

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

By Fax: 202-879-2844 (5 pages)

By Mail

February 10, 2004

Judge Brian Holeman
Superior Court of the District of Columbia
Criminal Division
500 Indiana Avenue, N.W.
Washington, D.C. 20001

RE: *United States of America v. Elena Ruth Sassower*, M-4113-03
"Disruption of Congress"

Dear Judge Holeman:

I have received no response – by fax, e-mail, mail, or phone – to my January 30, 2004 letter, faxed and mailed to you.

Such letter asserted my growing belief, born of my most initial contacts with the Court, that you are "not a fair and impartial tribunal". To enable me to properly evaluate whether a motion for your disqualification is an appropriate course, my January 30th letter asked that you advise:

"whether you have a policy to request attorneys and *pro se* litigants not to call chambers with their inquiries regarding procedural, non-substantive matters pertaining to cases before you." (p. 2, underlining and italics in the original).

Additionally, my January 30th letter called upon you:

"to make disclosure – as is your duty under Canon 3E of the District of Columbia's Code of Judicial Conduct – of any facts and circumstances bearing adversely upon your ability to be fair and impartial." (p. 2).

As I have now received the transcript of the December 3, 2003 oral argument of my October 30, 2003 discovery/disclosure motion, I take this opportunity to add a further inquiry germane to my potential motion for your disqualification: Was it you to whom Judge Milliken referred when he stated that the new judge who would be handling this calendar and this case had "just

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stepped out", but had "heard the bulk of the arguments in the case today" [Tr. 34, lns. 24, 21-22]? If so, at what point did you leave the courtroom?

To prevent prejudice beyond that already caused by your January 22nd blanket directive that I not call chambers, which – if not part of an across-the-board general policy -- served no purpose but to impede me in protecting my legitimate rights with respect to my dispositive October 30, 2003 discovery/disclosure motion, as likewise from clarifying how I am to proceed with such related procedural issues as my subpoenaing of witnesses whose testimony will relate to the documents sought by that motion, please fax (914-428-4994) your response to my foregoing inquiries by Thursday, February 12th at the latest so I that I may decide on an appropriate course without further delay.

Finally, insofar as my January 30th letter reflects your view, enunciated by your law clerk, that I could gain necessary information by contacting the U.S. Attorney's office, enclosed is a copy of my February 4, 2004 fax to Assistant U.S. Attorney Aaron Mendelsohn, requesting that he identify the content of his "*ex parte in camera*" submission to the Court in response to Judge Milliken's January 14, 2004 deadline. Although I asked for his expeditious response, I have yet to receive anything.

Thank you.


ELENA RUTH SASSOWER
Defendant *Pro Se*

Enclosure

cc: Assistant U.S. Attorney Aaron Mendelsohn
Mark Goldstone, Esq.

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Elena Ruth Sassower, Coordinator

By Fax: 202-514-8788 (2 pages)

By E-Mail: Aaron.Mendelsohn@usdoj.gov

February 4, 2004

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

RE: *United States of America v. Elena Ruth Sassower*, M-4113-03
"Disruption of Congress"
The content of your "ex parte in camera" submission

Dear Mr. Mendelsohn,

I hereby request that you identify the content of the completely "*ex parte in camera*" submission you made to the Court in response to Judge Milliken's January 14, 2004 deadline – as to which you did not see fit to even provide me with a copy of your transmitting coverletter.

Unless a coverletter identifying the transmitted documents did not accompany your submission, please furnish me with a copy without delay.

It is my position that whether as a coverletter or otherwise, compliance with Judge Milliken's directive on December 3, 2003 required you to provide a superseding response to the 22 requests for "documents and tangible objects", enumerated by my August 12, 2003 First Discovery Demand. Further, as to records requested by items #5-10, 12, 16, 17, 22 of my Discovery Demand – which, *without elaboration*, your previous October 3, 2003 response claimed did "not exist"¹ -- you were required to identify whether, upon completing the search Judge Milliken directed, such records as you were continuing to purport did "not exist" had been destroyed. As to this issue, Judge Milliken expressly recognized:

"The judge is obliged to look into the destruction of discoverable material and then assess its impact under pertinent authorities."
(Tr. 38, lns. 15-17)

¹ See my October 30, 2003 motion to enforce my discovery rights and the prosecution's disclosure obligations, pp. 20-24.

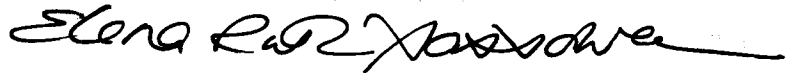
Assistant U.S. Attorney Mendelsohn

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I await your expeditious response.

Thank you.

A handwritten signature in black ink, appearing to read "Elena Ruth Sassower". The signature is fluid and cursive, with a long horizontal stroke at the end.

ELENA RUTH SASSOWER
Defendant *Pro Se*

cc: Mark Goldstone, Esq.

Subject: USA v. Elena Ruth Sassower: "Disruption of Congress"

Date: 2/4/2004, 12:39 PM

From: Elena Ruth Sassower <judgewatchers@aol.com>

To: Aaron.Mendelsohn@usdoj.gov

cc: mllaf@aol.com

Organization: Center for Judicial Accountability, Inc.

Dear Mr. Mendelsohn,

Attached is my already-faxed letter to you of today's date regarding the content of your "ex parte in camera" submission.

Please pick up your fax and respond expeditiously.

 [2-4-04-ltr-mendelson.doc \(35KB\)](#)

Elena Sassower
Defendant Pro Se

TRANSMISSION VERIFICATION REPORT

TIME : 02/04/2004 12:37
NAME : CJA
FAX : 9144284994
TEL : 9144211200

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