

From: Lcagee@aol.com
To: hmizrahi@sprynet.com
Sent: Sunday, July 04, 2004 1:15 AM
Subject: Re: independence

I don't know if it's just me, or am I correct in my assessment that these reporters just fail to see the whole picture? The article on Elena Sassower begins like this: "Elena Sassower couldn't bring herself to say, "I'm sorry, I was wrong."" First it strikes me as odd that there is an assumption by this reporter that she owes someone an apology or that she must acknowledge some sort of guilt. Guilt for what? From what I understand, she spoke out against approving a judge. I cannot think of any situation where freedom of speech was more essential. Why should she be blocked from speaking? What are they afraid of? Why should she say she was "wrong" when she wasn't?

Second, why do reporters always refer to any dissenting opinion in such derogatory terms: "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." Why does he characterize her speech as an "outburst?" She demanded to be heard. Under the circumstances, what is wrong with her being heard? Peoples lives and livelihoods are at stake. And why did they stop her from speaking? Wasn't it extremely rude to cut her off?

Why did they have the police escort her from the room? Why were they "alerted" she was going to "disrupt" the hearing? Why is it called a hearing? Isn't the intent of a hearing to "hear"? If it's a hearing then they should be listening. If it is a rubber stamping, then why call it a hearing?

And since when is speaking something for which one could be held in "contempt?" Does that concept not contradict the premise of the First Amendment, the first "inalienable right" enumerated in a series of 10 "inalienable rights" elucidated in the bill of rights? Wasn't the Sedition Act repealed a long time ago? Did not these "Senators" swear an oath to uphold the Constitution? Is prosecution for "contempt" even legitimate in a hearing? And what is contemptible speech? That which points out the reason why a judge should not be appointed? Was this not the appropriate time to alter and abolish an appointment that should not have been made? if not, then when was the appropriate time and how are we supposed to know this? Is Ms. Sassower not a citizen of the United States? How and why did she lose her inalienable right? Will they

silence the rest of us with jail if we speak out against corruption?

And why, during her "trial," was she removed from the courtroom? As this is presented by the reporter, he seems to refer to this as proof of guilt. Seems to me to be the typical response of a judge when he is being outwitted. Funny how reporters bow down so low to "judges" who use such histrionics to sway juries. I am often amazed at how juries and reporters can be influenced by such tactics: defamation by imposing punishment. The whole idea is to create a record: a sanction, an arrest, a suspension.....anything will do. The same tactics were used by another Senator, one Joseph McCarthy.

Six months in jail for speech. When I contemplate the words of the Declaration of Independence on this day, I do not believe this is what the signers of this document had in mind. Funny how far we have moved away from this original document. Incarceration for speech is outrageous. Calling speech by a new word does not alter what it is.

And regarding the "anger management" program for rehabilitation....since when do prosecutors have a right to order this? Is this not the ultimate form of speech control? You can speak so long as it is not "angry" speech (of course "angry speech" is determined by the prosecutor as anything he chooses it to be). Who are these people? How do they get into office? And what is with the media that they no longer support a dissenting opinion? Change may begin with one individual, but without the media's support, more decent people will go to jail. The media is failing us. Without the media's support, Ghandi's dissenting message would have been lost, too. The media's collective backbone has become weak.

Lawrence Agee

Subject: Re: Yes but Elena should nonetheless

Date: 7/4/1990, 6:25 PM

From: Helena Mizrahi <hmizrahi@sprynet.com>

To: SassyLawyr@aol.com

I am scheduled out today, but I will see what I can do. There are many boxes in the car. Last night, I finally went in the trunk and started looking at "stuff". I pulled a few things such as presentence report, her memo for sentencing, some cases from lexis she had, her 6/28/ filing, and misc. items. I have the film and watched it last evening. My thoughts are that, someone should put together a motion to reduce sentence for time served to get her out. I do not know who is doing what, and if I try to get something together if it will even be used, which is not a productive use of my time. Mark and you guys have more background on this. You already know what I am beginning to learn as far as the case law that is out there. I am willing to help where I can, but not spin my wheels to further learn an area on which I already have "gotten the picture." I think that the Smith v. Carolina case might stand a chance of being over-turned by Elena's situation. However, one of the judges who decided Smith is J. Schwelb--which is not a good sign. Judge Schwelb is the only one there whose decisions I pay attention to. I can not agree with him in the Smith case though. I think the person who drafted the Persistence report identified Elena's plight well.

As for the tape, it's borderline. The strong point is that when Wesley was testifying, she did not interrupt. She waited until after all of them had testified to say what she said, which sounded like a shout, because she must have been way in the back of the room and wanted to be heard. Sen. Chambliss mentioned the "disruption" word, and he told the audience to "remain seated". I guess reasonable minds may differ as to whether there was a "disruption" or "interruption". Even still-this does not warrant 6-months jail, nor the original sentence, nor the conviction, in my opinion. I am willing to take a petition w/ Mr. McDermott to Cap. Hill to see if we can get Senate support for a reduction of sentence. He knows his way around; I don't. I am pretty tied up next week, so Monday is the only time I have right now. Who will write the petition???

I will do what I can, but I can not visit her in jail today for reasons that I have business to take care of that has suffered ever since the date of her sentencing.

I do not think Elena should handle her reduction of sentence motion, someone else should. Finally, I went out and got a fax machine to replace my other one which has a "bug" in it. So I am up "faxwise".

Finally, I hope you and your family are making sure to keep yourselves well.

If I do get the "stuff to her" I think it should be photocopied before it goes.