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BY FAX & MAIL: 202-514-8788 (10 pages) 1:30 p.m.

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June 13, 2005

Assistant U.S. Attorney Aaron Mendelsohn
Assistant U.S. Attorney Jessie Liu
555 Fourth Street, N.W.
Washington, D.C. 20530

RE: The Record on Appeal in the "Disruption of Congress" Case:
United States of America v. Elena Ruth Sassower, M-4113-03

Dear Mr. Mendelsohn and Ms. Liu,

The appeal of my conviction and sentence for "disruption of Congress" is due to be filed in the D.C. Court of Appeals on June 28, 2005 -- the first anniversary of the date Judge Holeman sentenced me to six months incarceration, to begin "forthwith".

As you know, the June 28, 2004 sentencing was taped -- and subsequently transcribed. Enclosed are pages 9-12 of the transcript, reflecting, at page 12 the inability of the stenographer to discern what Mr. Mendelsohn said at the bench conference he had requested.

It is my recollection that Mr. Mendelsohn's words were to the effect that he had been informed that Senate Legal Counsel takes "no position" or has "no opposition". This, with respect to my quoting from my June 24, 2004 memo to Senate Judiciary Committee Chairman Hatch, Ranking Member Leahy, Home-State Senators Schumer and Clinton, and Senator Chambliss:

"...please be advised that the D.C. Court Services' May 28, 2004 presentence report recommended that I perform 'community service'. I am perfectly willing to perform 'community service' -- so long as it consists of my working with the Senate Judiciary Committee to develop ways of facilitating and enhancing citizen participation in federal judicial selection and otherwise advancing the unimplemented non-partisan, good-government reform recommendations of The Ralph Nader Congress Project (1975), Common Cause (1986), and The

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Twentieth Century Fund Task Force on Judicial Selection (1988). Would this be acceptable to you?"

As the transcript shows, Judge Holeman cut me off as I was continuing the quote, "If I do not hear from you, I will assume you have NO OBJECTION and will so inform the Court at the June 28th sentencing."

Rule 10(c) of the D.C. Court of Appeals, "Statement of the Evidence When The Proceedings Were Not Recorded or When a Transcript is Unavailable", would appear applicable to this situation.

Please set forth your recollections, as soon as possible, of what Mr. Mendelsohn said at the bench conference so that it may be submitted to Judge Holeman "for settlement and approval" – and thereafter "included by the Clerk of the Superior Court in the record on appeal".

Additionally, I do not recollect what Ms. Liu told me in court on June 28, 2004, immediately prior to sentencing, with respect to my June 25, 2004 letter to her requesting a copy of the government's "subsequent 'Information' bearing an April 2004 date". Upon my first opportunity to examine the court file after completing my six-month jail sentence, the ONLY dated Information I found, aside from the one I had received at arraignment, was the amended Information (unidentified as such) which retained the May 23, 2003 date of the unamended Information – and to which, when Ms. Liu proffered such backdated document in court on April 14, 2004, I objected [Tr. 68-71, 72-73]¹. A copy of my June 25, 2004 letter is enclosed.

I also do not recollect whether – as also requested by my June 25, 2004 letter -- Ms. Liu gave me a copy of the second version of the "Government's Proposed Elements of the Offense", as signed by Judge Holeman. However, I did obtain this document from the court file, which you had each signed, as had Judge Holeman.

Your prompt attention would be greatly appreciated. Thank you.



ELENA RUTH SASSOWER
Appellant *Pro Se*

Enclosures

¹ In addition to these two May 23, 2003 dated Informations, the court file contained copies of each Information from which the lower portion with the date and other certifying identifiers had been cut off. Please advise if you know anything about these tampered-with documents – copies of which I am enclosing.

1 offering even a plea here when the end game, as they knew,
2 was not going to be any jail time.

3 Now going directly, and I would -- as I say, their
4 memorandum -- there should be no sentencing where the U.S.
5 Attorney is not willing to state that due process has been
6 had.

7 But going now to the recommendation of the -- of
8 Court Services, their recommendation -- in my affidavit, I
9 make a counterproposal, one which I presented to Senate
10 Judiciary Committee Chairman Hatch, Ranking Member Leahy, New
11 York Home-State Senators Schumer and Clinton and Senator
12 Chambliss. I presented that counterproposal by memorandum,
13 dated June 24th, which I respectfully request that you hand
14 up to the Court, so that I may comment specifically on the
15 recommendation of Court Services for community service.

16 I said, to the senators, please be advised that
17 D.C. Court Services' May 28, 2004 presentence report
18 recommended that I perform community service. I am perfectly
19 willing to perform community service so long as it consists
20 of my working with the Senate Judiciary Committee to develop
21 ways of facilitating and enhancing citizen participation in
22 federal judicial selection and, otherwise, advancing the
23 unimplemented, nonpartisan, good government reform
24 recommendations -- here it is -- of the Ralph Nader Congress
25 Project, from 1975; Common Cause, 1986; and the 20th Century

1 Fund, 1988, unimplemented. And my question to the senators
2 was, would this be acceptable to you? And I underlined it
3 with the next line, if I do not hear from you --

4 THE COURT: Excuse me. Ms. Sassower, I'm going to
5 ask you questions during the course of this proceeding. And
6 when you hear me ask you a question, you are to stop speaking
7 and respond.

8 MS. SASSOWER: Yes, Your Honor.

9 THE COURT: The question that I have for you is
10 whether that proposal that you made to the incorrect parties
11 you now incorporate by reference and make to me. That is to
12 say that you would be willing to perform community service so
13 long as, and only if, it involves the Senate Judiciary
14 Committee.

15 MS. SASSOWER: Look --

16 THE COURT: No, no. Ms. Sassower?

17 MS. SASSOWER: Yes.

18 THE COURT: I think that we probably had this
19 exchange before. I don't look.

20 MS. SASSOWER: Look is just an expression, Your
21 Honor.

22 THE COURT: Well, don't use it in this courtroom.
23 Would you respond to my question, please?

24 MS. SASSOWER: The response, as requested in my
25 affidavit, is it -- actually, Ms. Westry doesn't substantiate

1 -- give any explanation as to why community service is even
2 appropriate for ~~Washington, D.C.~~, okay? And I have said, in
3 my affidavit, that I work full-time championing meaningful
4 and effective mechanisms of judicial selection and
5 discipline. This is full-time community service that I
6 already give.

7 But to be accommodating and to constructively move
8 forward, if the Court is inclined to that particular
9 recommendation, notwithstanding it is not substantiated, I
10 have countered and in my memo to the senators of last week,
11 June 24th, I said to them, if I do not hear from you, I will
12 assume you have no objection, and will so inform the Court at
13 the June 28th sentencing.

14 Now, Your Honor --

15 THE COURT: Ms. Sassower, just so that you know,
16 the senators really have no responsibility to you to respond.
17 The issue in that regard -- the issue of your sentencing is
18 the sole purview of the Court. And even if I were to receive
19 some document from the Senate Judiciary Committee, documents
20 which I would not expect to receive, the ultimate decision as
21 to the sentence imposed in your case will be determined by
22 me.

23 Now, let me ask you some questions.

24 MR. MENDELSON: Your Honor, may we approach
25 briefly?

