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October 29, 2010

The Honorable Eric H. Holder, Jr.
United States Attorney General
United States Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

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

Dear Attorney General Holder:

First and foremost, thank you for your dedicated service to safeguarding the Constitution and commitment to the impartial administration of justice.

I write urging you to investigate allegations of unreasonableness and unfairness in the prosecution and sentencing of Sholom Rubashkin. The Rubashkin case raises issues of questionable legal ethics, excessive sentencing and a potential miscarriage of justice, all of which are a serious concern to me as a senior Member of the House Judiciary Committee.

First, it is my understanding from reviewing recent filings in the case that a series of *ex parte* communications between the trial judge and federal prosecutors were held and never disclosed to the defense, which raises the issue of compliance to legal ethics and judicial impropriety. Moreover, even if the contacts between the judge and the government had been disclosed, they would likely be impermissible. To avoid an appearance of partiality, Chief Judge Reade should have disqualified herself in this proceeding. Furthermore, it appears that contacts between the judge and the government may have been deliberately concealed from the defendant and his attorneys, which makes this conduct even more egregious if true.

Secondly, Mr. Rubashkin's sentence appears to be disproportionate to his crime. Although there were allegations of other wrongdoing, Mr. Rubashkin was a first-time offender convicted of a non-violent crime. His case seemed to warrant a more modest and proportional sentence, as opposed to the recommended 27 year sentence he received, which is equivalent to a life sentence for a 51-year-old defendant.

Finally, it appears as though there has been a miscarriage of justice as a result of Mr. Rubashkin being detained after his conviction and before sentencing. The Court found that despite Mr. Rubashkin's compliance with his pretrial release, and his dutiful acts showing that he was not likely to flee, he should not be released until sentencing. Why did the Department of Justice conclude that Mr. Rubashkin's actions did not serve as the "clear and convincing" evidence necessary to rebut the presumption of detention until sentencing?

I share your unwavering commitment to the fair and impartial administration of justice for all Americans. I urge you to investigate the alleged injustices against Sholom Rubashkin recounted in this letter and eagerly await your response.

Very Truly Yours,



Sheila Jackson Lee
Member of Congress