

1 any witness.

2 In no event should you give either greater or
3 lesser weight to the testimony of any witness merely
4 because he or she is a police officer.

5 The question of possible punishment of the
6 defendant in the event of conviction is no concern of
7 yours and should not enter into or influence your
8 deliberations in any way.

9 The duty of imposing sentence, in the event of
10 conviction, rests exclusively with me. You should weigh
11 the evidence in the case and determine the guilt or
12 innocence of the defendant only upon the basis of such
13 evidence, without any consideration of the matter of
14 punishment.

15 Closing arguments. Ms. Liu.

16 MS. LIU: Ladies and gentlemen of the jury,
17 this is not a case about a concerned citizen who just
18 wanted to speak out against a judicial nomination.

19 It's not a case that has senators and their
20 staff make decisions on judicial nominations. And it's
21 not a case about whether any particular judicial
22 nomination was a good idea.

23 This case is about a defendant who broke a law
24 that protects all of us, a law that ensures that the
25 debate and the discussion on which our democracy depends

1 can proceed in an orderly way.

2 This case is about a defendant who refused to
3 be satisfied with the reams of documents that she sent
4 to the Senate and with the 40-minute phone conversation
5 that she had with Senate staffers about her views.

6 This case is about a defendant who insisted on
7 testifying at a Judiciary Committee hearing. And when
8 she was told that she couldn't do that, she interrupted
9 that solemn proceeding by shouting over the presiding
10 senator.

11 It's about a defendant who shouted all the more
12 when the senator asked for order, who stood up when the
13 senator asked everyone to remain seated and who clutched
14 a chair, refusing to budge when the Capitol police tried
15 to escort her out of that room. That is what this case
16 is about.

17 As Judge Holeman told you, the government has
18 to prove three elements beyond a reasonable doubt.
19 First, that Ms. Sassower uttered loud or threatening or
20 abusive language, or engaged in disorderly or disruptive
21 conduct, within any United States Capitol building.

22 Now there's no question that Ms. Sassower was
23 loud. Both Officer Jennings and Sergeant Bignotti, who
24 were in the room when she began shouting, have testified
25 to that.

1 Sergeant Bignotti even gave you a demonstration
2 from the witness stand of just how loud Ms. Sassower
3 was. And you can hear on that videotape that Ms.
4 Sassower was screaming to make herself heard.

5 Nor is there any doubt that Ms. Sassower
6 engaged in disorderly or disruptive conduct. As Officer
7 Jennings testified, during the entire time he was in
8 that hearing no one spoke except for the senators, the
9 nominees and the official witnesses.

10 And no one spoke without being first recognized
11 by the presiding senator, Saxby Chambliss, except of
12 course for Elena Sassower. Ms. Sassower, who had never
13 been recognized by Senator Chambliss, shouted out while
14 the senator was still speaking.

15 She told you just that when she took the stand
16 today. She even told you that the reason you can't
17 quite make out what she says on the videotape is because
18 she and the senator were speaking at the same time.

19 How can that not be disorderly or disruptive
20 conduct? But that's not all. The senator immediately
21 called for order.

22 Did Ms. Sassower comply? No, she kept talking
23 while he was calling for order. And then she shouted
24 not once, not twice but three times - are you directing
25 that I be arrested? How can that not be disorderly or

1 disruptive conduct?

2 The senator asked everyone in that room to
3 remain seated. Ms. Sassower stood up and she kept
4 standing. How can that not be disorderly or disruptive
5 conduct?

6 And then the Capitol Police tried to escort
7 her out of the room, Ms. Sassower wouldn't budge. She
8 held on to a chair in front of her. She made her body
9 rigid. How can that not be disorderly or disruptive
10 conduct?

11 Certainly, everybody else in that room seemed
12 to think that it was. You can see on the videotape that
13 the other members of the audience, about 50 or 60
14 people, as Officer Jennings and Sergeant Bignotti told
15 you, turned around to stare at her.

16 The Capitol police had to intervene. Senator
17 Chambliss had to call a recess until the police could
18 restore order. And then at the very end, he made a
19 statement about the proper way for citizens to express
20 their views on judicial nominations.

21 How can there be any question that Ms.
22 Sassower's conduct in that hearing room on May 22nd was
23 disorderly or disruptive?

24 And there's certainly no question, ladies and
25 gentlemen, that all of this took place inside the United

1 States Capitol Building. Ms. Sassower interrupted a
2 hearing in Room 226 of the Dirksen Senate Office
3 Building.

4 Detective Zimmerman told you that building is
5 on the U.S. Capitol grounds and it is in fact a U.S.
6 Capitol Building.

7 The government has proven the first element of
8 this offense beyond a reasonable doubt. The second
9 element of the offense that we must also prove beyond a
10 reasonable doubt is that Ms. Sassower acted willfully
11 and knowingly.

12 As Judge Holeman just told you, that just means
13 that when she spoke out she did so voluntarily, that it
14 wasn't an accident, it wasn't a mistake and that she
15 intended to break the law.

16 Ms. Sassower's own witness, Ms. Leecia Eve,
17 testified on Friday that Ms. Sassower told her she
18 wanted to speak at that hearing. And Ms. Sassower said
19 the same thing today when she took the stand.

20 And she did in fact come down from New York to
21 D.C., go into that hearing room and speak out. This was
22 not an accident, ladies and gentlemen. This wasn't a
23 mistake, it was part of a plan.

24 And Ms. Sassower certainly intended to break the
25 law. She knew she was breaking the law. Only the day

1 before the hearing, Detective Zimmerman had told her
2 that she was more than welcome to come down and attend
3 the hearing, but she hadn't been authorized to speak and
4 she would be arrested if she did anything to disrupt the
5 hearing.

6 What did Ms. Sassower do? She interrupted the
7 hearing. She shouted over the presiding senator while
8 he was still talking.

9 She was on notice, ladies and gentlemen, that
10 what she did was not permissible, that it was against
11 the law. The government has proven the second element
12 of this offense beyond a reasonable doubt.

13 The third and final element that we have to
14 prove is that Ms. Sassower acted with the intent to
15 impede or disrupt or disturb that hearing either when
16 she interrupted the senator the first time, when she
17 shouted three times are you directing that I be
18 arrested, or when she stood up and the senator had asked
19 everyone to remain seated or when she refused to budge
20 when the Capitol police tried to escort her out of the
21 room.

22 Now Ms. Sassower wants you to believe she never
23 intended to disrupt anything. She wants you to believe
24 that she was just trying to get her views heard within
25 the limits of the law.

1 If she were an ordinary tourist, you might be
2 able to buy that argument. You might be able to believe
3 she came to a public hearing and she thought maybe
4 everyone can speak, maybe I'll pipe up here.

5 But Ms. Sassower is no ordinary tourist. She
6 told you today from the witness stand, she's the
7 coordinator of the Center for Judicial Accountability.
8 She's been doing that since 1989, for 15 years.

9 She also said that that orga, organization
10 makes a study of the processes for judicial selection.
11 Don't you think she knew better? But that's not all.

12 Just a few days before the hearing, Ms.
13 Sassower had a 40-minute long telephone conversation
14 with two of Senator Clinton's staffers: Josh Albert and
15 Leecia Eve.

16 Ms. Sassower said she wanted to testify at that
17 hearing. Ms. Eve told her the Judiciary Committee had
18 not authorized that. Ms. Sassower became agitated and
19 upset, so much so that Senator Clinton's office
20 contacted the Capitol police and the Secret Service.

21 Ladies and gentlemen, ask yourselves, is that
22 the behavior of someone who just wants to express her
23 views in a lawful way?

24 Just one day before the hearing, Ms. Sassower
25 had a conversation with Special Agent Lippay. Special

1 Agent Lippay told you that she asked Ms. Sassower point-
2 blank whether Ms. Sassower intended to disrupt that
3 hearing. And Ms. Sassower refused to say yes or no.

4 Is that the behavior of someone who just wants
5 to express her views within the limits of the law?

6 That same day, Ms. Sassower had another
7 conversation, this time with Detective Zimmerman.
8 Detective Zimmerman told her she was more than welcome
9 to come down and attend the hearing.

10 It was a public hearing. But she hadn't been
11 authorized to speak, and if she did anything to disrupt
12 that hearing she would be arrested.

13 Nonetheless, the very next day, Ms. Sassower
14 came to that hearing and shouted over the presiding
15 senator while he was still talking. Is that the
16 behavior of someone who just wants to express her views
17 within the limits of the law?

18 Senator Chambliss called for order. What did
19 Ms. Sassower do? She didn't sit down. She didn't say
20 I'm sorry, I didn't mean to disrupt this hearing.

21 She shouted three times - are you directing
22 that I be arrested? Is that the behavior of someone who
23 just wants to express her views within the limits of the
24 law?

25 Senator Chambliss asked everyone to remain

1 seated. Ms. Sassower did just the opposite, she stood
2 up and she stayed standing up. Ask yourselves, is that
3 the behavior of someone who just wants to express her
4 views within the limits of the law?

5 And when the Capitol police tried to restore
6 order and escort Ms. Sassower out of the room, what does
7 she do? She made her body rigid. She clung to the
8 chair in front of her.

9 She didn't say I'm sorry, I didn't mean to
10 disrupt this hearing and go outside. She refused to
11 leave. Is that the behavior of someone who just wants
12 to express her views within the limits of the law?

13 More particularly, ladies and gentlemen, Ms.
14 Sassower's question, are you directing that I be
15 arrested is telling. When she asked that question, the
16 senator had just called for order. He hadn't said
17 anything about arresting her.

18 She told you herself today, Sergeant Bignotti
19 just asked her to leave the room. The only person who
20 said anything about arrest was Detective Zimmerman, when
21 he warned her the day before that if she did anything to
22 disrupt the hearing, she'd be arrested. Otherwise, she
23 was welcome to come down and attend that hearing.

24 So if Ms. Sassower had no intent to impede or
25 disrupt or disturb the hearing, why did she think she

1 was about to be arrested? Ask yourselves that.

2 Ladies and gentlemen, in this country of ours,
3 we're all allowed, encouraged to speak our minds. But
4 in order for that system to work, all of us have to
5 follow some rules about when and where and how to do
6 that.

7 The evidence in this case shows beyond a
8 reasonable doubt that Ms. Sassower just didn't want to
9 follow those rules.

10 She wanted to say whatever she wanted to say
11 whenever she wanted to say it, however she wanted to say
12 it. And in this case what she did was a disruption of
13 Congress. Tell her that, find her guilty as charged.
14 Thank you.

15 THE COURT: Ms. Sassower.

16 MS. SASSOWER: To the extent that I was able to
17 provide testimony and evidence, ^{it} gives you reasonable
18 doubt. But let's look at the testimony of the
19 government's own witness, Officer Jennings, the supposed
20 arresting officer on paper.

21 Officer Jennings had reasonable doubt. Officer
22 Jennings, by his testimony, approached me and told me to
23 sit down. He didn't think apparently that I had done
24 anything to warrant arrest.

25 This is notwithstanding his claim, false, that

1 I had said, Judge Wesley, look into the corruption of the
2 New York Court of Appeals," which doesn't even make
3 sense.

4 Judge Wesley was part of the corruption of the
5 New York Court of Appeals. Why would I speak to him?
6 Why would I address myself to him? I was addressing
7 myself to the chairman.

8 But even still, notwithstanding, Officer
9 Jennings claims ^{to} for you that that is what I said. In
10 other words, claiming that I said something, having no
11 direct relevance to the hearing, as opposed to "Mr.
12 Chairman, there's citizen opposition to Judge Wesley
13 based upon his documented corruption as a New York Court
14 of Appeals judge, may I testify?"

15 And you will recall that Officer Jennings was
16 not able to find the words for my, quote, wanting to
17 testify. He said well, she wanted to testify. And
18 Sergeant Bignotti said the same thing, she wanted to
19 testify.

20 And I asked both of them well, what words did I
21 use for wanting to testify. No, those words they
22 couldn't remember because those words were a simple,
23 respectful question, "may I testify?"

24 But notwithstanding that Officer Jennings
25 purported that I said Judge Wesley, look into the

"CORRECTED PAGE"

1 corruption of the New York Court of Appealsⁿ, and didn't
2 want to admit to you that I had asked politely,
3 respectfully, "May I testify?", nonetheless, 14 years on
4 the Capitol Police force, by his own testimony, he told
5 me to sit down, sure. That was proper protocol. Miss,
6 you must remain quiet. Miss, you must be seated. That
7 was the precedent from 1996. That is what is normally
8 and reasonably done.

9 People come to Washington to participate
10 constructively in government. They take their time.
11 They spend their money because they, they believe that
12 there is something that they have to contribute.

13 I did not demand to be heard. I did
14 not jump on my chair. I did not race to the front of
15 the room. The hearing was an hour and a half in
16 duration.

17 I could have done it at any time. I
18 could have done it at the beginning. I could have done
19 it when all the members of the press were there and all
20 the senators were there.

21 Instead, at the end, when the room
22 was virtually, by comparison, empty to what it had been
23 at the beginning, I stood up when it was absolutely
24 clear that the meeting was, the hearing was adjourned.

25 Ms. Liu has the temerity, the dishonesty in so

1 many respects to say to you, and Ms. Sassower, by her
2 own admission, was speaking at the same time as the
3 chairman.

4 Yes, the chairman was saying thank you very
5 much. He had just adjourned the, the hearing. Thank
6 you very much. And I rose at that last point. The
7 hearing was already completed.

8 But let us go through the elements carefully.
9 The defendant uttered loud, threatening or abusive
10 language or engaged in disorderly or disruptive conduct.
11 Let's take that apart.

12 It was so loud that apparently the two
13 officers, Officer Jennings and Sergeant Bignotti,
14 couldn't hear exactly what I said. They certainly
15 couldn't hear my question, "May I testify?" because they
16 couldn't recall those words.

17 And needless to say, the testimony was I was
18 all the way in the back row. Obviously, I had to speak
19 loud enough to be heard by the chairman. There's
20 citizen opposition to Judge Wesley. May I testify?

21 In other words, may I make a statement under
22 oath, under penalty of perjury? May I testify? This
23 man is going to be confirmed to a lifetime federal
24 judgeship, may I testify?

25 Let us go to the last element here. When

1 someone claims the right to speak in a public place, the
2 crucial question is whether the manner of expression is
3 basically incompatible with the normal activity of a
4 particular place at a particular time.

5 What is the purpose of a hearing? Is the
6 purpose of a hearing just to have a show, window
7 dressing? Or is it to take testimony? Speak now or
8 forever hold your peace.

9 I wasn't demanding to testify, to testify. I
10 wasn't insisting to testify. I was asking. That's what
11 a hearing is about. Is there a sign in the Senate
12 Judiciary Committee room - don't even think of asking to
13 testify? Oh, no, no. This is a hearing but don't think
14 of asking to testify. There's no ^{sign} ~~time~~.

15 And as the evidence shows, I asked at the
16 outset what are the rules? What are the procedures?
17 Was anything forthcoming? Did I get any writing?

18 Did I get any writing or even oral
19 representation by anyone in authority at the Senate
20 Judiciary Committee? No. I would not be able to
21 permit, I would not be permitted to testify. No.

22 The testimony is uncontradicted that unlike
23 1996 when I did receive a letter, here I didn't even
24 receive a letter. It was not at all clear that any of
25 the senators knew what was going on, what was being done

1 by the underlings. And that is going to be reflected in
2 the correspondence that you will see.

3 Again, what is the normal activity of that
4 place? A hearing, a hearing. And I requested politely
5 and respectfully to be heard. No sign said I couldn't
6 do it.

7 And I had asked what are the rules, what are
8 the procedures. Nothing was forthcoming. There's no
9 evidence that I'm willful, that I intentionally break
10 the law. To the contrary, all the evidence shows that
11 I'm professional, that I'm careful, that I'm precise.

12 Now, threatening? There was nothing
13 threatening. Going back even to the police report that
14 Ser, Special Agent Lippay generated even before speaking
15 with me. She had already turned out a bulletin with
16 pictures to distribute.

17 Even she, when you look at the, the, subject
18 profile, the evaluation was that I wasn't dangerous.
19 In fact what was Detective Zimmerman's testimony?

20 Oh, the reason we, I didn't record the conversation
21 that I had with Ms. Sassower was because she wasn't
22 really a suspect, she wasn't really dangerous.

23 The whole thing was bogus. And ultimately,
24 counsel to Senator Clinton, Leecia Eve, reported to you,
25 that oh, the only reason that the police were brought in

1 here was because she was concerned about me. That if I
2 were to -- all this was completely speculative.

3 If I were to approach Senator Clinton at the
4 hearing, as any member of the public would, that might
5 be misconceived.

6 Well, why would it be misconceived,
7 misconstrued? I'm a professional. There's nothing that
8 I had presented, there's nothing that I had done which
9 was not professional.

10 To the contrary, what she had done, what Josh
11 Albert had done, what the Senate Judiciary Committee had
12 done was unbelievable.

13 You get a written presentation and you don't
14 even read it? You will not even read it? Let alone the
15 evidence that's conclusive.

16 What goes on --and again, what are the
17 standards for testifying? I asked what are the
18 standards, in what way hadn't I met those standards?
19 Okay. Moving on.

20 Engaged in disorderly and disruptive con, or
21 disruptive conduct. Well, I will ask you, ladies and
22 gentlemen of the jury, to pay special close attention to
23 my 39-page May 21st fax to Detective Zimmerman. It
24 consists of four parts.

25 Okay. You have a one and a half page fax,

1 cover fax to Detective Zimmerman, one and a half pages.
2 And it said I'm a law-abiding, conscientious citizen.
3 It was clear.

4 Look further. You'll see in my then two-page
5 memo to Chairman Hatch and ranking member Leahy, which
6 is what I said to Detective Zimmerman. A respectful
7 request to testify is not disruptive at a hearing.

8 I never ever, ever, there's no evidence in the
9 record that I ever said that I would be disruptive. My
10 position consistently was when I was threatened by
11 Detective Zimmerman, and on the stand Detective
12 Zimmerman denied and disputed he threatened me.

13 My position was by definition, a citizen's
14 respectful request to testify at a public Congressional
15 hearing is not, is not, it can never be deemed to be a
16 disruption of Congress. Never.

17 How is it possible at a hearing? That's the
18 whole point of a hearing, to take testimony. When in
19 particular, there was no evidence that any senator had
20 denied me my request to testify. And let's have
21 another --

22 Suppose a member of the public seated at the
23 hearing hears something in the course of the testimony
24 and wishes to bring that to attention by testimony based
25 upon what was presented at the hearing.

1 Wouldn't it be in order to say Mr. Chairman,
2 based upon what is here presented, may I testify? Well,
3 as I said, Officer Jennings did not think there was
4 anything, any reason to arrest me. And he conceded, in
5 the end he conceded that he didn't cuff me, he didn't
6 arrest me.

7 It was Sergeant Bignotti, and Sergeant
8 Bignotti alone. She personally ~~made~~ ^{knew the} precedent in
9 1996. But let's go further, let's go higher up, let's
10 go to Senator Chambliss.

11 I said are you directing me to be arrested,
12 are you directing me to be arrested? If he thought that
13 the mere question may I testify, may I testify, based
14 upon the documented evidence of this man's corruption
15 sitting on New York's highest state court, may I
16 testify? If he thought that what I did was a
17 disruption of Congress, was criminal, so his answer
18 needed to be yes, I'm directing you to be arrested. But
19 he wouldn't say that because it would be too shameful,
20 it would be too outrageous. --

21 He wouldn't come out in front and say it.
22 How could it possibly be that a respectful request to
23 testify at a public hearing is a disruption of
24 Congress. He wouldn't be associated with it, and he is
25 not here today.

1 There's no one at the Senate Judiciary
2 Committee. There is nobody who has said to you yes. At
3 a public hearing, no, we don't allow respectful requests
4 to testify. Now, now -- yes, thank you.

5 Now there was no evidence anywhere, ever, no,
6 that I ever had any intent to break any law, that I ever
7 deemed a respectful request to testify to be disruptive.
8 How can it be disruptive?

9 I did not speak out from the gallery of, of
10 the House or the Senate when it would be disruptive.
11 I didn't hop up on a chair. I didn't race to the, to
12 the podium. Okay.

13 Now, now, I am ashamed that public officials
14 from Capitol Police just come before you without
15 records. I was a suspect when they called me. And they
16 did initially record the phone message I left for the
17 chief of staff at Senator Clinton's office to complain
18 about Leecia Eve and Josh Albert, as was appropriate.

19 They wouldn't read the documents. I wasn't
20 asking them to agree with me, but they wouldn't even
21 read them.

22 Now Capitol Police did not preserve, you heard
23 it, they did not preserve the tape. They keep no logs,
24 no diaries, no records, this is your Capitol Police, my
25 Capitol Police.

1 And Leecia Eve and Josh Albert, working for
2 senators, no, they have no logs, no diaries from which
3 they could be precise. And they were not ashamed.

4 I mean, I'm sorry that my cross took as long
5 as it did, but if they brought records from which they
6 could give proper testimony, not evasive - oh, I don't
7 remember that. Oh, I don't recall. Oh, no, I didn't do
8 that.

9 With regard to Josh Albert, until we finally
10 got him to admit oh, yes, he did get it, oh, yes, yes,
11 there was that meeting, oh, yes, yes.

12 Well, I have one final, two things to say.
13 And that is inasmuch as so much of my testimony was
14 precluded, I beg you to look at the documents because
15 these documents show the May 21st fax to Detective
16 Zimmerman.

17 Oh, and his testimony, what was it? When
18 I was brought to the station, that, what was it, four
19 times in three minutes?

20 Apparently I was clambering for him to
21 come down to bring the fax, sure. Because the fax made
22 clear I had no intent as he knew. All I wanted to do,
23 as we proffered, was to respectfully request to testify.
24 Now Ms. Liu said well, --

25 THE COURT: Time, Ms. Sassower.

1 MS. SASSOWER: -- they have a right to do
2 that.

3 THE COURT: Ms. Sassower.

4 MS. SASSOWER: All right.

5 THE COURT: Time, time. Please be seated.

6 MS. SASSOWER: Five minutes.

7 THE COURT: No, please be seated. Ms., Ms.
8 Liu, do you have any rebuttal?

9 MS. LIU: Very briefly, Your Honor.

10 THE COURT: Yes.

11 MS. LIU: Ladies and gentlemen of the jury,
12 there's one more thing that this case is not about.
13 It's not about a respectful request to testify. Ms.
14 Sassower is somebody who sent boxes and boxes and boxes
15 to the Senate.

16 She had a 40-minute phone conversation, 40
17 minutes with two of Senator Clinton's staff. One of
18 those staffers, Ms. Eve, told you that she had
19 investigated Ms. Sassower's claims. She found them not
20 to be credible.

21 Ms. Sassower's problem, ladies and gentlemen,
22 is that she doesn't want to take no for an answer. She
23 refused to take no for an answer. Even after all of her
24 correspondence, after all of her phone conversations,
25 she went to that hearing. And, ladies and gentleman,

1 that was not a respectful request to testify.

2 She didn't raise her hand and wait for Senator
3 Chambliss to say yes. She shouted over him while he was
4 still talking. And when he asked for order, she didn't
5 say I'm sorry, I didn't mean to interrupt anything. I
6 didn't mean to be disruptive.

7 She kept shouting. She demanded whether she
8 was being arrested. And she, when she was asked to
9 leave, when the Capitol police tried to restore order,
10 she wouldn't go. She would hang on to a chair. She
11 made her body rigid.

12 Ladies and gentlemen, that's what this case is
13 about. Everything else is a red herring. Ms. Sassower
14 talks about the precedent of 1996. You heard a little
15 bit about that in that case.

16 What we do know about that case was that in 1996
17 Ms. Sassower was in the Dirksen Senate Office Building.
18 She was cursing, she was screaming, she was making a
19 ruckus and she was arrested. And in 2003, she should
20 have known better.

21 She also talks about how she had no way of
22 getting people and senators to read her material. That
23 it was only underlings, she says, who paid any
24 attention.

25 The fact of the matter is that she submitted

1 all of these documents, she had long conversations with
2 people in the senator's office, and she just didn't want
3 to hear that the answer was no.

4 And finally, ladies and gentlemen, she talks
5 about how much of a professional she is. That she
6 couldn't have the intent to disrupt Congress because she
7 was a professional.

8 Ladies and gentlemen, she was so much of a
9 professional that she became extremely agitated and
10 upset when she was talking to Senator Clinton's office
11 when they said something she didn't want to hear.

12 You saw for yourself on the witness stand today
13 what her demeanor is like. And you can ask yourselves
14 was that someone who had no intent to disrupt Congress,
15 who just wanted to get her views heard within the limits
16 of the law? Ask yourselves that and we ask you to
17 return a verdict of guilty. Thank you.

18 THE COURT: Thank you Ms. Liu. Ladies and
19 gentlemen of the jury, now that you have received my
20 final instructions and you've heard the closing
21 arguments of the, of the parties, it is now your job to
22 decide this case.

23 I release you now to the juryroom so that you
24 can begin your deliberations. Thank you very much.

25 (Thereupon, the jury returned to the jury room

1 to begin their deliberations at 4:44 p.m.)

2 THE COURT: Very well. Please be seated.

3 We --

4 MR. MENDELSON: Your Honor, the alternate
5 needs to be excused?

6 THE COURT: Yes. I will take care of that.

7 MS. SASSOWER: The exhibit, the exhibits?

8 THE COURT: Well, neither the exhibits,
9 the verdict form nor any of this other information has
10 been provided to them yet. We'll take it all in at the
11 same time.

12 We have the verdict form. We have the
13 exhibits. Very well. As a housekeeping matter, for
14 tomorrow, counsel, you will need to clear your materials
15 away because at 9:30 I will begin my normal calendar.

16 If there is a question from the jury or if
17 there is a verdict, then I will have you rounded up and
18 brought in and we will suspend my other matters and go
19 forward with the, go forward with the delivery of the
20 verdict. Is your envelope over here?

21 THE CLERK: Yes, Your Honor.

22 THE COURT: Prior to the commencement of the
23 testimony in this case, I picked at random two numbers.
24 I picked at random two numbers that would be the
25 alternate jurors in this case.

1 I'm reading the note now. The alternate jurors
2 are two and ten. Since ten was previously excused from
3 service, alternate juror number two will be excused.

4 (Pause)

5 THE COURT: We're still on the record here. I
6 haven't recognized you and I have a juror to excuse.

7 MS. SASSOWER: Oh.

8 THE COURT: First of all, I wanted to thank you
9 on behalf of everyone who participated in this case, the
10 government and the defense as well. Thank you for your
11 service. We appreciate the time that you have given to
12 this case.

13 I don't know if you heard, but I had in fact
14 picked two numbers at random at the outset of the case.
15 Juror number 10 was excused earlier and you remain,
16 Juror number two, as the only alternate juror.

17 So on behalf of this Court and the city of the
18 District of Columbia, we commend you for your service
19 and we thank you for your willingness to participate.

20 JUROR NUMBER 2: Thank you very much.

21 THE COURT: Very well. All right, you're
22 excused.

23 JUROR NUMBER 2: Thank you.

24 MS. SASSOWER: Excuse me.

25 THE COURT: Very well. I'll hear from you.

1 MS. SASSOWER: Yes. I'd like the evidence to go
2 directly to the jurors, the exhibits. They do have the
3 exhibits.

4 THE COURT: Ms. Sassower, whether they have it
5 now or not, those are decisions that I make, that you
6 don't. It turns out that the evidence is already with
7 the jurors.

8 MS. SASSOWER: Thank you.

9 THE COURT: Very well. Please be seated.

10 MS. SASSOWER: And my legal adviser counseled
11 me that perhaps I should take exception to the rebuttal
12 statements in particular of Ms. Liu.

13 THE COURT: Very well, your exception is noted
14 for the record. Please be seated.

15 MS. SASSOWER: Oh, yes.

16 THE COURT: All right. Anything further?

17 MR. MENDELSON: No, Your Honor.

18 THE COURT: Very well. Then we are in recess
19 from this case for the day. And again please clear your
20 materials out so that I can hear my calendar in the
21 morning. Thank you very much.

22 MR. MENDELSON: Thank you, Your Honor.

23 (Pause)

24 THE COURT: Counsel, you're gonna have to re,
25 remain around. I've, I've asked the jury to remain

1 until five o'clock today. You're gonna have to stay in
2 the area in the event that they come back with a
3 question or a, or a verdict.

4 So --

5 MR. MENDELSON: Thank you, Your Honor.

6 THE COURT: All right.

7 THE CLERK: Your Honor, in the meantime -- Ms.
8 Sassower, your case is not completed this afternoon.
9 Your case is continued tomorrow morning at 9:30.
10 If you fail to appear, a warrant would issue for your
11 arrest.

12 If you're convicted of failing to appear, you
13 face a 180 days in jail and a \$1,000 fine or both. And
14 that's for your failure to appear.

15 Do you understand the warning you've been given
16 for failing to appear?

17 MS. SASSOWER: Yes.

18 THE CLERK: In addition, your trial is in
19 deliberation. If you fail to appear, the jury could
20 conclude and reach a verdict without you here. Your
21 absence could be considered a waiver. Do you
22 understand?

23 MS. SASSOWER: Yes

24 THE CLERK: Please sign your notice, your
25 signature --

1 THE COURT: We're in recess. Thank you.

2 (Thereupon, the Court recessed at 4:52 p.m.)

3 (Thereupon, the court reconvened at 5:00 p.m.

4 The jury returned to the courtroom.)

5 THE COURT: Very well. Please be seated.

6 Ladies and gentlemen, we're about to adjourn for the day
7 and you're going to be allowed to leave and go about
8 your usual business.

9 I only wanted to bring two things to your
10 attention. And I touched on these earlier during the
11 instructions but I need to refresh you on this.

12 The first is with regard to media reports.
13 Again, avoid the newspaper or radio or television
14 reports that might pertain to this case. You're now in
15 deliberations and so you are not to be influenced by
16 these media sources.

17 The second thing is when you return in the
18 morning to begin deliberations and you begin at 9:45,
19 don't start until we receive your knock at the door to
20 indicate that everyone is here.

21 At that time, since we won't leave the evidence
22 in the juryroom, at that time we will then bring in the
23 materials, the evidence that you have in there right
24 now. And that's when you begin. So no media tonight or
25 for as long as you deliberate.

1 And in the morning when you get started, we
2 will start you by recognizing that everyone is here and
3 then bringing in the evidence that you are to consider.

4 Very well. Again, thank you for your service
5 and we will see you in the morning.

6 (Thereupon, the jury was excused.)

7 THE COURT: Now you're excused for the day.
8 Thank you very much.

9 MR. MENDELSON: See you tomorrow.

10 THE COURT:: Okay.

11 (Thereupon, the proceedings concluded at 5:06
12 p.m.)

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