



U.S. Department of Justice

Roscoe C. Howard, Jr.
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

October 3, 2003

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

RE: United States v. Elena Sassower (M4113-03)

Dear Ms. Sassower:

The United States hereby makes additional discovery to you, pursuant to D.C. Superior Court Rule 16(b), and otherwise responds to your discovery requests of August 12, 2003:

- (1) With respect to your first discovery request, the United States responds that the records that you request are both irrelevant to the case at bar and also are not maintained by the United States Capitol Police (hereinafter "USCP").
- (2) With respect to your second discovery request, the USCP are guided by D.C. Code Section 10-503.16 (see attached) in responding to unlawful conduct by persons in public buildings.
- (3) With respect to your third discovery request, the United States responds that the documents that you request are irrelevant to the case at bar, and the personnel records that you request are protected by USCP privacy guidelines.
- (4) With respect to your fourth discovery request, the United States hereby attaches the USCP General Order on its Citation Release Program as well as D.C. Code Section 23-1110 on the issuance of citations.
- (5) With respect to your fifth discovery request, the United States responds that the records that you request are both irrelevant to the case at bar and also do not exist.
- (6) With respect to your sixth discovery request, the United States responds that the records that you request are both irrelevant to the case at bar and also do not exist.

EX 'B' 74

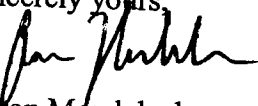
- (7) With respect to your seventh discovery request, the United States responds that the records that you request are both irrelevant to the case at bar and also do not exist. A copy of your fax transmittal to USCP Detective Zimmerman on May 21, 2003 is attached.
- (8) With respect to your eighth discovery request, the United States responds that the records that you request are both irrelevant to the case at bar and also do not exist.
- (9) With respect to your ninth discovery request, the United States responds that the records that you request are both irrelevant to the case at bar and also do not exist.
- (10) With respect to your tenth discovery request, the United States responds that the evaluation, report or recommendation that you request is both irrelevant to the case at bar and also does not exist.
- (11) With respect to your eleventh discovery request, the United States responds that the records that you request are irrelevant to the case at bar, and the personnel records that you request are protected by USCP privacy guidelines.
- (12) With respect to your twelfth discovery request, the United States responds that the only records of statements made by Elena Sassower are those contained in the transcript of the hearing held by the Senate Committee on the Judiciary on May 22, 2003. A copy of this transcript was disclosed to Ms. Sassower in open court on August 20, 2003. No other records exist.
- (13) With respect to your thirteenth discovery request, the United States responds that the names of USCP officers involved in the decision to arrest Elena Sassower on May 22, 2003 are contained in the police documents that have already been disclosed to Ms. Sassower. The personnel records that you request are both irrelevant to the case at bar and are protected by USCP privacy guidelines.
- (14) With respect to your fourteenth discovery request, the United States responds that the names of USCP officers involved in the processing of Elena Sassower on May 22, 2003 are contained in the police documents that have already been disclosed to Ms. Sassower. The personnel records that you request are both irrelevant to the case at bar and are protected by USCP privacy guidelines.
- (15) With respect to your fifteenth discovery request, the United States responds that the names of USCP officers involved in the decision to incarcerate Elena Sassower overnight on May 22, 2003 are contained in the police documents that have already been disclosed to Ms. Sassower. The personnel records that you request are both irrelevant to the case at bar and are protected by USCP privacy guidelines.
- (16) With respect to your sixteenth discovery request, the United States responds that the records that you request do not exist.

- (17) With respect to your seventeenth discovery request, the United States responds that the "complaint" that you request does not exist.
- (18) With respect to your eighteenth discovery request, the United States responds that the documents that your request are irrelevant to the case at bar.
- (19) With respect to your nineteenth discovery request, the United States responds that it is attaching a redacted version of the page of the USCP prisoner's property book which Ms. Sassower signed with a notation on May 23, 2003, upon recovering her property. Any and all other entries on that page have been redacted pursuant to United States v. Holmes, 346 A.2d 517, 518-19 (D.C. 1975). See also Davis v. United States, 315 A.2d 157, 161 (D.C. 1974).
- (20) With respect to your twentieth discovery request, the United States responds that the records that you request are irrelevant to the case at bar, and the personnel records that you request are protected by USCP privacy guidelines.
- (21) With respect to your twenty-first discovery request, the United States responds that the document that you request is irrelevant to the case at bar. Nevertheless, a redacted copy of the page of the USCP prisoner's property book which Ms. Sassower signed with a notation on 25, 1996, upon recovering her property, is attached. Any and all other entries on that page have been redacted pursuant to United States v. Holmes, 346 A.2d 517, 518-19 (D.C. 1975). See also Davis v. United States, 315 A.2d 157, 161 (D.C. 1974).
- (22) With respect to your twenty-second discovery request, the United States responds that the records that you request are irrelevant to the case at bar. Nevertheless, the United States is attaching a copy of a letter from the USCP to Ms. Sassower, dated February 18, 1997. This is the only record pertaining to the investigation and disposition of Ms. Sassower's September 22, 1996 police misconduct complaint by the USCP and the Metropolitan Police Department.

Finally, with respect to Ms. Sassower's discovery requests number 23-26 for unredacted copies of the documents provided to her by the US Attorney's Office in a May 23, 2003 letter, the United States responds that these documents have been redacted pursuant to United States v. Holmes, 346 A.2d 517, 518-19 (D.C. 1975). See also Davis v. United States, 315 A.2d 157, 161 (D.C. 1974).

Please contact me if you have any questions or concerns regarding the United States' responses to your discovery requests. Thank you for your time and attention to this matter.

Sincerely yours,


Aaron Mendelsohn
Assistant US Attorney