

SUPERIOR COURT
OF THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ELENA RUTH SASSOWER

Criminal No.: M-4113-03

Calendar 1: Judge Holeman

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.

6. 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. The government is not aware of the extent of those communications, but defendant presumably has full knowledge of them.

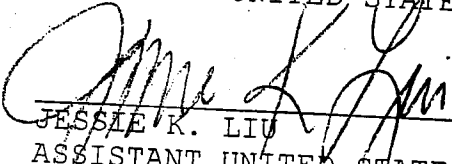
7. Nothing contained in this submission waives the privileges guaranteed to Senator Clinton and her staff under the Speech or Debate Clause of the United States Constitution.

Respectfully submitted,

ROSCOE C. HOWARD, JR.
UNITED STATES ATTORNEY

ANTHONY ASUNCION
ASSISTANT UNITED STATES ATTORNEY
CHIEF, MISDEMEANOR SECTION

AARON MENDELSON
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ASSISTANT UNITED STATES ATTORNEY
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5598

ENTERED

96-2542

METROPOLITAN POLICE DEPARTMENT
Washington, D.C.

ARREST/PROSECUTION REPORT
53 Rev. 6/94 O.P.N. 96-2542 G.O. 401.5

ARREST NO. 529600574

1. PERSON NOTIFIED OF NAME CHANGE - UNIT - DATE / TIME - NCIC NO. (ID Only)

2. ID NUMBER (ID Only) **353011**

3. DEFENDANT'S TRUE NAME - LAST, FIRST, MIDDLE (ID Only)

4. CID NUMBER

6. DEFENDANT'S NAME - LAST, FIRST, MIDDLE (At time of arrest)
SASSOWER, Elena R.

7. DEA LAB NUMBER

10. NICKNAME / ALIAS
NONE

11. PHONE NUMBER
NONE

13. ADDRESS (Include Room / Apt No. City & State if Outside D.C.)
NONE 16 LAKE ST. 2C White Plains - NY. 10603

14. TIME IN D.C.
1200 HOURS

8. OFFICER'S NAME
Phillips, D.A.

9. TYPE OF RELEASE
 CITATION BOND COLLATERAL

12. COURT DATE

16. SEX
F

17. RACE
White

18. BIRTHDATE
5/8/56

19. SOCIAL SECURITY NUMBER
620 74 6111

20. CHILD ABUSE GANG HATE SENIOR CITIZEN DOMESTIC VIOLENCE

21. HEIGHT
5-01

22. WEIGHT
120

23. HAIR
Blk

24. EYES
Blue

25. COMPLEX
Light

26. PERMIT NO/ST
620-746111

27. BIRTHPLACE (City & State)
Refused

29. IMPERSONATOR? **AW/A F**

30. ETHNICITY
U

31. CAUTION
N/A

32. SCARS/MARKS/TATTOOS
NONE

33. HAT
NONE

34. JACKET
Black/white

35. PANTS
NONE

36. COAT
NONE

37. SHIRT
Pink

38. SKIRT/DRESS
White

CHECK MADE BY (Name)
Montgomery

NCIC NUMBER
38908

WARRANT ON FILE (If Yes, enter Warrant Number(s))
 Yes No

LOCATION OF OFFENSE (Exact Address, include Room / Apt No.)
100 CONSTITUTION AVE NE.

DATE OF OFFENSE
6/29/96

TIME OF OFFENSE
1605

LOCATION OF ARREST (Exact Address, include Room / Apt No.)
100 CONSTITUTION AVE NE.

DATE OF ARREST
6/29/96

TIME OF ARREST
1605

ASSISTING OFFICER'S NAME, BADGE NO. & UNIT OR AGENCY
RUSH, G.R. 3926 SD-3 USCP

ASSISTING OFFICER'S NAME, RANK, BADGE NO. & UNIT OR AGENCY
RUSH, Gregory DEC 3926 USCP

43. DEFENDANT ADVISED OF RIGHTS

DATE/TIME
6/29/96 1632

LOCATION
119 D St NE WASH DC

OFFICER'S NAME - ADVISING / COMPLETING PD FORM 47/47A
RUSH, G.R.

BADGE NO.
3926

UNIT
SD-3

44. COMPLAINANTS / WITNESSES (If sworn member - Name, Rank, Badge No. and Unit)

NAME - LAST, FIRST, M.I.
Phillips, Douglas A

ADDRESS - STREET, CITY, STATE, ZIP CODE
D.S. Capitol Police

BIRTHDATE
ON FILE

HOME PHONE NO.
ON FILE

WORK PHONE NO.
ON FILE

2. **Rush, Gregory R.**

BIRTHDATE
ON FILE

HOME PHONE NO.
ON FILE

WORK PHONE NO.
ON FILE

SPEC. OPS.
N/A

46. TACTICS
1

47. PREMISES
8

48. SCHOOL ZONE
 PUBLIC HOUSING **N/A**

CHARGES	NOI OR WARRANT NUMBER	CCN	MPD DISPO	COLLA/BOND RECEIPT NO.
1. DISORDERLY CONDUCT	N/A	353011	E/F	
2.				
3.				
4.				
5.				

50. PROPERTY RECOVERED / ITEMS OF EVIDENCE

PROPERTY BOOK/ PAGE NO.
131-8320

CSES NO.

51. INITIALS - DATE - UNIT OF PERSON TAKING PRINT
6-29-96 USCP/SD-3

52. M.O. WEAPONS, HANGOUTS, HABITS, INSTRUMENTS
Disorderly, very loud loud uses profanity in a public place

53. RIGHT THUMB PRINT

55. EMPLOYMENT HISTORY (List present employment if any, on Line 1)

1.	FROM - DATE - TO	EMPLOYER	ADDRESS	BUS. PHONE	OCCUPATION
2.		REFUSED			

56. NAMES OF LIVING FAMILY, RELATIVES, FRIENDS AND ASSOCIATES (Begin with immediate family)

RELATIONSHIP	DOB/AGE	NAME - LAST, FIRST, M.I.	ADDRESS - STREET, CITY, STATE, ZIP CODE	PHONE NUMBER
		REFUSED		

57. MILITARY SERVICE: BRANCH/DATE FROM - TO

REFUSED

58. TELEPHONE CALL MADE

Yes No Refused

59. PHONE NUMBER

REFUSED

60. STATEMENT OF FACTS: (Give a brief statement in your own words, of the facts surrounding the offense and the arrest. Use Continuation Form PD 202A for additional space. Note present condition of any injured person(s). Do not give Witnesses' Names or Addresses. REFER to them as W1 or W2, etc as indicated in item 31.)

ON 6/25/96 AT Approximately 1530 HRS. Reporting officer (Phillips) Responded to SD-224 of THE Dirksen Senate office Building for THE UNWANTED GUEST. UPON ARRIVAL THE Defendant ADVISED TO Calm DOWN AND Lower HER voice AND TO STOP using profanity Numerous Times. THE Defendant Agreed to Leave THE OFFICE IN THE HALLWAY THE Defendant WAS ASKED TO show HER ID, REFUSED AT FIRST AND THEN PRESENTED IT. ONCE HER NAME WAS RAN THRU WALES/NCIC SHE became very Disruptive AND Screaming AND USING profanity IN THE HALLWAY AS Citizens were walking By. THE Defendant WAS ADVISED TO lower HER voice AND NOT TO USE profanity OR SHE would be ARRESTED. THE Defendant REFUSED AND physically tried to GET HER WALLET FROM THE Reporting officer. Defendant REFUSED TO Comply AT which Time she WAS placed UNDER ARREST AT 1605 HOURS AND TRANSPORTED TO 19 D St. FOR processing AND later to OCB FOR LOCK UP. WALES/NCIC WAS Negative, ARREST # 529 600 574

61. DEFENDANT'S VERSION / REMARKS: (What did defendant say about the offense or his/her whereabouts at the time of offense? (Use PD 118 for defendant's written statement.)

Fuck These People

RECORD CLERK'S NAME

TURNER

63. ARREST RECORD SUMMARY

2

64. PROPERTY BOOK/PAGE NO. PRISONER'S PROPERTY ONLY

FBK 63-181

BAIL REFORM ACT CASES: Was a statement made by defendant in reference to his/her failure to appear? Yes No

(If yes, include in Defendant's Version/Remarks Section above.)

PRINTED NAME - OFFICER MAKING STATEMENT

Phillips, D A

SIGNATURE OF OFFICER MAKING STATEMENT

[Signature]

BADGE NUMBER

3230

RANK

PFC

UNIT

SD-3

DATE

6/25/96

58. SIGNATURE OF REVIEWING OFFICIAL

[Signature]

UNIT

SD-11

DATE

6-25-96

CHECK LAST COPY FOR LEGITIMACY BEFORE TERMINATING REPORT

MADC Rec'd 1 check TURNER 1710 NO RECORD

*** NCIC RESPONSE #38908 RECEIVED FOR TERM T03D ***
DCCAPO088
NO NCIC WANT DOB/050858 NAM/SASSOWER,ELENA R SEX/F RAC/W

*** NCIC RESPONSE #38908 RECEIVED FOR TERM T03D ***
DCCAPO088
NO NCIC WANT DOB/050858 NAM/SASSOWER,ELENA F SEX/F RAC/W

*** NCIC RESPONSE #38908 RECEIVED FOR TERM T03D ***
DCCAPO088
NO NCIC WANT DOB/050858 NAM/SASSOWER,ELENA R SEX/F RAC/W

CP 04
(2-74)

CFN# 96-2542
CCN# 353011

WARNING AS TO YOUR RIGHTS

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: *[Signature]*

Officer: *GR. Rush*

Witness: *[Signature]*

Time: 1432 hrs

Date: 06/25/96

GPO: 1994 75-929 (m)

CLASSIFICATION CHANGE
 ADDITIONAL INFORMATION

GRN. 96-2542

UNITED STATES CAPITOL POLICE
WASHINGTON, DC
SUPPLEMENT REPORT

2. CCH # 353011

3. ORIGINAL CLASSIFICATION: Disorderly Conduct

4. DATE ORIGINAL EVENT: 6/25/96

5. CLASSIFICATION CHANGED TO: N/A

6. COMPLAINANT: PHILLIPS, DOUGLAS A. 3230

7. DATE ORIGINAL REPORT: 6/25/96

8. DISTRICT OF OCC.: 1D

9. DATE OF REPORT: 06/25/96

10. REPORTING ELEMENT: USCP SD-3

11. ADDITIONAL PROPERTY CODE: (N) VEHICLE FROM WHICH THEFT OCCURRED (S) STOLEN (L) LOST (F) FOUND (I) IMPOUNDED (E) EVIDENCE (O) OTHER
 N/A

12. PROPERTY BOOK & PAGE NOS. N/A

CD	ITEMS	SER. NO./OP. I.D. NO.	COMP. VALUE	AGE	MPDC VALUE

YEAR	MAKE	MODEL	COLOR	BODY	TAG/STATE/YEAR	VIN. NO.
					N/A	

13. NARRATIVE: RECORD YOUR ACTIVITY AND ALL DEVELOPMENTS IN THE CASE SUBSEQUENT TO YOUR LAST REPORT. LIST THE NAMES, ADDRESSES, SEX, RACE, AGE AND ARREST NUMBERS OF ALL ARRESTED PERSONS. EXPLAIN ANY CHANGE IN CLASSIFICATION. LIST THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ALL WITNESSES.

14. ADD. VALUE: N/A

15. ORIG VALUE: N/A

16. TOTAL VALUE: N/A

This case closed with the arrest of:

SASSOWER, Elena R.

DOB: 05/08/56 SSN: 620 74 6111

WHITE FEMALE

Address: 16 Lake Street 2C White Plains, N.Y. 10603

Arrest Number #529600574

17. REPORTING OFFICER: *Douglas A. Phillips* 3230 SD3

18. INVESTIGATOR: N/A

19. TELETYPE NUMBER: N/A

20. OPEN UNFOUNDED (EXPLAIN IN ITEM 12) PRIOR CLOSED SUSPENDED (EXPLAIN IN ITEM 13) CLOSED

21. REPORT REVIEW OFFICER: *Sgt. Ragnotti*

22. SUPERVISOR: *Sgt. Ragnotti* 3460 SD3

23. REVIEWER: *Sgt. Ragnotti*

24. DISTRIBUTION:

See Continuation on Reverse

TYPE OF ID PROVIDED
 OPERATOR'S PERMIT W/PHOTO
 PERSONAL ID CARD W/PHOTO AND ADDRESS
 OTHER: (SPECIFY) _____

PD 778 Rev. 11/81

Prescribing Directive G.O. 502.6

METROPOLITAN POLICE DEPARTMENT
 Washington, D. C.

COMPLAINT NUMBER
353 011
 DATE OF ARREST
06-25-96 TIME
1605
 DAY OF WEEK
TUESDAY

CITATION RELEASE DETERMINATION REPORT

A. IDENTIFICATION

NAME - LAST, FIRST, M.I.
SASSOWER, ELENA R. BIRTHDATE **5/8/56** AGE **40** SEX **F** SOCIAL SECURITY NUMBER _____

ADDRESS - STREET, APT./RM. NO., CITY AND STATE IF OUTSIDE D.C.
16 LAKE STREET 2C WHITE PLAINS NY 10603 ZIP CODE **10603** HOW LONG? **Refused** PHONE NUMBER _____

LIVES WITH (NAME) _____ HOW LONG IN D.C. AREA? _____ PLACE OF BIRTH (CITY AND STATE) _____

NEW CHARGES / ARREST NO(S) / BOOKING UNIT
Refused

RESULTS OF RECORD CHECK:
 NO RECORD ON FILE
 RECORD (LIST ALL CHARGES)
 NCIC NO. **38908**

NAME OF ARRESTING OFFICER
Phillips, Douglas A. UNIT **USCP 5D-III**

B. STATEMENT TO BE READ TO ARRESTED PERSON BY INTERVIEWING OFFICER

The crime for which you have been arrested may be processed in one of three ways and they are as follows:
 1. You may be detained in a cell and later transported for presentation to the next session of court.
 2. You may be eligible to post cash collateral or secure a bond as insurance for your appearance in court.
 3. You may, by furnishing certain information concerning your background, employment and family, be found eligible for the issuance of a Citation. If you are given a Citation, you may leave here today and return to court on your own on a selected day within the next few weeks. If you fail to appear as directed in the Citation, you will become liable to a separate criminal prosecution punishable by a fine of not more than the maximum provided for the original charge or by imprisonment of not more than one year, or both. None of the questions you will be asked will concern the crime for which you are now charged. Further, none of the information obtained from this interview conducted by either a Police Officer or a representative of the Pretrial Services Agency will be used in prosecuting that charge.

DO YOU UNDERSTAND THE PURPOSE OF THE INTERVIEW AND THE CONDITIONS OF YOUR RELEASE IF THE CITATION IS ISSUED?
 Yes No

DO YOU WISH TO BE INTERVIEWED?
 Yes No

I hereby authorize members of the Metropolitan Police Department or the Pretrial Services Agency to receive and verify the information given by me in this interview.

Signature of Witness

Signature of Arrested Person

Date

C. INTERVIEW INFORMATION

PRIOR ADDRESS _____ LIVED WITH _____ HOW LONG? _____ PHONE NUMBER _____

STATUS SINGLE SEPARATED WIDOW
 MARRIED DIVORCED

DO YOU LIVE WITH SPOUSE? YES NO NO. OF CHILDREN _____ YOUR EDUCATION _____

EMPLOYED _____ WHERE? (IF NO, HOW SUPPORTED?) _____ HOW LONG? _____ OCCUPATION _____ PHONE NUMBER _____

ARE YOU PRESENTLY ON ANY FORM OF CONDITIONAL RELEASE ON ANY CASE? YES, WHERE? _____ ARE YOU ON PROBATION OR PAROLE? YES, WHERE? _____ DO YOU HAVE ANY OUTSTANDING WARRANTS? YES, WHERE? NO

NAME _____ ADDRESS _____ RELATIONSHIP _____ PHONE NUMBER _____

D. CITATION PROCEDURES

NAME - PRETRIAL SER./POLICE INTERVIEWER _____ REFERRING OFFICER _____ TIME OF REFERRAL AM PM CITATION NUMBER _____ COURT DATE _____

NAME PSA REPR. PROVIDING REPORT _____ TIME RECEIVED _____ RECOMMENDATION BY PSA APPROVAL DISAPPROVAL CITATION DECISION APPROVED DISAPPROVED

REASON FOR DISAPPROVING CITATION
LIVES in NY

SIGNATURE OF STATION CLERK/OFFICIAL MAKING RELEASE DECISION _____ BADGE NO. _____ UNIT _____ DATE OF DECISION _____

RIGHT THUMB PRINT



DISTRIBUTION: Original - Filed alphabetically by month of a