CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY E-MAIL: info@dcnlg.org & demosupport@dcnlg.org

DATE: June 15, 2007

TO: District of Columbia National Lawyers Guild
ATT: Leadership & ALL Board Members

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: ***Amicus Curiae* & Other Support of U.S. Supreme Court Review of the "Disruption of Congress" Case, *Elena Ruth Sassower v. United States of America***

This follows up my brief telephone conversation on June 13th with Stephanie Joseph (240-605-1045)[1], requesting that the District of Columbia National Lawyers Guild file an *amicus curiae* brief in the United States Supreme Court in support of the cert petition to be filed on August 17, 2007 in the "disruption of Congress" case *Elena Ruth Sassower v. United States*.

I told Ms. Joseph that I had already left a voice mail message for Jon Katz (301-495-4300) – who, on behalf of the D.C. Guild – had authored its *amicus curiae* brief at the D.C. Court of Appeals in January 2006. Mr. Katz had e-mailed me that I should approach the Guild leadership directly. I had also e-mailed and left two voice mail messages for Mark Goldstone (301-530-6612), chair of the D.C. Guild's Demonstration Support Committee and my legal advisor when the case was in D.C. Superior Court. I have received no response from him.

Ms. Joseph offered to e-mail my request for *amicus curiae* assistance to ALL D.C. Guild board members, who, I believe, she said were 20 or 30 in number. So that there is no question as to what I am requesting, I herein set it forth:

Much as I previously sought the D.C. Guild's *amicus* voice before the D.C. Court of Appeals on my second and third appellate issues – interpretation of the venue provision of the disruption of Congress statute, D.C. Code §10-503.18, and the unconstitutionality of the

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[1] This is the telephone number on the D.C. National Lawyers Guild website, dcnlg.org

disruption of Congress statute, D.C. Code §10-503.16(b)(4), *as written and as applied* – so I now request its *amicus* voice before the Supreme Court with respect to the D.C. Court of Appeals' disposition of those far-reaching issues by its unpublished December 20, 2006 Memorandum Opinion and Judgment. The fraudulence of those dispositions is summarized at pages 7-10 of my January 2, 2007 petition for rehearing, rehearing *en banc*, motion to vacate for fraud & lack of jurisdiction, disqualification/disclosure & transfer. Both documents – indeed, the entire appellate record in the D.C. Court of Appeals, including Mr. Katz' *amicus curiae* brief – are posted on CJA's website, www.judgewatch.org, where they are accessible *via* the sidebar panel "Disruption of Congress-The Appeal".

As reflected by the posted appellate record, the D.C. National Lawyers Guild was not the only *amicus curiae* before the D.C. Court of Appeals in this historic, unprecedented case. Professor Andrew Horwitz, Director of Clinical Programs at Roger Williams University School of Law and author of the powerful law review article "*Coercion, Pop-Psychology and Judicial Moralizing: Some Proposals for Curbing Judicial Abuse of Probation Conditions*", 57 Washington & Lee Law Review 75 (2000), wrote an *amicus curiae* brief on my fourth appellate issue as to the unconstitutionality of the trial judge's probation conditions, as likewise of his superseding six-month jail sentence which he imposed upon me for exercising my right to decline probation, pursuant to D.C. Code §16-760.

As Professor Horwitz has agreed to write an *amicus curiae* brief for the Supreme Court with respect to the D.C. Court of Appeals' disposition of that issue – similarly fraudulent – I also request that the D.C. Guild sign on to Professor Horwitz' *amicus curiae* brief, when he circulates it.

My already drafted cert petition summarizes the obliteration of the rule of law in the case at both the D.C. Superior Court[2] and D.C. Court of Appeals – a state of affairs the D.C. Guild should see itself as duty-bound to confront, including in the context of its *amicus curiae* brief on my second appellate issue. The draft, representing a "work in progress" as to which I welcome suggestions, is attached.

I invite the D.C. Guild's board members to call or write me with their questions and comments about this far-reaching, law-making case.[3] In any event, I request to speak directly with the

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[2] My first appellate issue was my entitlement to the trial judge's disqualification for pervasive actual bias, meeting the impossibility of fair judgment standard articulated by the U.S. Supreme Court in *Liteky v. United States*, 510 U.S. 540 (1994) – an issue embracing a plethora of additional important legal and constitutional issues. Among these, the trial judge's failure to properly interpret the "Speech and Debate Clause" of the U.S. Constitution and my Sixth Amendment confrontation rights in quashing my subpoena for the testimony of the five U.S. Senators involved in the case – including the purported "complainant" on the "disruption of Congress" charge.

[3] The case has already made law – a fact concealed by the Memorandum Opinion and

D.C. Guild's leadership about the D.C. Guild's vital *amicus curiae* role – and how we can best solicit other organizations, academia, and the media to vindicate the public's rights and interest in this historic case.

Please let me hear from you as soon as possible. Thank you.

Enclosure: draft cert petition (by e-mail)

cc: Jon Katz, Esq.
Mark Goldstone, Esq.
Professor Andrew Horwitz
Professor Jonathan Turley
Dahlia Lithwick/Slate
Lyle Denniston/Scotusblog

Judgment in acknowledging, in its footnote 2, that "It is clear that a misdemeanor violation of §10-503.16(b) may be prosecuted in either United States District Court or District of Columbia Superior Court". That was my meritorious argument – made in the face of D.C. Superior Court rulings in my case that the only venue was D.C. Superior Court. That the D.C. Court of Appeals has not published its Memorandum Opinion and Judgment, which is unreported, further conceals the important law the case has made with respect to interpretation of the venue provision of the disruption of Congress statute.