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DATE: February 26, 2004

TO: Chief Judge Rufus King, III/ Superior Court of the District of Columbia  
[By Fax: 202-879-7830: 3 pages]

Presiding Judge Noel Anketell Kramer/Criminal Division  
[By Fax: 202-879-0124: 3 pages ]

Dan Cipullo, Director/Criminal Division  
[By E-mail: [cipulld@dcsc.gov](mailto:cipulld@dcsc.gov)]

FROM: Elena Ruth Sassower, Defendant *Pro Se*  
*United States of America v. Elena Ruth Sassower, M-4113-03*  
"Disruption of Congress"

RE: REQUEST FOR IMMEDIATE SUPERVISORY OVERSIGHT  
OVER JUDGE BRIAN F. HOLEMAN

This follows up my phone calls to your chambers/offices, first thing this morning: 9 a.m. – 9:15 a.m., requesting your immediate supervisory oversight over Judge Brian Holeman. In violation of my legitimate discovery rights under Rule 16(a)(1)(C), Judge Holeman is attempting to railroad me to trial this Monday, March 1, 2004. This, to "protect" influential members of the U.S. Senate, Senate Judiciary Committee, and U.S. Capitol Police, whose misconduct underlies the Government's initiation and prosecution of a legally and factually baseless charge against me for "disruption of Congress".

I have ALREADY moved for Judge Holeman's disqualification for ACTUAL BIAS. This was the first branch of my February 23, 2004 motion, whose second branch was for postponement/continuance of the March 1, 2004 trial date, pursuant to Rule 16(d)(2), and whose third branch, for "other and further relief as may be just and proper", specified same to include:

"ensuring the appearance and actuality of fair and impartial justice by transferring this politically-explosive case to a court outside the District of Columbia, whose funding does not come directly from Congress, and, if possible, whose judges are not appointed by the President, with the advice and consent of the Senate or one of its committees."

In three separate orders faxed to me yesterday evening, Judge Holeman denied each of my motion's three branches. NONE of these three orders even identifies, let alone addresses, ANY of the substantiating facts detailed by my motion as entitling me to the relief sought – and the reason is obvious. Judge Holeman could not do so and maintain his bald pretenses that I had “established no facts that [his] impartiality might reasonably be questioned”; “failed to establish that a continuance of the trial date is necessary to prevent manifest injustice”, made “no demonstration of newly presented facts” to warrant transfer. Such conclusory claims are outright judicial lies.

Similarly insupportable is Judge Holeman's further order, also faxed to me yesterday evening, granting the Government's December 3, 2003 motion *in limine* to preclude reference to “political motivations, political beliefs, political causes, etc.”. Such granting is without identifying ANY basis for relief demonstrated by my December 31, 2003 opposing affidavit to be factually and legally insupportable.

A fifth order was also faxed by Judge Holeman yesterday evening. This ordered the release of “the entirety of the Government's *Ex Parte In Camera* Submission” – which it simultaneously accomplished by “attach[ing]” such submission. In so doing, Judge Holeman conspicuously did not identify, let alone adjudicate, ANY of my objections with respect to such submission, particularized by my February 23, 2004 motion. This includes my objection as to its sufficiency<sup>1</sup> – as to which I gave detailed argument as to why I believed it to be non-compliant with Judge Milliken's directive to the Government at the December 3, 2003 oral argument of my October 30, 2003 motion to enforce my discovery rights, the prosecution's disclosure obligations, and for sanctions. As Judge Holeman may be presumed to have immediately recognized from my February 23, 2004 motion, the Government's *ex parte in camera* submission is flagrantly non-compliant with Judge Milliken's directive – entitling me to the requested continuance/postponement of the March 1, 2004 trial date on that basis alone.

The language of Rule 16(a)(1)(C), invoked by my August 12, 2003 First Discovery Demand, is explicit: “documents and tangible objects...material to the preparation of the defendant's defense” (underlining added). Yet, as ¶30 of my February 23, 2004 motion detailed, Judge Milliken made NO adjudication of the “materiality” of the 22 requests for “documents and tangible objects” in my August 12, 2003 First Discovery Demand, while nonetheless directing the Government's production for *in camera* inspection. Pursuant to Rule 16(a)(1)(C), I am entitled to such adjudication of “materiality”, to production based thereon, and to rulings as to whether records claimed by the Government not to exist have been destroyed -- and this sufficiently in advance of trial so that I might properly prepare my defense. As stated by my February 23, 2004 motion (¶43) – and prior thereto in my February 10, 2004 letter to

<sup>1</sup> See, *inter alia*, my January 30, 2004 and February 10, 2004 letters to Judge Holeman (Exhibits “T-2”, “T-3”), ¶¶35-36, 42-45.

February 26, 2004

Judge Holeman (Exhibit "T-3", p. 2) to which he did not respond -- my right to subpoena witnesses whose testimony relates to these "documents and tangible objects" rests on such adjudications, not yet rendered.

Please IMMEDIATELY review the file of this case -- starting with my February 23, 2004 motion -- in discharge of your supervisory and disciplinary responsibilities, including pursuant to Canon 3D(1) of the Code of Judicial Conduct for the District of Columbia Courts. Such is essential to safeguarding the integrity and resources of the Superior Court from a judge who has so brazenly abandoned ALL adjudicative standards, beginning with honesty.

Thank you.

  
ELENA RUTH SASSOWER  
Defendant *Pro Se*

cc: Judge Brian Holeman [By Fax: 202-879-2844]  
Assistant U.S. Attorney Aaron Mendelsohn [By Fax: 202-514-8788]  
Mark Goldstone, Esq. [By E-Mail]

*Chip Nodge  
Rufus King III*

TRANSMISSION VERIFICATION REPORT

TIME : 02/26/2004 13:34  
NAME : CJA  
FAX : 9144284994  
TEL : 9144211200

DATE, TIME	02/26 13:32
FAX NO./NAME	12028797830
DURATION	00:01:57
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

*Presidy Nodge  
Noel Anketell  
Cham.  
Criminal Div*

TRANSMISSION VERIFICATION REPORT

TIME : 02/26/2004 13:43  
NAME : CJA  
FAX : 9144284994  
TEL : 9144211200

DATE, TIME	02/26 13:41
FAX NO./NAME	12028790124
DURATION	00:01:56
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RESULT	OK
MODE	STANDARD ECM

**Subject: Request for Immediate Supervisory Oversight over Judge Holeman**

**Date:** 2/26/2004, 2:17 PM


**From:** Elena Ruth Sassower <judgewatchers@aol.com>

**To:** cipulld@dcsc.gov

**cc:** Aaron.Mendelsohn@usdoj.gov, mllaf@aol.com

**Organization:** Center for Judicial Accountability, Inc.

Dear Mr. Cipullo,

Attached is my memo addressed to Chief Judge King, Presiding Judge Kramer, and yourself relating to Judge Holeman's demonstrated misconduct in the criminal case against me for "disruption of Congress" – requiring immediate supervisory oversight.  2-26-04-supervision.doc (45KB)

Elena Ruth Sassower, Defendant Pro Se  
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