

Unapologetic, she was given a harsher term than D.C. prosecutors had sought.

N.Y. woman gets 6 months in jail for 'obnoxious' activism

By Steve Goldstein
INQUIRER WASHINGTON BUREAU

WASHINGTON — Elena Sassower couldn't bring herself to say, "I'm sorry, I was wrong."

Convicted of disrupting Congress, the judicial activist from New York refused to accept probation with conditions imposed by the judge that she believed were onerous and unconstitutional.

So instead of walking freely from the courtroom, Sassower earlier this week was sentenced to the maximum six months in prison for the misdemeanor — even though prosecutors had recommended that the petite, 48-year-old serve no time in jail.

"It's a horrible thing to be here ... it's beyond description," Sassower said yesterday in an interview in the warden's conference room of the D.C. Jail. "But to be in jail on the Fourth of July, when we celebrate what it means to be an American and the way we exercise our rights, well ..."

A spokesman for the National Association of Criminal Defense Lawyers said the sentence seemed "unusually excessive" for what amounted to "asserting her First Amendment rights." "Six months is what you get in D.C. for decking someone," said Jack King, himself a criminal defense lawyer. "This woman is being punished for being obnoxious."

Sassower, of White Plains, N.Y., co-founded the N.Y.-based Center for Judicial Accountability, which seeks to allow ordinary citizens input in the confirmation process for federal judges.

Last year, she became interested in the nomination of New York judge Richard Wesley to the Second Circuit of the U.S. Court of Appeals. She attempted to convince the staffs of Sens. Hillary Rodham Clinton (D., N.Y.) and Charles Schumer (D., N.Y.) that Wesley was unfit for the federal bench.

One day before Sassower attended a Judiciary Committee hearing on the nomination in May 2003, Senate staffers alerted U.S. Capitol Police, who contacted Sassower and warned her not to disrupt the hearing, according to court records.

As the hearing in the Dirksen Building neared its conclusion, Sassower demanded to be heard by Sen. Saxby Chambliss (R., Ga.), the presiding — and only — senator at the hearing. Her outburst continued after the gavel came down ending the hearing and, as a police officer tried to escort her from the courtroom she allegedly grabbed onto a chair to resist expulsion.

Wesley was ultimately confirmed.

Her trial in April for disrupting the hearing was equally tumultuous.

Acting as her own attorney over the weeklong proceeding, Sassower repeatedly clashed with D.C. Superior Court Judge Brian F. Holeman, who at one point had her removed from the courtroom.

The jury took only a couple of hours before finding Sassower guilty of disorderly conduct, a misdemeanor that carried a maximum six months in jail and a \$1,000 fine.

At the sentencing Monday, prosecutors recommended a suspended sentence of five days in jail, six months probation, and a course in anger management.

But Holeman told Sassower he wanted to place her on probation for two years — assuming she agreed to the following conditions: an anger-management course; a commitment to stay away from all the buildings in the Capitol "complex" (the judge would supply a map); no contact with members of the Senate Judiciary Committee, including Sen. Clinton; and letters of apology to committee members and U.S. Capitol police officers admit-



Elena Sassower

Age: 48

Career: Coordinator and cofounder (with her mother) of the Center for Judicial Accountability in White Plains, N.Y.

Judicial reform activist

Hebrew School principal and teacher

Education: Brown University, bachelor's, 1980

Hebrew University (Israel) graduate school

Personal: Single; two sisters, two nephews and one niece

ting her wrongdoing and showing remorse.

"No," Sassower said.

"The apology was the coup de grace," Sassower said yesterday. "Maybe I could have accepted the rest — even though it would have affected my work monitoring judicial nominations — but I couldn't lie."

Clad in an orange jumpsuit over a white T-shirt and orange slip-on sneakers, a blue-and-white I.D. band on her right wrist, Sassower carried a Bible she borrowed from a cell mate.

"The prosecutors hadn't requested these conditions," she said, punctuating her remarks with animated gestures. "I was railroaded during the trial."

Her legal adviser, Mark Goldstone, a native of Lower Merion, said the whole trial "seemed reminiscent of the old Soviet Union. ... These are conditions you put on someone who attacks a senator with a knife."

On May 7, testimony by Defense Secretary Donald H. Rumsfeld before the Senate Armed Services Committee was interrupted by demonstrators who held up a banner and chanted "Fire Rumsfeld." They were escorted out of the hearing but not charged.

Judge Holeman declined to comment on the case because an appeal is pending.

Calls requesting comment from Sens. Clinton and Schumer were not returned.

Sassower said she spends 23 1/2 hours in her cell and is allotted 30 minutes in an outdoor yard. Asked if she had any regrets, she shook her head.

"When you are held in these conditions, you don't know how you will go on," she said. "But if it takes the horror of my incarceration to shed light on the process ..."

Defense attorney King said the D.C. Jail was one of the most unpleasant prison facilities he had visited.

"It's not a place you want to spend the night," he noted, "much less six months."

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