

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Website: www.judgewatch.org

BY E-MAIL and BY FAX [2 pages]

DATE: June 2, 2005

TO: National Lawyers Guild
ATT: Quinten Driskell, Co-Chair/D.C. Chapter

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**

Thank you for returning my phone call yesterday – and for allowing me to give you an overview of the unprecedented “disruption of Congress” case, now on appeal, for which I am requesting the National Lawyers Guild’s *amicus curiae* and other assistance in championing the public interest.

As discussed, I previously sought the Guild’s *pro bono* assistance through the Chair of your Demonstration Support Committee, Mark Goldstone, who I retained to be my legal advisor and with whom I initiated many, many conversations as to the need to involve Guild lawyers on the case. This, from my first consultation with him in June 2003, spanning to the months of my six-month incarceration, which began on June 28, 2004. Days before my incarceration, I spoke by phone with the Guild’s then Co-Chair, Michael Kirkpatrick, requesting *amicus* and other assistance on the appeal.

The appeal offers the Guild an extraordinary opportunity to “make law” on far-reaching, public interest issues. These include: (1) the unconstitutionality of the “disruption of Congress” statute, D.C. Code §10-503.16(b)(4), *as written and as applied*; (2) the interpretation of the venue provision of the “disruption of Congress” statute, D.C. Code §10-503.18; and (3) the propriety and constitutionality of probation terms – and the right of a criminal defendant to decline probation, pursuant to

June 2, 2005

D.C. Code §16-760, without having an already-announced jail sentence doubled in retaliation. These three issues are independent of – yet also subsumed by -- the overarching threshold issue of my entitlement to the trial judge's disqualification for pervasive actual bias, meeting the impossibility of fair judgment standard articulated by the U.S. Supreme Court in *Liteky v. United States*, 510 U.S. 540 (1994) – an issue which itself embraces a plethora of important legal and constitutional issues. Among these, the trial judge's failure to properly interpret the "Speech and Debate Clause" of the U.S. Constitution and my Sixth Amendment confrontation rights in quashing my subpoena for the testimony of the five U.S. Senators involved in the case – including the purported "complainant" on the "disruption of Congress" charge.

I have laid out the foregoing in a proposed "Issues Presented for Review" and a draft "Statement of the Case/Facts" and "Argument" – which I am e-mailing to you, along with tables of contents. In the event your internet server cannot accommodate the transmittal of these lengthy drafts, 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".

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 the Guild be unable or unwilling to file an *amicus* brief in support of any of my appellate issues, I request its legal assistance in crafting my appellate brief – and its recommendations of other organizations, prominent law professors and/or attorneys who might be favorably disposed to championing the public interest by filing an *amicus* brief. I also request that the Guild alert its media and academic contacts to this groundbreaking case so that it can more fully meet its history and law-making potential.

I would be pleased to speak with you further about the foregoing and to answer any questions you may have.

Please let me hear from you as soon as possible. Thank you.

A handwritten signature in black ink, appearing to read "Elena R. [unclear]". The signature is written in a cursive style and is positioned above a horizontal line.

cc: Michael Kirkpatrick, past Co-Chair/D.C. Chapter
Mark Goldstone, Chair/Demonstration Support Committee