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*Elena Ruth Sassower, Coordinator*

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June 6, 2005

Floyd Abrams, Esq.  
Cahill, Gordon & Reindel, LLP  
80 Pine Street  
New York, New York 10005

RE: Upholding the Public's First Amendment Rights by Challenging the  
Constitutionality of the "Disruption of Congress" Statute by an *amicus*  
*curiae* brief to the D.C. Court of Appeals in *Elena Ruth Sassower v.*  
*United States of America*

Dear Mr. Abrams,

Thank you for speaking with me at the 92<sup>nd</sup> Street Y on April 18<sup>th</sup>, while inscribing your book, Speaking Freely: Trials of the First Amendment, for me and my sister, Carey, who has spoken warmly of her acquaintance with you. I appreciated the opportunity to request your *amicus curiae* support and other assistance in my *pro se* defense of the public's First Amendment rights endangered by my conviction and sentence for "disruption of Congress".

In the six weeks since, I have been working hard on the appeal. My draft memo of law on the unconstitutionality of the "disruption of Congress" statute – which I gave you *in-hand* and which you promised to read – has now been revised, reformatted, and incorporated into the "Argument" section of my draft brief. In the hope you will affirmatively answer my request for your help – and reinforce, as an elementary First Amendment proposition, that

"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'"<sup>1</sup>,

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<sup>1</sup> This elementary proposition – and the catalytic potential of the case to advance long-ago made, but *unimplemented*, recommendations for non-partisan, good-government reform of federal judicial confirmation for the benefit of ALL this nation's citizens, regardless of ideology -- was first set forth by me in my June 16, 2003 memo to Ralph Nader, Public Citizen, and Common Cause. The memo is posted on the "*Disruption of Congress*" page of CJA's website, [www.judgewatch.org](http://www.judgewatch.org).

I will e-mail my draft brief to you. Although I would be eager for your comments and guidance as to its entirety, my First Amendment challenge to the “disruption of Congress” statute, *as written and as applied*, is laid out at pages 254-265 of my draft “Argument”. These 12 pages are all you need to review to provide the assistance I seek. In the event your internet server is not be able to accommodate the transmittal due to its length, the draft brief is also accessible from CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), posted on the “*Disruption of Congress*” page, where it will be modified periodically as a “work-in-progress”.

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, *to wit*, 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 unable to provide an *amicus* brief, I would appreciate your advice in crafting my appellate brief on the First Amendment issues. If that is not possible, might you not refer me to other First Amendment attorneys, law professors and/or organizations for help? This would include help in developing my challenge, on First Amendment grounds, to the terms of probation whose rejection by me -- because I believed them to be unconstitutional -- resulted in my being jailed for a maximum six-month sentence<sup>2</sup>.

Within the past week and a half, I have sought *amicus* and other assistance from Ralph Nader and a range of “non-partisan, good-government” organizations, as well as those on the left and right. My correspondence with them is posted on the “*Disruption of Congress*” page of CJA’s website, directly under my draft brief.

Once the appeal is perfected, I will be turning to the press. It is my hope that your son, Dan Abrams, will scoop his fellow journalists on the story, whose politically-explosive dimensions are highlighted by my three published letters to the editor, copies of which I gave to both him and you<sup>3</sup>. I hope to hear from him.

Needless to say, I do recognize the professional and personal conflicts you face in assisting me in defending the First Amendment in this case. Nevertheless, I would hope that your commitment to the First Amendment and to fundamental concepts of government integrity

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<sup>2</sup> These probation terms are summarized at pages 151-155 of my draft “Statement of the Case/Facts”. My “Argument” with respect thereto appears at pages 245-252, 265-269. The sentencing transcript is posted on the “*Disruption of Congress*” page of CJA’s website [See “*The Tale of Two Transcripts*”].

<sup>3</sup> These three published letters to the editor are “*Activists, Judges*” in *The Village Voice*, (Feb. 16-22, 2005); “*Portrayal in News Item Found ‘Denigrating’*” in the *New York Law Journal*, (May 19, 2004); and “*Correcting the Record*” in *Roll Call*, (May 10, 2004). They are all posted on CJA’s website, both on the “*Disruption of Congress*” page and under “*Published Pieces*”.

and accountability would fortify you in rising above such challenges – for the benefit of all. If so, this unprecedented and history-making “disruption of Congress” case will not only make law, but will doubtlessly make it into the next Abrams’ book on the First Amendment – whether written by you or your son!

I look forward to hearing from you as soon as possible.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

cc: Dan Abrams, MSNBC

TRANSMISSION VERIFICATION REPORT

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