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DATE: February 27, 2004

TO: Chief Judge Rufus King, III/ Superior Court of the District of Columbia  
[By Fax: 202-879-7830: 6 pages]

Acting Presiding Judge Harold Cushenberry<sup>1</sup>/ Criminal Division  
[By Fax: 202-879-0130: 6 pages ]

FROM: Elena Ruth Sassower, Defendant *Pro Se*  
*United States of America v. Elena Ruth Sassower, M-4113-03*  
"Disruption of Congress"

RE: REQUEST FOR IMMEDIATE SUPERVISORY OVERSIGHT  
OVER JUDGE BRIAN F. HOLEMAN

Dan Cipullo telephoned me late yesterday afternoon. He had received my memorandum requesting immediate supervisory oversight over Judge Holeman, but stated that notwithstanding he is Director of the Superior Court's Criminal Division, he has no oversight responsibilities over its judges, whose "prerogative" to do whatever they choose in cases before them, no matter how lawless and factually unfounded, is, according to him, unfettered except for the appellate process. Consequently, he stated he would not review the court file of the criminal case against me so as to *independently* verify that Judge Holeman has "brazenly abandoned all adjudicative standards, beginning with honesty".

Although Mr. Cipullo -- a lawyer -- initially represented that the same applies to each of you, he subsequently agreed that it was for you to make your own representations as to your oversight responsibilities over Judge Holeman. This, after I told him that irrespective of the outcome of my criminal trial, I was intending to file a judicial misconduct complaint against Judge Holeman with the District of Columbia Commission on Judicial Disabilities and Tenure. The only question was whether such judicial misconduct complaint would also be against yourselves for failing to discharge your supervisory and disciplinary duties, including pursuant to the Code of Judicial Conduct for the District of Columbia Courts. This would include, in

<sup>1</sup> According to Mr. Cipullo, Presiding Judge Kramer -- to whom my yesterday's memo was addressed -- is out of the country and Judge Cushenberry is acting in her stead. As Mr. Cipullo did not have Judge Cushenberry's fax number immediately available, he offered to forward my e-mail of the memo to Judge Cushenberry.

addition to Canon 3D(1), "Disciplinary Responsibilities"<sup>2</sup>, cited by my yesterday's memorandum, Canon 3C(3), "Administrative Responsibilities"<sup>3</sup>.

Please be advised that early yesterday evening, Judge Holeman faxed me a sixth order. Such reinforces the necessity of your immediate supervisory intervention, as Judge Holeman's flagrant dishonesty continues unabated – even in face of my yesterday's memorandum for your supervisory oversight, a copy of which I sent him hours earlier.

As with Judge Holeman's first three orders which, without identifying ANY of the facts presented by my February 23, 2004 motion, separately denied each of its three branches by bald pretenses described by my memorandum as "outright judicial lies", so too this sixth order, arising from the same February 23, 2004 motion.

By this sixth order, Judge Holeman attempts to create a "written adjudication" of my October 30, 2003 motion to enforce my discovery rights, the prosecution's disclosure obligations, and for sanctions. He does this NOT by adjudicating my entitlement to a "responsive, written adjudication" to that dispositive motion -- the express basis upon which the second branch of my February 23, 2004 motion sought postponement/continuance of the March 1, 2004 trial date – nor by confronting, or even identifying, my assertion of Judge Milliken's bias, let alone the extensive evidence I presented as to

"the mishmash of ambiguous, contradictory, insufficient, and factually unsupported rulings and statements that a demonstrably biased Judge Milliken made from the bench with respect to my October 30, 2003 discover/disclosure/sanctions motion" (¶27),

set forth at ¶¶28-34 under a section heading entitled:

"The Biased Adjudications of Senior Judge Milliken at the December 3, 2003 Oral Argument – Obvious to Any Fair and Impartial Tribunal".

Rather, Judge Holeman simply asserts,

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<sup>2</sup> "A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority."

<sup>3</sup> "A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities."

“At a hearing held on December 3, 2003, Judge Milliken ruled on this Motion, thereby establishing the law of this case with respect to all outstanding discovery obligations on the part of the Government. Judge Milliken determined that the sole discovery obligation of the Government was the *ex parte in camera* submission of documents relevant to bias cross-examination, which was satisfied by way of the Government’s submission of responsive documents for this Court’s review on January 14, 2004.

Further, Judge Milliken ruled there would be no imposition of sanctions against the Government for failure to comply with discovery obligations.”

With this, Judge Holeman denies the motion<sup>4</sup>, falsely purporting there was “no demonstration of newly presented facts”.

Be advised that Judge Holeman’s above-quoted pivotal assertion that:

“Judge Milliken determined that the sole discovery obligation of the Government was the *ex parte in camera* submission of documents relevant to bias cross-examination, which was satisfied by way of the Government’s submission of responsive documents for this Court’s review on January 14, 2004”

is yet a further “outright judicial lie”. Such is readily exposed by the transcript of the December 3, 2003 oral argument, annexed to my February 23, 2004 motion. This quite apart from ¶¶35-36, 42-25 of the motion, cited by my yesterday’s memorandum in support of my statement:

“As Judge Holeman may be presumed to have immediately recognized from my February 23, 2004 motion, the Government’s *ex parte in camera* submission is flagrantly non-compliant with Judge Milliken’s directive – entitling me to the requested continuance/postponement of the March 1, 2004 trial date on that basis alone.” (at p. 2, underlining in the original).

Assuming you have not yet accessed the file, I will highlight some lengthy excerpts from the December 3, 2003 transcript – which Judge Holeman would have had to be “blind as a bat” to miss:

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<sup>4</sup> Judge Holeman not only claims to have “consider[ed]” the motion, but “any opposition thereto”. To my knowledge, NO opposition was filed by the Government.

[Transcript, p. 10, ln. 11 – p. 11, ln. 5, bold added]

**Judge Milliken:** “So if, for example, she is a representative of an organization that’s about cleaning up the judiciary, she wants to fight to prevent a second circuit appointment and she wants to be heard and there is a public hearing organized to that effect, and hearings regularly allow for people to speak and she wants to get up and say, well, I was there to speak and lo and behold, here I am pounced on. I was just starting to speak. I didn’t even hear the speaker call for quiet. I didn’t hear anything. I was just trying to discharge my citizenly opportunity to petition the Government for redress of grievances and so, if there are **communications whether from offices represented in Congress to police or, you know, target this woman, intercept her, arrest her, she gets to have that specific to these circumstances.** And you have to ask for that specific to these circumstances and you have to review it specific to these circumstances and you have to, under the Akers case, which I know you’ve read 100 times, resolve all bouts [sic] in favor of discovery. That was the Supreme Court’s command...”

[Transcript, p. 15, ln. 16- p. 17, ln. 3, bold added]

**Judge Milliken:** “So, you have to at least inquire. You know, did somebody say, look, I’m a Senator and that person is not coming to my hearing and tell the police, I don’t care how you do it, get rid of her. All right? And, as an example, I mean, she’s going to make a claim that she didn’t do anything wrong, and that, in fact, the charge is manufactured and, in fact, the charge is so thin, let me see if I can find it. Have you got your Gerstein handy?...  
When you read it, it’s an amended Gerstein. After the Senator called for order, the defendant continued to shout. It wouldn’t take long for a person, it certainly didn’t take me but a second to think, ahh, there. Based on what was originally reported by the officers, they didn’t have probable cause to arrest her. When they talked to a prosecutor, their representations were amended. Now they’ve built sufficient prosecution. So clearly I’m right that I was arrested for nefarious motives and reasons. And now I’m being pressed because prosecutors are supporting the police authorities and I really never did anything wrong in the first place. And if I have access to documents to show that they were out to get me before I even step on the Capitol grounds, that proves that they were going to get me removed, incarcerated at all costs because they want to suppress me and I live in a police state. This is fascism, this is not

America and she gets to do all that, all right? That's her defense or it could be. I'm not saying it is because she doesn't have to settle on one but it could be and one hard to think about. So you have to see, was there some, we are going to get her kind of communication. **And if it's true, she's entitled to have you deliver that to me.**"

[Transcript, p. 27, ln. 20- p. 28, ln. 18, bold added]

**Judge Milliken:** "And he needs to go back and to review the records of how you may have been targeted, and I use that broadly. I'm not saying it happened, I don't know whether it happened. If it happened, if somehow you were singled out so that you were not going to get an open door reception at the seat of your Government, he's going to find that out and **he's going to deliver those papers to the Court.**"

**Ms. Sassower:** "As that [39-page May 21, 2003 fax to Capitol Police Detective Zimmerman] makes plain and as my [October 31, 2003] moving affidavit presents, U.S. Capitol Police called me the day before the arrest at the instance of Senator Hillary Rodham Clinton and she set in motion the chain of events that led to my being threatened."

**Judge Milliken:** "Bingo. In the event when he inquires of that staff as I have ordered that he do, he finds that there were directions from Senatorial offices or through staff to law enforcement, **he's going to produce those to the Court.**"

...  
"He's going to look and provide the raw material to the Court."

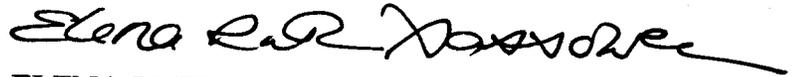
Yet, the ONLY "raw material" which the Government filed with the Court *ex parte* in purported compliance with Judge Milliken's January 14, 2004 deadline were Capitol Police records of my June 25, 1996 arrest for "disorderly conduct" in the hallway outside the Senate Judiciary Committee, *to wit*, the Arrest/Prosecution Report; Supplement Report; my signed waiver of rights, and Citation Release Determination Report. Conspicuously, the Government did NOT correlate this production to ANY of the 22 requests for "documents and tangible objects" in my August 12, 2003 First Discovery Demand. Indeed, NONE of my 22 requests sought any such production, except perhaps inferentially #22.

For Judge Holeman to thus purport that "responsive documents" were filed by the Government and that Judge Milliken's directive was "satisfied" is to flagrantly lie so as to "protect" the Government and railroad me to trial on Monday, March 1, 2004, without the documents to

February 27, 2004

which I am entitled – and the witnesses whose testimony will relate thereto<sup>5</sup>. Such cannot be permitted by supervisory authorities, given the fact-specific, *readily-verifiable* notice herein and by my yesterday's memorandum of what is taking place.

Thank you.



ELENA RUTH SASSOWER  
Defendant *Pro Se*

cc: Dan Cipullo, Director/Criminal Division  
[By E-mail: [cipulld@dcsc.gov](mailto:cipulld@dcsc.gov)]  
Judge Brian Holeman [By Fax: 202-879-2844]  
Assistant U.S. Attorney Aaron Mendelsohn [By Fax: 202-514-8788]  
Mark Goldstone, Esq. [By E-Mail]

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<sup>5</sup> Judge Holeman is presumed to have further recognized that the extraordinary *ex parte* 3-1/3 page statement generated by the Government to accompany its paltry, non-responsive *in camera* submission only further reinforces my entitlement to the documents sought by my August 12, 2003 First Discovery Demand and to related witnesses.

TRANSMISSION VERIFICATION REPORT

*Chief Sudge  
Rufus King III*

TIME : 02/27/2004 12:32  
NAME : CJA  
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DATE, TIME	02/27 12:28
FAX NO. /NAME	12028797830
DURATION	00:04:04
PAGE(S)	06
RESULT	OK
MODE	STANDARD ECM

TRANSMISSION VERIFICATION REPORT

*Acting Presiding  
Sudge  
Harold Cushman*

TIME : 02/27/2004 12:44  
NAME : CJA  
FAX : 9144284994  
TEL : 9144211200

DATE, TIME	02/27 12:40
FAX NO. /NAME	12028790130
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