

Congress of the United States
House of Representatives
Washington, DC 20515-0606

November 10, 2010

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

RE: U.S. v. Rubashkin, Case No. 2:08-CR-01324-LRR (NDIA)

Dear Attorney General Holder:

I recently became aware of some of the details regarding the federal prosecution and sentencing of Mr. Sholom Rubashkin through a conversation with one of my constituents. I understand you have previously heard from a number of my colleagues on this issue. As you are likely aware, Mr. Rubashkin was sentenced to twenty-seven years in prison for white collar crimes, including bank fraud, originating from an ICE raid at his meat packing plant in Iowa.

My review of the publicly available facts of this case leads me to some troubling questions. Why did the presiding judge engage in *ex parte* communications with the US Attorney's Office? Why didn't the judge disclose those communications in the course of the trial? Why didn't the judge recuse herself from Mr. Rubashkin's trial, in light of those previous communications? In what other ways, if any, did the judge give preferential treatment to the prosecutors?

Further, why did the judge sentence a first-time, non-violent offender to a term of 27 years, above both the requests of the prosecutor and defense attorney? Did the Court improperly apply the Sentencing Guidelines to arrive at an unjust and unnecessary result?

I am not suggesting I have all of the answers to these questions. Rather, I note them in order to request your personal review of the facts of this case. At the least, the questions deserve investigation at a level above the US Attorney's Office in Iowa, whose previous involvement in the case creates an appearance of partiality.

I believe that transparency is essential to the workings of our judicial system. Public confidence in the rule of law and the impartiality of the court must not be shaken by any improper actions by its officers. I would appreciate your full and fair review of the circumstances presented by this case to guarantee that Mr. Rubashkin received proper consideration and treatment, as is due all criminal defendants in our country.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Coffman", with a long horizontal flourish extending to the right.

Mike Coffman
Member of Congress

MC/jrc