

1 States calls Sergeant Kathleen Bignotti of the United
2 States Capitol Police.

3 THE COURT: Very well. Will we need the
4 audio/visual?

5 MR. MENDELSON: No, Your Honor, we will not.

6 THE COURT: Very well. Then why don't we take
7 a few minutes to effect its removal. Officer Jennings,
8 thank you for your participation. Your testimony is
9 concluded. Please don't discuss your testimony with
10 anyone.

11 THE WITNESS: Thank you very much.

12 THE COURT: Thank you.

13 THE WITNESS: Thank you.

14 (Thereupon, the witness was excused.)

15 THE COURT: Okay. Ladies and gentlemen, please
16 feel free to talk among yourselves while we clear this
17 away.

18 THE CLERK: Please raise your right hand.

19 KATHLEEN BIGNOTTI,
20 having been called as a witness for and on behalf of the
21 Government, and after having been first duly sworn by
22 the deputy clerk, was examined and testified as follows:

23 THE COURT: Very well. Please be seated.

24 THE WITNESS Thank you.

25 THE COURT: Thank you.

1 DIRECT EXAMINATION

2 BY MR. MENDELSON:

3 Q Good afternoon.

4 A Good afternoon.

5 Q Would you please introduce yourself to the
6 Court by stating your full name and spelling it for the
7 record?

8 A Sure. My name is Sergeant Kathleen,
9 K-a-t-h-l-e-e-n Ann, A-n-n Bignotti,
10 B-i-g-n-o-t-t-i. I work for the United States Capitol
11 Police and I've been there for 19 years.

12 Q And what are your duties, Sergeant Bignotti,
13 with the United States Capitol police?

14 A I'm a sergeant and I am a supervisor.

15 Q What does that mean that you're a supervisor?

16 A Basically, I'm in charge of a group of
17 officers. I work three to 11 and I'm responsible for
18 maintaining the security and safety of Senate office
19 buildings and grounds and making sure the officers are
20 at their assigned locations and doing the appropriate
21 work that they are assigned to do.

22 Q You mentioned three to 11, is that in the
23 afternoon and evening?

24 A Yes, 3:00 p.m. till 11.

25 Q I want to direct your attention to May 22nd,

1 2003, were you on duty that day?

2 A Yes, sir, I was.

3 Q Where were you on duty?

4 A The Senate Dirksen building was my assigned
5 area as a supervisor.

6 Q Is the Senate Dirksen building part of the
7 United States Capitol buildings?

8 A Yes, sir, it is.

9 Q What time did you come on duty on May 22nd?

10 A At 3:00 p.m.

11 Q What happened when you came on duty at 3:00
12 p.m.?

13 A I went to my assigned building and I was
14 notified that there was a committee hearing in SD 226
15 which is the Senate Dirksen 226.

16 Q Who informed you of this?

17 A Sergeant Sundberg that works the day shift,
18 7:00 a.m. to 3:00 p.m.

19 Q Did you receive any other information from
20 Sergeant Sundberg?

21 A He just showed me a picture of an individual,
22 just to monitor the committee room, to make sure
23 everything went orderly that day.

24 But I also have other responsibilities besides
25 the committee room, you know, checking on other

1 receptions or whatever else is going on in that
2 building.

3 Q After Sergeant Sundberg showed you this
4 picture, what did you do?

5 A I responded to the committee room SD-226, and
6 also Officer Jennings was there.

7 Q Why did you respond to that committee room?

8 A Well, because as a supervisor, I am responsible
9 for whatever is going on in the building. And also I
10 was shown a picture, just to monitor the committee, make
11 sure that there was no disruptions in the committee.

12 Sure, yes, ma'am. To make sure that
13 the committee was going smoothly and that there was no
14 problem.

15 Q And what did you do next?

16 A And I stood by the door in SD-226 at three
17 o'clock. And I did not note the individual that I was
18 shown the picture. I did see her in the room.

19 Q Where did you see that individual?

20 A She was approximately from -- where I was
21 standing at the door with Officer Jennings, she was
22 approximately about 38 feet away from me, sitting down,
23 sir.

24 Q The individual that you saw in the hearing room
25 on May 22nd, do you see that individual in this

1 courtroom today?

2 A Yes, I do.

3 Q Would you please point to that individual and
4 identify that individual by an article of clothing that
5 that person is wearing and by where that person is
6 seated inside this courtroom?

7 A Okay. She is seated right in front of me here,
8 a white female wearing the, looks like a, either a navy
9 blue or a black sweater with a royal blue shirt.

10 MR. MENDELSON: Your Honor, may the record
11 reflect an in-court identification of the defendant
12 Elena Sassower?

13 THE COURT: Any objection?

14 MS. SASSOWER: No.

15 THE COURT: Very well, so noted..

16 BY MR. MENDELSON:

17 Q What was going on in the hearing room when you
18 went there at 3:00 p.m.?

19 A They were having judicial nominations in that
20 committee room.

21 Q What does that, what does that mean?

22 A Basically in the committee room, there, the
23 chairman was having testimony from judicial nominations
24 and judges. Go ahead.

25 Q Do you recall who the chairman was that day?

1 A Yes, I do.

2 Q Who was the chairman?

3 A Senator Chambliss.

4 Q Do you recall how many witnesses there were?

5 A Not, not an exact number.

6 Q Do you recall where those witnesses were

7 sitting inside the room?

8 A Yes, I do.

9 MR. MENDELSON: Your Honor, I'm showing the

10 defendant what's been marked as Government's Exhibit 1.

11 May I approach the witness?

12 THE COURT: You may.

13 BY MR. MENDELSON: Court's indulgence.

14 THE COURT: Yes.

15 BY MR. MENDELSON:

16 Q If you could tell the ladies and gentlemen of

17 the jury approximately where the witnesses were seated

18 inside this hearing room.

19 And this is Government's Exhibit 1 which has

20 been introduced into evidence as a photograph of Senate

21 Dirksen Room 226.

22 A They were, the judicial nominations, they were

23 located in this area here, seated this way but facing,

24 facing the chairman.

25 MR. MENDELSON: Your Honor, would the record

1 reflect that the sergeant has identified the witnesses
2 as sitting towards the front of the room in the chairs
3 that are turned in the wrong direction but would have
4 been facing the front of the room?

5 THE COURT: Yes.

6 BY MR. MENDELSON:

7 Q Thank you, Sergeant Bignotti.

8 A Sure.

9 Q And how many people were sitting in the
10 audience that day?

11 A I would say probably about 50 people.

12 Q Did you see where the defendant, Ms. Sassower,
13 was sitting?-

14 A Yes, sir, I did. Can I point that out to you?

15 Q Yes, please.

16 A She was, she was in the far corner over in this
17 section over here. That table was not there at that
18 time. So she was in the far section about 38 feet from
19 me and I was by the door over here.

20 MR. MENDELSON: Your Honor, I have a post-it
21 with a triangle on it that I would like to ask the
22 sergeant to place on Government's Exhibit 1 in order to
23 identify where exactly the defendant was sitting in the
24 room that day?

25 THE COURT: Any objection?

1 MS. SASSOWER: I'm sorry, I didn't hear.

2 THE COURT: The witness will be asked to
3 identify your location in the room by use of a post-it
4 with a triangular marking on it.

5 MS. SASSOWER: Please.

6 THE COURT: Very well, no objection.

7 MR. MENDELSON: Your Honor, may the record
8 reflect that the officer, Sergeant Bignotti has placed
9 the post-it, it's a large post-it. I think to indicate
10 again if the sergeant would, where that post-it is on
11 this picture.

12 THE COURT: Very well. Yes, why don't you tell
13 us, Officer Bignotti, what you intend to indicate.

14 THE WITNESS: Where you see Officer Jennings,
15 that's right about where she was seated, right in front
16 of that.

17 MR. MENDELSON: Would the record reflect that
18 that is towards the back left?

19 THE WITNESS: Towards the back left.

20 BY MR. MENDELSON:

21 Q Of the hearing room.

22 A That's correct.

23 THE COURT: In what position to Officer
24 Jennings in the photograph?

25 MR. MENDELSON: To the -

1 THE COURT: Left, left or right?

2 MR. MENDELSON: To the right of where officer
3 -- in looking at the photo, to the left of where Officer
4 Jennings is standing.

5 THE COURT: Is that correct, Officer Bignotti,
6 Sergeant Bignotti?

7 THE WITNESS: It's right about right in front of
8 him, sir.

9 THE COURT: Very well

10 THE WITNESS: Position.

11 BY MR. MENDELSON:

12 Q Thank you, Sergeant Bignotti. You testified
13 that the, that the senators -- well, what was, what was
14 going on during the hearing?

15 A Well, if the, it was once again judicial
16 nominations. And when you have a committee room,
17 everybody is to remain seated and the room was, everyone
18 was seated. It was very quiet.

19 Q Was anyone speaking?

20 A The chairman was speaking.

21 A And who was the chairman?

22 A That was Senator Chambliss.

23 Q Was anyone else speaking?

24 A No, sir. He was, he was questioning the
25 judicial nominees.

1 Q Were the judicial nominees speaking?

2 A Well, they were speaking back when they were
3 addressed by the chairman.

4 Q Was anyone outside of the senators and the
5 nominees speaking when you were in the hearing room that
6 afternoon?

7 A Not at three o'clock but at 3:30 I did.

8 Q Okay. We'll get to that. How long were you in
9 the hearing room?

10 A I was in there for approximately a half hour.

11 Q And what happened as the half hour moved along?

12 A Well. the chairman was, things were about to
13 wrap up but, but the chairman was still speaking at the
14 time.

15 Q How did you know that things were about to wrap
16 up?

17 A Basically, I was advised by one of the
18 individuals on the committee. And I had, I usually
19 speak to people trying to figure out what time the
20 committee is gonna be over with so I can also readjust
21 scheduling for the officers.

22 So Senator Chambliss was about to wrap up the
23 committee but he was still addressing the committee,
24 when an individual -- can I say?

25 Q Certainly.

1 A Ms., Ms. Sassower.

2 Q Just tell the story.

3 A An individual, Ms. Sassower, stood up while
4 everybody else had remained seated and it was quiet.

5 But she stood up and screamed out - Judge
6 Wesley, look into the corruption of the New York Court
7 of Appeals. Now she used loud language, it was very
8 loud.

9 Q Perhaps you could demonstrate for us.

10 A Sure.

11 Q Try to mimic her tone that day, how, how loud
12 it was.

13 A Judge Wesley, look into the corruption of the
14 New York Court of Appeals. And she, you know, she
15 continued to say I want to testify, you know.

16 And the Senate, the chairman twice, you know,
17 he brought down the gavel to restore order and twice
18 requested the po, the police to come in to restore
19 order.

20 Q Can you describe the defendant's demeanor when
21 she was standing and as you say shouting?

22 A She seemed very agitated. She seemed very
23 upset. She had the intent to disrupt the committee.

24 Q What did you do next?

25 A Basically, once the chairman requested the

1 Capitol police to come in to restore order, we responded
2 to get Ms. Sassower, escort her from that room.

3 At this point she disrupted Congress where she
4 had the intent. She stood up, she screamed, she
5 disrupted the committee. So we escorted her from that
6 room.

7 But she was, even trying to get her to leave the
8 room, she did not want to leave the room. She was very
9 stiff, you know. She was trying to stay there, but
10 eventually we were able to escort her out of the room.

11 Q When you say we were able to escort her out --

12 A Officer Jennings and myself.

13 Q Which one of you was the first officer to
14 approach the defendant and attempt to escort her out of
15 the room?

16 A Well, we both did it simultaneously. But
17 Officer Jennings was first in the room and then I was
18 behind him. And then leaving, escorting, leaving the
19 room I was the first to leave, to lead and he was he was
20 following behind.

21 Q How could you tell -- you testified that she
22 was at first resisting leaving the room, can you
23 describe that a little more?

24 A Well, if you es -- normally when you escort
25 people, a lot of times they will come along willingly.

1 But she was very rigid and her muscle tone, you
2 know, standing stiff and not wanting to leave the room
3 because she wanted to testify. So she was very rigid,
4 her body, her muscle tone was very rigid.

5 Q When you testified that the defendant stood and
6 shouted, was anyone else in the audience standing at
7 that time?

8 A No, sir.

9 Q Was anyone else speaking at that time?

10 A The chairman was speaking and she interrupted
11 him.

12 Q And after you escorted the defendant out of the
13 room, what happened?

14 A She was yelling am I under arrest, am I under
15 arrest. But prior to leaving once again, she, you know,
16 she has just yelled out Judge Wesley, you know, she
17 wanted him to look into the corruption of New York Court
18 of Appeals and also she was yelling that she wanted to
19 testify.

20 And when asking, escorting her out, she wanted,
21 twice I believe she asked, am I under arrest, am I under
22 - you know, screaming in a loud language, you know, am I
23 under arrest, am I under arrest?

24 Q What, if anything, did you say?

25 A Not, nothing at that point until I can escort

1 her out of the room so the committee can continue.

2 Q What happened -- again, what happened when
3 Officer Jennings and you were able to get the defendant
4 out of the hearing room?

5 A She was placed under arrest and charged with
6 disruption of Congress.

7 Q Who placed the defendant under arrest?

8 A Officer Jennings.

9 Q Why is it that Officer Jennings was the
10 arresting officer and not yourself?

11 A I'm a supervisor, it's, with the United States
12 Capitol police. I have numerous officers, over 70
13 officers to supervise so I cannot tie myself up on
14 arrest paperwork. So we're there to supervise. The
15 officers are there who take the arrest.

16 Q After May 22nd, 2003, did you ever see the
17 defendant again before coming to court today?

18 A No sir, not after May 22nd.

19 MR. MENDELSON: Thank you, Sergeant
20 Bignotti.

21 THE WITNESS: You're welcome.

22 MR. MENDELSON: I have no further questions.

23 THE COURT: Very well. Before we begin with
24 cross-examination, this will be a good time for us to
25 take the, a mid-afternoon recess. So let's recess for

1 15 minutes, resume at 3:20 sharp.

2 Sergeant, be reminded that you're under
3 oath. Don't discuss your testimony with anyone.

4 THE WITNESS: Yes.

5 THE COURT: Very well. We're in, we're in
6 recess until 3:20.

7 (Thereupon, the Court recessed at 3:05 p.m.)

8 (Thereupon, the Court reconvened at 3:20 PM.)

9 THE COURT: Ms. Bignotti, Ms. Bignotti, did you
10 get the --

11 THE WITNESS: I got it.

12 THE COURT: Thank you.

13 THE CLERK: Your Honor, Ms. Sassower said she
14 needs the TV.

15 MS. SASSOWER: I think we may need this witness
16 too. She was disciplined at that hearing, testifying as
17 to what took place.

18 THE CLERK: We're, we're actually on the
19 record, Ms. Sassower.

20 MS. SASSOWER: Oh, yes.

21 THE CLERK: I was inquiring --

22 MS. SASSOWER: Well, we might have it to stand
23 by --

24 THE COURT: Well, if we need it, we can
25 take a brief recess. It can be wheeled in.

1 MS. SASSOWER: I take it that on my
2 direct case I will be able to go through --

3 THE CLERK: Do you want me to call the case?

4 THE COURT: Very well, please.

5 THE CLERK: The matter before the Court at this
6 time for trial, United States versus Elena Sassower,
7 Case M4113-03.

8 THE COURT: Very well. Please identify
9 yourselves for the record.

10 MS. LIU: Your Honor, Jessie Liu for the United
11 States.

12 MR. MENDELSON: Aaron Mendelson for the
13 United States.

14 MS. SASSOWER: Elena Sassower, criminal
15 defendant.

16 MR. GOLDSTONE: Mark Goldstone, attorney
17 adviser.

18 THE COURT: Very well, please be seated.
19 I want to address a matter as a preliminary matter so
20 that there is no potential for misunderstanding once we
21 get underway.

22 What I would like is -- a document was shown to
23 me earlier in these proceedings that appeared on the
24 face of it to contain a complaint for police misconduct
25 that was filed in 19, pertaining to the 1996 arrest.

1 Before there is even the potential of abuse of
2 this document and prejudice to the jury, I'd like to
3 know as follows.

4 Assuming that the complaint was filed, what was
5 its disposition? What was the disposition, what was the
6 outcome of the --

7 MS. SASSOWER: There was a purported
8 investigation in which I was taped. That is I received
9 a phone call. I was asked if I minded being taped, I
10 said no. The next thing I got was a dismissal letter
11 from Capitol police chief Gary Abrecht.

12 THE COURT: Very well.

13 MS. SASSOWER: But Sergeant Bignotti was
14 presumably knowledgeable of this complaint, having been
15 questioned as part of the investigation process,
16 according to the ex parte in-camera submission made by
17 the government -

18 THE COURT: Right

19 MS. SASSOWER: In January. It was recited that
20 a certain form was placed in the personnel folder.

21 THE COURT: Right.

22 MS. SASSOWER: It was conceded that she
23 was one of the subjects of that complaint.

24 THE COURT: Very well. Mr. Mendelsohn, did you
25 want to make representations to me?

1 MR. MENDELSON: Yes, Your Honor, on behalf of
2 the government.

3 THE COURT: I'll hear from you.

4 MR. MENDELSON: Sergeant Bignotti and as well
5 as the Capitol police have indicated to us that the
6 investigation -- there was no disciplinary action ever
7 taken as a result of Ms. Sassower's complaint.

8 THE COURT: Very well.

9 MS. SASSOWER: Excuse me.

10 THE COURT: Ask the question. What is it that
11 you need?

12 MS. SASSOWER: Thank you, Your Honor. I --

13 THE COURT: We don't need to know about
14 discovery documents.

15 MS. SASSOWER: I, well, I requested in
16 discovery --

17 THE COURT: Listen --

18 MS. SASSOWER: -- all records -

19 THE COURT: oh, --

20 MS. SASSOWER: -- pertaining to the
21 investigation --

22 THE COURT: Ms., Ms. Sassower?

23 MS. SASSOWER: -- and disposition of that
24 police misconduct complaint, and that was never turned
25 over.

1 THE COURT: Ms. Sass --

2 MS. SASSOWER: Nothing was turned over.

3 THE COURT: Ms. Sassower, -- where is the
4 marshal? Get him back up here. I don't know how many
5 times I have to tell you, but when I start to talk you
6 be quiet.

7 What I was about to say is as follows: To the
8 extent that we are talking about a discovery issue, the
9 door is closed on that. There is no further production
10 of documents. That was addressed some time ago.

11 What we're dealing with currently is an
12 evidentiary issue and it has to do, as I see it, with
13 the balancing.

14 On the one hand, if Officer Bignotti would have
15 the, a bias based upon a prior interaction with Ms.
16 Sassower, that potential bias would be relevant to this
17 case and therefore some exploration of the 1996 arrest
18 and Officer Bignotti's involvement in it would be
19 warranted.

20 However, as the judge presiding, I have to make
21 sure that the jury is not prejudiced by this bias
22 inquiry.

23 And what I would require is a proffer as
24 follows. Number one, that a complaint was filed. And
25 number two, that a disposition was reached adverse to

1 Officer Bignotti.

2 It is only when those two requirements are met
3 that I would allow inquiry into Officer Bignotti's
4 involvement in the 1996 arrest for purposes of a bias
5 inquiry.

6 The information that I have received, first
7 from Ms. Sassower and secondly from Mr. Mendelsohn, is
8 that a complaint was filed, an investigation was
9 undertaken. It went nowhere. There was no adverse
10 action against this officer.

11 Therefore, my ruling is as follows. There will
12 be absolutely no inquiry, no utterance, no verbiage, no
13 questioning whatsoever with regard to the police
14 misconduct complaint that was filed in 1996 by Ms.
15 Sassower against Officer Bignotti. It is irrelevant to
16 these proceedings.

17 And to the extent that one might make a
18 colorable argument of relevance based on bias, it is
19 more prejudicial than probative. Don't even mention in
20 open court the complaint for misconduct that you filed
21 in 1996.

22 MS. SASSOWER: She was knowledgeable of it,
23 Your Honor.

24 THE COURT: I don't care, don't mention it.

25 MS. SASSOWER: It's already been testified to

1 that there was a divergence between Officer Jennings who
2 told me to sit down and Officer --

3 THE COURT: Ms. -

4 MS. SASSOWER -- Bignotti -

5 THE COURT: Ms. Sassower, --

6 MS. SASSOWER -- who insisted that I be removed.

7 THE COURT: -- what you fail to understand is
8 that this, this --

9 MS. SASSOWER: She arrested me.

10 THE COURT: This isn't a negotiation.

11 MS. SASSOWER: In fact.

12 THE COURT: It's not a negotiation. I'm
13 instructing you now that that evidence is not to be
14 brought before this jury.

15 MS. SASSOWER: May I make a statement for the
16 record?

17 THE COURT: No, you may not. Your objection is
18 noted.

19 MS. SASSOWER: Uh-huh.

20 MR. GOLDSTONE: Your Honor, can we use the
21 husher for a second?

22 THE COURT: For what reason?

23 MR. GOLDSTONE: I just want to advise Ms.
24 Sassower of one thing.

25 THE COURT: Very well.

1 [Pause]

2 MS. SASSOWER: My legal adviser would like me
3 to be explicit, although I believe I have said in sum
4 and substance the same, that bias does not necessarily
5 have to be the result from adverse action, disciplinary
6 action. Is that it?

7 MR. GOLDSTONE: Adverse disposition.

8 MS. SASSOWER: Adverse disposition.

9 THE COURT: Very well. Your statement is made
10 and any objection that could possibly be made we will
11 assume has been made, even though not articulated by
12 you. My stand, my holding still remains.

13 That even if this misconduct complaint, its
14 investigation and its disposition might be relevant,
15 relevant evidence may be excluded where it is more
16 prejudicial than probative.

17 So on those two grounds, one irrelevance and
18 two prejudice, it is excluded from this case.

19 MS. SASSOWER: You're saying it's relevant but,
20 but too prejudicial, is that your ruling?

21 THE COURT: I'm saying it's irrelevant. And
22 to, and to the extent that anyone might disagree with my
23 analysis on relevance, it is more prejudicial than
24 probative. I don't know how much clearer I can be with
25 that. Mr. Mendelsohn.

1 MR. MENDELSON: Might I -- I'll just ask for
2 some clarification. Is it the Court's ruling that any
3 evidence of the police misconduct charge is
4 substantially more prejudicial than it is probative in
5 this case?

6 THE COURT: Based upon the information that
7 the, that I currently have, it is absolutely more
8 prejudicial --

9 MS. SASSOWER May I ask -- -

10 THE COURT: -- than probative.

11 MS. SASSOWER: May I ask what information you
12 are relying on?

13 THE COURT: No, you may not. The record is
14 clear. Ms. Sassower, you fail to understand, and I'm
15 gonna say it again, when I rule it is final.

16 If you want to present me with some authority,
17 legal authority to the contrary of my ruling for
18 reconsideration, you may.

19 In this case, you cannot, there will be no
20 reconsideration. The record is made. Let's bring
21 Sergeant Bignotti in. Very well. And, Ms. Sassower,--

22 MS. SASSOWER: Yes.

23 THE COURT: -- please remove the box from that
24 chair. Officer Bignotti, would you take a seat over
25 there please?

1 MS. SASSOWER: Officer who?
2 THE COURT: I'm sorry, Officer DeLuca.
3 MS. SASSOWER: It's prejudicial to have the
4 marshal behind me, --
5 THE COURT: Very well.
6 MS. SASSOWER -- Your Honor.
7 THE COURT: He's gonna sit right there where the
8 marshal sat yesterday. We will maintain order this
9 afternoon, Ms. Sassower. Very well.: Please step up.
10 THE WITNESS: May I be seated?
11 THE COURT: You may.
12 (Thereupon, the jury returned to the courtroom
13 at 3:30 p.m.)
14 THE COURT: Thank you, please be seated.
15 Remember, sergeant, that you're under oath.
16 THE WITNESS: Yes.
17 THE COURT: Very well. Ms. Sassower.
18 CROSS-EXAMINATION
19 BY MS. SASSOWER:
20 Q Sergeant Bignotti, although you are the
21 Government's witness, I also subpoenaed you, is that not
22 correct?
23 A You subpoenaed me?
24 Q Yes.
25 A Okay.

1 Q Are you aware that I subpoenaed your presence
2 here?

3 A I am aware.

4 Q I submit Defendant's Exhibit 35 for
5 identification. I'm sorry, 32, I misspoke.

6 The subpoena not only requested your presence
7 but that you bring with you documents, tangible objects
8 and records relating to defendant's discovery ~~net~~,
9 demand of August 12th, 2003 annexed.

10 THE COURT: Why don't we see if Sergeant
11 Bignotti can identify the document.

12 MS. SASSOWER: Oh, thank you, Your Honor.

13 BY MS. SASSOWER:

14 Q Have you seen this document before?

15 A This document?

16 Q Yes.

17 A The subpoena?

18 Q Yes.

19 A I've been given a subpoena to attend court.

20 Q Were you asked to bring any documents?

21 A I don't have any documents. The only document
22 we have is the arrest 163, prosecution report.

23 Q The arrest and prosecution report. And you
24 were the supervisor that signed that report?

25 A That's correct.

1 Q That was -- may I -- I have Defendant's Exhibit
2 20, the arrest prosecution report.

3 THE COURT: Well, excuse me, Exhibits 20, 21
4 and 22.

5 MS. SASSOWER: 23 and 24.

6 THE COURT: Very well. Why don't you hand them
7 to the witness so that she can identify them, if she
8 can.

9 MS. SASSOWER: Yes.

10 THE WITNESS: Okay.

11 BY MS. SASSOWER:

12 Q These were documents prepared under your
13 supervision, --

14 A These are arrest --

15 Q -- correct?

16 A -- paperwork, prose, paperwork, prosecution.

17 Q Prepared under your supervision?

18 A I signed the paperwork, that's correct. I
19 didn't make the arrest. Officer Jennings
20 made the arrest.

21 Q According to that paperwork.

22 A According to this paperwork?

23 Q According to the paperwork.

24 A Officer Jennings is the arresting officer.

25 Q According to the paperwork.

1 A I'm the supervisor.

2 THE COURT: Excuse me, excuse me. Question, and
3 you'll answer whatever question that she poses that I
4 allow. Okay? Let's not talk at the same time. The
5 court reporter can't record it. Do you have a question,
6 Ms. Sassower?

7 MS. SASSOWER: Yes.

8 THE COURT: Ask it please.

9 BY MS. SASSOWER:

10 Q Do you have any additional documents relating
11 to this matter?

12 THE COURT: Sustained. That was asked and
13 answered. Next question.

14 BY MS. SASSOWER:

15 Q You stated that you were shown a picture of me
16 at 3:00 p.m. when you came on duty, is that correct?

17 A That's correct.

18 Q I show you document, Defendant's Exhibit 7?

19 THE COURT: Let the record reflect that it's
20 Defendant's Exhibit page two.

21 MS. SASSOWER: Thank you, Your Honor.

22 BY MS. SASSOWER:

23 Q Is that the document that you viewed?

24 A It looks like the picture that I showed of you,
25 but I don't know if this is the exact document that he

1 showed me. He showed me a picture that resembled this.

2 Q Is it your testimony that you were only shown a
3 picture and no description?

4 A I was shown a picture. I was shown a picture
5 with your name and information.

6 Q Would it have been -- is that called a
7 bulletin, as far as you know?

8 A It could, it could be called a bulletin.

9 Q Is there some other name, a flyer?

10 A You could call it a flyer.

11 Q What --

12 A Information sheet.

13 Q And do you receive that kind of flyer
14 bulletin, information sheet on some sort of routine
15 basis?

16 A Yes, I do.

17 Q Okay. And who prepares such documents?

18 A Our intelligence.

19 Q Your intelligence. And it comes to you, you
20 testified only to a picture of an individual.

21 Did you view, in fact, more than just a picture
22 but also a picture and physical identifiers and
23 something about the area of concern?

24 A He showed me a picture of you with your
25 information. And the area of concern, what do you --

1 Q Such as what, what appears there.

2 A Okay, I'm confused. Your area of concern, --

3 Q Well, --

4 A -- what are you --

5 Q -- read the bottom portion.

6 THE COURT: Well, I, I'm sorry. Ask a specific
7 question.

8 BY MS. SASSOWER:

9 Q Okay. Were you -- when you were shown this or
10 a related document, what were you told?

11 A I did not have this information at the bottom
12 of it.

13 Q Well, --

14 A I just had your information, the picture of you
15 and your information, your name, DOB, Social Security,
16 sex, race, weight, height.

17 Q So, did you know where I was going to be? What,
18 when you were shown my picture and my physical
19 characteristics, my name, for what purpose were you
20 shown it?

21 A I was advised that there was a person in the
22 committee room in the Senate Dirksen 226 that might
23 disrupt the session. So to monitor that committee room
24 along with my other duties and responsibilities.

25 Q And did you inquire on what basis there was a

1 belief that I might disrupt the session?

2 A No. I just, I do my job as a supervisor. I
3 respond to the committee room to make sure everything is
4 in the orderly progress, in process.

5 Q So that I understand your testimony correctly,
6 you're not denying that the photo and this whole page
7 was what was shown to you, --

8 MR. MENDELSON: Objection.

9 THE COURT: The object --

10 MS. SASSOWER -- is that correct?

11 THE COURT: The objection is sustained. She has
12 identified what part of that page -

13 MS. SASSOWER: Are you affirmatively -

14 THE COURT: -- she became --.

15 BY MS. SASSOWER: -- asserting --

16 THE COURT: Excuse me. She's identified the
17 part of the page that she was shown. She's identified
18 those subject areas on the page that she knew about.

19 Next question please.

20 BY MS. SASSOWER:

21 Q As a -- who informed you that I might disrupt
22 the Senate Judiciary Committee hearing of May 22nd?

23 A I stated earlier I was shown this information
24 by Sergeant Sundberg who made me aware of it.

25 Q Did, does Sergeant Sundberg occupy the same

1 rank as you?

2 A He's a sergeant, that's correct.

3 Q And you are a sergeant.

4 A Yes, I am.

5 Q And he works from 7 to three?

6 A Yes, ma'am.

7 Q And you take over from three to 11.

8 A That's correct.

9 Q So whatever data that would have been available
10 to him from which he could have apprised you that I
11 might potentially disrupt this hearing was also
12 available to you as a sergeant of the same rank.

13 A Yes.

14 Q Were you -- Defendant's Exhibit 2 -- may I
15 approach?

16 THE COURT: You may, yes.

17 BY MS. SASSOWER:

18 Q Did you ever see, receive, view, review the
19 subject profile that had been prepared?

20 A No. This profile here?

21 Q Yes, subject profile.

22 A No. I stated earlier, I've stated earlier the
23 sheet which is Exhibit --

24 THE COURT: Seven, page two.

25 THE WITNESS: Seven, page two, I received

1 your information, the picture and your personal
2 information and it ended there, nothing else. That's
3 what I reviewed. I on -- as far as this sheet goes
4 here, --

5 THE COURT: That would be Exhibit --

6 THE WITNESS: Exhibit -

7 THE COURT: -- two.

8 THE WITNESS: -- two, I did not review
9 that.

10 BY MS. SASSOWER:

11 Q You never reviewed the subject profile. Isn't
12 it, as a matter of practice, provided to the Capitol
13 police unit when a bulletin picture is circulated as
14 reflecting some concern?

15 THE COURT: Did you understand the question?

16 THE WITNESS: Do I, do I review on a daily
17 basis?

18 BY MS. SASSOWER:

19 Q As, as a matter of practice, policy and
20 practice, when intelligence, special assessment unit
21 section prepares a subject profile and a bulletin, does
22 it transmit both documents to sergeants so that they can
23 be apprised of what is potentially out there?

24

25 A You get intelligence information sheet.

1 Q Okay. Does the intelligence information sheet
2 identify whether the subject is considered dangerous?

3 A When you read intelligence bulletins, you
4 read every aspect of the intelligence bulletin.

5 Q Well, the subject profile in front of you
6 identifies that I was not considered to be dangerous.

7 THE COURT: Sustained.

8 MS. SASSOWER: Were you advised --

9 THE COURT: Sustained. She has not read that
10 document.

11 MS. SASSOWER: Could she, could she review it?
12 Is that correct, is that correct?

13 THE COURT: The objection is sustained. Move
14 further.

15 BY MS. SASSOWER:

16 Q Were you advised in, in being provided with the
17 picture and descriptions and the potential that I might
18 disrupt, that I was not considered dangerous?

19 A I was advised to monitor the committee in SD
20 226. And I was provided once again the information with
21 your picture and to make sure there was no disruption of
22 the committee hearing.

23 A What other background facts might you have been
24 provided?

25 MR. MENDELSON: Objection.

1 THE COURT: Sustained.

2 MS. SASSOWER: Were there any other facts --
3 you swore to tell the truth, the whole truth and nothing
4 but the truth.

5 THE COURT: Sustained.

6 BY MS. SASSOWER:

7 Q Were you -- did you recognize my picture?

8 A I recognized your picture.

9 Q Did you recognize my name?

10 A Yes, I did.

11 Q Why? Why?

12 A In 1996, you were arrested for disorderly
13 conduct.

14 Q You were there, is that correct?

15 A That's correct.

16 Q And from your personal recollection, why was I
17 arrested?

18 A Well, you were arrested because you went into a
19 room that's adjacent to SD 226, which is the Senate
20 Dirksen committee room, but there's an office next door
21 to it, adjacent to it which is SD 224.

22 Q Excuse me?

23 A And you --

24 THE COURT: No, you asked the question.

25 MS. SASSOWER: Okay.

1 THE COURT: She's gonna answer it.

2 THE WITNESS: And we received a call for an
3 unwanted guest which is basically somebody who's in an
4 office room that's being disruptive.

5 So I responded, along with Officer Phillips and
6 Officer Rush, to check on the welfare of the staff
7 members in that office.

8 When I arrived, Elena, Ms. Elena Sassower was
9 there causing disruption with the staff members in that
10 office. And we tried to get her to leave the room and
11 she was being very, she did not want to leave but
12 eventually we did have her leave.

13 At that point she wasn't under arrest. But once
14 we got her into the open public space, the hallway, she
15 became very disruptive by cursing out loud, saying fuck
16 you, you know, fuck these people.

17 In Senate office buildings, we have numerous
18 people visiting from around the United States. They're
19 constituents, they're visiting their senators and people
20 are going by.

21 And she's physically going at one of my officers
22 trying to get a driver's license for information to run
23 on her. So she was very disruptive and using foul
24 language in the hallway as people were going by. At
25 which point --

1 THE COURT: Very well.

2 THE WITNESS: Okay.

3 THE COURT: Very well.

4 BY MS. SASSOWER:

5 Q So, in other words -- oh, in other words, I was
6 not arrested for having requested to testify at that
7 day's Senate Judiciary Committee confirmation hearing.

8 A You were in an office adjacent to that and you
9 were in a hallway being distru, disruptive and using
10 foul, abusive language while people were going by.

11 Q Were you at the Senate Judiciary Committee
12 hearing on that date?

13 A On that date, I came on at three o'clock. So
14 at three o'clock I had responded, I guess it was around
15 3:30 I responded to the office room.

16 As far as the committee goes, I don't recall the
17 committee but I responded to that personnel office room.

18 Q The --

19 MR. MENDELSON: Your Honor, for the record's
20 purposes, we need clarification of what date.

21 THE COURT: Very well. We need clarification
22 as to your response. Are you talking about 1996?

23 THE WITNESS: 1996.

24 THE COURT: All right.

25 THE WITNESS: The disorderly conduct.

1 THE COURT: Very well.

2 BY MS. SASSOWER:

3 Q Apart from -- do you recollect whether the two
4 other officers had been at the Senate Judiciary
5 Committee hearing on that date?

6 THE COURT: Excuse me. Which other two
7 officers are you speaking of?

8 BY MS. SASSOWER:

9 Q Sergeant Bignotti, you testified that on June
10 25th, 1996, you and two male officers were summoned to
11 the Senate Judiciary Committee offices, is that correct?

12 A SD 224.

13 Q That's the o, that's the office.

14 A Office adjoining.

15 Q Adjoining the hearing room.

16 A Uh-huh.

17 THE COURT: Yes.

18 THE WITNESS: Yes, sir.

19 BY MS. SASSOWER:

20 Q And is it your testimony that those officers
21 were not at the Senate Judiciary Committee hearing on
22 that date?

23 A Their start time is three o'clock. So at that
24 time they commence earlier. If there's a committee
25 going on earlier, they would not have been there. It

1 would be a group of other officers.

2 Q When they came on and when you came on, were
3 you advised of an assignment of police officers to the
4 Senate Judiciary Committee room?

5 A Was I advised?

6 Q Were you advised -- well, were you advised that
7 there was any incident involving
8 me --

9 A We --

10 Q at the hearing?

11 THE COURT: Excuse me. In order for the record
12 to be clear, we need to know from question to question
13 whether you're speaking of the event in 1996.

14 MS. SASSOWER: Yes, yes.

15 THE COURT: Or 2003.

16 MS. SASSOWER: Yes.

17 THE COURT: Which event?

18 MS. SASSOWER: 1996.

19 THE COURT: Very well.

20 MS. SASSOWER: Raised by Sergeant Bignotti.

21 THE WITNESS: Raised by me?

22 THE COURT: No, no, no, just -

23 THE WITNESS: Okay.

24 THE COURT: Do you recall what the question
25 was?

1 THE WITNESS: Okay. You want to know --

2 THE COURT: Restate the question please.

3 BY MS. SASSOWER:

4 Q When you and the other officers came on at 3:00
5 p.m., was the Senate Judiciary Committee hearing still
6 in progress?

7 A I don't recall.

8 Q It might have still been in progress.

9 THE COURT: Sustained.

10 BY MS. SASSOWER:

11 Q All right. If -- but you do not deny it might
12 still have been in progress?

13 A I don't recall.

14 THE COURT: Sustained.

15 MS. SASSOWER: Okay, fine.

16 BY MS. SASSOWER:

17 Q So I was not arrested in 1996 in connection
18 with any conduct at the Senate Judiciary Committee
19 hearing, is that correct? At the hearing itself, I was
20 not arrested for any conduct?

21 MR. MENDELSON: Objection, Your Honor. It
22 calls for speculation.

23 THE COURT: No, I'll allow it. Officer
24 Bignotti.

25 THE WITNESS: You weren't arrested for anything

1 in the committee room in SD 226, that's correct.

2 MS. SASSOWER: Yes.

3 BY MS. SASSOWER:

4 Q And you are aware that at that hearing, as it
5 was being concluded, I rose to request to testify with
6 citizen opposition, are you not?

7 MR. MENDELSON: Objection.

8 THE COURT: Step up.

9 (Bench Conference)

10 THE COURT: All right. This witness has
11 testified with regard to the 1996 event, as I recall the
12 testimony. She responded to 224. You failed to
13 establish her presence in 226.

14 Therefore, this questioning about what may have
15 or might have occurred in 226 all requires her to
16 speculate which I am not going to allow her to do.

17 It may also conceivably require that she testify
18 as to matters that were written or recorded after the
19 fact. I'm not going to allow that.

20 So to the extent that you want to explore
21 further what happened in 1996, it begins with the
22 response to 224 and it goes forward to your arrest. No
23 further.

24 MS. SASSOWER: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 (Open Court)

2 THE COURT: Please inquire.

3 MS. SASSOWER: Yes. Did you subsequently
4 become aware of certain action taken by me after I was
5 arrested in the hallway at the Senate Judiciary
6 Committee on a charge of disorderly --

7 THE COURT: Sustained, sustained. That has
8 already been addressed. Sustained.

9 MS. SASSOWER: Okay.

10 BY MS. SASSOWER:

11 Q So moving back to 2003, May 22nd. You
12 recognized my picture and you recognized my name.

13 A That's correct.

14 Q When you arrived at the Senate Judiciary
15 Committee at 3:00 p.m. you relieved another officer?

16 A No, I'm a supervisor. I don't have to relieve
17 officers. I'm responsible for officers within that
18 committee room.

19 Q But had you been apprised by the officers that
20 were then going off duty that there had been no incident
21 during the hearing when Senator Clinton was present?

22 A We, normally when we take over, my officers
23 check with the other officer and they advise them of any
24 problems in any committee rooms of any individuals.

25 Q And you were not advised of any problem for a

1 hearing that had commenced at 2:00 p.m., is that
2 correct?

3 A There had been none that day -

4 Q And was there any -

5 A -- at that time.

6 Q And when you came on, were you alerted that
7 Elena Sassower was in fact present throughout that two-
8 hour period, hour period?

9 A As I stated earlier, yes.

10 Q You stated -- how many officers were in the
11 hearing room at, at the end of that hearing on May 22nd
12 and who were they?

13 A What time are you talking about?

14 Q At the end, as it was wrapping up, to use your
15 words.

16 A Okay. Wrapping up, can you give me, do you
17 have a time frame?

18 Q Well, the hearing wrapped up I believe at about
19 3:15, 3:20, 3:25.

20 A What officers were in the room when you were --

21 Q Yes.

22 A -- taken out?

23 Q Yes.

24 A Officer Jennings and myself.

25 Q Any other officer?

1 A Not right at that time.

2 Q Might there have been another officer?

3 A I had Officer Pete Brown respond.

4 Q When did he respond?

5 A I don't have the recollection of the time.

6 Q But was he there in the hearing room?

7 A Officer Jennings and myself were in the hearing
8 room.

9 Q And where were you standing?

10 A I was standing at the door with Officer
11 Jennings, about 38 feet away from where you were seated.

12 Q Is it the custom of Capitol police to clump
13 together when they are assigned duties, to stick
14 together and not be in different areas of a room, let's
15 us say?

16 A Okay. Clump together.

17 Q Well, --

18 A My, we -- I'm a sergeant, I'm a
19 supervisor. Okay. Officer Jennings was assigned to
20 that committee. So my position doesn't, it doesn't
21 matter where I am positioned.

22 Q So in a sense, --

23 A I had Officer Jennings assigned to that
24 committee.

25 Q He had the assignment of that committee, not

1 you.

2 A I'm his supervisor. I'm responsible for
3 everything that goes on in that building and on the
4 Capitol grounds.

5 Q But who would make a determination whether or
6 not to remove me for an incident?

7 A Well as, well, as I stated earlier Senator
8 Chambliss, who's the chairman, brought the gavel down
9 and requested the police to restore order twice. And
10 that's a disruption of Congress.

11 In disruption of Congress you make an arrest,
12 when you show intent to disrupt the committee.

13 Q Is it your testimony that the gavel was brought
14 down by Senator Chambliss in an attempt to restore order
15 or as part of his stating that the hearing was
16 adjourned?

17 A You disrupted and he hadn't even adjourned.
18 You were, you disrupted him. He was still talking.

19 Q Are you saying that at the -- what, what did
20 you -- so you were standing with Officer Jennings at the
21 door, is that correct?

22 A That's correct.

23 Q And when I began to speak I was seated or
24 standing?

25 A When you what?

1 Q When I began to speak, when I uttered the words
2 you said -- what were the words I uttered?

3 A Judge Wesley?

4 Q Yes, what were those words?

5 A You said Judge Wesley, look into the corruption
6 of the New York Court of Appeals.

7 Q I see. I was addressing Judge Wesley and not
8 the chairman, is that your testimony?

9 A That's what you stated.

10 Q Did you have a clear view of me from wherever
11 you were standing?

12 A I was standing at the door.

13 Q With Officer Jennings?

14 A That's correct.

15 Q Did you have a clear view of me?

16 A I could see you.

17 Q Was I sitting or standing when I uttered those
18 words?

19 A You uttered the words and you stood up and you
20 yelled out Judge Wesley, look into the corruption of the
21 New York Court of Appeals. Your, in loud language
22 disrupting the committee.

23 Q How many times did I utter Judge Wesley, look
24 into the corruption of the New York Court of Appeals?

25 A How many times?

1 Q Yes.

2 A I recall - I, from what I can recall, one time
3 you called that out.

4 Q And you approached me after I called that out?

5 A I approached you when the chairman, who's in
6 charge, you interrupted his committee. And the reason
7 why I went in because the chairman brought the gavel
8 down and he requested twice for the Capitol police to
9 come in and restore order.

10 Q When chairman, presiding Chairman Chambliss
11 called for order, twice you said, did I say anything
12 after either time?

13 A You continued, you wanted to testify and then
14 you were upset. You kept yelling about am I under
15 arrest, am I under arrest and we escorted you out of the
16 room.

17 Q Well, why would I think I was under arrest?

18 THE COURT: Sustained.

19 MS. SASSOWER: All right.

20 BY MS. SASSOWER:

21 Q Firstly, when I was standing, what were my
22 hands doing?

23 A I don't know what your hands were doing.

24 Q Was there anything in my hands?

25 A As I stated, I don't know what you were doing

1 with your hands.

2 Q Did there come a time when you saw anything in
3 my hands?

4 A You used, from what I saw, used loud language
5 and disrupted the committee. Nobody else was standing
6 or yelling, just you. The room was quiet, was silent
7 and you interrupted the chairman.

8 Q Was I reading from any document, as you recall?

9 A All I recall is that you were yelling and you
10 disrupted the committee.

11 Q When, where was the video camera?

12 A That was from behind, behind where you were
13 seated.

14 Q I show you Government Exhibit 2, where, can you
15 identify where the camera was?

16 A It's somewhere in this section back here.

17 Q Yes. And --

18 MR. MENDELSON: Your Honor, for record
19 purposes.

20 THE COURT: Yes.

21 MR. MENDELSON: Can the record reflect that
22 the sergeant has pointed to the back middle of that
23 photo by the back doors of Government's Exhibit 2?

24 THE COURT: So noted.

25 BY MS. SASSOWER:

1 Q And is it not your testimony that you were
2 standing with Sergeant Jennings immediately -- well, to
3 the side of the video camera that would be closer to the
4 door right over here?

5 A We were by, we were by the door.

6 Q You were all the way at the door.

7 A We were by at the door where Officer Jennings
8 was.

9 Q But you knew that the disruption, if there were
10 to be a, quote, disruption, would be coming from me and
11 I was over here, somewhere over here?

12 A You were in the back.

13 Q I was in the back. And you truly said that
14 this, the side table there was not there?

15 A I don't believe the side table was there.

16 Q That's right. My recollection -- I'm sorry,
17 I'm sorry.

18 THE COURT: Next question please.

19 BY MS. SASSOWER:

20 Q As a veteran sergeant, you had been to many
21 con, you had been to many congressional hearings, is
22 that correct?

23 A Uh-huh.

24 THE COURT: Yes.

25 THE WITNESS: Yes.

1 BY MS. SASSOWER:

2 Q And that includes the Senate Judiciary
3 Committee confirmation hearings, correct?

4 A That's correct.

5 Q And the standard, the standard of these
6 hearings, at the beginning the room is pretty much full,
7 is that correct?

8 A It depends, it depends what the hearing is on
9 or what the committee is on.

10 Q Right. But the senators who are the sponsors
11 of the judicial nominees are there at the beginning of
12 the committee hearing, but as a general practice, they
13 don't stay. They, they leave after some recess.

14 A I don't know what they do, ma'am, what their
15 schedule is. I'm not their scheduler.

16 Q When you arrived, what senators were present?

17 A I don't recall what senators were present at
18 the time.

19 Q Senator Clinton was not there?

20 A I didn't say that. I said I don't recall what
21 senators were there at the time.

22 Q Okay. You said you came over with Officer
23 Jennings. What was said to me when the two of you came
24 over to me?

25 A What did we say to you?

1 Q What did you say to me? What was I told?

2 A We took you out of the room. We escorted you
3 out of the room.

4 Q Did you explain why I had to be escorted out of
5 the room, I had to leave the room?

6 A We, we escorted you out of the room and we
7 explained to you that you disrupted the committee.

8 Q Is it your testimony that Officer Jennings told
9 me to leave the room?

10 A We escorted you from the room, ma'am.

11 Q Who did the leading?

12 A I was in front of Officer Jennings and Jennings
13 was behind me, you.

14 Q Who did the talking and the insisting that I
15 must leave the room?

16 A Both of us escorted you from the room.

17 Q But who, who told me that I must leave the
18 committee room?

19 A Officer Jennings and myself escorted you from
20 the room and we advised you you had to leave.

21 Q That's not my question. Could the Court advise
22 the witness to answer the question that I asked. Who
23 told me, who commanded me to leave the room?

24 THE COURT: Do you recall the specific?

25 THE WITNESS: I don't recall specifically what

1 we told her.

2 THE COURT: Very well. Next question.

3 BY MS. SASSOWER:

4 Q You testified that my muscles had this rigid
5 tone. You were holding me?

6 A That is true. We were escorting you from the
7 room.

8 Q Physically.

9 A And you didn't come willingly.

10 Q Physically you were.

11 A We were escorting you from the room.

12 Q But I wasn't pulling back, was I?

13 A You were rigid. You didn't come --

14 Q I was rigid.

15 A You did not come willingly.

16 Q You didn't charge me with resisting arrest, did
17 you?

18 A You were charged on that date with disruption
19 of Congress.

20 Q Well, after I was taken from the room then what
21 happened, who said what?

22 A Officer Jennings placed you under arrest and
23 then you were transported --

24 Q What -

25 A -- to our headquarters and processed at that

1 location.

2 Q What words were said?

3 A What words were said to you?

4 Q Right.

5 A Like I said, Officer Jennings placed you under
6 arrest.

7 Q Are you a, were you aware that Officer Jennings
8 had never himself been the initiating officer in an
9 arrest?

10 A You're saying that he had never made an arrest?

11 Q He had never himself been the initiating
12 Officer in an arrest?

13 MR. MENDELSON: Objection, Your Honor.

14 THE COURT: Sustained. Possible relevance.

15 THE WITNESS: Why would he --

16 THE COURT: Excuse me.

17 THE WITNESS: Go ahead.

18 THE COURT: Next question.

19 MS. SASSOWER: Isn't it true that you arrested
20 me?

21 MR. MENDELSON: Objection, Your Honor.

22 THE COURT: Sustained.

23 THE WITNESS: As I stated, --.

24 THE COURT: No.

25 THE WITNESS: Okay.

1 THE COURT: It's okay. Once I sustain it, you
2 don't have to answer the question. Next question.

3 MS. SASSOWER: What is the basis?

4 THE COURT: Ask --

5 MS. SASSOWER What is the basis?

6 THE COURT: Ask your next question.

7 BY MS. SASSOWER:

8 Q What did I say upon being taken out? Was I
9 talking?

10 A I don't recall what you said.

11 Q Did I say something about the precedent of
12 1996, what happened in 1996 when I had risen to request
13 to testify?

14 A I don't recall what you stated.

15 Q Might I have said that I was not arrested at
16 that time simply for requesting to testify?

17 THE COURT: Sustained. Calls for
18 speculation. Next question please.

19 MS. SASSOWER: Did I say call Detective
20 Zimmerman?

21 MR. MENDELSON: Objection.

22 THE COURT: Sustained.

23 MS. SASSOWER: Did I say I had sent a

24 39--

25 THE COURT: Sustained.

1 MS. SASSOWER -- page fax?

2 THE COURT: Sustained. Next line of
3 questioning.

4 MS. SASSOWER: Okay. You stated that as I was,
5 to use your words, escorted out, I called out am I under
6 arrest. Why would I think I was under arrest?

7 THE COURT: Sustained.

8 MS. SASSOWER:--Do you know why I might have
9 called that out?

10 THE COURT: Sus -

11 MS. SASSOWER Did I identi --

12 THE COURT: Sustained.

13 BY MS. SASSOWER:

14 Q Did I ever say to you that it is the presiding
15 chairman who decides whether or not I should be arrested
16 for requesting to testify?

17 A I don't recall.

18 Q Did you ever -- did there come a time when I
19 was standing in the hallway with my hands handcuffed?

20 THE COURT: Sustained. Question please.

21 BY MS. SASSOWER:

22 Q Did, did presiding Chairman Saxby Chambliss
23 exit the back of the Senate Judiciary Committee within
24 moments, a minute, two minutes after we were ousted?

25 A When I'm inside the room I can't see what's

1 going on inside the room.

2 Q We were in the hallway. Did he exit from the
3 back of the committee room and go past us in the
4 hallway? Do you recall?

5 A I'm focusing on you; I'm not focusing on him.
6 That's not my priority.

7 Q Did I speak with him as he passed? Did I, did
8 I say to him are you directing me to be arrested, do you
9 wish me to be arrested?

10 A I don't recall what you stated.

11 Q When I, when I -- according to you, I screamed
12 that, that I wanted to testify, what words did I say
13 that I wa, when I wanted to tes -- did I use some words?

14 MR. MENDELSON: Objection, Your Honor.

15 THE COURT: Sustained.

16 MS. SASSOWER: Was it a question, may I
17 testify?

18 THE COURT: Sustained.

19 MS. SASSOWER: May I be permitted?

20 THE COURT: Next line of questioning.

21 MS. SASSOWER: Yes, yes, yes.

22 THE COURT: Or we proceed with redirect.

23 BY MS. SASSOWER:

24 Q You supervise^d the prosecution, the arrest
25 report, the prosecution documents?

1 A I review^{ed} it and put my signature on it, that's
2 correct.

3 Q And you needed a complainant, right?

4 THE COURT: Sustained. Don't an, you don't
5 have to answer that question.

6 MS. SASSOWER: Who is the complainant on the
7 arrest report?

8 THE COURT: I just sustained the objection to
9 this line of questioning. Please, please sit down.

10 MS. SASSOWER Who is the complainant?

11 THE COURT: Mis, Mr. Mendelsohn, please sit
12 down. Ms. Sassower, next line of questioning.

13 MS. SASSOWER: Okay, very good. Just one
14 moment. Yes.

15 BY MS. SASSOWER:

16 Q It was you, Sergeant Bignotti, who supervised
17 the arrest according to you?

18 A Once again, that is correct.

19 Q All right. That's according to the paperwork,
20 you supervised the arrest?

21 A What are you getting at? I'm confused.

22 Q Well, I -- Sergeant Bignotti, wasn't it you and
23 only you who arrested me?

24 A Once again, I am a supervisor. The officers
25 make the arrest. I have other duties and

1 responsibilities and cannot be tied up.

2 Q But this arrest you made?

3 MR. MENDELSON: Objection.

4 THE COURT: Sustained. It's already been
5 testified to. Next issue.

6 MS. SASSOWER: You had another role here. You
7 made the determination to da, to deny me citation
8 release so that I had to be held over in jail overnight,
9 is that correct?

10 MR. MENDELSON: Objection.

11 THE COURT: Sustained. Irrelevant.

12 MS. SASSOWER: Irrelevant?

13 THE COURT: Now is a good time, ladies and
14 gentlemen of the jury, for us to take our final break
15 for the day. Ms. Ramos needs a breaks. So we are going
16 to break until 3:30.

17 Be back promptly. And the, the examination of
18 Officer Bignotti will conclude by the time that we leave
19 for the day. I'm sorry, I meant 4:30. Yes. I
20 apologize.

21 (Thereupon the jury returned to the juryroom.)

22 THE COURT: Very well. You're still under
23 oath. Don't discuss your testimony with anyone.

24 THE WITNESS: Thank you.

25 THE COURT: Very well.

1 THE CLERK: The Court will stand in brief
2 recess until return to Court at 4:30.

3 (Thereupon, the Court recessed at 4:15 p.m.)

4 (Thereupon, the Court reconvened at 4:25 p.m.)

5 THE COURT: For purposes of scheduling at this
6 juncture, are you able, Ms. Liu, Mr. Mendelsohn, to tell
7 me how much in the way of redirect you might have?

8 MR. MENDELSON: Less than two minutes.

9 THE COURT: Very well.

10 MR. MENDELSON: Should we have the sergeant
11 take the stand before they come in?

12 THE COURT: Mr. DeLuca, let's bring in the
13 witness so she'll be here when they come in.

14 (Thereupon, the witness resumed the stand. The
15 jury returned to the courtroom.)

16 THE COURT: Very well. Please be seated.
17 Remember, Officer Bignotti, you're under oath.

18 THE WITNESS: Yes.

19 THE COURT: Thank you. Ms. Sassower, please
20 inquire.

21 BY MS. SASSOWER:

22 Q Okay. You have been -- I have only a few more
23 questions. You have been with the force -- by the way,
24 how many years did you say you have been with the force?

25 A I came on in 1986, October.

1 Q With Capitol police?

2 A That's correct.

3 Q And have been a sergeant for how many years?

4 A September, since September 1993.

5 Q And how many arrests have you made over your
6 career in Capitol police whether as an officer or a
7 sergeant?

8 A I'd have to go back and pull my paperwork. As
9 a sergeant, as I stated several times, the officers are
10 to take the arrests. The sergeants have to remain
11 available for responding.

12 Q Well, they do paperwork and are credited with
13 the arrest on paper.

14 A The sergeants are not, do not do the paperwork.
15 We sign the paperwork, we review the paperwork.

16 Q So your testimony under oath is that it was not
17 you who arrested me?

18 MR. MENDELSON: Objection.

19 THE COURT: Sustained.

20 BY MS. SASSOWER:

21 Q How many arrests -- okay. Of, between the
22 arrests that you have personally made and the arrests
23 that you have supervised, have you ever made or
24 supervised an arrest where the individual had simply
25 requested at a public congressional hearing to be

1 permitted to testify?

2 A Officers, my officers have made numerous
3 arrests in committees of people disrupting Congress.

4 Q No, not disrupting, flinging open a banner or
5 demanding to be heard but requesting respectfully at an
6 appropriate point.

7 MR. MENDELSON: Objection, Your Honor.

8 THE COURT: Overruled. I'll allow it.

9 MS. SASSOWER: Are you aware of another case
10 where a respectful request made at the conclusion --

11 MR. MENDELSON: Objection. The wi, the
12 defendant is testifying.

13 THE COURT: Sustained.

14 MS. SASSOWER: You, I don't believe you did.
15 Do we have a capacity for the reporter to read back the
16 last question which was not objected to?

17 THE COURT: Ms. Ramos?

18 (Thereupon, the last question was read back.)

19 THE COURT: Very well.

20 BY MS. SASSOWER:

21 Q Let's just -- okay. We, when did you become
22 knowledgeable?

23 A Knowledgeable?

24 THE COURT: Of what?

25 BY MS. SASSOWER:

1 Q That in 1996 when I respectfully requested to
2 testify at the Senate Judiciary Committee hearing, I was
3 not arrested.

4 THE COURT: Sustained.

5 MS. SASSOWER: When did you learn of that fact?

6 THE COURT: Sustained. It's not relevant to
7 this case.

8 MS. SASSOWER: Did I tell you when you were
9 arresting me that in 1996 I had not been arrested for
10 requesting to testify?

11 THE COURT: Sustained. It's irrelevant.

12 MS. SASSOWER: It was our conversation at the
13 time of the arrest, was it not Sergeant Bignotti?

14 MR. MENDELSON: Objection.

15 THE WITNESS: At the time of what arrest?

16 MS. SASSOWER: All right, last question. As the
17 supervisor of the arrest, who called Senator Chambliss
18 and asked him if he would be a complainant on the
19 complaint?

20 THE COURT: Sustained. Redirect?

21 MR. MENDELSON: Your Honor, very briefly.

22 THE COURT: Yes.

23 MR. MENDELSON: I'm showing the defendant
24 what's been marked as Government's Exhibit 1, previously
25 entered into evidence. May I approach the witness, Your

1 Honor?

2 THE COURT: You may.

3 REDIRECT EXAMINATION

4 BY MR. MENDELSON:

5 Q Sergeant Bignotti, I'm showing you Government's
6 Exhibit 1. Previously, you put a rather large yellow
7 post-it on there, and I wonder if instead of the post-it
8 you could place this red dot at the spot where the
9 defendant was sitting in the hearing room on May 22nd,
10 2003.

11 A Sure. (Witness complies.)

12 Is that good for you?

13 Q Could you describe where you've placed the red
14 dot on Government's Exhibit 1 for the la, the jury?

15 A It's the last row right in front of Officer
16 Jennings. Right directly in front of where Officer
17 Jennings is, right.

18 Q Standing directly in the back --

19 A Directly in front, right, in the back --

20 Q -- of the room.

21 A -- of that chair.

22 MR. MENDELSON: Thank you, Sergeant Bignotti.
23 I have nothing further.

24 THE COURT: Very well. Officer Bignotti,
25 Sergeant Bignotti, I apologize.

1 THE WITNESS: That's okay.

2 THE COURT: Thank you very much for your
3 testimony. You're excused.

4 THE WITNESS: Thank you, sir.

5 THE COURT: Very well.

6 (Thereupon, the witness was excused.)

7 THE COURT: Ladies and gentlemen, I believe
8 that we've reached the point today where it's simply
9 more convenient to recess for the day than to begin with
10 another witness. Let's begin tomorrow at 9:45 sharp.
11 Thank you.

12 MR. MENDELSON: Your Honor, may we, may we say
13 one thing --

14 THE COURT: Yes.

15 MR. MENDELSON: -- before we recess for the
16 day?

17 THE COURT: Yes.

18 MR. MENDELSON: Thank you, Your Honor.

19 MS. LIU: Your Honor, at this --

20 THE COURT: Very well. Just a minute. Go
21 ahead.

22 MS. LIU: Your Honor, at this time the United
23 States rests its case-in-chief.

24 THE COURT: Very well. And what that means,
25 ladies and gentlemen, as a practical matter, is that I

1 will entertain preliminary matters in the morning and
2 then we will go forward from there. So including, if
3 warranted, the defense case. All right? Very well,
4 thank you.

5 (Thereupon the jury was excused at 4:36
6 p.m.)

7 THE COURT: Very well. Be seated. Mr.
8 Goldstone and Ms. Sassower, would you approach please?

9 (Bench Conference)

10 THE COURT: First thing in the morning, I will
11 entertain the motion for judgment of acquittal. And you
12 should discuss with Ms. Sassower what the requisite of
13 such a motion is.

14 Obviously, you've been there before. It need
15 not be anything that is long and expansive but it needs
16 to be made for the record.

17 MR. GOLDSTONE: An oral motion, Your Honor?

18 THE COURT: Yes. Yes, definitely an oral
19 motion, brief and to the point. And typically, counsel
20 will submit on the record, I'll rule and then we'll go
21 forward.

22 MR. GOLDSTONE: Thank you.

23 MS. SASSOWER: Thank you, Your Honor.

24 THE COURT: Very well

25 (Open Court)

1 THE COURT: Very well. I've excused the jury
2 for the day. I'm happy to say I don't have any, any
3 notes, so that's good. We've asked them to be back at
4 9:45. I plan to start sharp at 9:45.

5 The rest of us, let's be here at 9:40 so that I
6 can handle any preliminary matters and begin promptly at
7 9:45. All right, anything further? Very well. See you
8 tomorrow.

9 THE CLERK: Your Honor, I have to give Ms. --

10 THE COURT: Sassower notice.

11 THE CLERK: -- Sassower her notice. Ms.

12 Sassower, your trial is continued to tomorrow morning.
13 If you fail to appear, a warrant would issue for your
14 arrest. If you're convicted of failing to appear, you
15 face a 180 days in jail, a thousand dollar fine or both.

16 In addition, your trial has begun. If you fail
17 to return, the Court could consider that you waive your
18 right to be present. The trial could continue in your
19 absence.

20 MS. SASSOWER: I certainly would not want that.

21 THE COURT: Very well.

22 THE CLERK: The court stands in recess
23 until return of court tomorrow morning.

24 (Thereupon, the proceedings concluded at 4:40
25 p.m.)