

# GEORGE SASSOWER

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Circuit Court of Appeals  
Third Circuit  
601 Market Street,  
Philadelphia, Pennsylvania 19106-1790

Re: U.S. District Judge Nicholas H. Politan  
(28 U.S.C. §372)

Honorable Sirs:

Within the legal confines set forth in 28 U.S.C. §372, I here briefly summarize a partial list of complaints against U.S. District Judge Nicholas H. Politan deserving consideration and punishment.

## A. THE O'CONNELL AFFAIR

1a. On August 22, 1989, in open court, with media representatives present, U.S. District Judge Nicholas H. Politan, unleashed a fusillade of invective against District Judge Geoffrey O'Connell of the District Court of the State of New York, County of Nassau, who was not present at the event and unaware of the proceedings.

b. On such occasion, Judge Politan publicly condemned Judge O'Connell, in absentia, for what he claimed was unlawfully practicing law while serving as a member of the bench, by improperly assisting me, and stated that he intended to report Judge O'Connell's conduct to the ethical judicial authorities for punishment.

c. The modus operandi of Judge Politan, as will be demonstrated, is to inflict punishment and/or damages, without exhibiting any recognition that fair play, or due process, may require some prior opportunity by his intended victim to defend himself.

2a. The substantive nature of Judge Politan's public condemnation of Judge O'Connell is absurd, if not ludicrous, but irrelevant to my complaint concerning the "without due process" procedures of Judge Politan.

b. About one week ago, I received a full transcript of the proceedings of August 22, 1989, and as relevant, it reads as follows:

"MR. SASSOWER: Your Honor, I'm ready to proceed. But whether I will need a continuance I don't know. Let me set forth briefly some of the problems. Initially, your Honor directed the U.S. Attorney to see what he could do about getting the return of my property. Mr. Lacey informed me this morning he or his office did make efforts, but apparently the Bureau of Prisons could not find my property. I have no doubt that he made efforts. In any event, I finally got part of my property back Thursday afternoon, this past Thursday afternoon. I assume the rest of the property that I did not get back is lost forever. Of prime importance was some other property which was taken from me by the United States Marshals when I was incarcerated at the Metropolitan Correction Center which I did not get returned. This morning, oh, I would say approximately ten o'clock, the U.S. Marshal came to this courtroom in your Honor's absence and turned over that property to me. That was very important property. That -- I never knew he had it or was in possession of it. I made many calls to the prison. I made two visits down there. Another judge -- state judge in New York made several calls in order to get that property back. And for some reason the Marshal never said that he had it all the time in his possession. So, in view of that, I do not have all my papers and documents here today. I am ready to proceed, but I probably will have to ask for a continuance through no fault of my own." [SM 2-3]

"MR. SASSOWER: Sir, I want to -- I want to be very emphatic about this. I had another judge make several calls to the Bureau of Prisons. I went down there twice.

THE COURT: Is that judge practicing law, Mr. Sassower?

MR. SASSOWER: No.

THE COURT: What is his name, sir?

MR. SASSOWER: O'Connell.

THE COURT: Where does he sit, sir?

MR. SASSOWER: Nassau County.

THE COURT: Is he a member of the judiciary?

MR. SASSOWER: Yes

THE COURT: He has no right at all in any way, shape, manner or form to practice law or seek to assist anyone in a proceeding. I will send a copy of this transcript to the judicial Ethics Panel in the state of New York and we'll see what Judge O'Conner [sic] says about that. He's got no right to do that, Mr. Sassower. Absolutely no right. He's practicing law. He's helping a litigant. He has no right to do that, sir.

MR. SASSOWER: I would certainly hope your Honor sends it to his Honor. I will be the first one to defend him because he did a marvelous thing. He was able --

THE COURT: I don't think you can defend him, either, sir, because you're a disbarred lawyer at this point." [SM 10-11]

3. The rebuke by your tribunal of Judge Politan for this incident must be emphatic and publicly made.

B. Politan's Captain Ahab Pursuit.

4a. On May 9, 1988, consistent with Judge Politan's practice of denying fairness and/or due process before injury is inflicted, he issued a ukase that if I filed legal papers either in the state or federal Courts of New Jersey without prior judicial permission, I would be subject to "arrest without notice".

b. Obviously, Judge Politan does not recognize any legitimate limitation of his judicial authority, even when clearly expressed by congressional statute and the Supreme Court (Chick Kam Choo v. Exxon, U.S. , 108 S.Ct. 1684), since he knows that by threatening draconian consequences, such as "arrest without notice", he deep-freezes any attempt at challenge (Ex parte Young, 209 U.S. 123).

5. In any event, as here briefly demonstrated, at the cost and expense to the American taxpayer and my civil rights, Marshal Politan pursued me, Captain Ahab fashion, for several months, during which time I was given little or no due process under such "arrest without notice" ukase.

a. On March 3, 1989, Judge Politan contrived and fabricated the assertion that I was to personally appear before him on that day, when the Politan document shows no such requirement or obligation on my part.

b. As I demonstrated to this Court in my petition of February 26, 1989, or five (5) days before the Politan return date, the Politan contempt proceeding violated about every requirement for a contempt proceeding, as enunciated by the U.S. Supreme Court during the past seventy (70) years.

c. In addition to my petition to this Court, a copy of which was served on Judge Politan before the return Politan return date, I also served and filed my answer to such proceeding.

d. Notwithstanding the aforementioned, Judge Politan contrived and fabricated my 'default' and issued a Warrant of Arrest, which he actually knew was "shot-full-of-fundamental-error", and void.

e. For almost three (3) months, by repeated writings and orally, I offered to voluntarily surrender, provided there was exhibited to me a facially valid Arrest Warrant.

f. Instead Marshal Politan commandeered a small battalion of U.S. Marshals from Newark, Foley Square, White Plains, and Long Island, and during those almost three (3) months they attempted to locate and capture me.

g. This needless, para-military exercise, under the operational control of Marshal Politan was at the monetary expense of the federal taxpayer, and during such time I was never afforded due process.

h. Had I been given a prior opportunity to defend or explain, Marshal Politan may have recognized the charge of contempt to have been meritless, or convinced your tribunal of same.

### C. Politan's Fraudulent Arrest Warrant

6a. Unknown to me at the time, Judge Politan, on or about March 27, 1989, withdrew from circulation this facially invalid Arrest Warrant, and substituted another Arrest Warrant causing same to be backdated to March 3, 1989 in order to deceive.

b. The filing of false documents is criminal (18 U.S.C. §1001) and destructive of a fair judicial process and due process.

c. As will be shown on a subsequent date, the fabrication and/or suppression of records, documents, and/or facts are the 'hallmark' of a Politan proceeding.

D. Politan - The Fixer

7a. With written notice of a voluntary surrender on May 19, 1989, Marshal Politan had five (5) U.S. Marshals arrest me the day before, again at taxpayers' expense. In due course, I was brought before U.S. Magistrate Nina Gershon of the Southern District of New York, charged with a Class B misdemeanor.

b. To assure that I would not be released on bail, the mandate of the Constitution and Congressional statute to the contrary notwithstanding, Judge Politan, ex parte, communicated with Magistrate Nina Gershon.

c. In an ex parte conversation, initiated by Judge Politan, he told Magistrate Nina Gershon that he "intend[ed] to teach Sassower a lesson", by having me made the subject of an 18 U.S.C. §4241[a][b] order.

E. Politan's Russo-American Proceedings

8a. Without a scintilla of supporting evidence, nor an affidavit or affirmation asserting same, Judge Politan, contrived the assertion that "reasonable cause" existed to question my mental competency.

b. Such contrived "reasonable cause" assertion was made part of a 42 U.S.C. §4241[a][b] order, and I was involuntarily incarcerated, without bail, for forty (40) days, charged with a Class B misdemeanor or a "petty offense".

c. Every psychiatrist and psychologist at the Federal Medical Facility in Rochester, Minnesota and elsewhere, without exception, immediately recognized this Politan Order was without merit or substance. The Report of the Federal Medical Facility confirms same.

Most Respectfully,

GEORGE SASSOWER

cc: U.S. District Judge Nicholas H. Politan