

# FORWARD

## Israel's Role in Pardon Sparks Capital Feuding: 'Why Spare Rich and not Pollard?'

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A quiet but nasty tug-of-war has broken out among Washington insiders and Jewish community activists over the role played by Israel in President Clinton's decision to pardon fugitive billionaire Marc Rich.

The January 20 pardon has touched off a storm of protests. It followed extensive lobbying by Israeli and American Jewish leaders. More than 100 letters were written on Mr. Rich's behalf, almost half from Israelis, according to a list obtained by the Forward. The aftermath is fast turning into a free-for-all involving the lead players of some of the messiest Washington feuds of the last decade.

Congressional hearings into the pardon are being conducted by Indiana Republican Rep. Dan Burton, a leading opponent of Mr. Clinton. Some Jewish activists, meanwhile, are protesting that the Israeli and Jewish pressure for Mr. Rich's pardon should have been directed instead toward a pardon for convicted spy Jonathan Pollard.

Joseph diGenova, an attorney representing Mr. Rich's lawyer before congressional investigators, told the Forward this week that it was Israel's direct, heavy involvement that won the pardon. Prime Minister Barak "communicated three times about Mr. Rich's pardon with the president," Mr. diGenova said. "That is our understanding."

Mr. diGenova's comments irritated some Jewish leaders, including Malcolm Hoenlein, executive vice chairman of the Conference of Presidents of Major American Jewish Organizations. "Objectively, I think it is unfortunate for people involved in the process to try to place the onus on Israeli officials when it was the White House that made the decision," Mr. Hoenlein said.

Adding to the intrigue is the role of Mr. diGenova himself. A former federal prosecutor, he personally prosecuted the Pollard case and negotiated the 1987 plea agreement that resulted -- wrongly, according to Pollard's advocates -- in Pollard's life sentence. He has continued to be an outspoken opponent of clemency for the American-born spy.

The lawyer for Mr. Rich whom Mr. diGenova is representing before Congress, Jack Quinn, is a former White House counsel who represented Mr. Clinton

during several scandals of the mid-1990s.

Mr. Hoenlein has been an outspoken advocate of clemency for Pollard. He said he met with Mr. Clinton in late December to lobby for a Pollard pardon. Mr. Hoenlein added that he was "surprised" by the extensive Israeli intervention on Mr. Rich's behalf.

Each day that intervention appears more far-reaching. Among the 100 people who wrote letters to Mr. Clinton lobbying for a Rich pardon are top Israeli politicians and the heads of major Israeli and American-Jewish philanthropies that benefited from Mr. Rich's charitable giving.

The list includes Shabtai Shavit, former director of the Mossad secret service; Ehud Olmert, mayor of Jerusalem, and Shlomo Ben-Ami, minister of foreign affairs. Also listed are Abraham Foxman, national director of the Anti-Defamation League; philanthropist Michael Steinhardt (who is vice chairman of this newspaper), and Marlene Post, a former president of Hadassah. Mr. Rich donated \$5 million to Birthright Israel, an organization that Mr. Steinhardt founded and Ms. Post chairs.

Mr. Foxman sent a letter on ADL stationery in December asking for a Rich pardon "on humanitarian grounds," his spokeswoman, Myrna Sheinbaum, said. She said Mr. Foxman declined to comment further. Mr. Steinhardt did not return calls. A spokeswoman for Hadassah, Roberta Elliott, said Hadassah said she had "no knowledge" of Ms. Post's letter. "It was definitely not in her capacity as head of Hadassah," she said. She said they "never, ever" revealed information about donors.

Nobel laureate Elie Wiesel, who lobbied on behalf of Pollard, told the Forward that he had been asked to lobby for Mr. Rich but declined. "They approached me, but I did absolutely nothing," Mr. Wiesel said. "They wanted me to, so they used my name." Mr. Wiesel said he had done "a lot" for Pollard, but that he would not compare the two cases.

Mr. diGenova told the Forward that the involvement of Israeli VIPs was "certainly an important factor" in securing a pardon for Mr. Rich, who fled to Switzerland in 1983 after being accused of \$48 million in tax evasion. He was also accused of violating the Trading With the Enemy Act by doing business with Iran during the hostage crisis.

There was "no question," Mr. diGenova added, that Mr. Rich's philanthropy played a major role in his pardon. "As you know, Mr. Rich has a huge foundation in Israel, giving hundreds of millions of dollars to charitable causes there," he said. "This was a very important case to the Israeli government."

Beyond philanthropy, Mr. diGenova said, Mr. Rich "had also been of great assistance in the peace process, helping with economic development and other things that they will not divulge."

Speaking last weekend on NBC's "Meet the Press," Mr. diGenova said: "When the prime minister of Israel, one of our closest allies, communicates with the president of the United States about a pardon, I would say to you that the president has a pretty good idea of how important the case is."

What remains undivulged, observers say, is the extent of Mr. Rich's links to the Mossad. According to press reports, in his letter on behalf of the fugitive, Mr. Shavit, the former head of the Mossad, said he had asked for Mr. Rich's help in rescuing Jews from enemy countries. Some sources close to the case have suggested that Mr. Rich's links to Iran -- the basis for one of the charges against him -- may have figured in his undercover role. The head of Mr. Rich's foundation in Israel, Avner Azulay, is a former Mossad agent.

Meanwhile, Pollard, the convicted spy, said this week in a letter to Prime Minister-elect Sharon that he thought that Israel had abandoned him in favor of Mr. Rich. "Ehud Barak abandoned an Israeli agent to fight for a wealthy swindler and fugitive from the law," Pollard wrote in his February 13 letter. "Washington sources tell us that Barak repeatedly signaled to Clinton his preference that I remain in prison." Mr. Barak is the latest in a series of Israeli leaders that Pollard has accused of abandoning him.

As foreign minister in 1998, Mr. Sharon was reportedly behind then-Prime Minister Benjamin Netanyahu's decision to walk out of the Wye Plantation peace talks if Mr. Clinton did not agree to free Pollard. Mr. Netanyahu withdrew the threat after it became clear that Mr. Clinton would not release Pollard under any circumstances. It was also reported that CIA director George Tenet had threatened to resign if Pollard were freed.

Some advocates for Pollard said this week that they thought Mr. Clinton may have chosen to pardon Mr. Rich as a way of compensating for his inaction on Pollard. "My guess is that Clinton felt that he wouldn't or couldn't give-in on the Pollard issue, and he thought that this was a way to throw a bone to the Jewish community," Rabbi Yitzchok Adlerstein, a spokesman for the Rabbinical Council of California, told the Forward. "It was the wrong bone. It was a bone that wound up bringing us far more embarrassment than joy and celebration." In fact, Rabbi Adlerstein said, pardoning Mr. Rich was "the ultimate sign of contempt for the Jewish community."

Asked if he thought Mr. Rich was pardoned in place of Pollard, Mr. diGenova said, "I have no idea. Pollard didn't deserve it, and didn't get it. Marc Rich got it. You'll have to ask Barak."

Mr. diGenova said that Mr. Barak had also pushed for a Pollard pardon. Mr. diGenova said that he did not support Mr. Rich's pardon, but that his client, Mr. Quinn, had done nothing wrong.

Mr. Hoenlein said he had urged Mr. Clinton to keep the Pollard case

separate from the Rich case. "We were trying to make sure that Pollard was considered because we knew this was the opportunity to do something," Mr. Hoenlein said. He said he had met with Mr. Clinton and Hillary Rodham Clinton, as well as with government agency heads and elected officials, in the waning weeks of the Clinton presidency. "I was told that there was a chance," he said.

Mr. Hoenlein declined to comment on the member organizations of the Conference of Presidents that lobbied for a Rich pardon. "That's up to the individual organizations," he said.

One Jewish leader who said he did not lobby for a Rich pardon was Edgar Bronfman Sr., president of the World Jewish Congress. "I think it was ridiculous," he said of the pardon. "The way Clinton did it was bad. He didn't even go to the Justice Department about it." Yet he demurred when asked what he thought of other major Jewish organizations intervening. "That's their business," he said. "I didn't and I wouldn't have."

The most outspoken criticism of the Jewish advocacy for Mr. Rich came this week from Rabbi Eric Yoffie, the president of the Union of American Hebrew Congregations. Rabbi Yoffie said that Rich's Jewish community support had "bought" his pardon. "The result is we have undermined our community's moral fabric, jeopardized our political standing, disillusioned our youth and compromised the values of our tradition," Rabbi Yoffie wrote in an op-ed to appear this week in the New York Jewish Week and the Washington Jewish Week.

In an aside, Mr. diGenova, a frequent critic of Mr. Clinton during the Monica Lewinsky scandal, put his own sardonic spin on why Mr. Rich was pardoned and Pollard was not. "It is clear that Pollard's people did not give enough money to the [Democratic National Committee] or the president, and that they had the wrong lawyer, Alan Dershowitz," he told interviewer John McLaughlin on January 26. "So there's a lesson there for people seeking a pardon."

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