

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**

Andres Thomas Conteris

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

Andres Thomas Conteris, being duly sworn, deposes and says:

1. This affidavit is being submitted in support of pro se Elena Sassower's motion for release from jail. 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.
2. On September 13, 2001 I went to the U.S. Senate Office Building Room 419 for the public hearing of the Senate Foreign Relations Committee considering the nomination of John D. Negroponte as United States Ambassador to the United Nations. I had been asked by a friend to carry a sign to the hearing commemorating the disappearance of her brother, who vanished in Honduras twenty years earlier on September 12, 1981. The Government of Honduras was later found guilty of the crime of forced

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disappearance in this case.

2. In Mr. Negroponte's testimony before the Senate hearing he said he had not heard about Battalion 3-16 (a death squad operating in Honduras) until after leaving his post as Ambassador in Honduras. I knew that to be an outrageous fabrication since Mr. Negroponte worked closely with the General who was the founder of the Battalion 3-16 death squad and the General who was one of the initial leaders of the death squad. Upon hearing the falsehood uttered by Mr. Negroponte, I decided to stand up and speak. Among other things I said loudly, "the people of Honduras consider you to be a state terrorist."

3. Soon after I began speaking in the hearing, a Capitol Police officer escorted me out of the hearing room and I was detained in the hall. I could not leave, and the police asked for my identification. I was allowed to speak to reporters who asked me questions. One asked if I was under arrest and I responded that I did not know and that they should ask the police who said I was being not being arrested, but rather I was being detained. Soon thereafter a police officer came out of the rear entrance of the hearing room and said that it was decided to not proceed with filing charges which would have led to my arrest. I was then escorted out of the building and released. No charges were ever filed against me.

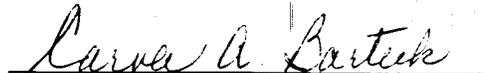
4. On April 27, 2004, I returned to the Senate Dirksen Office Building for a public hearing of the Senate Foreign Relations Committee considering the nomination of John D. Negroponte as United States Ambassador to Iraq. When Mr. Negroponte testified about the need for dialogue, I interrupted him and spoke loudly from the audience saying, "There can be no dialogue as long as the United States commits

war against the people of Iraq” and that “the people of Honduras consider Mr. Negroponte to be a state terrorist.” I explained loudly in the public hearing room that the United States needs to be supporting nonviolence instead of the violent policies in the Middle East and “there can be no sovereignty, Mr. Ambassador, as long as the United States controls the security in Iraq.” I finished by directing my attention to the senators and exclaimed, “Senators, ask Mr. Negroponte about his support for Battalion 3-16, a death squad that he supported when he was Ambassador in Honduras.” Then a Capitol Police officer spoke with me explaining that I could not speak out in the hearing and she asked me to sit down, which I did. Soon thereafter, another Capitol Police officer asked me to come with him, and he took me into the hallway and asked for my identification which I handed over. He and other police officers explained that I could not interrupt the hearing. I explained that I had been a missionary in Honduras and was familiar with the policies promoted by Mr. Negroponte there and that it led to the suffering of many people and that I was moved to speak out in the hearing. After more questioning by several officers I was told that I would be able to return to the hearing room and that a police officer would be assigned to monitor me. I returned to the hearing room and members of the press approached me and I requested that we go into the hallway to speak and there I talked to a reporter from the Boston Globe and one from the Washington Post. After speaking to the press, I decided to leave the building and communicated to the police officers that I would be leaving the premises. I was never arrested for this act of speaking loudly during a public Congressional hearing.

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


ANDRES THOMAS CONTERIS

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

DRAFT

Affidavit July 3, 2004

Testimony Andrés Thomas Conteris

On September 13, 2001 I went to the U.S. Senate Office Building Room 419 for the public hearing of the Senate Foreign Relations Committee considering the nomination of John D. Negroponte as United States Ambassador to the United Nations. I had been asked by my friend, Zenaida Velasquez to carry a sign to the hearing commemorating the disappearance of her brother, Manfredo Velasquez, who vanished twenty years earlier on September 12, 1981. The Government of Honduras was later found guilty of the crime of forced disappearance in this case.

In Mr. Negroponte's testimony before the Senate hearing he said he had not heard about Battalion 3-16 until after leaving his post as ambassador in Honduras. I knew that to be an outrageous fabrication since Mr. Negroponte worked closely with General Alvarez Martinez, the founder of the Battalion 3-16 death squad and General Discua Elvir who was one of the initial leaders of the death squad. Upon hearing the falsehood uttered by Mr. Negroponte, I decided to stand up and speak. Among other things I said, "the people of Honduras consider you to be a state terrorist."

Soon after I began speaking in the hearing, a Capitol Police officer escorted me out of the hearing room and I was detained in the hall. I could not leave, and the police asked for my identification and waited for the chairman of the hearing, Mr. Joseph Biden from Delaware, to decide whether charges would be filed against me. I was allowed to speak to reporters who asked me questions. One asked if I was under arrest and I responded that I did not know and that they should ask the police who said I was being detained. Soon thereafter a police officer came out of the rear entrance of the hearing room and said that the chairman decided to not proceed with filing charges which would have led to my arrest. I was then escorted out of the building and released. No further charges were filed against me.

On April 27, 2004, I returned to the Senate Dirksen Office Building for a public hearing of the Senate Foreign Relations Committee considering the nomination of John D. Negroponte as United States Ambassador to Iraq. When Mr. Negroponte testified about the need for dialogue, I interrupted him and spoke from the audience saying, "There can be no dialogue as long as the United States commits war against the people of Iraq" and that "the people of Honduras consider Mr. Negroponte to be a state terrorist." I explained that the United States needs to be supporting nonviolence instead of the violent policies in the Middle East and "there can be no sovereignty, Mr. Ambassador, as long as the United States controls the security in Iraq." I finished by directing my attention to the senators and exclaimed, "Senators, ask Mr. Negroponte about his support for Battalion 3-16, a death squad that he supported when he was ambassador in Honduras." Then a Capitol Police officer spoke with me explaining that I could not be speaking out in the hearing and she asked me to sit down, which I did. Soon thereafter, another Capitol Police officer asked me to come with him, and he took me into the hallway and asked for my identification which I handed over. He and other police officers explained that I could not interrupt the hearing. I explained that I had been a missionary in Honduras and was familiar with the policies promoted by Mr. Negroponte there and that it led to the suffering of many people and that I was moved to speak out in the hearing.

I heard a police officer ask if the gavel had gone down and realized that there were no police officers present in the hearing room in the moment that I rose to speak. I understood that they needed to know if the gavel had come down in order to know whether I could be arrested. After more questioning by several officers I was told that I would be able to return to the hearing room and that a police officer would be assigned to monitor me. I returned to the hearing room and members of the press approached me and I requested that we go into the hallway to speak and there I talked to a reporter from the Boston Globe and one from the Washington Post.

After speaking to the press, I decided to leave the building and communicated to the police officers that I would be leaving the premises.

EX 'E-2

CENTER for JUDICIAL ACCOUNTABILITY, INC.

*P.O. Box 69, Gedney Station
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Elena Ruth Sassower, Coordinator

By Hand (1 page)

June 28, 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
September 13, 2001 Senate Foreign Relations 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 an incident on September 13, 2001 at the Senate Foreign Relations Committee hearing to confirm John Negroponte to be U.S. ambassador to the United Nations at which a male individual, holding a small sign, interrupted Ambassador Negroponte and told him that "the people of Honduras consider you to be a State terrorist". Capitol Police took him into the hallway and detained him, while allowing reporters to interview him. Upon information and belief, Chairman Joseph Biden told police that charges would not be filed against him. He was thereupon escorted from the building.

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 "E-3"

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Elena Ruth Sassower, Coordinator

By Hand (1 page)

June 28, 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
April 27, 2004 Senate Foreign Relations 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 an incident on April 27, 2004 at the Senate Foreign Relations Committee hearing to confirm U. N. Ambassador John Negroponte to be ambassador to Iraq at which a male individual objected to Ambassador Negroponte's response to a question by Senator Chuck Hagel, stating, "We need to support nonviolence, not the violent policies of the United States. There is no sovereignty Mr. Ambassador if the U.S. continues to exercise security. Senators, please ask the ambassador about Battalion 316. Ask him about a death squad in Honduras that he supported." Although Capitol Police removed him from the hearing room, he was 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 "E-4"