

STEVEN R. ROTHMAN
9TH DISTRICT, NEW JERSEY

2303 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5061
FAX (202) 225-5851

DISTRICT OFFICES:

25 MAIN STREET
COURT PLAZA
HACKENSACK, NJ 07601-7089
(201) 646-0808
FAX (201) 646-1944

130 CENTRAL AVENUE
JERSEY CITY, NJ 07306-2118
(201) 798-1366
FAX (201) 798-1725

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

January 5, 2011

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON DEFENSE

SUBCOMMITTEE ON STATE,
FOREIGN OPERATIONS AND
RELATED PROGRAMS

SUBCOMMITTEE ON
HOMELAND SECURITY

COMMITTEE ON
SCIENCE AND TECHNOLOGY

SUBCOMMITTEE ON
SPACE AND AERONAUTICS

SUBCOMMITTEE ON
INVESTIGATIONS AND OVERSIGHT

WEBSITE AND E-MAIL ACCESS:
<http://www.house.gov/rothman>

The Honorable Eric Holder
Attorney General of the United States
950 Pennsylvania Avenue NW, 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 know that you have received a number of letters from my colleagues expressing their strong concerns about the above case, concerning Sholom Rubashkin. I would like to join them in encouraging you to look into this case.

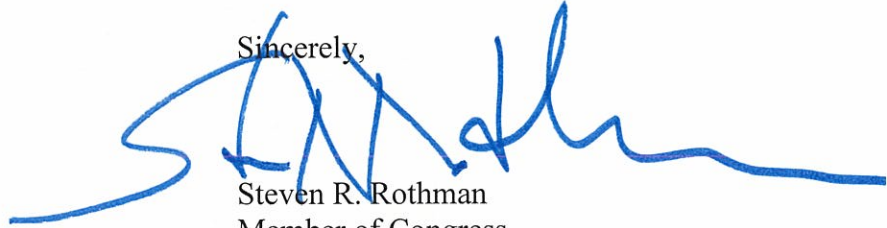
Mr. Rubashkin, the former CEO of Agriprocessors, was found guilty in November 2009 of 86 counts of bank fraud and related charges in the U.S. District Court for the Northern District of Iowa after a jury trial that Chief Judge Linda Reade presided over. As you know the charges stemmed from a massive May 2008 raid on Agriprocessors plant in Pottsville, Iowa, in which 389 allegedly illegal workers were arrested and prosecuted. Subsequently, Mr. Rubashkin was sentenced to 27 years in prison.

While I completely understand the seriousness of these charges and that justice must be served, I share my colleagues' concerns about the length of the sentence and the involvement of Judge Reade in the raid on Agriprocessors. As you have stated publicly, I also believe that our judicial system must be fair for all who come before our courts. In the vast majority of cases, defendants are afforded fair process and, if found guilty, are sentenced fairly.

This case raises very serious issues of judicial and prosecutorial misconduct, resulting in an unfair and grossly disparate sentence. It has come to my attention that following a Freedom of Information Act inquiry after the sentencing of Mr. Rubashkin, it was discovered that Judge Reade was herself involved in the planning of the raid and had meetings with prosecutors and federal ICE agents before the raid. Moreover, according to reports, she and the prosecutors did not disclose any of these meetings and her participation to the defense lawyers, as required by law. In addition, Judge Reade's 27 year sentence has been criticized for being too long and disproportionate to the crimes for which Mr. Rubashkin, a first-time offender, was convicted.

To date, the Justice Department has been unwilling to inquire into the federal prosecutors' handling of this case. I join with my colleagues in asking that you give every consideration to investigating these allegations about this case and the above issues, in keeping with applicable laws, rules and regulations. Thank you for your consideration and I look forward to hearing from you on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Rothman', written over the word 'Sincerely,'.

Steven R. Rothman
Member of Congress

SRR:irw