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By Fax: 202-879-2844 (2 pages)

By Mail

January 22, 2004

Judge Brian Holeman
Superior Court of the District of Columbia
Criminal Division
500 Indiana Avenue, N.W.
Washington, D.C. 20001

RE: *United States of America v. Elena Ruth Sassower*, M-4113-03
"Disruption of Congress"

Dear Judge Holeman:

This responds to the disturbing phone call I received this morning from your judicial administrative assistant, Sherron Offer, who stated that you had instructed her to tell me that I be requested "not [to] call chambers" and that my matter is "under advisement".

With all due respect, such instruction does not reflect a fair and impartial tribunal – and I so stated to Ms. Offer, reviewing with her the pertinent facts and circumstances, which she already knew because she had answered the phone yesterday afternoon when I called (202-879-4208).

The purpose of that phone call was entirely proper: (1) to confirm that you were, in fact, the long-awaited new judge assigned to the case; and (2) with regard to my October 30, 2003 motion to enforce my discovery rights and the prosecution's disclosure obligations, to verify whether you had received any submission from the U.S. Attorney to my August 12, 2003 First Discovery Demand – as to which, at the December 3, 2003 oral argument of the motion, Judge Milliken had fixed a January 14, 2004 deadline. I stated to Ms. Offer that I myself had received nothing from the U.S. Attorney.

For Ms. Offer to tell me that you had instructed her to say that the matter is "under advisement" is to suggest that you believe that I was calling for rulings, which is not the case. Indeed, nothing I said to Ms. Offer in our yesterday's conversation could have remotely given

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her any such misimpression to communicate to you. Nor is there any basis for a request that I "not call chambers" – as if there was something inappropriate in my call – or for the Court's refusing – as it apparently has – to respond to my straightforward inquiry as to whether it has received anything from the U.S. Attorney. As I stated to Ms. Offer, I have rights flowing from noncompliance by the U.S. Attorney with the January 14, 2004 deadline. This, in addition to the fact that the Court should want to know – and needs to know -- that I have received nothing from the U.S. Attorney in connection with that deadline. Such is legitimately brought to the Court's attention, at least initially, by a call to chambers.

It may be noted that prior to your recent entry into this case, I had substantial phone communications with the chambers of predecessor judges. Such is reflected by my faxed correspondence to the various judges and law secretaries, which should be part of the Court's file. To my knowledge, your request that I "not call chambers" is the first such request I have encountered – and all the more jarring for that reason.

As I understand it, Courts are supposed to be solicitous of *pro se* litigants. However, I am not asking for any special courtesies. Rather, I am asking to be treated in a fashion comparable to attorneys who freely call chambers with questions as to such procedural, non-substantive matters as here at issue.

So that there is no misunderstanding on the subject – and no violation of my rights as a *pro se* criminal defendant -- I respectfully request that the Court respond in writing with respect to the foregoing or that its law clerk telephone to advise.

Thank you.



ELENA RUTH SASSOWER
Defendant *Pro Se*

cc: Assistant U.S. Attorney Aaron Mendelsohn
Mark Goldstone, Esq.