

# Graffiti for intellectuals



SIMON SAYS



APRIL  
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By Si Frumkin

## MY OSCAR (MAYBE?) IN 2008

I have been envious of a good friend of mine for several years now. She is a wonderful lady, a Holocaust survivor like myself and what is remarkable, a recipient of an Oscar even though she has had no connection with movies most of her life. The Oscar was won in 1998 by "The Last Days", a documentary about five Hungarian Holocaust survivors. She was one of the five, and so she can rightfully claim that she was a recipient of an Oscar.

I am happy for her, of course, but there is this little still voice inside me that keeps saying, "Why not me? I know as little about films as she does. Why can't I get an Oscar and go to the ceremonies and walk on the red carpet before millions of viewers. Why not me?"

Well, my friends, the wait is over. This year I just might be able to brag about my Oscar. I would not be alone: my good friend and a very important politician and probably the most influential Jew in California, Zev Yaroslavsky, would also be a recipient. Zev might even get two: one for performance and another for cinematography!

By now you are probably wondering if I had totally lost my mind so I better explain.

On May 23, 2008 a movie that has already opened in New York, Seattle, San Francisco and elsewhere, **will open in Los Angeles at the Laemmle's Music Hall 3, (9036 Wilshire Blvd. in L.A.)** I hope it will make me – and quite a few others – winners of the 2008 Oscar. I have a big part in it, as does Zev, but he also shot some of the scenes – in Moscow! There are of course a quite a few others involved – Elie Wiesel, Natan Sharansky, a few past American Presidents, several Israeli Prime Ministers and Soviet Secretary-Generals, many marching soldiers with no speaking parts and a dozen or so Soviet Jews whose names may be familiar to you from way back when – Slepak, Nudel, Edelstein, Panov and many more – and quite a few heart breaking tragedies but also happy endings. They all deserve to share my Oscar glory, as does Laura Bialis, the director and Stephanie Seldin Howard, the co-producer – I don't begrudge them. I am willing to share.

The movie is "Refusenik" and it is a true story of how relatively small groups of not very important people took on a superpower and won.

In Los Angeles, Zev – an unknown student working on his M.A. on the history of the British Empire, and I – a businessman running a wholesale drapery firm – founded an organization which demanded that the Jews in the Soviet Union be allowed to emigrate any time they wanted and to any destination they chose. We combined forces with a handful of others in other cities and countries – in San Francisco, a retired furniture manufacturer and a computer maven; in Cleveland, a top NASA scientist who was the real founder of our movement; a bunch of housewives in a dozen of cities here and abroad; a few physicians, thousands of students and even a math teacher in London who at the age of forty-plus taught himself perfect Russian to make the important phone calls to the refuseniks in the USSR; he also invented the word "Refusenik" to apply to Jews who were denied exit visas.

It took a few years but we expanded into becoming an international independent organization, the Union of Councils for Soviet Jews, with offices in 24 cities and a membership of over 300,000.

"Refusenik" is about a triumph of grassroots activism. It chronicles the men and women in the Soviet Union who risked their lives and their liberty to demand the right for themselves and their children to leave the country where Jews weren't allowed to live as Jews. They are the real heroes of the film. We, the Americans, who used the slogans "Let My People Go!" and "Save Soviet Jews!" demonstrated in the streets, wrote letters and made phone calls, confronted Soviet representatives and tirelessly lobbied Washington, but we were safe. The refuseniks were not, but their advice to us was always – don't worry about us, make more noise, write more letters, send more tourists with books, literature, Hebrew lessons, copies of "Exodus" and Dennis Prager's books on Judaism, watches and pornography that could be used as bribes in the gulags,

jeans that could be sold to feed those who had been fired. Their cry was: "Why have you forgotten us?" and it shamed us into action. They are the heroes of this film.

We, the crazy activists in America, were few at first. Not supported by the Jewish establishment – even actively opposed and criticized for being too active and too forceful. But we were naïve enough to believe that we could make a difference and little by little, most Americans, Jews and Gentiles, even without knowing the details, knew that there was some kind of a problem with Jews in the Soviet Union. Most synagogues flew banners that urged, "Save Soviet Jews!", every summit meeting between the two superpowers had Soviet Jews on the agenda and eventually, the Jewish establishment joined us. In 1972, against the advice of the Jewish *machers* in New York and L.A., 10,000 Southern Californians went to San Clemente to confront Brezhnev and Nixon, but in 1987, a quarter of a million people came to Washington to confront Gorbachev.

I do not know whether I – and all those others - will get an Oscar. One good sign is the wonderful review by the show business bible "Variety". It calls the film "absorbing" and says, "**With human rights abuses Darfur, Tibet and elsewhere currently promoting criticism of First World governments for failing to get tough with China, the film's message – that grassroots activism can effect change across the globe – seems particularly timely**". The review also notes that "**(it) smoothly blends in archival materials, including some previously unseen 16mm footage shot surreptitiously and smuggled out of the Soviet Union by visiting Western activists posing as tourists**". It doesn't give credit to the man who took these pictures – Zev Yaroslavsky – who was part of our group that went to Moscow and Leningrad in 1974. He surely deserves the Oscar I would be very happy to share with him and all the others. ☆

# THE CLINTONS' TERROR PARDONS BY DEBRA BURLINGAME

WALL STREET JOURNAL, FEBRUARY 12, 2008

## Justice for Jonathan Pollard (J4JP) Introduction:

"The Clintons' Terror Pardons" [WSJ 02/12/08] which follows below, revisits the 1999 FALN pardon scandal in a vivid manner, underscoring how egregious these politically-driven pardons were and how they were bought at such a cost to their victims and to the American people. It is impossible to read this article and not be morally offended by America's willingness to tolerate not only the release of unrepentant, murderous terrorists; but also its willingness to tolerate the unjust prolonged incarceration of Jonathan Pollard. Pollard is the only person in the history of the United States to receive an unlimited life sentence for passing classified information to an ally. Pollard has now served more than 5 times the usual sentence for the offense he committed by helping Israel. He was not a terrorist and he did not maim, murder, or harm anyone.

Former President Bill Clinton's pardon of 14 unrepentant FALN terrorists in the September of 1999 put the lie to the excuse that it was the threat of CIA Chief George Tenet to resign and the opposition of the American intelligence community which prevented Clinton from honoring the U.S. commitment to free Jonathan Pollard which was made as an integral part of the 1998 Wye Accords.

Less than a year after the Wye Summit in September of 1999, Clinton blatantly ignored the threat of resignation by CIA Chief George Tenet and a solid wall of opposition from the Justice, Intelligence and Defense Departments and Congress, when he invoked his powers of executive clemency to free a group of unrepentant FALN terrorists in an apparent attempt to gain Hispanic support for his wife in her N.Y. Senate bid. In doing so, Clinton effectively put the lie to the notion that any government agency might tie his hands or influence his decision in matters of clemency. In his book, "The Missing Peace" [2004] Dennis Ross clarifies that the real reason Clinton reneged was to keep Pollard as a high value "bargaining chip" against Israel.

## HERE IS THE REAL FORGOTTEN STORY:

IT WAS NEARLY 10 P.M. ON NEW YEAR'S EVE, 1982. TWO OFFICERS ON NEW YORK POLICE DEPARTMENT'S ELITE BOMB SQUAD rushed to headquarters at One Police Plaza, where minutes earlier an explosion had destroyed the entrance to the building. Lying amid the carnage was PoliCe Officer

Rocco Pas-carella, his lower leg blasted off.

"He was ripped up like someone took a box cutter and shredded his face," re-

membered Detective Anthony Senft, one of the bomb-squad officers who answered the call 25 years ago. "We really didn't even know that he was a uniformed man until we found his weapon, that's how badly he was injured."

About 20 minutes later, Mr. Senft and his partner, Richard Pastorella, were blown 15 feet in the air as they knelt in protective gear to defuse another bomb. Detective Senft was blinded in one eye, his facial bones shattered, his hip severely fractured. Mr. Pastorella was blinded in both eyes and lost all the fingers of his right hand. A total of four bombs exploded in a single hour on that night, including at FBI headquarters in Manhattan and the federal courthouse in Brooklyn.

The perpetrators were members of Armed Forces of National Liberation, FALN

(the Spanish acronym), a clandestine terrorist group devoted to bringing about independence for Puerto Rico through violent means. Its members waged war on America with bombings, arson, kidnappings, prison escapes, threats and intimidation. The most gruesome attack was the 1975 Fraunces Tavern bombing in Lower Manhattan. Timed to go off during the lunch-hour rush, the explosion decapitated one of the four people killed and injured another 60.

FALN bragged about the bloodbath, calling the victims "reactionary corporate executives" and threatening: "You have unleashed a storm from which you comfortable Yankees can't escape." By 1996, the FBI had linked FALN to 146 bombings and a string of armed robberies -- a reign of terror that resulted in nine deaths and hundreds of injured victims.

On Aug. 7, 1999, the one-year anniversary of the U.S. African embassy bombings that killed 257 people and injured 5,000, President Bill Clinton reaffirmed his commitment to the victims of terrorism, vowing that he "will not rest until justice is done." Four days later, while Congress was on summer recess, the White House quietly issued a press release announcing that the president was granting clemency to 16 imprisoned members of FALN. What began as a simple paragraph on the AP wire exploded into a major controversy.

Mr. Clinton justified the clemencies by asserting that the sentences were disproportionate to the crimes. None of the petitioners, he stated, had been directly in-

involved in crimes that caused bodily harm to anyone. "For me," the president concluded, "the question, therefore, was whether their continuing incarceration served any meaningful purpose."

His comments, including the astonishing claim that the FALN prisoners were being unfairly punished because of "guilt by association," were widely condemned as a concession to terrorists. Further, they were seen as an outrageous slap in the face of the victims and a bitter betrayal of the cops and federal law enforcement officers who had put their lives on the line to protect the public and who had invested years of their



FALN bombing result—One Police Plaza

careers to put these people behind bars. The U.S. Sentencing Commission affirmed a pre-existing Justice Department assessment that the sentences, ranging from 30 to 90 years, were "in line with sentences imposed in other cases for similar terrorist activity."

The prisoners were convicted on a **PLEASE SEE "TERROR" PAGE 3**

## FROM "TERROR PARDONS" PAGE 2

variety of charges that included conspiracy, sedition, violation of the Hobbes Act (extortion by force, violence or fear), armed robbery and illegal possession of weapons and explosives -- including large quantities of C-4 plastic explosive, dynamite and huge caches of ammunition. Mr. Clinton's action was opposed by the FBI, the Bureau of Prisons, the U.S. attorney offices that prosecuted the cases and the victims whose lives had been shattered. In contravention of standard procedures, none of these agencies, victims or lies of victims were consulted or notified prior to the president's announcement.

"I know the chilling evidence that convicted the petitioners," wrote Deborah Devaney, one of the federal prosecutors who spent years on the cases. "The conspirators made every effort to murder and maim .... A few dedicated federal agents are the only people who stood in their way."

Observed Judge George Layton, who sentenced four F ALN defendants for their conspiracy to use military-grade explosives to break an F ALN leader from Ft. Leavenworth Penitentiary and detonate bombs at other public buildings, "[T]his case ... represents one of the finest examples of preventive law enforcement that has ever come to this court's attention in the 20-odd years it has been a judge and in the 20 years before that as a practicing lawyer in criminal cases."

The FBI cracked the cases with the discovery of an FALN safe house and bomb factory. Video surveillance showed two of those on the clemency list firing weapons and building bombs intended for an imminent attack at a U.S. military installation. FBI agents obtained a warrant and entered the premises, surreptitiously disarming the bombs whose components bore the unmistakable F ALN signature. They found 24 pounds of dynamite, 24 blasting caps, weapons, disguises, false IDs and thousands of rounds of ammunition.

A total of six safe houses were ultimately uncovered. Seven hundred hours of surveillance video were recorded, resulting in a mountain of evidence connecting the 16 prisoners to multiple F ALN operations past and present.

Federal law enforcement agencies considered these individuals so dangerous, extraordinary security precautions were taken at their numerous trials. Courthouse elevators were restricted and no one, including the court officers, was permitted to carry a firearm in the courtroom.

Given all this, why would Bill Clinton, who had ignored the 3,226 clemency petitions that had piled up on his desk over the years, suddenly reach into the stack and pluck out these 16 meritless cases? (The New York Times ran a column with the headline, "Bill's Little Gift.")

Hillary Rodham Clinton was in the midst of her state-wide "listening tour" in anticipation of her run for the U.S. Senate in New York, a

state which included 1.3 million Hispanics. Three members of the Congressional Hispanic Caucus -- Luis V. Gutierrez (D., Ill.), Jose E. Serrano, (D., N.Y.) and Nydia M. Velazquez, (D., N.Y.) -- along with local Hispanic politicians and leftist human-rights advocates, had been agitating for years on behalf of the F ALN cases directly to the White House and first lady.

Initial reports stated that Mrs. Clinton supported the clemencies, but when public reaction went negative she changed course, issuing a short statement three weeks after the clemencies were announced. The prisoners' delay in refusing to renounce violence "speaks volumes," she said.

The Clintons were caught in an awkward predicament of their own making. The president had ignored federal guidelines for commutation of sentences, including the most fundamental: The prisoners hadn't actually asked for clemency.

To push the deal through, signed statements renouncing violence and expressing remorse were required by the Justice Department. The FALN prisoners, surely relishing the embarrassment and discomfiture they were causing the president and his wife, had previously declined to accept these conditions. Committed and unrepentant militants who did not accept the authority of the United States, they refused to apologize for activities they were proud of in order to obtain a clemency they never requested.

So desperate was the White House to get the deal finalized and out of the news, an unprecedented 16-way conference call was set up for the "petitioners" who were locked up in 11 different federal facilities so that they could strategize a response to the president's offer. Two eventually refused to renounce their cause, preferring to serve out their lengthy



sentences rather than follow the White House script.

Mr. Clinton's fecklessness in the handling of these cases was demon-

strated by the fact that none of the prisoners were required, as a standard condition of release, to cooperate in ongoing investigations of countless unsolved F ALN bombing cases and other crimes. Mrs. Clinton's so called disagreement with her husband on the matter made no mention of that fact. The risk of demanding such a requirement, of course, was that the prisoners might have proudly implicated themselves, causing the entire enterprise to implode, with maximum damage to the president and potentially sinking Hillary Clinton's Senate chances.

Meanwhile, Puerto Rican politicians

in New York who'd been crowing to their constituents about the impending release of these "freedom fighters" were enraged and insulted at Hillary Clinton's withdrawal of support. "It was a horrible blunder," said State Sen. Olga A. Mendez. "She needs to learn the rules."

The first lady called her failure to consult the Puerto Rican political establishment before assessing the entire issue a mistake "that will never happen again" -- even as the cops who had been maimed and disfigured by FALN operations continued to be ignored. Tom and Joe Connor, two brothers who were little boys when their 33-year-old father, Frank, was killed in the Fraunces Tavern attack, were dumbstruck to learn that White House staffers referred to the FALN militants as "political prisoners" and were planning a meeting with their children to humanize their plight.

Members of Congress viewed the clemencies as a dangerous abuse of presidential power that could not go unchallenged. Resolutions condemning the president's action were passed with a vote of 95-2 in the Senate, 311-41 in the House. It was the most they could do; the president's pardon power, conferred by the Constitution, is absolute. The House launched an investigation, subpoenaing records from the White House and Justice in an effort to determine whether proper procedure had been followed. President Clinton promptly invoked executive privilege, putting Justice Department lawyers in the impossible position of admitting that they had sent the White House a recommendation on the issue, but barred from disclosing what it was.

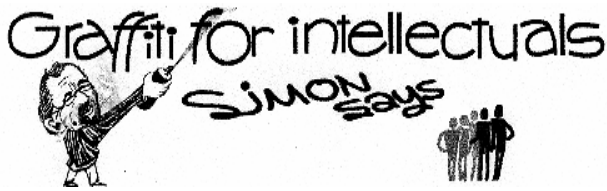
Twenty-four hours before a scheduled Senate committee hearing, the DOJ withheld the FBI's written statement about the history of the FALN and an assessment of its current terrorist capability. "They pulled the plug on us," said an unnamed FBI official in a news report, referring to the

Justice Department decision to prevent FBI testimony.

The investigation revealed that the White House was driving the effort to release the prisoners, rather than the other way around. White House aides created talking points and strategies for a public campaign on the prisoners' behalf included asking prominent individuals for letters supporting clemency.

Jeffrey Farrow, a key adviser on the White House Interagency Working Group for Puerto Rico recommended meetings with the president and the three leading members of Congressional Hispanic Caucus who were pushing the effort, stating in a March 6, 1999 email, "This is Gutierrez's [sic] top priority as well as of high constituent importance to Serrano and Velazquez." The next day, White House Deputy Chief of Staff Maria Echaveste sent an email to White House Counsel Charles Ruff, who was handling the clemency issue, supporting Mr. Farrow's view, saying, "Chuck -- Jeffs right about this -- very hot issue." Another adviser in the Working Group, Mayra





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## THE CLINTONS' TERROR PARDONS—from page 3

Martinez-Fernandez, noted that releasing the prisoners would be "fairly easy to accomplish and will have a positive impact among strategic communities in the U.S. (read, voters)."

And there you have it. Votes.

While the pardon scandals that marked Bill and Hillary Clinton's final days in office are remembered as transactions involving cronies, criminals and campaign contributors, the FALN clemencies of 1999 should be remembered in the context of the increasing threat of domestic and transnational terrorism that was ramping up during the Clinton years of alleged peace and prosperity. To wit, the 1993 World Trade Center bombing, the 1995 Tokyo subway Sarin attack, the 1995 Oklahoma City bombing, the 1995 "Bojinka" conspiracy to hijack airplanes and crash them into buildings, the 1996 Khobar Towers bombing, the 1996 Summer Olympics bombing, Osama bin Laden's 1996 and 1998 "Declarations of War" on America, the 1998 East African embassy bombings, the 2000 USS Sullivans bombing attempt, the 2000 USS Cole bombing, and the 2000 Millennium bombing plot.

It was within that context that the FBI gave its position on the FALN clemencies -- which the White House succeeded in keeping out of news coverage but ultimately failed to suppress -- stating that "the release of these individuals will psychologically and operationally enhance the ongoing violent and criminal activities of terrorist groups, not only in Puerto Rico, but throughout the world." The White House spun the clemencies as a sign of the president's universal commitment to "peace and reconciliation" just one year after Osama bin Laden told his followers that the United States is a "paper tiger" that can be attacked

with impunity.

It would be a mistake to dismiss as "old news" the story of how and why these terrorists were released in light of the fact that it took place during the precise period when Bill Clinton now claims he was avidly engaged, even "obsessed," with efforts to protect the public from clandestine terrorist attacks. If Bill and Hillary Clinton were willing to pander to the demands of local Hispanic politicians and leftist human rights activists defending bomb-makers convicted of seditious conspiracy, how might they stand up to pressure from other interest groups working in less obvious ways against U.S. interests in a post-9/11 world?



Radical Islamists are a sophisticated and determined enemy who understand that violence alone will not achieve their goals. Islamist front groups, representing themselves as rights organizations, are attempting to get a foothold here as they have already in parts of Western Europe by deftly exploiting ethnic and racial politics, agitating under the banner of civil liberties even as they are clamoring for the imposition of special Shariah law privileges in the public domain. They believe that the road to America's ultimate defeat is through the back door of policy and law and they are aggressively using money, influence and retail politics to achieve their goal.

On the campaign trail, the Clintons like to say that Bill is merely supportive and enthusiastic, 'Just like all the other candidates'

spouses." Nothing could be further from the truth. Returning Bill and Hillary Clinton to the White House would present the country with the unprecedented situation of a former and current president simultaneously occupying the White House, the practical implications of which have yet to be fully explored.

The FALN clemencies provide a disturbing example of how the abuse or misuse of presidential prerogative, under the guise of policy, can be put in service of the personal and private activities of the president's spouse -- and beyond the reach of meaningful congressional oversight.

Bio Note: Ms. Burlingame, a former attorney and a director of the World Trade Center Memorial Foundation, is the sister of Charles F. "Chic" Burlingame III, the pilot of American Airlines flight 77, which was crashed into the Pentagon on Sept. 11, 2001.

FALN sentencing Judge George Leighton who is quoted above, submitted a private brief to the courts in support of Jonathan in 2001. See *The Declaration of the Honorable George N. Leighton* at: <http://www.jonathanpollard.org/2001/100501a.htm>

### SEE ALSO:

*The FALN Clemency Page articles* <http://www.jonathanpollard.org/senate.htm>

*The Clinton Clemency Page articles* <http://www.jonathanpollard.org/clemency.htm>

*The Wye Double-Cross Page* <http://www.jonathanpollard.org/senate.htm>

*Excerpts from THE MISSING PEACE by Dennis Ross* <http://www.jonathanpollard.org/2005/022005.htm>

*Expose: Using Pollard to get Rich* <http://www.jonathanpollard.org/2001/022301c.htm>