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May 9, 2008

Via Facsimile to 319-363-1990 and U.S. Mail  
Sean Berry  
Chief, Criminal Division  
United States Attorney's Office for the Northern District of Iowa  
Hach Building  
Suite 400  
401 1st Street, S.E.  
Cedar Rapids, IA 52401

Robert W. Kent  
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Via Facsimile to 319-364-9168 and U.S. Mail  
Michael Vail  
Resident Agent in Charge  
Immigration and Customs Enforcement  
Department of Homeland Security  
Cedar Rapids, IA 52401

RE: Agriprocessors, Inc.

Dear Messrs. Berry and Vail:

This letter follows up on a telephone conversation that I had today with Mr. Berry. Baker & McKenzie LLP represents Agriprocessors, Inc. There are rumors in the community that the U.S. Attorney's Office and Immigration and Customs Enforcement ("ICE") in the near future may initiate some sort of worksite enforcement action at the Agriprocessors plant in Postville, Iowa, or elsewhere. As I mentioned in my telephone conversation today with Mr. Berry, Agriprocessors desires to cooperate with the government and, if any action is contemplated, we strongly believe that it is in everyone's interest for the government and the company to discuss such an action ahead of time in order to minimize any dangers to safety, and to minimize any unnecessary disruption to Agriprocessors' business.

As I advised Mr. Berry, Agriprocessors is the largest kosher meat production company in the country. Among other things, kosher practices require that an animal be slaughtered by slicing its aorta with a knife. Various other cutting utensils are used at other stages of the process. This means that there are many extremely sharp items at all of Agriprocessors' plants, including the plant at Postville. In addition, based on media reports about an imminent ICE action, it is highly likely that some Agriprocessors employees may become agitated if ICE were to enter the worksite in a dramatic or threatening way. This combination of sharp work utensils and a potentially agitated workforce creates significant concerns about the safety of both the agents who enter the plant, and the workers who are present when the entry occurs.

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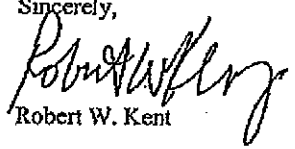
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In addition, a large-scale, unmanaged worksite enforcement action may result in significant disruption of Agriprocessors' business. Such a disruption, beyond damaging Agriprocessors, would likely have a significant negative impact on the flow of kosher meat to the market in the United States, and would likely affect the ability of millions of people to follow their religious dietary practices.

As I mentioned to Mr. Berry, these concerns are important both to the company and, we submit, to the government. We believe that both of these concerns may be ameliorated if the government and the company discuss the action beforehand, and reach an agreement as to how the action is to be conducted. We have experience in dealing with these types of enforcement actions, and have worked productively with prosecutors in the Eastern District of Texas on similar issues. We would be glad to give you the names and telephone numbers of these AUSAs if you are interested in speaking with them.

Mr. Berry told me that he cannot confirm or deny the existence of any future criminal enforcement activity. We understand Department of Justice policy in this area, and recognize the reasons why the government ordinarily does not disclose its planned activities ahead of time. Nonetheless, we respectfully submit that, in this situation, a discussion of the planned action, if indeed one is planned, is in the government's interest and consistent with government policies. If you have any interest in speaking further, please contact me at work at 312-861-8077, or on my cell phone at 312-363-7035. Alternatively, you may reach my colleague, Carl Hampe, at 202-835-4259 (office) or 202-460-3613 (cell).

Sincerely,  
  
Robert W. Kent

cc: Carl Hampe

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Richard Murphy  
May 9, 2008

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