
June 6, 2004

A Judge's Record

To the Editor:

Judge James Rosenbaum has always complied with the law when he sentences defendants. F. James Sensenbrenner Jr., the chairman of the House Judiciary Committee (letter, June 2), refers to the "admittedly illegal sentencing practices" of Judge Rosenbaum. Judge Rosenbaum has admitted no such thing.

In one case, Judge Rosenbaum sentenced a Spanish-speaking illegal immigrant with a ninth-grade education (convicted of a drug crime) to 10 years, the mandatory sentence required by law. The 120-month sentence departed by one month from the 121-month sentencing guideline. Through an interpreter, Judge Rosenbaum characterized the sentence as "illegal" so that the defendant could understand that the government was entitled to appeal. The government chose not to.

Mr. Sensenbrenner has been upset with Judge Rosenbaum since May 2002, when the judge testified against a bill supported by Mr. Sensenbrenner.

Both the Sentencing Guidelines and the United States Supreme Court permit departures. Judge Rosenbaum has never imposed a sentence in violation of the law; Mr. Sensenbrenner and his staff should know that because they have scrutinized all of the judge's drug-related sentencing departures for the last five years.

VICTORIA TOENSING
Washington, June 3, 2004

The writer is Judge Rosenbaum's lawyer.