

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY E-MAIL and BY FAX [10 pages]

DATE: June 1, 2005

TO: American Civil Liberties Union of the National Capital Area
ATT: Johnny Barnes, Executive Director
Arthur B. Spitzer, Legal Director

FROM: Elena Ruth Sassower, Coordinator
Center for Judicial Accountability, Inc. (CJA)

RE: **Furthering “Basic Citizen Rights -- and the Vital Importance of Citizen Participation in Federal Judicial Selection”, as well as Fundamental Judicial Accountability by your *Amicus Curiae* and Other Assistance in the Appeal of the “Disruption of Congress” Case, *Elena Ruth Sassower v. United States of America***

Enclosed is a copy of my May 27, 2005 memorandum to Ralph Nader and organizations on the left, right, and purportedly “non-partisan, good-government” – to which you are an indicated recipient.

By this memorandum, I request of you what I requested of them: to file an *amicus curiae* brief in support of any or all of the far-reaching issues presented by the appeal of my conviction and sentence for “disruption of Congress”, in which I am *pro se* and single-handedly championing the public interest.

According to your website, www.aclu-nca.org, the ACLU is “the nation’s largest public interest law firm” and “When the public hears ‘ACLU’ the two things that most come to mind are lawyers in court and the First Amendment.” (“The ACLU, Liberty & the Law”, bold in the original). Therefore, I specifically request that you champion the First Amendment proposition for which I sought your assistance two years ago, *to wit*,

“a citizen’s respectful request to testify at a congressional committee’s public hearing is not – and must never be deemed to be – ‘disruption of Congress’”

by an *amicus curiae* brief challenging the constitutionality of the “disruption of Congress” statute, *as written and as applied*.

My constitutional challenge to the “disruption of Congress” statute is the third of my four proposed “Issues Presented for Review” – laid out at pages 254-265 of my draft “Argument”. These draft documents are e-mailed herewith, together with my draft “Statement of the Case/Facts” and tables of contents. In the event your internet server cannot accommodate their transmittal due to their length, they are also accessible from CJA’s website, www.judgewatch.org, posted on the “Disruption of Congress” page, where they will be modified periodically as a “work-in-progress”.

Additionally, I see from your website summary of “Recent ACLU-NCA Legal Actions” that in November 2003 you filed an *amicus* brief “Challenging Unreasonable Conditions of Probation”¹. I, therefore, specifically request your *amicus* challenge to the propriety and constitutionality of the terms of probation whose rejection by me – because I believed them to be improper and unconstitutional -- resulted in my being sentenced to a maximum six months’ incarceration. Such six-month sentence, doubling a previously announced 92-day sentence, was imposed for no reason other than my rejecting the probation terms. Among these probation terms were those requiring, for a two-year period,

(1) that I stay away from the U.S. Capitol Complex, consisting of 15 separate buildings including the U.S. Supreme Court and Capitol Power Plant;

(2) that I have “no verbal, written, telephonic, electronic, physical or other contact” with the five Senators involved in the case – Senate Judiciary Committee Chairman Orrin Hatch, Ranking Member Patrick Leahy, New York Home-State Senators Schumer and Clinton, and Senator Saxby Chambliss, with some relaxation of the restriction relating to Senators Schumer and Clinton because they are my Home-State Senators;

(3) that I keep time sheets, accurate to 1/10 hour increments, of my work as coordinator of the Center for Judicial Accountability, Inc. (CJA) – with a warning that “block time entries are not acceptable”;

(4) that I write letters of apology to the five Senators and to the federal judicial nominee whose May 22, 2003 Senate Judiciary Committee confirmation hearing I purportedly disrupted when I respectfully requested to

¹ Your *Amicus Curiae* Brief: www.aclu-nca.org/pdf/StanfieldAmicusBrief.pdf

testify in opposition – a request not made until after Senator Chambliss, the presiding chairman, had already announced the hearing adjourned.

The recitation in my draft “Statement of the Case/Facts” pertaining to these probation conditions appears at pages 148-160. My argument appears at pages 245-252, 265-269 of my draft “Argument” in support of my fourth appellate issue challenging the probation terms and the retaliatory, superseding six-month jail sentence.

I should note that when I was incarcerated on June 28, 2004, attempts were made on my behalf to secure your assistance. My knowledge of these contacts is presently limited. However, I do have a copy of a July 16, 2004 e-mail from your staff attorney, Fritz Mulhauser, to my sister. In pertinent part, his e-mail stated:

“If Ms. Sassower identifies a civil liberties issue raised by the work of the court at trial or at sentencing...and if she provides the relevant part of the transcript, we can take a look to see whether the ACLU would offer her legal assistance on that subject.”

The “Statement of the Case/Facts” – which incorporates extensive transcript excerpts from both the trial and sentencing² – amply demonstrates the serious and substantial civil liberties grounds for your *amicus* support for ALL four of my proposed appellate issues, as well as for such important subsidiary constitutional issues as the interpretation of the “Speech and Debate Clause” of the U.S. Constitution and my Sixth Amendment confrontation rights, applied to the facts of this case, entitling me to the testimony of the five Senators I subpoenaed – especially Senator Chambliss, the presiding chairman at the May 22, 2003 confirmation hearing and purported “complainant” on the “disruption of Congress” charge.

Pursuant to Rule 29 of the D.C. Court of Appeals, the due date for filing an *amicus* brief is one week after the filing of my appellate brief. Appropriate to this case about patriotism, the rule of law, and fundamental citizen rights, that date is the day after the Fourth of July: Tuesday, July 5, 2005. I expect the U.S. Attorney would consent to such filing, thereby obviating the need for a motion.

Should you be unwilling to file an *amicus* brief in support of any of my appellate issues, I request your legal assistance in crafting my appellate brief – and your recommendations of other organizations, prominent law professors and/or attorneys

² Since shortly after my June 28, 2004 incarceration, the sentencing transcript has been posted on CJA’s website, www.judgewatch.org. [See “Disruption of Congress: The Tale of Two Transcripts”]

June 1, 2005

who might be favorably disposed to championing the public interest by filing an *amicus* brief. I also request that you alert your media and academic contacts to this unprecedented case so that it can more fully meet its history and law-making potential.

In the event you are unwilling to provide any of the foregoing, I ask that you set forth your reasons. I also ask that you promptly transmit to the National ACLU the copy of the "paper trail" of primary source documents underlying the "disruption of Congress" case, which I sent you nearly two years ago, under my July 7, 2003 coverletter requesting your assistance³ as well as the copy of the videotape of the Senate Judiciary Committee's May 22, 2003 confirmation hearing, substantiating my July 7, 2003 memo-analysis of the underlying prosecution documents, which, at your request, I sent you under my July 21, 2003 coverletter.

Please let me hear from you as soon as possible.

Thank you.



cc: Kristen Lombardi, *The Village Voice*
Professor Jonathan Turley

³ If my correspondence with you is not readily available from your files, you can access it from CJA's website, see sidebar panel: "Correspondence: Organizations".

TRANSMISSION VERIFICATION REPORT

*ACLU -
National
Capital
Area*

TIME : 06/01/2005 10:35

NAME : CJA

FAX : 9144284994

TEL : 9144211200

DATE, TIME	06/01 10:30
FAX NO./NAME	120.4521868
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MODE	STANDARD ECM

Subject: Championing the Public Interest: Your Amicus Curiae & Other Assistance in "Disruption of Congress" Case

Date: 6/1/2005, 10:53 AM

From: Elena Ruth Sassower <judgewatchers@aol.com>

To: FMulhauser@aol.com

cc: Kristen Lombardi <klombardi@villagevoice.com>, jturley@law.gwu.edu

Organization: Center for Judicial Accountability, Inc.

Dear Mr. Mulhauser:

Following up our phone conversation yesterday -- and your confirmation of receipt, by e-mail, of my May 27, 2005 memo to Ralph Nader & Organizations -- attached is my memo of today's date to the ACLU, already faxed. Please forward it to Executive Director Johnny Barnes and Legal Director Arthur B. Spitzer.

 6-1-05-ACLU.doc (54KB)

 5-27-05-nader&orgs.doc (68KB)

I will separately transmit the indicated e-mail attachments, which are all posted on the "DISRUPTION OF CONGRESS" page of CJA's website, www.judgewatch.org.

Thank you.

Elena Sassower
Appellant *Pro Se*

Tel: 914-421-1200
Fax: 914-428-4994

cc: Kristen Lombardi/Village Voice
Professor Jonathan Turley

Subject: Attachments -- Championing the Public Interest: Amicus Curiae & Other Assistance in "Disruption of Congress" Case

Date: 6/1/2005, 10:57 AM

From: Elena Ruth Sassower <judgewatchers@aol.com>

To: FMulhauser@aol.com

Organization: Center for Judicial Accountability, Inc.

E-Mail attachments to June 1, 2005 memo requesting amicus & other assistance -- all posted on "DISRUPTION OF CONGRESS" page of CJA's website, www.judgewatch.org:

-  [5-25-05-cover.doc \(35KB\)](#)
-  [5-25-05-case-facts-contents.doc \(49KB\)](#)
-  [5-25-05-case-facts.doc \(706KB\)](#)
-  [5-25-05-law-contents.doc \(100KB\)](#)
-  [5-25-05-law.doc \(410KB\)](#)