

ARMED SERVICES
JUDICIARY

Congress of the United States

House of Representatives

Washington, DC 20515-0916

February 2, 2011

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

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

Dear Attorney General Holder:

I am writing to ask that you examine the Federal criminal case against Sholom Rubashkin, who 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. While I am not privy to all of the details of the case, I am troubled by some details that indicate abuses in the federal judicial system.

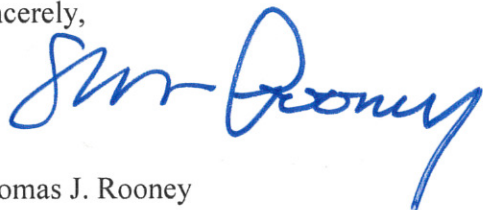
First, it is my understanding that the Judge who handled the case engaged in detailed discussions with both prosecutors from the United States Attorney's office and law enforcement officials several months preceding the May 2008 raid on Mr. Rubashkin's kosher meat packing plant in Postville, Iowa. Neither the Judge nor the U.S. Attorney's office disclosed these meetings to Mr. Rubashkin's counsel before the trial, preventing his attorneys from invoking these meetings as grounds for recusal of the Judge. These facts were not discovered until a FOIA request was made by his Attorney after Mr. Rubashkin was sentenced.

Also troubling is the fact that the entire prosecution was premised initially on alleged immigration law violations; however, every single immigration count in the indictment was dropped. Ultimately, Mr. Rubashkin was tried, and found guilty, of bank fraud and other white collar crimes. He was sentenced to 27 years in jail – a harsher sentence than the US Attorney recommended.

Both situations concern prosecutorial misconduct that threatens the fairness and credibility of our judicial system. Thus far, all requests for inquiry to the Department of Justice have been referred to the U.S. Attorney's office for the Northern District of Iowa – the office that allegedly took part in meetings before the raid.

In order to ensure justice is being served, I respectfully request that you formally inquire into these matters and take corrective action if—at the conclusion of a full inquiry of his sentencing—it appears that abuses have been committed.

Sincerely,



Thomas J. Rooney
Member of Congress