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December 17, 2010

The Honorable Eric Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Suite 5111
Washington, DC 20530

RE: United States v Rubashkin, Case No. 2:08-cr-01324-LRR

Dear Mr. Attorney General:

I am writing to call to your attention concerns regarding the questionable circumstances surrounding the recent criminal prosecution and conviction of Sholom Rubashkin, the former manager of the Agriprocessors kosher meatpacking plant in Postville, Iowa, which was raided by the government in May 2008.

Although initially arrested on immigration-law violations, in November 2009 all such charges against Mr. Rubashkin were dismissed by the government. However the federal judge who presided over the trial, the Honorable Linda Reade of the Northern District of Iowa, convicted Mr. Rubashkin of 86 counts of bank fraud and related white-collar crimes, and in June 2010 sentenced him to 27 years in prison, two years beyond what even the government recommended.

Mr. Rubashkin is a first-time offender and was found guilty of white-collar violations with no hint of violence or physical harm to anyone; Judge Reade, however gave what amounts to a life sentence for a 51 year-old man. The sentence has been criticized by many lawyers and legal scholars, including six former U.S. Attorneys General, who publicly called on the trial judge to impose a fair sentence consistent with other, similar cases. Instead, the judge imposed a sentence greater than many sentences imposed on other defendants convicted of far more serious white-collar crimes.

There are other troubling aspects of this case, such as the fact that Judge Reade engaged in numerous and detailed ex parte discussions in the six months preceding the May 2008 raid with the Office of the United States Attorney and immigration officials. It appears that none of this was disclosed, by either the judge or the prosecutors, to the lawyers representing Mr. Rubashkin. In fact, his defense counsel only recently discovered it while reviewing a large quantity of documents received post-sentencing as a result of an earlier FOIA inquiry.

To date, the Department of Justice has been unwilling to inquire into the Iowa prosecutors' handling of the Mr. Rubashkin case. Instead, the DOJ is referring the matter to the U.S. Attorney's office for the Northern District of Iowa, the very office that allegedly took part in ex-parte meetings before the raid.

You have recently and publicly expressed a desire to ensure that all federal prosecutions and sentencing procedures are conducted in a fair and even-handed manner. I therefore request that you launch an official inquiry into the ex-parte communications which occurred between Judge Reade and the government leading to Mr. Rubashkin's prosecution, and the manner in which Mr. Rubashkin was sentenced.

I would appreciate you keeping me informed of your actions on this, as well as any other developments, and look forward to hearing back from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn A. Westmoreland". The signature is written in a cursive, flowing style with large, connected letters.

Lynn A. Westmoreland
Member of Congress