

COPY
OF THE
DISTRICT OF COLUMBIA
CASE MANAGEMENT BRANCH

SUPERIOR COURT
OF THE
DISTRICT OF COLUMBIA

2003 DEC -3 A 9:24

FILED

UNITED STATES OF AMERICA

v.

ELENA RUTH SASSOWER /

Criminal No. M-4113-03

Calendar 1: Judge Hess

Status Date: December 3, 2003

GOVERNMENT'S MOTION IN LIMINE
TO PRECLUDE REFERENCE TO DEFENDANT'S POLITICAL MOTIVATIONS,
POLITICAL BELIEFS, POLITICAL CAUSES, ETC.

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby moves in limine for on order prior to trial precluding defendant from commenting, referring, or testifying about her political motivations, political beliefs, political causes, etc. The government relies on the following points and authorities, as well as additional points and authorities that might be raised before or during the hearing on this motion in limine:

1. On May 22, 2003, at about 3:40 p.m., the defendant entered a Senate Judiciary Committee for 2nd Circuit Judge Wesley and loudly demanded to testify. The defendant would not stop yelling in the session despite lawful requests from Senate officials. Capitol Police officers who were present at the hearing escorted the defendant out of the session and placed her under arrest for disruption of Congress.

2. Based on defendant's conduct on the day of her arrest, the government anticipates that defendant will attempt to use this Court as a forum to express her political views. Any such attempt to commandeer the Court for political purposes is improper and, moreover, defendant's political views and comments are wholly irrelevant to the issues in this case.

3. Defendant is charged with violating 10 D.C. Code § 503.16(b)(4). This statute makes it unlawful for a person or group of persons to "[t]o utter loud, threatening, or abusive language, or to engage in any disorderly or disruptive conduct, at any place upon the United States Capitol Grounds or within any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of any session of the Congress." There is nothing in the plain language of the statute that remotely suggests that evidence of the defendant's motivations or political beliefs are inculpatory (or even exculpatory) for this criminal offense.

4. Defendant's political motivations and beliefs have no probative value in this case. However, they pose a significant prejudicial risk. Members of the jury might sympathize (or perhaps vehemently disagree) with defendant's political beliefs to the extent that it would affect their determination of defendant's guilt or innocence. No doubt, certain political issues have an overwhelming emotional effect on certain people.

5. Finally, allowing defendant to use the Court as a platform to express her political views could have far-reaching negative repercussions. Such a ruling would encourage this defendant, and probably many others, to sojourn from their respective states to Washington, D.C. for the sole purpose of breaking our laws in order to secure this Court as a high-profile public forum to preach their political beliefs. In the process of breaking our laws, the citizens of D.C. will be harmed. The numerous police officers needed to respond to protestor-arrests costs the citizens of Washington, D.C., thousands of dollars in police overtime. The draw of officers away from their regular assignments to respond to protestor-arrests jeopardizes the safety of our communities. Allowing each protestor/defendant an opportunity to take the stand and wax on his/her political agenda will needlessly clog this Court's resources. Indeed, allowing the defendant to use this Court as a political forum could result in numerous days of this Court's (and the captive jurors') attention.

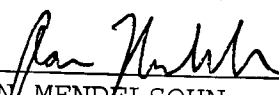
6. Precluding defendant from commenting on or referring to her political views and motivations in this case will not stifle or chill defendant's freedom of speech. There are countless legitimate forums for her political speeches: the offices of his legislators, opinion letters to newspapers, the public sidewalks, etc. This Court hearing this case, however, is not among those countless legitimate forums.

WHEREFORE, the government requests that this Court preclude defendant from commenting, referring, or testifying on her political views, beliefs, motivations, or speech during the day of her arrest.

Respectfully submitted,

ROSCOE C. HOWARD, JR.
UNITED STATES ATTORNEY

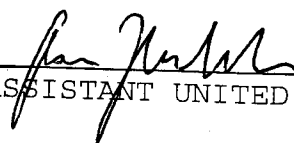
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was hand-served in Court and by mail upon the defendant *Pro Se*, Elena Sassower, 16 Lake St., Apt. 2C, White Plains, New York, 10603, on this ____nd day of December, 2003.



ASSISTANT UNITED STATES ATTORNEY