## SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Criminal No.: M-4113-03

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Calendar 1:

Judge Holeman

ELENA RUTH SASSOWER

Trial Date:

March 1, 2004

GOVERNMENT'S EX PARTE IN CAMERA SUBMISSION
REGARDING EVIDENCE RELEVANT TO BIAS CROSS-EXAMINATION
OF GOVERNMENT WITNESSES

Pursuant to Judge Milliken's oral order of December 3, 2003, the United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits, ex parte and in camera, all evidence in its possession relevant to potential bias cross-examination of the government's witnesses in this case.

- 1. Officers of the United States Capitol Police participated in one prior arrest of defendant Elena Ruth Sassower. On June 25, 1996, United States Capitol Police Officers Douglas A. Phillips and Gregory R. Rush arrested defendant for disorderly conduct. Sergeant Kathleen A. Bignotti was the supervising officer for this arrest. A copy of the police reports in that matter is attached to this submission as Exhibit A.
- 2. Approximately seven years ago, as a result of a complaint lodged by defendant, a CP550 regarding defendant was

placed in the personnel file of United States Capitol Police Sergeant Kathleen A. Bignotti. A CP550 is a standard form informing the recipient that a citizen has raised a complaint regarding his or her conduct. It is not a disciplinary action and is destroyed after two years. As such, Sergeant Bignotti's personnel file no longer contains the CP550 regarding defendant. Between defendant's arrest in 1996 and her arrest in 2003, Sergeant Bignotti had no contact with the defendant. Moreover, neither of the arresting officers in this case had any contact with defendant prior to her arrest in May 2003.

3. In mid-May 2003, defendant called United States

Capitol Police Special Agent Deborah Lippay Lash and asked to be allowed to speak at a hearing regarding the nomination of Judge Richard C. Wesley to the United States Court of Appeals for the Second Circuit. Special Agent Lippay Lash referred defendant to United States Capitol Police Detective William Zimmerman, who warned defendant, based on his knowledge of hearing procedures, that she would be arrested if she disrupted the hearing. After defendant's arrest, she repeatedly asked to speak to Detective Zimmerman, who eventually met with her. Defendant spoke at length during this meeting, but Detective Zimmerman said very little. Defendant also sent Detective Zimmerman a lengthy fax regarding her arrest after she was released. Detective Zimmerman did not respond to this fax.

- 4. Two members of Senator Hillary Rodham Clinton's staff had contact with defendant before her arrest in this case: Leecia Eve, counsel to Senator Clinton, and Josh Albert, legislative correspondent to Senator Clinton. In the weeks preceding defendant's arrest, defendant sought to contact Senator Clinton's office on a number of occasions and spoke by telephone with Mr. Albert regarding her opposition to Judge Wesley's nomination. Shortly before her arrest, defendant had a joint telephone conversation with Mr. Albert and Ms. Eve in which she requested that Senator Clinton enable her to testify at the Judiciary Committee hearing on Judge Wesley's nomination. Ms. Eve told defendant that that would not be possible. Defendant also stated that she intended to attend the hearing. In addition, defendant sent multiple electronic mail messages to Mr. Albert and Ms. Eve.
- 5. Because she believed that defendant might attempt to intervene with Senator Clinton at the hearing, and that in order to avoid a misunderstanding, Senator Clinton's protective detail should be made aware of this possibility, Ms. Eve reported her conversation with defendant to the United States Capitol Police and the United States Secret Service, which share security responsibilities for Senator Clinton while the Senator is on the Capitol grounds.

- The website of an organization with which defendant is affiliated, the Center for Judicial Accountability, Inc. (www.judgewatch.org), indicates that she contacted other members of the staff of the Senate Judiciary Committee. government is not aware of the extent of those communications, but defendant presumably has full knowledge of them.
- Nothing contained in this submission waives the 7. privileges guaranteed to Senator Clinton and her staff under the Speech or Debate Clause of the United States Constitution.

Respectfully submitted,

ROSCOE C. HOWARD, JR. UNITED STATES ATTORNEY

ANTHONY ASUNCION ASSISTANT UNITED STATES ATTORNEY CHIEF, MISDEMEANOR SECTION

AARON MENDELSOHN ASSISTANT UNITED, STATES ATTORNEY

ASSISTANT UNITED STATES ATTORNEY

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WARNING AS TO YOUR RIGHTS 353011

You are under arrest. Before we ask you any questions you must understand what your rights are.

You have the right to remain silent. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning.

If you cannot afford a lawyer and want one, a lawyer will be provided for you.

If you want to answer questions now without a lawyer present you will still have the right to stop answering at any time.

If you want to answer questions now without a lawyer present you will still have the right to stop answering at any time until you talk to a lawyer.

## WAIVER OF RIGHTS

I have read (or been read) this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed: Chases (Congress of Congress of Co

Witness: 4

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Date: 06/25/96

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