

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

By Fax: 202-514-8788 (4 pages)

By E-Mail: AaronMendelsohn@usdoj.gov

By Mail

August 12, 2003

Assistant U.S. Attorney Aaron Mendelsohn
666 4th Street, N.W.
Washington, D.C. 20530

RE: *United States of America v. Elena Ruth Sassower*, M-4113-03
"Disruption of Congress": Defendant's First Discovery Demand

Dear Mr. Mendelsohn,

In accordance with your discovery obligations, demand is hereby made for the following "documents and tangible objects", pursuant to Superior Court Criminal Rule 16(a)(1)(C) -- all of which I deem "material to the preparation of [my] defense" and expect to introduce as exculpatory:

- (1) Any and all records of arrests by Capitol Police of members of the public for requesting to testify in opposition to confirmation of federal judicial nominees at Senate Judiciary Committee hearings -- particularly where the arrestee was charged with "disruption of Congress" (10 D.C. Code Section 503.16(b)(4));
- (2) Any and all documents pertaining to the protocol and/or guidelines of Capitol Police for responding to "disruptive" conduct by members of the public and for evaluating when arrest is appropriate;
- (3) Any and all documents pertaining to the establishment, function, procedures, and staffing of the "Threat Assessment Section" of Capitol Police -- including the personnel records of Special Agent Lippay and Detective Zimmerman;
- (4) Any and all documents pertaining to procedures and guidelines of Capitol Police for citation release;

- (5) Any and all records, including audio recordings, of communications to Capitol Police and/or its "Threat Assessment Section" on or about May 21, 2003 from the office of Senator Hillary Rodham Clinton concerning Elena Sassower;
- (6) Any and all records, including audio recordings, pertaining to Special Agent Lippay's telephone call to Elena Sassower at approximately noon on May 21, 2003, the phone conversation between them, and the subsequent phone conversations between Elena Sassower and Detective Zimmerman;
- (7) Any and all records, including audio recordings, of Elena Sassower's telephone call to Capitol Police at approximately 9:30 p.m. on May 21, 2003 pertaining to her 39-page fax transmittal for Detective Zimmerman – and a copy of that fax transmittal;
- (8) Any and all records, including audio recordings, of communications from the "Threat Assessment Section" and/or Capitol Police to the office of Senator Hillary Rodham Clinton from May 21, 2003 to May 23, 2003 pertaining to the phone conversations of Special Agent Lippay and Detective Zimmerman with Elena Sassower and her fax transmittal;
- (9) Any and all records, including audio recordings, of communications between the "Threat Assessment Section" and/or Capitol Police and members and/or staff of the Senate Judiciary Committee¹ from May 21, 2003 to May 23, 2003 regarding Elena Sassower's request to testify in opposition at the Committee's May 22, 2003 hearing to confirm New York Court of Appeals Judge Richard Wesley to the Second Circuit Court of Appeals;
- (10) Any evaluation, report, or recommendation rendered by the "Threat Assessment Section", both prior to, as well as subsequent to, its receipt of Elena Sassower's May 21, 2003 fax transmittal;
- (11) Any and all records, including audio recordings, pertaining to assignment of Capitol Police officers to the Senate Judiciary Committee's May 22, 2003 hearing on Judge Wesley's confirmation -- and the personnel records of all such assigned officers, especially Sergeant Bignotti and Officer Jennings;

¹ This would include communications with the office of Senator Charles Schumer, a member of the Senate Judiciary Committee.

- (12) Any and all records, including audio recordings, of statements made to Capitol Police by Elena Sassower on May 22, 2003 upon being removed from the Senate Judiciary Committee hearing room, as well as following her arrest, whether in the corridor outside the hearing room, upon being transported to Capitol Station, at Capitol Station, upon being transported to the Metropolitan Police Station, or at the Metropolitan Police Station;
- (13) Any and all records reflecting the names of the Capitol Police officers involved in the decision to arrest Elena Sassower on May 22, 2003 – and the personnel records of all such officers, especially Detective Zimmerman and Sergeant Bignotti;
- (14) Any and all records reflecting the names of Capitol Police officers involved in the processing of Elena Sassower at Capitol Police Station on May 22, 2003, especially the officer(s) assisting Officer Jennings fill out the Arrest/Prosecution Report, the Event Report, and the two Supplement Reports – and the personnel records of all such officers²;
- (15) Any and all records reflecting the names of Capitol Police officers involved in the decision to incarcerate Elena Sassower overnight on May 22, 2003 and to deny her citation release – and the personnel records of all such officers³;
- (16) Any and all records, including audio recordings, of the “interview” identified in one of the two May 22, 2003 Supplement Reports of Capitol Police as having been conducted by Detective Zimmerman of Elena Sassower “at prisoner processing”;
- (17) The “complaint” of Senator Saxby Chambliss, identified as the “complainant” in the two May 22, 2003 Supplement Reports of Capitol Police;
- (18) Any and all documents in the possession of Senator Saxby Chambliss at the time of his “complaint” to Capitol Police pertaining to Elena Sassower’s request to testify in opposition to Judge Wesley’s confirmation to the Second Circuit Court of Appeals;
- (19) A copy of the page of the Capitol Police Prisoner’s Property Book which Elena Sassower signed with a notation on May 23, 2003, upon recovering her property;

² This would include Officer Brown, whose name appears as a “Second Officer” on the Capitol Police May 22, 2003 Event Report (P.D. 251, at #40).

³ This would include Sergeant Bignotti and Officer Rinaldi, whose names appear on the Capitol Police May 22, 2003 Citation Release Determination Report (P.D. 778).

August 12, 2003

- (20) Any and all records pertaining to assignment of Capitol Police officers to the Senate Judiciary Committee on June 25, 1996 at its hearing on the confirmation of New York Supreme Court Justice Lawrence Kahn to the District Court for the Northern District of New York and their arrest of Elena Sassower on that date for "disorderly conduct" in the corridor outside the hearing room -- including the personnel records of all such officers;
- (21) A copy of the page of the Capitol Police Prisoner's Property Book which Elena Sassower signed with a notation on June 25, 1996, upon recovering her property;
- (22) Any and all records pertaining to the investigation and disposition of Elena Sassower's September 22, 1996 police misconduct complaint by both Capitol Police ("Internal Affairs Case #96-081") and Metropolitan Police;

Additionally, in response to the redacted documents provided by the U.S. Attorney's May 23, 2003 letter, signed by Assistant U.S. Attorney Leah Belaire, demand is made for:

- (23) The information blacked-out in the notes of Officer Brown;
- (24) The name of the complainant/witness whose name is blacked-out in the Capitol Police Arrest/Prosecution Report (P.D. 163, at #44);
- (25) The name of the complainant whose name is blacked-out in the Capitol Police Event Report (P.D. 251, at #16);
- (26) The information pertaining to witnesses blacked-out in the Capitol Police Supplement Report (P.D. 252, at #13).



ELENA RUTH SASSOWER
Defendant *Pro Se*
16 Lake Street, Apt. 2C
White Plains, New York 10603
(914) 949-2169