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CONGRESS OF THE UNITED STATES
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WASHINGTON, DC 20515-3204

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The Honorable Eric H. Holder, Jr.
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Holder:

I write to you because I am deeply troubled about allegations of possible judicial misconduct in the case of U.S. v. Rubashkin (Case No. 2:08-cr-01324-LRR). Although I have not been involved with the details of this case, a number of my constituents have expressed concern about improper ex parte communications, as well as possible abuse of sentencing guidelines, by the Honorable Linda R. Reade of the U.S. District Court for the Northern District of Iowa that I believe demand your immediate attention.

I am seriously concerned about case documents that suggest that Judge Reade was repeatedly consulted by officials from the U.S. Attorney's Office during the several months preceding the May 2008 immigration raid on the kosher meatpacking plant, and that the judge even offered to "help in any way possible" with preparations for the raid. As you know, ex parte communications are not permitted between a federal judge and prosecutors who bring a case to trial before that federal judge. If contacts between the judge and the government attorneys were hidden from the defendant, this would result in a significant miscarriage of justice because the defendant would have been unable to make a motion demanding that the judge recuse herself. Accordingly, these allegations demand an immediate investigation.

Additionally, your office should review this case because of the overly harsh 27-year sentence imposed on Mr. Rubashkin. In particular, this sentence appears to be grossly disproportionate to the sentences given to other similarly situated, first-time, non-violent, white collar criminals. That is why a number of former U.S. Attorneys General, U.S. Attorneys and senior Justice Department officials wrote a letter to Chief Judge Reade on April 26, 2010, urging her to disregard the initial sentencing recommendation because it was based on an incorrect interpretation of the sentencing criteria and ignorance of the mitigating circumstances involving Mr. Rubashkin's case.

Amazingly, instead of taking the advice of these experts, Judge Reade actually increased the length of the sentence proposed by federal prosecutors from 25 years to 27 years.

Nothing is more important to the true administration of justice than the credibility and integrity of our judges, prosecutors and investigators. I therefore urge you to investigate the allegations of the judicial impropriety in the sentencing of Sholom Rubashkin.

Sincerely,

A handwritten signature in blue ink that reads "Carolyn McCarthy".

Carolyn McCarthy
Member of Congress

