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March 14, 2011

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Room 1145
Washington, DC 20530

Dear Attorney General Holder,

I am writing to you with regard to a very important case to many of the constituents in New York's 13th Congressional District. The case is *United States v. Rubashkin*, (Case No. 2:08-CR-01324-LRR (N.D. IA)).

Sholom Rubashkin is the former manager of the Agriprocessors kosher meatpacking plant in Postville, Iowa. He was tried and convicted of bank fraud and other white-collar crimes in November 2009 and sentenced to 27 years in prison, a harsher sentence than the government recommended.

Before Mr. Rubashkin's trial, Agriprocessors was raided by the government and in May 2008 he was arrested for immigration-law violations, but these charges were dismissed. It has come to my attention that the Judge presiding over the trial discussed the case with the U.S. Attorney and immigration officers six months before the raid. These discussions were not disclosed during Mr. Rubashkin's trial and I would like to request that these *ex parte* communications be revisited by your office.

As someone who spent 11 years as an FBI Special Agent and 5 years deep undercover I understand the gravity of the allegations against Mr. Rubashkin. I investigated white-collar crime as an undercover agent in Operation Wooden Nickel and have firsthand experience with people who have committed similar crimes to those which Mr. Rubashkin was convicted.

Nevertheless, we must ensure that investigations are conducted according to proper legal procedure and that the sentencing handed down is appropriate for the crime. My experience as an FBI agent as well as my membership in the New York and Connecticut bar associations have taught me that the means we use to bring people to justice are just as important as the end result of punishing the guilty.

With that being said, the manner in which the investigation against Mr. Rubashkin was conducted raises many concerns. I worry that prosecutors may have received preferential treatment from the judge because of the conversations they engaged in before the raid. I also question why *ex parte* communications were withheld from the defendant's counsel during the trial. Finally, I am greatly concerned with the fact that Mr. Rubashkin was punished so severely for a first time, non-violent offender.

Thank you for your attention to this matter. I know that you will do everything you can to make sure that Mr. Rubashkin, and every person prosecuted by the United States government, receives fair treatment. Our citizens and this Congress expect nothing less.

A handwritten signature in blue ink that reads "Michael G. Grimm". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

MICHAEL G. GRIMM
Member of Congress

CC: Ronal H. Weich, Assistant Attorney General for Office of Legislative Affairs