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Conduct Trial Gets Off to Rough Start

N.Y. Woman Is Accused of Disrupting a Senate Hearing

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Elena Sassower got thrown out of Congress last year, and yesterday she nearly got thrown out of her own disorderly conduct trial.

Charged with disrupting a Senate confirmation hearing last spring, Sassower, a self-styled judicial watchdog from New York who is representing herself in D.C. Superior Court, was one unauthorized utterance away from being locked up by Judge Brian Holeman. When Sassower refused to wrap up a rambling opening statement, Holeman, already flustered by Sassower's flouting of courtroom protocols, stepped off the bench and summoned marshals.

At least twice he had asked her to move along, and when he asked her again, about 15 minutes into her address, her reply was rich.

"No reason to, your honor," she said. "I have yet to conclude."

It was not the first time Sassower, her teeth clenched and her lips pursed, had challenged the judge. In fact, she had earlier tried to have him taken off the case.

Holeman tried to conceal his anger from the jurors yesterday, excusing them from the courtroom

so that he could deal with Sassower. "It is clear to me and to anyone in this courtroom that you do not intend to follow my instructions because you have not done so so far," he said. The marshals had been called, he told Sassower before leaving the bench, and when they arrived she would be "stepped back," the courthouse term for locked up.

But when he returned to the bench about 15 minutes later, Holeman gave Sassower another chance, and even then she tested him. At one point, he told her, "I am giving you a directive: Please sit."

It was an unusual turn of events for any case, let alone a misdemeanor one. Sassower could face up to six months in jail and a \$500 fine if convicted.

From the start, Sassower's case has been far from routine. The co-founder of an organization called the Center for Judicial Accountability, Sassower complains that the confirmation process for federal judges allows no room for comments from ordinary citizens like herself.

When she showed up at the Dirksen Building last May 22 for a hearing on the nomination of Rich-

ard Wesley to the 2nd Circuit of the U.S. Court of Appeals, U.S. Capitol Police were ready for her. Sassower had been lobbying her state's U.S. senators to block the nomination, saying Wesley, a judge on New York's highest court, was unfit for the federal bench.

Worried that Sassower might disrupt the hearing, Senate staff members notified the Capitol Police, which contacted Sassower and warned her that she would face arrest if she caused problems, police officials testified yesterday.

At the Dirksen Building, Sassower allegedly began shouting as the hearing was about to conclude, demanding that she be allowed to testify. The outburst continued, prosecutors said, even after the committee chairman banged his gavel. As a police officer tried to escort Sassower from the room, she allegedly grabbed onto a chair in hopes of holding her ground.

"There are many ways to express one's views in a lawful, orderly manner," Assistant U.S. Attorney Aaron Mendelsohn, who is trying the case with fellow prosecutor Jessie K. Liu, said in his opening statement to the jury. "This case is simply about a defendant who chose not to do that."