Petitioner's January 10, 2006 letter to D.C. Court of Appeals Chief Judge Eric Washington – thereafter annexed as Exhibit E to petitioner's October 16, 2006 letter-application for disqualification, disclosure & transfer (A-282) *

BY CERTIFIED MAIL/RRR: 7005-0390-0001-9888-4233

January 10, 2006

Chief Judge Eric Washington
D.C. Court of Appeals
500 Indiana Avenue, N.W.
Washington, D.C. 20001

RE: Supervisory Oversight Pursuant to Canons 3C and D of the Code of Judicial Conduct for the District of Columbia Courts:

Elena Ruth Sassower v. United States of America #04-CM-760 & #04-CO-1600
("Disruption of Congress" case)

Dear Chief Judge Washington:

This letter is written pursuant to Canons 3C and D of the Code of Judicial Conduct of the District of Columbia Courts, which impose upon you mandatory administrative and disciplinary responsibilities. By this letter, I herein memorialize, follow-up, and supplement my telephone requests for your supervisory oversight, which I communicated to your law clerk, Paul Rao, and to your administrative assistant, Sandra Strawder, on

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* **Thereafter also annexed to petitioner's January 2, 2007 petition for rehearing, rehearing *en banc*, motion to vacate for fraud, lack of jurisdiction, disqualification, disclosure, & transfer (A- 297).**

Friday, November 4, 2005 – to which I have received no response.

Such telephone requests, which were imploring and urgent, were impelled by the extraordinary misconduct of Judges Reid, Glickman, and Nebeker in hijacking my unopposed October 14, 2005 motion, whose nine filed copies and one original were intended for distribution to, and adjudication by, this Court *en banc*. These three judges, constituting a panel, then issued an *unsigned* five-sentence October 27, 2005 order which -- *without* denying or disputing the accuracy of my uncontested 29-page showing that their prior *unsigned* orders were "readily-verifiable as judicial frauds" (¶32) – denied the motion, *without* reasons and *without* identifying *any* of the facts, law, and legal argument it had presented. Totally concealed by their October 27, 2005 order – *as likewise by their past orders under these docket numbers* – was my requested relief for their disqualification and for the disqualification of the Court's other judges for pervasive actual bias and interest and, if denied, for disclosure by them, including of specified extrajudicial facts.

This October 27, 2005 order further directed the Court's Clerk to accept "no further filings" from me except for my "conforming brief on the merits, due on November 7, 2005", and my "conforming reply brief, if any, due within 21 days after the filing of appellee's brief on the merits" – a direction made *sua sponte* and *without* affording me *any* notice or opportunity to be heard, in stark contrast to *Corley v. United States*, 741 A.2d 1029 (1999) -- the sole case cited by the order, prefaced by an inferential **[p.2]** "*See*"[1].

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[1] As set forth by my October 14, 2005 motion (fn. 3),

> "According to The Blue Book: A Uniform System of Citation (Harvard Law Review Association, 18th ed., 2005), '*see*' before a legal citation means 'the proposition is not directly stated by the cited authority but obviously flows from it;

The pretext for such draconian *due process-less* direction – seemingly a first for this Court[2] -- was the bald claim that I had "presented numerous times and without success" the "requests made" in what the order characterized as my "renewed motion to vacate and for other relief" and that my "insistence on raising them yet again constitutes an abuse of this court's processes." Tellingly, the order provided no details as to my repetitive requests, did not purport that their previous presentation had been frivolous, did not purport that their presentation by my October 14, 2005 motion was frivolous, and did not identify a single reasoned adjudication with respect thereto or make findings of fact as to any response from me.

As I explained to your staff, the consequence of this latest completely fraudulent order by Judges Reid, Glickman, and Nebeker was to block me from challenging it judicially[3] and to railroad my consolidated appeals before a Court demonstrated to be disqualified for pervasive

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there is an inferential step between the authority cited and the proposition it supports.' (at p. 46)."

Here, the meaning of "*see*" is that *Corley* inferentially supports the panel's barring order. It does not.

[2] **For purposes of confirming the unprecedented, first-ever nature of this Court's October 27, 2005 order, I hereby request the names of other litigants who this Court has barred from filing – if not a copy of the barring orders themselves. According to this Court's supervisory case manager Thomas Abraham, their names appear on a list in the Clerk's office.**

[3] This would additionally explain why the Court discarded all nine copies of my October 14, 2005 motion before expiration of my time to move for reconsideration. Indeed, promptly upon my receipt of the October 27, 2005 order, I telephoned Mr. Abraham and inquired about the copies, which I wanted back for purposes of filing disciplinary and criminal complaints against the judges. After checking, Mr. Abraham informed me the copies – each consisting of nearly 180 pages of substantiating exhibits, in addition to the 29-page motion -- had already been destroyed.

actual bias and interest. This, in addition to preventing the Court's other judges from taking appropriate responsive steps with respect to the express notice which my October 14, 2005 motion gave them (at ¶3) that unless they confronted the flagrant corruption of the judicial process in this case by Judges Reid, Glickman, and Nebeker, as well as their own flagrant corruption of the judicial process in this case – beginning with their wilful disregard of mandatory rules of judicial disqualification and disclosure under Canons 3E and F of the Code of Judicial Conduct for the District of Columbia Courts and the proper interpretation of *Liteky v. United States*, 510 U.S. 540 (1994) -- I would be filing disciplinary and criminal complaints against them all. I, therefore, requested that you personally examine the casefile and, specifically, my October 14, 2005 motion and the panel's October 27, 2005 order, and **[p. 3]** that you bring them to the attention of the Court's other judges so that they could make their own determinations as to their disciplinary and criminal liability.

Ms. Strawder told me that you were out of the office on Friday, November 4, 2005, but that she was taking notes of our phone conversation, spanning at least half an hour, which she would present to you the following week upon your return. **Please confirm that, as requested, (1) you personally examined my October 14, 2005 motion and the panel's October 27, 2005 order; (2) that you brought both to the attention of the Court's other judges for their personal review; and (3) that neither you nor they deemed it appropriate to recall the October 27, 2005 order and responsively adjudicate the October 14, 2005 motion.**

By way of supplement, I take this opportunity to bring to your attention that notwithstanding Rule 27(b)(1)(B) expressly contemplates appellate briefs exceeding the 50-page limit of Rule 32(a)(6) – and, upon information and belief, this Court routinely grants procedural motions

requesting such relief, particularly where consented-to -- Judges Reid, Glickman, and Nebeker were so malicious as to use their baseless October 27, 2005 order to reject my November 6, 2005 procedural motion for permission to add 20 pages to my "conforming brief on the merits" – to which the U.S. Attorney had consented.

Thus, under a November 14, 2005 "RETURN NOTICE" (Attachment #1), the Clerk's office returned to me, without filing, my consented-to November 6, 2005 procedural motion, with its accompanying pages for insertion into my "conforming brief on the merits". The stated reason was that I was to "See 10/27/2005 barring order". According to supervisory case manager Thomas Abraham, who signed the "RETURN NOTICE" and to whom I thereafter spoke, the determination to reject the motion, without filing, was made by Judges Reid, Glickman, and Nebeker.

With respect to the filing of my upcoming reply brief, it is obvious that I will be similarly prejudiced and precluded from securing such routinely granted procedural relief as an extension of page limits or time, as well as such substantive relief as sanctions against the U.S. Attorney's office and its disqualification for interest, should its "appellee's brief on the merits" violate its obligations under ethical rules of professional responsibility.

It must be noted that the 20 pages I sought to add to my "conforming brief on the merits" were specifically identified by my November 6, 2005 procedural motion as

> "reinforc[ing] the travesty of a trial to which I was subjected before the pervasively-biased Judge Holeman, entitling me to reversal, if not vacatur, *as a matter of law*, as well as disciplinary and criminal referrals against him and culpable members of the U.S. Attorney's office." (underlining and italics in the original).

Their rejection by Judges Reid, Glickman, and Nebeker represents a continued demonstration of how unabashedly these judges have departed from their critical appellate function and mandatory **[p. 4]** disciplinary responsibilities under Canon 3D of the Code of Judicial Conduct of the District of Columbia Courts to ensure the integrity of the judicial process.[4] Indeed, clear

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[4] Because the Clerk's office returned to me not only the three copies of my November 6, 2005 procedural motion, but the original, the Court's only record of it is its docket entry:

> "11/07/2005 APLT MO FOR LEAVE TO FILE BRIEF IN EXCESS OF PAGES (Titled: Motion for a procedural order pursuant to rule 27) (no oppo)
> (Returned, see 10/27/05 barring order)
> PMCMILLAN"

As such does not suffice for your supervisory evaluation of the actions of Judges Reid, Glickman, and Nebeker with respect thereto, the rejected original, with its accompanying original pages for insertion into the original of my "conforming brief on the merits", is herewith enclosed (Attachment #1). Also enclosed (Attachment #2) is the original letter referred to by the immediate preceding docket entry:

> "11/02/2005 RECEIVED – ltr from aplt regarding missing exhibits B and C from reconsideration filed 10/25/05 (sent back to aplt see order of 10/27/05)
> PMCMILLAN".

since it is otherwise impossible to conceive that anyone could apply the October 27, 2005 preclusion order to return to me my October 28, 2005 letter with its enclosures correcting omissions and errors in my October 14, 2005 motion.

Needless to say, the Clerk's office's notation of docket entries for the aforesaid documents, albeit rejected for filing, and its notation of a docket entry for my unexpurgated June 28, 2005 appellant's brief and supplemental fact statement, also rejected for filing, stand in marked contrast to the situation that prevailed during my incarceration – when the Clerk's office's rejection of my July 16, 2004 reconsideration motion, which it rejected again after the motion was resubmitted on August 12, 2004, without any docket entry either time, was the subject of my formal request by my August 24, 2004 motion that the Court clarify whether the Clerk's office docket of this case was proper and in conformity with its Rule 45(b)(1) – (*See* ¶¶3(c), 32-34 of my typewritten August 24, 2004 motion, annexed to my October 14, 2005 motion as Exhibit H) – denied, *without reasons*, by the Court's

from their *without*-reasons denial of my June 28, 2005 procedural motion and their *without*-reasons and *false*-reasons denial of my subsequent and unopposed July 28, 2005 reconsideration/vacatur motion with respect thereto – the direct antecedents to my October 14, 2005 motion[5], culminating in their *without* reasons and *false* reasons October 27, 2005 order -- is that rather than welcoming my elucidation of the facts and law pertaining to the judicial misconduct of Judge Holeman, the prosecutorial misconduct of the U.S. Attorney's office, and the disqualification of each, they want only to curtail it so as to skew, if not altogether avoid, determination of these issues.

[p. 5] In that connection, it appears that Judges Reid, Glickman, and Nebeker – or Court personnel – have destroyed or secreted the most incriminating evidence of their cover-up of the judicial and prosecutorial misconduct below, *to wit*, my 119-page appellant's brief and 161-page supplemental fact statement -- the subject of the first branch of my June 28, 2005 procedural motion. According to Mr. Abraham, the originals, which should have been retained by the Court, are mysteriously missing and the three copies, which I had filed with the originals, were destroyed. In other words, my unexpurgated "chapter and verse" chronicling of the abomination to which I was subjected by Judge Holeman and by the U.S. Attorney's office in the proceedings before him no longer exists in the Court's files. Therefore, **I request that you direct an inquiry into the whereabouts of the missing originals of my June 28, 2005 appellant's brief and supplemental fact**

September 16, 2004 order (per Terry, Reid, Newman) (annexed as Exhibit C-4 to my October 14, 2005 motion).

[5] This Court's *unsigned* October 5, 2005 order denying my unopposed August 4, 2005 petition for *en banc* initial hearing of my appeals – *without* identifying my requests for disqualification of, and disclosure by, this Court's judges pursuant to Canons 3E and F of the Code of Judicial Conduct for the District of Columbia Courts is, additionally, a direct antecedent.

statement and apprise me of the results so that, if necessary, I can furnish the Court with a replacement set of these dispositive documents.

I await your response, which I request no later than January 27, 2006.

Thank you.

Yours for a quality judiciary,

s/

ELENA RUTH SASSOWER
Appellant *Pro Se*

Enclosures

cc: Supervisory Case Manager Thomas Abraham
U.S. Attorney for the District of Columbia
ATT: Assistant U.S. Attorney Roy W.
McLeese, III, Appellate Division Chief
Assistant U.S. Attorney Florence Pan