

IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

UNITED STATES

Appellee,

v.

Case No. 04-CM-760
M4113-03

ELENA R. SASSOWER,

Appellant.

**Affidavit in Support
of Defendant's Pro
Se Motion**

Gael Murphy

----- X
DISTRICT OF COLUMBIA)
UNITED STATES OF AMERICA) ss.:

I, Gael Murphy, being duly sworn, deposes and says the facts herein support my contention that not every person who speaks in a public congressional hearing is arrested, and certainly not jailed for six months.:

1. On Friday May 7, 2004 myself and seven other individuals entered the Dirksen Senate Building (Room SD-106) at 11:30 a.m. to attend an open public hearing of the Senate Armed Services Committee. The purpose of this hearing was to receive testimony on allegations of the mistreatment of Iraqi prisoners, while in US custody. Witnesses testifying were Donald Rumsfeld, Secretary of Defense; General Richard Meyers, Chairman of the Joint Chiefs of Staff; Les Brownlee, Acting Secretary of the Army; General Peter J. Schoomaker, Chief of Staff of the Army; Lieutenant General Lance L. Smith, Deputy Commander of United States

Ex "F-1"

Central Command. 2. The hearing was chaired by U.S. Senator John Warner (R-VA).

3. The eight of us entered Room SD-106 when doors were opened to the public waiting in the lobby and took available seating several rows from the back. Secretary Rumsfeld began his opening statement apologizing for the abuses of Iraqi Prisoners.

4. About five minutes into his statement, I stood up, revealing a t-shirt I was wearing under a blouse on which was printed "Fire Rumsfeld", and shouted loudly to Secretary Rumsfeld to account for the other on-going abuses in Iraq, namely, mass detentions without due process, the use of collective punishment and the indiscriminate killing of innocent civilians by US soldiers.

5. This shouted request was immediately followed by the other seven individuals standing up, some of whom also revealed printed t-shirts with messages to fire Rumsfeld and end the occupation in Iraq. Two of the group held a banner which read: Fire Rumsfeld. All of us now were now standing. We called out loudly "Fire Rumsfeld for war crimes!". The calling for Rumsfeld to be fired lasted over a minute until we were removed from the hearing room by two Capitol Police officers. As I was being led out I loudly called on the Committee to seek wider investigation of the abuses in Iraq. The other seven also continued shouting.


6. As we left the hearing room and entered the lobby, press and media were waiting. We explained to the press and media why we were there. The Capitol Police led us around the corner to keep the media and press from photographing or questioning us.

7. We remained a few minutes surrounded by several officers until we were escorted out of the building without any verbal exchange with the Police. None of us was arrested for our speaking out loudly in a public Congressional hearing. This affidavit is being submitted in support of pro se Elena Sassower's motion for release from jail.

WHEREFORE, it is respectfully prayed that the relief requested in the accompanying motion be granted.


GAEL MURPHY

Sworn to before me this
19TH day of July 2004


Notary Public

CAROLE A. BARTECK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 3, 2005

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

By Fax: 202-228-2188 (1 page)

By Mail

June 9, 2004

United States Capitol Police
Reports Processing Section
119 D. Street, N.E.
Washington, D.C. 20510

RE: Request for U.S. Capitol Police Records Pertaining to the
May 7, 2004 Senate Armed Services Committee Hearing

Pursuant to the Freedom of Information Act and/or other statutory or rule provisions providing for public access, this is to request a copy of any report rendered by officers of U.S. Capitol Police pertaining to the May 7, 2004 Senate Armed Services Committee hearing at which protestors shouted out for Defense Secretary Donald Rumsfeld to be fired and unfurled a banner, reading "FIRE RUMSFELD". Upon information and belief, the protestors were removed from the hearing room, but not arrested.

Should such request be denied, please provide the applicable statutory or rule provision upon which it is based.

Your prompt attention would be greatly appreciated.

Thank you.



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

EX "F-2"



Ex "F.3"



Protesters on Hill Call For Rumsfeld's Ouster

Protesters briefly disrupted Defense Secretary Donald Rumsfeld's appearance before the Senate Armed Services Committee on Friday, shouting "Fire Rumsfeld!" before being escorted out of the hearing room.

Rumsfeld, shown being sworn in along with Joint Chiefs Chairman Gen. Richard Myers (above left), offered his "deepest apology" for the mistreatment of Iraqi prisoners by members of the U.S. armed forces. "These events occurred on my watch. As secretary of

Defense, I am accountable for them and I take full responsibility," Rumsfeld said, according to a transcript of his opening statement.

Rumsfeld also laid out a three-point plan for dealing with the prisoner abuse, which included appointing several officials to look into the handling of the existing investigations, reviewing "our habits and procedures," and finding a way to provide "appropriate compensation" for the abused detainees.

Rumsfeld and other Pentagon officials, including Myers, also met with the House Armed Services Committee on Friday.

Photos by Tom Williams