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November 26, 2004

President George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

U.S. Senator Orrin Hatch
Chairman, Senate Judiciary Comm.
224 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Re: **FREE ELENA SASSOWER, Prisoner #301-340, DC Jail.**

FREE ELENA SASSOWER BEFORE ~~THANKSGIVING!~~

FREE ELENA SASSOWER BEFORE CHRISTMAS!

FREE ELENA – on her 152nd day of 180-day bogus jail sentence
for bogus “Disruption of Congress” charge.
U.S. v. Elena Ruth Sassower, Case #M-4113-03
D.C. Superior Court, Judge Brian F. Holeman

FREE ELENA – Jailed Simply for Defending the Right to be Heard!

Dear President Bush and Senator Hatch:

This is my **3rd** letter to President Bush and follows my November 8 & 17, 2004 letters. (The November 17, 2004 letter was also sent to you Senator Hatch, and requested that you provide a copy to Senators Specter, Frist, Leahy and each of the other senators on the Senate Judiciary Committee [SJC]. I make that request again, for this letter.)

I again plea to you President Bush to - **Free Elena Sassower, now before Christmas** – as you did nothing and Elena wrongly spent **Thanksgiving** in jail. Just as she did the **4th of July**. Just as she has done for **152 days**. That plea is also made to you Senator Hatch, and Senators Specter, Frist, Leahy and every other senator on the SJC.

In conjunction with my plea that you **FREE ELENA** from the **DC Jail**, because her arrest, charge, prosecution and conviction for “Disruption of Congress” were **all bogus** and contrary to common decency, common sense and the Constitution, and that her 180-day sentence was/is a tyrannical act of **judicial retribution** (as irrefutably established in

my 11-17-04 letter to you), I now bring to your attention two (2) more very recent articles that reflect on the dysfunction and lack of integrity in our legal/justice system.

First, is a November 20, 2004 p.A19 *Washington Post* article “*Who Judges the Judge?*”, reporting about the **death** of Jonathon Magbie – a 27-year-old quadriplegic. He died in the **DC Jail**. He was sent there on September 20, 2004, by **DC Superior Court Judge Judith Retchin**, who sentenced Mr. Magbie to 10-days in jail for a simple charge of marijuana possession. Judge Retchin **knew** Magbie was a first-time offender and she **knew** he was totally dependent and unable to breathe reliably on his own. Mr. Magbie was in the care and custody of the government when he died. Government power put Mr Magbie there. Judge Retchin put him there. What a tragedy.

President Bush, on June 28, 2004 (the very day America was turning over sovereignty to Iraq to establish the rule of law and democracy there) **DC Superior Court Judge Brian Holeman** wrongly condemned Elena Sassower to 6-months in the **DC Jail**. Judge Holeman did that knowing the charge, prosecution, trial and conviction were all bogus. He did that knowing that his sentence flew in the face of a **no-jail time** pre-sentence report recommendation. He did that knowing Elena was entitled to a stay of sentence, pending her appellate rights. Judge Holeman’s acts are the same renegade rogue judicial tyranny – abuse of power - that lead to the tragic death of Mr. Magbie.

President Bush please stop this tyranny. Please FREE ELENA NOW.

Second, is a November 18, 2004 *The Harvard Crimson* (News Section) article “*Breyer Touts ‘Active Liberty’*”. The article starts:

“U.S. Supreme Court Justice Stephen G. Breyer said yesterday American **citizens must participate in government** if they expect to realize the Constitution’s democratic intentions. Opening an important series of lectures on democracy and the Constitution, Breyer stressed the importance of what he called ‘active liberty’. In electing representatives, participating in recalls and referenda and other ways—all part of this concept of ‘active liberty’—he said **citizens help** trace ‘the line of authority of the making of government decisions back to the people.’”

President Bush and Senator Hatch - Elena Sassower was **practicing** this very same “active liberty” - Justice Breyer is talking about, when she was handcuffed on May 22, 2003. Arrested. Charged. Prosecuted. Convicted. Sentenced to jail for 6-months. Incarcerated now for 152-days. Elena’s **liberty** was taken away simply for **acting--** attempting to use her 1st Amendment rights of petition and speech. Taken away by **active tyranny**. Active tyranny practiced in the DC Superior Court system.

Recall that in my November 17, 2004 letter to you, I referenced another article. The June 24, 2004 p.A14 *LA Times* article “*Justice System is Broken, Lawyers [ABA] Say*”, which reported the current president of the American Bar Association, Dennis Archer stating “**The system is broken. We need to fix it.**” and Associate Supreme Court Justice Anthony Kennedy stating “**Our resources are misspent, our punishments too severe,**

our sentences too long.” Those statements were made in connection with the release of an ABA report/study on the failures of our criminal justice system and were **made in Washington DC** – made **just four (4) days before** DC Superior Court Judge Holeman sentenced Elena to 180-days in the DC Jail. My November 17, 2004 letter then stated:

“U.S. v. Sassower is the **poster child** for the broken system.”

President Bush - do our words have any meaning? Do the words of Justice Breyer have any meaning? Do the words of Justice Kennedy have any meaning? Do the words of our Constitution have any meaning? Did the life of Jonathan Magbie have any meaning? Will his death have any meaning?

How can ~~what~~ we (YOU) are doing in Iraq have any meaning, when such blatant injustices happen here to our citizens, in our Nation's own Capitol? Martin Luther King stated “Injustice anywhere, is a threat to justice everywhere.” Very profound. But injustice done in our courts, by our courts - is not just a threat to justice - it's an assault on justice, an assault on citizens, it's obscene, it's the death of liberty - it's tyranny.

President Bush, I first brought the case of Elena Sassower to your attention with my November 8, 2004 letter. You may not have known of her case before that. **You now know** of her case. You have been told three (3) times. If however, this has not been brought to your attention, then for that failure, your administration is incompetent. Either way, you are **now** responsible for the continued incarceration of Elena Sassower.

President Bush, you have stated that from the recent election you got capital. That you intend to spend that capital. Might I be so humble, to suggest you spend a bit of that capital to stop a grave injustice – **FREE ELENA SASSOWER**. Might I suggest you also look into the tragic death of Jonathan Magbie? Please look into the injustice and tyranny being practiced in the DC Superior Court system by its judges.

President Bush – this is about the integrity of our legal system. The integrity of our justice system. The integrity of our government. The integrity of your administration. Please do not let Elena spend Christmas in the DC Jail. Please **FREE ELENA NOW**.

Very, very concerned,



GARY L. ZERMAN

GLZ/ms

cc: Doris Sassower