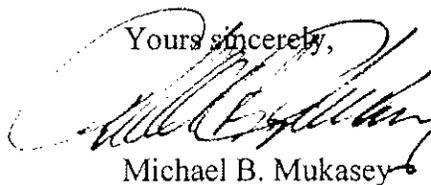
Particular weight should be attached to the views of former CIA Director James Woolsey and former chair of the Senate Intelligence Committee Dennis DeConcini, who are familiar with the information Pollard disclosed and the circumstances of its disclosure, and who have expressed firmly their belief that 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,

A handwritten signature in black ink, appearing to read "Michael B. Mukasey", written over the typed name below it.

Michael B. Mukasey