



www.aclu-nca.org

AMERICAN CIVIL LIBERTIES UNION FUND OF THE NATIONAL CAPITAL AREA

1400 - 20TH STREET NW, SUITE 119, WASHINGTON, DC 20036-5920 / 202 457-0800

PRESIDENT
Geoffrey Aronow

VICE PRESIDENT
Julie Ferguson Queen

LEGAL DIRECTOR
Arthur B. Spitzer

EXECUTIVE DIRECTOR
Johnny Barnes

BOARD OF DIRECTORS

Charlie Cerf
Bert Foer
Bruce Gilchrist
Mondi Kumbula-Fraser
Leslie McAdoo
Paul Siegel

September 25, 2003

Ms. Elena Sassower
Center for Judicial Accountability
P.O. Box 69, Gedney Station
White Plains, NY 10605

By FAX and mail

ADVISORY COMMITTEE

Mario Acosta-Velez
Charles R. Ashurst
Shelley Broderick
Donn Cohen
H. Stewart Dunn, Jr.
Kelli Evans
Marc Granowitter
Beth Grupp
Michael Mage
Jim Nathanson
Denyse Sabagh
Marie-Ann Sennett
Nancy Jane Shestack
Abbe Smith
Christopher N. Sipes
Nkechi Taifa
Matthew S. Watson
Joslyn N. Williams
John Wimberly

Dear Ms. Sassower:

Thanks for your patience as we completed our review of your request for representation in D.C. Superior Court to defend the charge of disrupting Congress last May. A major storm delayed our monthly meeting of the Legal Committee of our Board until yesterday. Our Legal Director presented your request to the group and showed the videotape of the event. I'm sorry to say that after a full exchange of views, the committee decided that the ACLU should decline to offer you legal help.

**PRESIDENT'S
COMMITTEE CHAIR**
Thomas J. Schneider

There are many ways there can be a good outcome. There is every possibility that the government will not proceed, that police witnesses will not show up, or – even if the government goes to trial, that your own good presentation of obvious flaws in the case will prevail. As you have pointed out from the start, the crime on the books requires a certain state of mind, namely action done “willfully and knowingly” to disrupt. You lacked that intent. In addition, it is not so clear you disrupted anything, as the committee work had ended. If you are able to have counsel, that could help in sharp cross-examination of the government’s witnesses, but you would know much of what needs to be done there as well. We also suggested the line of argument that the statute doesn’t even apply to you, since it could be said there was no hearing, that the gavel had fallen.

**ALUMNI ADVISORY
COUNCIL CHAIR**
Daniel Rapoport

We reserve our limited resources chiefly for cases where we believe new law needs to be made and can be; here, we think the law isn’t vulnerable, that there’s just no likelihood of successful challenge to the ability of Congress to keep decorum in its own rooms. Even if this statute is worded in a way that it arguably doesn’t reach what you did, we imagine Congress could easily revise it to include a perfectly constitutional prohibition on disruption of any hearing or its immediately preceding and following moments, or words to that effect. They simply don’t have to open their work areas as public forums.

STAFF ATTORNEYS
Stephen M. Block
Fritz Mulhauser

**COMMITTEE
COORDINATOR**
Pearl Hoffman

We regret we can’t be more help, but we thank you for once again thinking of the ACLU and we wish you the best of luck in getting a successful result in your case.

FINANCE DIRECTOR
Leland Y. Larsen

**ADMINISTRATIVE
DIRECTOR**
Donald M. Haines

Sincerely,

Fritz Mulhauser
Staff Attorney