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April 20, 2010

The Honorable Linda R. Reade
Chief Judge of the U.S. District Court
for the Northern District of Iowa
4200 C Street SW
Cedar Rapids, Iowa 52404

Dear Chief Judge Reade:

I have studied with care the thoughtful letter sent to you by several former federal prosecutors. I agree completely with the sentiments contained therein, but would like to add a word of my own based on my particular experience as someone who was deeply involved in the formulation and drafting of the sentencing statute that governs these proceedings. I worked closely with Senator Edward Kennedy and with his then assistants Stephen Breyer and Kenneth Feinburg, on the concept of presumptive sentencing. I wrote a report for the 20th Century Fund on this subject as well as an article for The New York Times magazine. I also worked with members of the administration when the statute was under consideration.

As someone intimately familiar with the thinking of those behind the sentencing guidelines, I am confident that they would have been distressed by the government's position in this case and its misuse of the guidelines to try to secure a sentence well in excess of what Mr. Rubushkin's actions, as well as his personal background, deserve. Those who supported the enactment of sentencing guidelines contemplated fairness and equal treatment for similarly situated defendants. The goal was to "avoid unwarranting sentencing disparities." A single digit sentence would satisfy all the legitimate goals of the criminal justice system.

Sincerely,

A handwritten signature in black ink, appearing to be 'Alan Dershowitz', written over a horizontal line.

Alan Dershowitz