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AND OVERSIGHT

November 1, 2010

The Honorable Eric Holder  
Attorney General of the United States  
950 Pennsylvania Ave N.W.  
Suite 5111  
Washington, D.C. 20530

RE: U.S. v. Rubashkin, Case No. 2:08-cr-01324-LRR (N.D. IA)

Dear Attorney General Holder:

I am writing you because allegations of impropriety in the case of Sholom Rubashkin (*U.S. V. Rubashkin*) have been brought to my attention and I would encourage your office to investigate this case.

Mr. Rubashkin is the former executive officer of Agriprocessors, a now-bankrupt slaughterhouse and meat packing plant in Postville, Iowa. He was indicted in U.S. District Court for the Northern District of Iowa on federal charges of harboring illegal immigrants, abetting aggravated identity theft, and separate counts of federal bank fraud. While the immigration-related charges were dismissed, Mr. Rubashkin was found guilty on the bank fraud charges and related white-collar crime charges.

My concerns arise out of two allegations that have come to light since Mr. Rubashkin's imprisonment. First, Mr. Rubashkin was given a 27 year sentence, which is effectively a life sentence for a 51 year-old man. This sentence seems overly harsh as compared to other similarly situated non-violent first-time offenders. Multiple former U.S. Attorneys, senior Justice Department officials and a former U.S. Attorney General agreed that this sentence was disproportionately long. They proceeded to write Judge Reade a letter stating that this sentence should be re-examined because it was based on an incorrect interpretation of the sentencing guidelines.

Also concerning are the allegation that have come to light that Judge Reade had ex parte communications with the U.S. Attorneys prosecuting this case, prior to the raid on Agriprocessors. If ex parte communications occurred, and were not disclosed to the defendant, there may have been a miscarriage of justice.

Our judicial system is based on the notion that all defendants are given a fair trial, with transparency and accountability to ensure evenhandedness. Your office has consistently upheld those high standards. Examining this case, I believe that the allegations of harsh sentencing of Mr. Rubashkin, and the troubling information about non-disclosed ex parte communications, has created enough concern to warrant an investigation by the Department of Justice.

Thank you for your consideration of my request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Pascrell, Jr.", with a long, sweeping horizontal stroke extending to the right.

Bill Pascrell, Jr.  
Member of Congress