

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

Box 69, Gedney Station  
White Plains, New York 10605-0069

Tel: (914) 421-1200  
Fax: (914) 684-6554

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: <http://www.judgewatch.org>

## By Priority Mail

March 11, 1997

David Vladeck, Director  
Public Citizen: Litigation Group  
1600 20th Street, N.W.  
Washington, D.C. 20009

RE: Legal Assistance in Furtherance of Active Citizenship

Dear Mr. Vladeck:

This letter follows up my brief telephone conversation last week with Con Hitchcock, requesting legal assistance for a case which goes to the heart of what Ralph Nader and Public Citizen stand for -- *active citizenship*. Specifically, it is a case about what happens when a citizen travels to Washington to responsibly and respectfully contribute to our so-called democratic processes of government: she is intimidated, harassed, arrested, incarcerated -- and then coerced to forfeit her due process rights. I am that citizen.

It is a small case -- with large and direct ramifications for citizen participation on Capitol Hill. Were this not so, I would have walked away from it. Indeed, the case was disposed of by a coerced fine of \$25. However, because I am the coordinator of the Center for Judicial Accountability, Inc., a non-partisan, non-profit citizens organization trying to open the processes of judicial selection and discipline to public scrutiny and participation -- including encouraging citizens to testify at public hearings -- I have an obligation to ensure that what was done to me won't be done to other citizens doing their civic duty on Capitol Hill. At present, I cannot, in good conscience, encourage anyone to go down to Washington to engage in active citizenship, knowing, as I do, what awaits them when they get there.

As corny as it sounds, it is to make Capitol Hill safe for citizens that I have spent a considerable amount of time, money, and effort to get my case on the calendar of the D.C. Superior Court -- risking a fine ten times the size of the \$25 I already paid, as well as a jail sentence of up to 90 days. It is for this reason that I filed a formal complaint with the U.S. Capitol Police and Metropolitan Police, copies of which I sent to General Counsel of both Departments, following lengthy phone calls to alert them to conduct which is unlawful and, I believe, unconstitutional. I also contacted the American Civil Liberties Union for the National Capitol Area.

Mr. Hitchcock told me that most of Public Citizen's litigation involvement is in the federal court, in cases involving public policy issues. However, he did not discourage me from sending Public Citizen the details of this case. Indeed, he specifically advised me to write you.

The facts and circumstances of my case -- as well as the law relating to my improper detention and incarceration -- are set forth in my September 22, 1996 police misconduct complaint. It details my arrest on June 25, 1996 outside the door of the Senate Judiciary Committee on a bogus "disorderly conduct" charge (pp. 5-6) and my unlawful confinement, wherein I was not brought before any designated officer for purposes of bail or release on my own recognizance and, by virtue of being held incommunicado, I was coerced to pay a completely arbitrary \$25 fine in order to make a phone call, which was denied me during my detention (pp. 6-10). Such fine, I was told, would foreclose me from contesting the charge for which I was arrested.

The background to the police presence at the Senate Judiciary Committee and the harassment and intimidation to which I was subjected by staff of the Senate Judiciary Committee following my arrival for a June 25, 1996 confirmation hearing is delineated at pages 6-11 of my June 28, 1996 letter to Senate Judiciary Committee Chairman Hatch, which is Exhibit "C" to my police misconduct complaint.

You should know that the result of having taken the time and effort to try to bring the police misconduct to the attention of the U.S. Capitol and Metropolitan Police Department is that I got to experience first-hand how utterly worthless and unsatisfactory the police complaint mechanisms of both Departments are -- and, in particular, that of Metropolitan Police. The correspondence I received from them, including their cover-up dismissal letters, is enclosed.

As reflected by the enclosed correspondence from the ACLU, it is well aware of how hopeless it is for citizens to complain of police misconduct to the Metropolitan Police and that "virtually all the complaints [they] hear about get no answer from any level". Yet, for reasons ACLU has refused to explain, it will not do anything about such dire state of affairs -- nor provide me with any legal assistance.

I am, however, hoping for help from the D.C. Law Students in Court Program. On January 21, 1997, Professor Ed Shacklee, an attorney supervising the program, happened to be in the courtroom when my case was on the calendar of the Superior Court. After Professor Shacklee heard what I had to say to the Judge about what the case was about, he came up to me and offered assistance. As yet, nothing has materialized. My correspondence with Professor Shacklee, summarizing the issues at stake, is enclosed.

At present, my trial date is April 4, 1997. This does not leave much time, but it's not a very complicated case. It is, however, an important one -- deserving of the backing of Public Citizen.

In that regard, in the chapter entitled "The Office of Citizen" in Citizen Action and Other Big Ideas: A History of Ralph Nader and the Modern Consumer Movement, "the Winstead Project" is described as focused on "mobilizing citizen participation in local government" (p. 36). Identified as a "key proposal" of the Project is that citizens hire a "community lawyer to educate people about their rights, help them exercise their rights, and go to court if necessary to protect them." If Public Citizen, founded by Ralph Nader, is not the national equivalent of that idea, what is?

I await your response. As with so much else, time is of the essence.

Yours for a quality judiciary,

*Elena Ruth Sassower*

ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc.

Enclosures: CJA's informational brochure  
Case documents, as itemized on accompanying inventory

cc: Ralph Nader  
D.C. Law Students in Court Program, Inc.  
Att: Professor Ed Shacklee  
ACLU for the Capitol Area  
Att: Mary Jane DeFrank, Executive Director  
Arthur B. Spitzer, Legal Director

P 269 525 205

**Receipt for Certified Mail**  
No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to *David Vladeck Director*  
**PUBLIC CITIZEN**  
Street and No. *1600 20th Street NW*  
P.O. State and ZIP Code *Washington, DC 20009*

Postage	\$ 300
Certified Fee	110
Special Delivery Fee	
Restricted Delivery	
Return Receipt Showing to Whom & Date Delivered	110
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	410
Postman's Date	<i>3/13/97</i>

PS Form 3800, June 1991

**SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.  
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address.  Restricted Delivery  
↑(Extra charge)↑

3. Article Addressed to:  
*David Vladeck, Director*  
*Public Citizen*  
*Litigation group*  
*1600 20th Street, NW*  
*Washington, DC 20009*

4. Article Number  
*P 269 525 205*

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee  
*X Mercedes Evans*

6. Signature - Agent  
*X*

7. Date of Delivery  
*3/13/97*

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1987

## INVENTORY

### Court Documents: Case #177-97:

1. Information filed by Superior Court, Criminal Division, dated 1/21/97
2. Notice to Return to Court, dated 1/21/97

### Procedural History: Motion to Set Aside Forfeiture:

1. 9/22/96 ltr to Clerk, Superior Court
2. 10/8/96 ltr from William Barnes
3. 11/20/96 ltr to Superior Court/William Barnes
4. 11/20/96 ltr to D.C. Corporation Counsel
5. 12/2/96 ltr from William Barnes
6. 12/18/96 ltr from William Barnes, enclosing signed order granting motion

### Metropolitan Police Misconduct Complaint:

10/21/96: ltr from Larry Soulsby, Chief of Police

### U.S. Capitol Police Misconduct Complaint:

- 10/16/96: ltr from John J. DeLucca II, Lieutenant, Internal Affairs Division
- 2/18/97: ltr from Gary L. Abrecht, Chief of Police

ACLU for the Capitol Area:

- 10/18/96: ltr from Fritz Mulhauser, Coordinator, Litigation  
Screening
- 1/27/97: ltr from Elena Sassower to Fritz Mulhauser
- 1/31/97: ltr from Fritz Mulhauser

D.C. Law Students in Court Program, Inc.:

- 1/27/97: ltr from Elena Sassower to Professor C. Edward  
Shacklee
- 3/4/97: ltr from Elena Sassower to Professor C. Edward  
Shacklee