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Mr. Tom Nivelli
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Re: FREE ELENA!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

117 DAYS in DC JAIL

PRISONER #301-340

U.S. v. Elena R. Sassower, Case# 11-4113-03
DC Superior Court
Judge Brian F. Holeman

Dear Mr. Nivelli:

This fax follows our 10-23-04 telcon, wherein we discussed the above matter and you requested that I send you this fax. Recall that I informed you that all of this information (and much more) was listed on the web-site of Ms. Sassower's organization The Center for Judicial Accountability - www.judgewatch.org. You advised that you would check out the web-site.

Recall that I called Senator Grassley's office after reading the 10-12-04 front page LA Times article "Terrorism Case (U.S. v. Hmimssa, et.al., USDC, Detroit) Shows U.S. Flaws in strategy - Terror Case Triumphs, Then Collapses", by Rick Serrano.

That article reported the seemingly brilliant prosecution/conviction, led by U.S. Atty Richard G. Convertino, soon imploded after it was discovered exculpatory evidence was withheld.

U.S. District Judge Gerald E. Rosen, who handled the case warned that the "war against terrorism must never be an excuse for trampling on the Constitution." He added, "Unfortunately, that is precisely what has occurred in the course of this case."

The article further reported that Senator Grassley's office in late summer 2003 was concerned about prosecution allegations of identity fraud by the defendants and called Convertino to inquire. It further reported that Senator Grassley was a fierce critic of the Justice Department and an ardent protector of whistle-blowers.

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Mr. Nivelle, the Justice Department should be criticized in the bogus prosecution of Ms. Sassower, as well as the Senate Judiciary Committee-and each senator member, the Capitol Police and Judge Holeman. Ms. Sassower is a concerned and dedicated citizen, who was simply attempting to insure accountability and integrity in our judiciary, when she was arrested without cause on a bogus charge of "Disruption of Congress", subsequently had bogus criminal charges filed, wrongly prosecuted, tried, convicted and sentenced.

Ms. Sassower was arrested on 5-22-03 at the Senate Judiciary confirmation hearing of Judge Wesley. She had provided materials to several Senators on several occasions and made several requests to testify to his unfitness. All requests ~~were~~ were not replied to. Ms. Sassower attended the hearing, waited patiently for 2-hours, and when it was gavelled to a close by the only ^{Senator} present, Saxby Chambliss, Ms. Sassower politely rose from the back of the hearing room and stated: "Mr. Chairman, there's citizen opposition documenting the corruption of Judge Wesley in the New Your Court of Appeals. May I testify?"

There was no disruption. Yet Ms. Sassower was immediately handcuffed and arrested. She was held 21-hours before she was allowed to make a phone call. Clearly the Constitution was trampled here

Justice Brandies stated: "If we desire respect for the law, we must first make the law respectable." (Of course, the same is true of government.) He also stated: "The most important political office is that of private citizen." Clearly, the Senate Judiciary Committee did not respect Ms. Sassower, nor her rights as a citizen. The same can be said for the U.S. Atty's Office, the Capitol Police and Judge Holeman. Justice Jackson stated in *Communication Assn. v. Douds*, 339 US 382, 442 (1950): "...It is not the function of our government to keep the citizen from falling into error, it is the function of the citizen to keep the government from falling into error." That is exactly what Ms. Sassower was attempting to do when she was assaulted by the Capitol Police.

Finally, Ms. Sassower was sentenced on 6-28-04 by Judge Holeman. (Amazingly this was the very day the U.S. was turning over sovereignty to Iraq, with the purpose of establishing the rule of law there.) The pre-sentencing report was for NO-JAIL time, community service and probation. Yet Judge Holeman gave her 6-MONTHS in jail, no stay pending appeal. THIS IS A 1st AMENDMENT CASE! Compare Ms. Sassower's case, to that of Martha Stewart - 4 felony convictions, given 5 and ½ months of jail, with a stay pending appeal. Ms. Sassower's sentence is simply outrageous and is an example of tyranny. Judicial tyranny.

Mr. Neville, I thank you for your attention and for your bringing this matter to Senator Grassley. The U.S. Atty's Office and the Senate Judiciary Committee have trampled the Constitution here - and under no circumstances can it be claimed it was under the guise of "terrorism". Ms. Sassower was simply a concerned citizen attempting to insure accountability and integrity in our judiciary. And look what it got her for simply blowing the whistle.

Very concerned, Gary L. Zerman

