

Ctr for Judicial Accountability

From: Ctr for Judicial Accountability [cja@judgewatch.org]
Sent: Wednesday, June 27, 2007 3:57 PM
To: 'FMulhauser@aol.com'
Cc: 'Dahlia.Lithwick@slate.com'; 'lylden@aol.com'; 'jturley@law.gwu.edu'; 'Andrew Horwitz'
Subject: Constructive Dialogue as to the Unconstitutionality of the "Disruption of Congress" Statute, as Written & as Applied
Attachments: Point III-unconstitutionality.pdf

Dear Mr. Mulhauser,

Thank you for faxing Mr. Spitzer's June 23, 2007 letter, which also arrived in today's mail.

Please tell Mr. Spitzer that I trust his representation as to the ACLU's "longstanding national policy", without – as he suggests – my checking "the Supreme Court's docket for this Term".

However, In keeping with his "good luck" wishes – and the transcending importance of the case – I would genuinely appreciate and benefit from his opinion as an expert in First Amendment and constitutional law as to the soundness of my Point III argument as to the unconstitutionality of the "disruption of Congress" statute, as *written and as applied* – and, based thereon, his suggestions of organizations and law professors who might be willing to expand upon such constitutional challenge before the Supreme Court by an *amicus curiae* brief.

For his convenience, I annex Point III – which I request that you forward on to Mr. Spitzer and other ACLU attorneys so that a constructive dialogue with respect thereto might begin.

Thank you.

Elena Sassower
 914-421-1200

From: Ctr for Judicial Accountability [mailto:cja@judgewatch.org]
Sent: Wednesday, June 27, 2007 9:50 AM
To: 'FMulhauser@aol.com'
Cc: 'Dahlia.Lithwick@slate.com'; 'lylden@aol.com'; 'jturley@law.gwu.edu'; 'Andrew Horwitz'
Subject: ACLU Support for the Cert Petition in "Disruption of Congress" Case by Referrals to Organizations, Law Professors, & Media, etc.

Dear Mr. Mulhauser,

Thank you for your yesterday's e-mail, alerting me to what I had not known: that both Mr. Spitzer and yourself had "responded in writing" to my phone messages.

Upon receiving your yesterday's e-mail, I immediately went to the post office and found your June 19th letter to me. There was nothing there from Mr. Spitzer – and I had not received any fax or e-mail from him, just as I had received none from you.

In the future, I would appreciate if the ACLU of the National Capital Area would – as it has in the past -- fax and/or e-mail me correspondence so that there is no delay in my receipt.

As I would like to address whatever Mr. Spitzer wrote me, kindly fax and/or e-mail it to me. My fax number, printed on CJA's letterhead, as likewise posted on our website, is 914-428-4994.

6/27/2007

As for your yesterday's e-mail – presumably responding to my yesterday's memo which I had faxed and e-mailed hours earlier (as likewise discussed briefly with Administrative Director Donald Haines, who confirmed receipt of the fax and informed me of the ACLU "policy" against *amicus* briefs at the cert stage) -- it is really possible that the ACLU of the National Capital Area has "no other potential sources to suggest" for *amicus* support before the U.S. Supreme Court in this unprecedented "disruption of Congress" case championing basic First Amendment citizen rights and the vital importance of citizen participation in federal judicial selection? No organizations? No law professors?

And are Mr. Spitzer, Mr. Barnes – and other lawyers and constitutional experts at the ACLU for the National Capital Area and affiliated with it-- also unwilling to discuss with me Point III of my appellant's brief in the D.C. Court of Appeals as to the unconstitutionality of the "disruption of Congress" statute, *as written and as applied* – and the manner in which the D.C. Court of Appeals' December 20, 2006 Memorandum Opinion and Judgment disposed of it? A copy of that decisive Point III was attached to my e-mailing of my yesterday's memo.

Finally, what about media contacts? Does the ACLU of the National Capital Area also have no media contacts who would inform the public of this shocking, dangerous case, whose odyssey in the D.C. Superior Court and Court of Appeals – summarized by my posted cert petition (www.judgewatch.org "Latest News") -- documentarily establishes the corruption of those "merit-selected", congressionally-funded courts?

Please advise as soon as possible so that no further valuable time is lost in protecting the public's rights and interest in this far-reaching, historic case.

Thank you.

Elena Sassower
Tel: 914-421-1200

From: FMulhauser@aol.com [mailto:FMulhauser@aol.com]
Sent: Tuesday, June 26, 2007 3:36 PM
To: CenterForJudicialAccountability@judgewatch.org; cja@judgewatch.org
Subject: Re: Amicus Curiae Support for Cert Petition

Dear Ms. Sassower--

Both Art Spitzer and I already responded in writing to your telephone messages. To repeat what we both said, no part of the ACLU may submit an *amicus* brief at the cert. petition stage.

We have no other potential sources to suggest that might offer the *amicus* support you seek.

Fritz Mulhauser
Staff Attorney
American Civil Liberties Union
of the National Capital Area
1400 20th St. NW Suite 119
Washington, DC 20036-5920

202-457-0800
202-452-1868 (fax)

See what's free at AOL.com.