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By Fax & Mail (3 pages)

202-626-8840

September 10, 2006

Chief Judge Eric T. Washington
& Court of Appeals Clerk Garland Pinkston, Jr.
D.C. Court of Appeals
500 Indiana Avenue, N.W.
Washington, D.C. 20001

ATT: Thomas Abraham, Supervisory Case Manager

RE: **Calendaring of Consolidated Appeals:**
Elena Ruth Sassower v. United States of America
#04-CM-760 & #04-CO-1600 ("Disruption of Congress" Case)

Dear Mr. Abraham:

This responds to the Court's mailed "Calendar Notice", in the form of a postcard, dated August 29, 2006, bearing a Washington D.C. postmark of "30 Aug 2006 PM" – and not received by me until just today, Sunday, September 10, 2006, when I fortuitously discovered it among the multitude of other postcard-type advertisements and election flyers in my mail.

I hereby request information as to the basis upon which the above-entitled consolidated appeals – which garnered the support of two *amici curiae*, an eminent law professor and the D.C. Chapter of the National Lawyers Guild, and whose far-reaching and constitutional significance is such that I filed a petition for *en banc* review – were nonetheless placed on the Court's "Summary Calendar", rather than its "Regular Calendar".

As a result of such calendaring, these consolidated-appeals will not be automatically accorded oral argument, with 30 minutes for each side. Rather, I must serve and file with the Court a written request for oral argument "within 10 days after notice of calendaring has been mailed by the Clerk"¹, which then may or may not be "approved by the court", and which, if "approved" is limited to 15

¹ Such is set forth by the Court's Rule 33(c). However, the postcard "Calendar Notice" gives a conflicting instruction, requiring that the written request for oral argument be received by the Court and served "within ten days of the date of this notice".

minutes per side.

Pursuant to Rule 33(a), the Chief Judge prepares the calendar "with the assistance of the Clerk". Please advise whether Chief Judge Washington participated in the calendaring herein or whether he recused himself based on his actual bias and interest, as particularized by my February 22, 2006 judicial misconduct complaint against him which I filed with the D.C. Commission on Judicial Disabilities and Tenure. If other judges participated, please identify who they were.

Meantime, please consider this my written request for oral argument of these "Summary Calendar" consolidated appeals – of which notice is being given to the U.S. Attorney for the District of Columbia and the two *amici curiae* by copy hereof, sent by fax, e-mail, and regular mail. Certificate of service will follow.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER
Appellant *Pro Se*

Enclosure: postcard "Calendar Notice": front & back

cc: U.S. Attorney for the District of Columbia

ATT: Florence Pan, Assistant U.S. Attorney

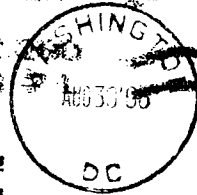
Roy W. McLeese, III, Assistant U.S. Attorney

Professor David M. Zlotnick, Counsel for *Amicus Curiae* Professor Andrew Horwitz

Jonathan L. Katz, Esq., Counsel for *Amicus Curiae* D.C. National Lawyers Guild.

WASHINGTON

30 AUG 2006 PM 7



D.C. Court of Appeals
500 Indiana Ave., N.W.
6th Floor
Washington, DC 20001

8/29/06

C A L E N D A R N O T I C E

Appeal No.: 04-CM-000760 +

Caption:
ELENA R. SASSOWER V. UNITED STATES

Set for:
SUMMARY I CALENDAR
on OCTOBER 17, 2006 at 2:00p.m.

SASSOWER, ELENA R.
16 LAKE STREET, APT. 2C
WHITE PLAINS, NY
10603

THIS NOTICE IS BEING SENT TO
COUNSEL FOR ALL PARTIES
10603+3237



See reverse for additional information

**D.C. COURT OF APPEALS
Calendar Notices
Please Read Carefully**

Regular Calendar

Cases on the regular calendar are automatically argued.

Argument on the regular calendar is limited to thirty (30) minutes per side.

Parties desiring to submit without argument must file a motion. Parties shall appear at the scheduled time unless notified by the Clerk that the court is willing to have the case submitted without argument.

Summary Calendar

Cases on the summary calendar are not automatically argued.

Under D.C. App. R. 33 (c), counsel, or a party proceeding without counsel, desiring to present argument, must request permission in writing within ten days of the date of this notice. Requests for oral argument must be received by the court within the aforementioned ten days and must be served on all parties.

If granted, argument on the summary calendar will be held on the date and time indicated on the notice. Argument is limited to fifteen (15) minutes per side.

If you wish to examine the appeal record file in the Clerk's Office, you must arrange to do so by calling the Clerk's Office at least seven (7) days in advance of the date you wish to inspect the record. This procedure is necessary as the records and briefs will have been sent to the assigned judge and will not be available until the date of argument.