

AMBASSADOR DANIEL AYALON

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue
Washington D.C. 20500

August 15, 2018

RE: Full Pardon/ Commutation of Sentence for Sholam Weiss

Dear President Trump,

I am writing you in support of a full pardon for Sholam Weiss, or in the alternative, a commutation of his sentence and three-year probation to time-served. Mr. Weiss has already served 17 ½ years, effectively a 20-year sentence when considering “good time” credits.

I was the Israeli Ambassador to the United States from 2002 to 2006, and Deputy Foreign Minister of Israel from 2009 to 2013, and I continue to be involved in US-Israel issues as a private citizen. Although Israel has not been directly involved in this case, Mr. Weiss is a member of the Jewish diaspora - the world Jewish community - and his case was brought to my attention while he was in Austria by Jewish leaders from America, Europe and Israel as early as 2000 due to his extreme 845-year sentence for a financial non-violent crime (money laundering). His case went to the European Court of Human Rights, the UN Human Rights Committee, and all of the higher courts in Austria.

Eventually Austria granted the extradition of Mr. Weiss on the basis of assurances from the U.S. Department of Justice, which included the promise that he be given a full re-sentencing. Austria requested assurances because it considered an 845-year sentence for a non-violent crime to be a humanitarian issue. However, sadly, after his extradition to the United States, the DOJ decided not to honor that assurance and the matter is now closed in the courts.

In 2009 attorney Jay Sekulow and I were solicited by international mediator Roger Plunk, who was in contact with the Austrian government and Mr. Weiss, to support a commutation of sentence to fulfill the assurances that the DOJ refused to honor. Attached is a 2009 letter from Mr. Sekulow to President Bush on this matter. Now, ten years later, I am writing you with the hope that you will finally make good on promises made by the DOJ to Austria, which of course continues to request a commutation. I have also attached a 2017 letter from the Chancellor of Austria to you making this request.

As Mr. Weiss' application explains, (as does Professor Dershowitz support letter to White House Counsel McGahn), if Mr. Weiss had the re-sentencing the U.S. assured Austria under authority of the extradition treaty, he would have been released from prison many years ago. The \$125 million restitution imposed by the district court has been paid in full. His co-defendants have all been released from prison many years ago. His sentence is

AMBASSADOR DANIEL AYALON

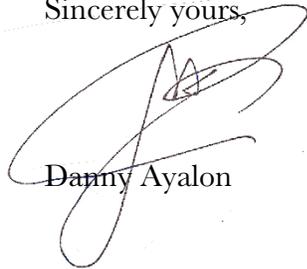
grossly in disparity with similar crimes, and he has serious health problems. Clearly, a 20-year sentence, which he has already effectively served, is certainly enough punishment for the crime.

Furthermore, as his application explains, following his 2000 sentencing it was revealed with overwhelming evidence (which includes a finding of a Federal Court in 2001) that National Heritage Life Insurance Company (the victim of his money laundering charges) did not lose any money based on Mr. Weiss' involvement. To the contrary, the mortgages his company purchased for National Heritage ultimately resulted in a huge profit. Without losses, under the current federal sentencing guidelines, a re-sentencing today would result in a sentence of no more than 37 months, a sentence he already served several times over.

Lastly, as international mediator and consultant Roger Plunk has explained in his letter to you, a full pardon is appropriate here. If he had been re-sentenced as assured by the DOJ, and released, he would have already gone through probation, and made efforts to restore his voting rights and satisfy fines. A pardon, by removing all legal consequences of the conviction, would make him whole. Most importantly, it would send a strong message from President Trump to Austria and the DOJ that the United States takes its assurances to other countries seriously.

President Trump, for the benefit of international comity to the Republic of Austria, and for Mr. Weiss' large family of 30 grandchildren, and the many Jewish people around the world following this case, please grant Mr. Weiss a full pardon to enable him to move forward with his life, or in the alternative commute his sentence and three-year probation to time served.

Sincerely yours,



Danny Ayalon

Attachments:

Letter from attorney Jay Alan Sekulow, Director of the American Center for Law and Justice, to White House Counsel Fred F. Fielding, dated January 6, 2009.

Letter from Chancellor of Austria, to the Honorable Donald J. Trump, President of the United States, dated August 7, 2017.