

**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](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

*Elena Ruth Sassower, Coordinator*

By Fax: (7 pages)  
4:45 p.m.

May 28, 2004

TO: Judge Brian Holeman  
Superior Court of the District of Columbia  
  
United States Attorney for the District of Columbia  
ATT: Assistant U.S. Attorney Aaron Mendelsohn  
Assistant U.S. Attorney Jessie Liu

FROM: Elena Ruth Sassower, Defendant Pro Se

RE: Pre-sentence report

Inasmuch as the pre-sentence report has excluded what it identifies (at p. 3) as my "8-page memo", also identifying it (at p. 2) as having been faxed on May 24, 2004, a copy of the referred-to document is enclosed, *to wit*, my 6-page letter dated May 25, 2004. It is already posted on the "Paper Trail" of CJA's website, [www.judgewatch.org](http://www.judgewatch.org).



cc: Mark Goldstone, Esq.

Ex "C"  
1684

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](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

Elena Ruth Sassower, Coordinator

By Fax: 202-442-1595 (6 pages)

May 25, 2004

Erika Westry, Community Supervision Officer  
Court Services and Offender Supervision Agency  
For the District of Columbia  
800 North Capitol N.W, Suite 2280  
Washington, D.C. 20001

RE: "DEFENDANT'S VERSION" for Inclusion in Pre-Sentence Report:  
United States of America v. Elena Ruth Sassower, M-4113-03  
"Disruption of Congress"

Dear Ms. Westry:

Immediately following your hour-and-a-half phone interview of me on Wednesday, May 19th, for which I thank you<sup>1</sup>, I prepared a list of documents – *all accessible from the homepage of CJA's website, [www.judgewatch.org](http://www.judgewatch.org)*. This, so that you might be assured that my contention as to the bogus and malicious nature of the "disruption of Congress" charge – on which I have been wrongfully convicted -- RESTS ON EVIDENCE.

I respectfully request that this letter<sup>2</sup> – and the specific website-accessible documents to which

<sup>1</sup> As discussed, it was I who was interested in a pre-sentence investigation and report – as Judge Holeman declined to order one on April 20<sup>th</sup>, upon my conviction. It was not until May 5<sup>th</sup> – just hours after I had left a voice mail message for Kori Spriggs of Pre-Trial Services (202-585-7955) -- that I received a call from Judge Holeman's law clerk, Sara Pagani, that he had changed his mind.

<sup>2</sup> This letter was originally dated May 19<sup>th</sup>. However, following your phone interview of me, I was unable to reach you when I called you back to make appropriate arrangements for its transmittal and to clarify whether you would be interviewing the pertinent Assistant U.S. Attorneys and relevant Senators. I left two voice mail messages for you on May 19<sup>th</sup> and a further voice mail message for you on May 20<sup>th</sup>. When you did not call in the morning of May 21<sup>st</sup>, as you had indicated you would with follow-up questions, I left a further voice mail message for you prior to leaving early to prepare for a planned family celebration. You called sometime after 2:00 p.m. – and, upon my brief return, I called you back. Because I was then rushed for time and preparing for the arrival of family, who would be staying through Monday, we arranged that you would call me today, Tuesday, at 9:30 a.m. At 7:30 a.m.

it refers -- be annexed to your pre-sentence report as constituting my "DEFENDANT'S VERSION".

The documents posted at the top of the homepage under "Latest News" summarize much of what I told you during the interview. These are:

- (1) my published Letter to the Editor, "Correcting the Record", Roll Call, May 10, 2004 (2 pages);
- (2) my published Letter to the Editor, "Portrayal in News Item Found 'Denigrating'", New York Law Journal, May 19, 2004 (2 pages);
- (3) my April 14, 2004 drafted intended opening statement at trial (5 pages);
- (4) my June 16, 2003 memo to Ralph Nader, Public Citizen, and Common Cause (5 pages); and
- (5) my 4-page analysis of the videotape (and transcript) of the Senate Judiciary Committee's May 22, 2003 "hearing" – as well as my May 30, 2003 letter to the transcription company (3 pages).

If you scroll down to the "Paper Trail Documenting the Corruption of Federal Judicial Selection/Confirmation & the 'Disruption of Congress' Case it Spawned", you can access the full 9-page memo from which my 4-page analysis of the video (and transcript) was taken: my July 7, 2003 memo to the American Civil Liberties Union, entitled: "Documents Underlying the Prosecution"<sup>3</sup>.

---

this morning, I attempted to fax this letter to you at the fax number you had given me on Friday (202-441-1594), but it did not go through. As I was not going to be at my designated number at 9:30 a.m. to receive your call, I phoned you at that time from another number, leaving a voice mail message where I could be reached and stating that I would be back at my usual number by 1:00 p.m. From that different location, I again attempted to fax this letter to you. Once more, however, the fax did not go through. Shortly after 1:00 p.m., I called you, but got your voice mail. At 1:45 p.m. you returned my call. It appears you tried to reach me at that other number between 10:30 -11:00 a.m., but I had already left. Inasmuch as you have determined that the fax number you had previously given me has some sort of "jam", you have given me a different number.

<sup>3</sup> The 4-page analysis is a redaction which I prepared following Judge Holeman's trial ruling that I would NOT be permitted to introduce into evidence the underlying prosecution documents.

This July 7, 2003 memo is directly germane to the section of your report entitled "DEFENDANT'S VERSION" since that section responds to the "OFFICIAL VERSION" section, for which you are asked to summarize "information from PD 163" – in other words, the "Arrest/Prosecution Report". The PD 163 for my May 22, 2003 arrest, signed by Officer Jennings as the purported "arresting officer", is one of the documents which my memo analyzes to demonstrate that the underlying prosecution documents are:

"knowingly and deliberately false and misleading and establish that the charge against me is not just bogus, but malicious" (at p. 3).

It must be noted – and I believe I so-stated to you during the interview when I summarized the judicial misconduct that produced my wrongful conviction -- that Judge Holeman REFUSED to allow me to introduce the PD 163 into evidence at trial, as well as the other underlying prosecution documents signed by Officer Jennings and bearing his name. This, notwithstanding Officer Jennings was on the stand, testifying as the prosecution's witness and had brought copies of these documents (or perhaps the originals) with him (in response to my subpoena for his testimony at trial).

Likewise, Judge Holeman REFUSED to permit me to introduce the U.S. Attorney's May 23, 2003 letter<sup>4</sup>, given to me at arraignment, to which was annexed a page that was identified – presumably pursuant to Officer Jennings' representation -- as "a copy of def's handwritten statement from which she was reading during disruption (1 page)". Such "handwritten statement", with the words,

"Mr. Chairman, there's citizen opposition to Judge Wesley based on his documented corruption as a New York Court of Appeals judge. May I testify?",

exposes the falsity of the PD 163 which the U.S. Attorney's letter had also annexed, by contradicting the PD 163 as to my precise words -- for which I was arrested.

Although a defendant is entitled to take the witness stand to present her "DEFENDANT'S VERSION" to a jury, Judge Holeman REFUSED to allow me to do this. Thus, upon my taking the stand on my direct case and testifying, essentially without objection, as to my background as co-founder and coordinator of the Center for Judicial Accountability, Inc.

---

<sup>4</sup> A full copy of this May 23, 2003 letter, which extended NO "PLEA OFFER" and purported to provide "current and comprehensive discovery", is Exhibit F to my October 30, 2003 motion to enforce my discovery rights and the prosecution's disclosure obligations, posted as part of the "Paper Trail".

(CJA), including my decade-long interaction with the Senate Judiciary Committee on issues of federal judicial selection -- and just as I was beginning my chronologically-ordered testimony as to the events of May 19-22, 2003 (after having completed abbreviated testimony pertaining to Judge Wesley's nomination in the 9-1/2 weeks before that), Judge Holeman *unilaterally and without prior notice*, cut me off, asserting that I had been on the stand for an hour. He would not permit me to testify further, except as to my analysis of the video<sup>5</sup>.

Had Judge Holeman allowed me to testify from the witness stand as to what took place at the May 22, 2003 "hearing" -- as was my absolute right to do -- the falsity of the PD 163 and the other underlying prosecution documents which constitute the "OFFICIAL VERSION" would have been exposed beyond what had been revealed by my cross-examination of Officer Jennings on the prosecution's case. For instance, under cross-examination by me, Officer Jennings conceded the material fact (set forth by my July 7, 2003 memo (at p.3)) that he was NOT the "arresting officer". It was Sergeant Bignotti who arrested me and she alone who had ordered me from the "hearing" room.

The prosecution called Sergeant Bignotti on its case<sup>6</sup>. On cross-examination, she conceded that on May 22, 2003 (as set forth in my July 7, 2003 memo, at pp. 3-4), she immediately knew who I was because she had been involved in my arrest on June 25, 1996 in the hallway outside the Senate Judiciary Committee. As to such earlier arrest -- which was on a trumped-up "disorderly conduct" charge -- I had filed a September 22, 1996 police misconduct complaint against Sergeant Bignotti and her fellow officers (11 pages, with voluminous exhibits)<sup>7</sup>.

Judge Holeman, who, pre-trial, wilfully ignored and disregarded my entitlement to discovery of "all records pertaining to the investigation and disposition" of my September 22, 1996 police misconduct complaint by Capitol and Metropolitan Police<sup>8</sup>, REFUSED to allow me to

---

<sup>5</sup> Judge Holeman permitted this because he had earlier DENIED my request that the 4-page analysis be marked into evidence -- with the copies I had made for the jury members distributed to them. Insofar as the 4-page analysis mentions the transcript, Judge Holeman would NOT permit the official transcript, which the prosecution had turned over to me, to be marked into evidence and shown to the jury.

<sup>6</sup> Like Officer Jennings, Sergeant Bignotti has also been subpoenaed by me to be my witness at trial.

<sup>7</sup> A full copy of this September 22, 1996 complaint is Exhibit "M" to my October 30, 2003 motion to enforce my discovery rights and the prosecution's disclosure obligations.

<sup>8</sup> My entitlement to such records was set forth at ¶¶41-42, 45-47 of my October 30, 2003 motion to enforce my discovery rights and the prosecution's disclosure obligations. Judge Holeman's flagrant "protectionism" of the prosecution with respect to that dispositive motion was the basis for my February 23, 2004 motion for his

introduce the complaint into evidence at trial— and summoned marshals to arrest me when I even mentioned it. Such police misconduct complaint exposes that the June 25, 1996 PD 163 is even more brazenly false and concocted than the May 22, 2003 PD 163.

As discussed, I never saw the June 25, 1996 PD 163 until February 25, 2003 – when Judge Holeman belatedly released it in connection with this case. The reason I never saw that PD 163 in connection with the June 25, 1996 arrest is because I was deprived of my right to a trial in that case, initially because of the coercive police tactics chronicled by my September 22, 1996 police misconduct complaint and, thereafter, because of the misconduct of D.C. Superior Court Judge Tim Murphy on April 4, 1997 and in the weeks following<sup>9</sup>.

As you will recall, the PD 163 which was before you when you interviewed me was NOT, as you initially believed, for my May 22, 2003 arrest. Rather, it was the second page of the PD 163 for June 25, 1996. Since the September 22, 1996 police misconduct complaint is the dispositive document in setting forth my “DEFENDANT’S VERSION” with respect to the June 25, 1996 PD 163, I would be pleased to fax it to you, upon your request. It is as decisive a document with respect to that June 25, 1996 arrest as my July 7, 2003 memo is with respect to the May 22, 2003 arrest.

I note that your “OFFICIAL VERSION” also requires you to summarize information from “AUSA, complainant, other viable sources – Quote sources where applicable”). As pointed out by my July 7, 2003 memo (at p. 2), the supposed “complainant” identified by the underlying prosecution documents is Senator Saxby Chambliss. Nonetheless, and as highlighted by the draft of my intended opening statement, Senator Chambliss chose NOT to testify at trial on behalf of the prosecution – and Judge Holeman quashed my subpoena so that I might call him as my witness. This, notwithstanding my Sixth Amendment right of confrontation, as reaffirmed by the U.S. Supreme Court in its March 8, 2004 decision in *Crawford v. Washington*, 124 S.Ct. 1354.

Since Senator Chambliss is the alleged complainant, your “OFFICIAL VERSION” must properly include his “applicable” “quote(s)” as to HIS complaint -- i.e., specifically what he purports occurred at the May 22, 2003 “hearing”, warranting arrest and prosecution.

---

disqualification and my March 22, 2004 vacatur for fraud/reargument motion – whose culmination was my April 6, 2004 petition for a writ of mandamus/prohibition against him. All these documents are posted as part of the “Paper Trail”.

<sup>9</sup> A copy of the case record (D-177-97), establishing what Judge Murphy did, is annexed as Exhibits “X”, “Y”, and “Z” to my February 23, 2004 motion to disqualify Judge Holeman.

Moreover, as discussed with you on Friday, May 21<sup>st</sup>, it is my position that Senator Chambliss must be asked what jail sentence he deems appropriate for such "crime" as I committed. Indeed, as reflected by my published Letter to the Editor, "Correcting the Record" (Roll Call, May 10, 2004), Senators Hatch, Leahy, Schumer, and Clinton must likewise be asked such fundamental question – since the "Paper Trail" of documents posted on CJA's website establish their pivotal role in orchestrating and enabling my unprecedented, plainly retaliatory, arrest<sup>10</sup>.

As further discussed, it is my position that the "AUSA" – the Assistant U.S. Attorneys who handled this case – must also be asked the fundamental question as to what jail sentence they were seeking to have a court impose upon my conviction, when they decided to make NO "PLEA OFFER" and to instead spend many tens of thousands of taxpayer dollars in prosecuting me and bringing me to trial. These Assistant U.S. Attorneys must not only include Aaron Mendelsohn and Jessie Liu, but Leah Belaire, formerly an "Investigative Counsel" at the Senate Judiciary Committee, whose misfeasance in that capacity I chronicled in correspondence I sent her in August 1998. It was Ms. Belaire who signed the U.S. Attorney's May 23, 2003 letter which made NO "PLEA OFFER"<sup>11</sup>

Again, I thank you for your efforts in preparing an accurate pre-sentence report. Please let me know if there is any further assistance I may provide.



ELENA RUTH SASSOWER  
Wrongfully Convicted Defendant – Soon to be Appellant -- *Pro Se*

<sup>10</sup> Further exemplifying the completely unjustified nature of my arrest for my respectful request to be permitted to testify in opposition at the May 22, 2003 Senate Judiciary Committee "hearing" to confirm a "lifetime" federal judge – which I made at an appropriate point – indeed, after the "hearing" had already been adjourned -- is the EXTRAORDINARY fact that the protestors at the May 7, 2004 Senate Armed Services Committee hearing, who – during that hearing -- unfurled a banner and shouted out for Defense Secretary Rumsfeld to be fired, were NOT ARRESTED.

<sup>11</sup> Ms. Belaire's prejudicial involvement and my contention that the U.S. Attorney was disqualified from handling this case are reflected by the posted "Paper Trail" documents, as, for instance, my October 30, 2003 motion to enforce my discovery rights and the prosecution's disclosure obligations (*see* footnote 4). [*See also*, my July 7, 2003 memo (footnote 1).]

*Judge Holman*

TRANSMISSION VERIFICATION REPORT

TIME : 05/28/2004 16:55  
NAME : CJA  
FAX : 9144284994  
TEL : 9144211200

DATE, TIME	05/28 16:50
FAX NO. /NAME	12028792844
DURATION	00:04:38
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM

*US Attorney*

TRANSMISSION VERIFICATION REPORT

TIME : 05/28/2004 17:00  
NAME : CJA  
FAX : 9144284994  
TEL : 9144211200

DATE, TIME	05/28 16:56
FAX NO. /NAME	12025148788
DURATION	00:04:19
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM