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August 1, 2005

The Honorable F. James Sensenbrenner, Jr.  
Chairman, Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515-6218

Dear Mr. Chairman:

On behalf of the 405,000 members of the American Bar Association, I write to express our profound disappointment and concern over the letter you sent last month to the chief judge of the Court of Appeals for the Seventh Circuit wherein you assailed the decision of a three-judge panel affirming the 97-month sentence of a convicted drug dealer and demanded that the Court, *sua sponte*, correct the sentencing error of the district court judge by taking all necessary steps to assure imposition of a 120-month mandatory minimum sentence. You characterized your action as an appropriate exercise of Congress's oversight authority and asserted that it was essential for Congress to intervene when judicial actions were "contrary to the law." We respectfully disagree.

You said that your *ex parte* letter of June 23 to Chief Judge Flaum was intended to influence the Court to modify its decision in the case of *United States v. Lisset Rivera*, No. 02-3238, and was predicated upon the assertion that Congress has a duty to act when it concludes that the law has been misapplied. This assertion disregards the Constitution's requirement investing the federal courts with independence and the exclusive responsibility to interpret the laws enacted by Congress. Your attempt to influence the decision of a court clearly is beyond your congressional authority, and targeted probes of individual judges for particular decisions, outside the context of an impeachment inquiry, tests the logical extremes of congressional regulatory power over the judiciary and infringes upon the courts' decisional independence.

To demand that an appellate court reconsider its decision or to assert that Congress has the right to intervene in pending decisions of a court demonstrates disdain for the separation of powers and is symptomatic of a lack of respect and restraint toward the federal judiciary.

A government based on coequal, separate and interdependent branches functions best when there is productive communication and cooperation among the branches. We urge you to actively work with the judiciary to build better avenues of communication so that issues or problems can be addressed and resolved in a manner that strengthens good government and promotes public trust.

Sincerely,



Robert J. Grey Jr.