



American Center
for Law & Justice

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January 6, 2009

The Honorable Fred F. Fielding
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Re: Commutation Request Submitted on Behalf of Sholam WEISS; Supported to
Fulfill International Commitments by the U. S. Department of Justice and for
Reasons of Humanitarianism and Compassion

Dear Fred:

We are writing in support of the petition to commute to ten years the sentence of Mr. Sholam Weiss. The petition was submitted December 11, 2008 by Judah Best, at Deway LeBoeuf LLP, and Stephen A. Saltzburg, at The George Washington University School of Law.

We respectfully believe that the unique circumstances of Mr. Weiss' extradition from Austria, and the unfulfilled assurances provided by the U. S. Department of Justice, Criminal Division (DOJ) to Austria during extradition support commutation. In addition to reviewing the application and the supporting material, we have a longstanding professional relationship with Ambassador Danny Ayalon. Ambassador Ayalon has undertaken this case and has met with Josh Bolton. We have handled significant international matters with Ambassador Ayalon and have the utmost confidence in him.

Mr. Weiss was extradited on June 9, 2002. During the process, DOJ provided letters on February 8, 2002 and May 14, 2002 to Austria's Ministry of Justice assuring that Mr. Weiss was being extradited on the condition of specialty, denying one or more counts, and as a result, as stated by Austria's Minister of Justice at the time, "would have a re-sentencing on the remaining counts, followed by a full appeal of his conviction and a new sentence." Unfortunately, when the U. S.

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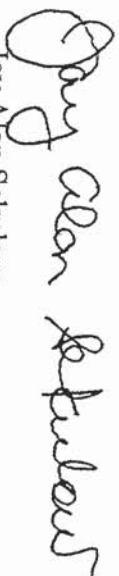
Attorney moved for Mr. Weiss' re-sentencing, the court denied the request concluding that the principle of speciality did not apply in Mr. Weiss' case since the trial had been completed before extradition.

Austria granted extradition based on the representations of DOJ and the mutual understanding that the condition of speciality would afford re-sentencing, a full appeal of Mr. Weiss' conviction, and a new sentence. In order to insure the integrity of the international commitments DOJ made, to preserve international relationships and protect the institution of extradition, we earnestly believe the application for commutation of Mr. Weiss's sentence should be granted. No other option for correction is available, and after all a deal-is-a-deal.

Mr. Weiss' application is also supported for reasons of humanitarianism and compassion. Mr. Weiss is being treated for colon cancer and his health is deteriorating in prison. Commuting his sentence now will mean he has been in custody and incarcerated for nearly ten years, the maximum sentence he could have otherwise received under Austrian law had his crimes been prosecuted there, which they would have been absent DOJ's representations regarding extradition.

Thank you for your time and consideration in this matter. We are happy to answer any questions you or your staff may have.

Respectfully Submitted,


Jay Alan Sekulow


Colby M. May