

GEORGE SASSOWER

16 LAKE STREET
WHITE PLAINS, N. Y. 10603

914-949-2169

RECEIVED

MAR 15 1989

DEPARTMENTAL
DISCIPLINARY
COMMITTEE

March 13, 1989

Grievance Committee: First Judicial Dept.
41 Madison Avenue,
New York, New York 10010

Re: Charles Brieant, Esq.
c/o Presiding Justice Francis T. Murphy
Appellate Division, First Department
25th Street & Madison Avenue,
New York, New York 10010

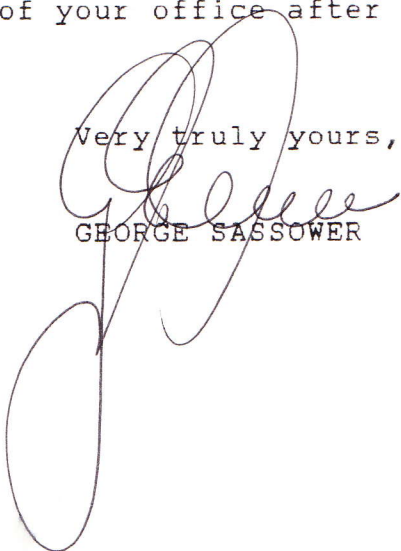
Gentlemen:

1a. I filed a letter complaint against the above,
dated January 25, 1989, mailing same by Certified Mail (P 977
501 885).

b. The aforementioned complaint was neither
acknowledged nor responded to by your office, and another copy is
enclosed.

2. Thus, in addition to processing the complaint
against Mr. Brieant, this letter should also be considered as a
complaint about the integrity of your office after the departure
of Michael A. Gentile, Esq.

Very truly yours,


GEORGE SASSOWER

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WHITE PLAINS, N. Y. 10603

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January 25, 1989

Grievance Committee: First Judicial Dept.
41 Madison Avenue,
New York, New York 10010

(Certified Mail)

Re: Charles Briant, Esq.
c/o Presiding Justice Francis T. Murphy
Appellate Division, First Department
25th Street & Madison Avenue,
New York, New York 10010

Gentlemen:

1a. On January 9, 1989, I mailed to Michael A. Gentile, Esq., a disciplinary complaint with respect to the above, which to date, has not, been acknowledged.

b. I would appreciate acknowledgement of such letter by return mail.

c. Such acknowledgment should have, in my opinion, stated that you were aware of the situation from the published article in Newsday on November 25, 1988, and noted the additional information, not published in the media, but which was contained in my correspondence.

2a. I wish to again emphasize that Presiding Justice FRANCIS T. MURPHY is the core state jurist involved in the larceny and plundering of the judicial trust assets of Puccini Clothes, Ltd., the associated criminal extortion, and related unlawful activities.

b. The most effective co-conspiring jurist in the United States District Court for the Southern District of New York, in this criminal adventure, is Chief Judge CHARLES L. BRIEANT.

January 25, 1989

c. The existing "disguised nepotism", as an improper per se proposition, as revealed by Newsday, and revealed a decade ago by the New York Times (July 26, 1977, p. 1), needs no further comment from me in view of Spector v. State Commission on Judicial Conduct (47 N.Y.2d 462, 418 N.Y.S.2d 565).

3a. The comments in my letter of January 9, 1989 were for the purpose of revealing that such incestuous relationship between the state and judicial systems serves to advance criminal racketeering adventures, and is destructive of the federal system of judicial government.

b. Since the judiciary is obviously not self-correcting, as it generally proclaims, and for other reasons, I will continue to make my correspondence available to the media and the public, as revealed by publication of December 18, 1988, another copy of which is enclosed, any statutory restrictions notwithstanding.

4. I do, however, here set forth some additional information, not heretofore made known to you, which reveals the invidious nature of the aforementioned incestuous relationships, and the extent thereof.

5a. One need not be a lawyer to know that absent a plea of guilty, no person can be convicted for any crime, absent a trial or opportunity for same, in any American court, including for the crime of non-summary criminal contempt (Bloom v. Illinois, 391 U.S. 194; Nye v. United States. 313 U.S. 33).

b. However, repeatedly, without benefit of trial or opportunity for same, I have been convicted by courts in the Murphy bailiwick or courts and/or judges effectively controlled by him.

c. Under such trialess convictions, I have been repeatedly incarcerated, fined, or otherwise penalized.

d. Think of it, in this bicentennial year of the Constitution of the United States!

January 25, 1989

e. Think of it, in this bicentennial year of the storming of the Bastille, a place immortalized by Cardinal Richelieu with his trialess incarcerations!

On July 14, 1789 there were only seven (7) prisoners incarcerated at the Bastille, and I have been incarcerated seven (7) times by virtue of trialess convictions!

f. But I am not alone!

6a. Mr. Hyman Raffe under these same trialess scenarios has also been twice convicted, but for the payment of monies and other considerations totalling millions of dollars for the private benefit of the "Murphy cronies", he has not spent any time in jail.

b. In addition to such extortion payments by Mr. Raffe to the "Murphy cronies", Raffe was compelled to agree to execute general releases to the judges of the state Supreme Court in New York County, and the federal judges of the Southern and Eastern District of New York, as well as other judicial officers.

7a. Sam Polur, Esq., was also convicted and incarcerated under a trialess scenario, but when your organization commenced disciplinary proceedings against him based upon such manifestly unconstitutional conviction, he fled the scene.

b. I refused to surrender, succumb, be silent about, or have any part of corrupt judicial conduct, and was disbarred as a result thereof (Grievance Committee v. Geo. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203), when I was not permitted to controvert such manifestly unconstitutional convictions, subpoena witnesses, or enjoy any other basic trial constitutional right.

8a. Needless to say, had I, Raffe, or Polur ever been afforded a trial, there was no possible way that we could have been convicted of anything.

b. Needless to say also, had Raffe or Polur had federal habeas corpus relief available to them in the forum controlled by Chief Judge Charles L. Brieant, they would not have succumbed, paid millions in extortion, or had disciplinary proceedings instituted by your committee.

January 25, 1989

c. When it became evident that the federal judiciary, including that branch over which Chief Judge Brieant has jurisdiction, was going to cooperate in this "Murphy criminal adventure", neither Raffé or Polur saw any viable alternative but to submit to the aforementioned extortion.

9. Although the amounts involved are not of ethical significance, they do amount in the Puccini matter alone to more than the total amount complained about in the article of the Daily News on December 29, 1988, and the New York Times on July 26, 1977 -- combined!

10a. Notwithstanding the above, I desire that Judge Murphy's executive secretary, Charles Brieant, Esq., be given a fundamentally fair hearing, under fundamentally fair procedures-- nothing less.

b. I have been "honored" by serving and receiving every battle star awarded for my participation in the European Theater of Operations in World War II; believed myself "honored" by every trialless incarceration; and clearly was "honored" by my disbarment.

c. I will never surrender my fundamental right to be honest, nor my obligation to defend the Constitution and my clients, with "zeal", and will never involve myself in judicial corruption, and never did in almost forty (40) years at the bar.

d. The response was "nuts" at Bastogne, Belgium in December of 1944, and it is "nuts" today when demands are made for my silent submission.

Very truly yours,



GEORGE SASSOWER

cc: Charles Brieant, Esq.
(The Media)

GEORGE SASSOWER

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16 LAKE STREET
WHITE PLAINS, N. Y. 10603

914-949-2169

"You have sat too long for any good you have been doing. Depart, I say, let us be done with you. In the name of God, go!" (Oliver Cromwell)

The Criminal Racketeering Adventures of
Presiding Justice FRANCIS T. MURPHY
and
Chief Judge CHARLES L. BRIEANT

Newsday, on Nov. 25 and Dec. 1, 1988, reported that the son of Chief Judge Charles L. Brieant was the executive assistant to Presiding Justice Francis T. Murphy, and that the son of Francis T. Murphy was the law clerk of Chief Judge Charles L. Brieant.

In reporting on the "patronage mill" in "Murphy's personal fiefdom", including the Murphy-Brieant "disguised nepotism", Newsday only touched the tip of a polluted iceberg.

Murphy and Brieant arrogantly lied to the public when they "denied that there was any connection between the two hirings", which even if true, mandates immediate removal proceedings, without even reference to their joint, highly egregious, criminal activities.

In 1977, when the New York Times reported on "disguised nepotism" in the Murphy bailiwick, Murphy demanded and received the resignations of all the jurists involved.

Mr. Justice Morris E. Spector alone, did battle on the subject, and the Court of Appeals, in affirming the disciplinary punishment imposed, stated (Spector v. State Commission on Judicial Conduct, 47 N.Y.2d 462, 466, 418 N.Y.S.2d 565, 566 [1979]):

"First, nepotism is to be condemned, and disguised nepotism imports an additional component of evil because, implicitly conceding that evident nepotism would be unacceptable, the actor seeks to conceal what he is really accomplishing. ... [E]ven if it cannot be said that there is proof of the fact of disguised nepotism, an appearance of such impropriety is no less to be condemned than is the impropriety itself."

Thus, faced with such authoritative pronouncement by the high court of this state, a proceeding triggered by Murphy himself in response to the N.Y. Times' disclosures -- they simply must go!

Additionally, the Murphy-Brieant racketeering activities compels grand jury inquiry and criminal prosecution!

A fundamental and indispensable principal of American law is that no man, however exalted his position, is above the criminal law.

Puccini Clothes, Ltd. ["Puccini"] -- "the Judicial Fortune Cookie"-- was involuntarily dissolved on June 4, 1980 by a court within the Murphy-Brieant jurisdictional bailiwick.

Puccini's judicial trust assets were made the subject of massive larceny and plundering by the Murphy-Brieant cohorts.

To assure that jurists and their cronies do not improperly divert judicial trust assets, the law is clear, direct, and unambiguous, in demanding that there must be a publicly filed accounting "at least once a year" (22 NYCRR §202.52[e]). However, in the more than eight and one-half years since Puccini was involuntarily dissolved there has not been a single accounting filed by the "Murphy-Brieant associates" -- not one!

To further assure that jurists do not make lavish unwarranted awards to their appointees, every award above \$200 must be reported to the Office of Court Administration, which report must be available for public inspection (Judiciary Law §35-a). Where the award is \$2,500 or more the jurist's report "shall be accompanied by an explanation, in writing, of the reasons therefor" (22 NYCRR §36.4).

Here again, no such reports were filed, although one of the "Murphy-Brieant cronies" received approximately \$1,000,000 from Puccini for not doing anything to benefit this judicial trust -- not a single thing!

Indeed, even if such firm did any work which inured to the benefit of the judicial trust, which they did not, Murphy's own rule (22 NYCRR §660.24(f)), precluded any award because they were not appointed in accordance with the procedures provided therein. Judicial nepotism and favoritism had ended, announced Murphy on the front page of the New York Times (July 7, 1977)!

There are other provisions of the law to insure that judicial trust assets are not made the subject of judicial larceny and plundering, but none of this legal mandates have been obeyed in this orchestrated "Murphy-Brieant criminal racketeering adventure" -- not a single one!

By outright larceny and plundering, the Murphy-Brieant judicial vultures took everything, leaving not a single cent for the legitimate creditors and stockholders -- not one cent -- they took it all!

Having completely denuded Puccini's trust assets, with the overt and active cooperation and assistance of Murphy, Brieant, and their thrall, they employed their judicial offices and authority to criminally extort, in various depraved forms.

One of several extortion scenarios has produced millions of additional dollars in cash and other consideration personally from Puccini's major stockholder and creditor.

The "Murphy-Brieant indulgence peddlers", aided and abetted by other corrupt jurists, obtained trialess sham convictions -- albeit a constitutional impossibility -- then in exchange for not being incarcerated, ransom was extorted, on a continuing basis, payable to their private pockets.

Think of it! -- Sham, trialess, manifestly unconstitutional, criminal convictions are rendered -- and then -- by the payment of vast sums of monies, payable to the Murphy-Brieant "racketeers", the person is not incarcerated.

In the words of this one major stockholder and creditor, in this "Beirut on the Hudson" depraved drama, "they are bleeding me to death"!

Murphy and Brieant will continue to bleed him, and impose their terror on others, until you, the media, publish the truth about "justice" in the "Murphy-Brieant bailliwick" -- where corruption, nepotism, and even egregious criminal conduct, are the "coins of the judicial realm".

Start by demanding that the much overdue accounting for Puccini be "filed" and made available for your inspection -- as mandated by law!

Demand that the Office of Court Administration compel those receiving monies from Puccini file their §35-a statements, and produce them for your -- inspection -- as mandated by law!

Demand that Murphy, Brieant, and their criminal confederates be made subject to "the rule of law" by a grand jury inquiry, not one by the Commission on Judicial Conduct which they control!

"Thieves for their robbery have authority when judges steal themselves" (Shakespeare's, Measure for Measure, Act. 2, Scene 2).

December 18, 1988


GEORGE SASSOWER

3 Resign Amid Criticism of Courts' Hiring

By Leonard Levitt

An anonymous letter charging a top state judge and his chief clerk with running the courts as a "personal fiefdom" and "patronage mill" has resulted in the resignation of three court employees.

The letter, the contents of which were made available to New York Newsday, was sent on Sept. 13 to the Commission on Judicial Conduct, the body that disciplines judges, and to the Inspector General of the Office of Court Administration.

The letter charged that the son of Presiding Justice Francis T. Murphy of the Appellate Division of the State Supreme Court, had been hired as a law clerk by Chief U.S. District Judge Charles Brieant in return for Murphy's having hired Brieant's son.

The letter also charged that the son, daughter and nephew of Appellate Division chief clerk Harold J. Reynolds also were employed by the state court. All three of Reynolds' relatives resigned their jobs earlier this week.

Both Murphy and Brieant confirmed each of their sons was employed by the other — young Murphy as a law clerk, young Brieant as an executive assistant — but said there was no connection between their hirings.

Sources within the judiciary said that children and wives of the approximately 200 full-time court employees, as well as relatives of political figures, have regularly been hired through the years in the First Department of the Appellate Division, over which Murphy presides. It covers Manhattan and the Bronx. In addition, Murphy and Reynolds are known to hire what one court official described as "needy strangers," one of whom was Judith Piesco. She was fired from her \$65,000 city job in 1985 and apparently blackballed from city employment by Mayor Edward I. Koch for publicly criticizing police hiring practices. She now works as an assistant court clerk at a salary of \$39,000 after having been unable to find other city employment for nearly two years.

Reynolds declined to comment on the resignations earlier this week of his son, daughter and nephew. His daughter Elizabeth earned \$25,000 as an assistant court analyst; his nephew James Murphy earned \$24,000 as a court assistant and his son Michael, a student at NYU, earned \$8 an hour as a part-time employee in the court's library.

Justice Murphy said the resignations followed his receipt of a letter sent Nov. 18 from Sol Wachtler, the state's chief judge, referring to the allegations in the anonymous letter. The Commission had sent Wachtler a copy of that letter, as well as sending a second copy to Murphy, but had made no moves to investigate the allegations, sources said.

Rules promulgated by the state's chief judge state that "a judge shall . . . refrain from recommending a relative for appointment or employment to another judge serving in the same

court," but the rules make no mention of employing a relative of a judge from a different court.

The rules also state that "a judge shall exercise the power of appointment only on the basis of merit avoiding favoritism," but the rules make no mention of any other employee doing the same.

"This was their decision to make," Murphy said of the resignations of Reynolds' relatives. "I think it is unfortunate. They have very good marks from their supervisors. But I can understand in the overall picture that bad as it is for them, it is probably better for the perception of the court system. If there is a possibility of that perception [of favoritism], it should be eliminated. By their actions they have done it."

Wachtler's letter to Murphy, however, made no mention of the cross-hirings of Murphy's and Brieant's sons. Asked why he had not mentioned this in the letter, Wachtler said, "Any matters concerning allegations of judicial misconduct are properly referred to the Commission on Judicial Conduct."

Gerald Stern, who heads the commission, declined to comment.

"It's ridiculous," said Brieant. "My son has worked for years for the Appellate Division as a permanent civil servant while Murphy's son was hired as a one-year law clerk last August."

A Change of Heart On 3 Court Jobs

Firings voided in nepotism flap

By Anthony M. DeStefano
and Leonard Levitt

Presiding Appellate Division Justice Francis T. Murphy fired three court employees Monday, then rehired them Tuesday after deciding to "stand and fight" charges of nepotism in an anonymous letter forwarded to him by the state's chief judge.

"If it is a question of running, I'll stand and fight for these employees," Murphy said yesterday, referring to charges in the letter, which was first sent to the State Commission on Judicial Conduct Sept. 13 and routed to Chief Judge Sol Wachtler.

The letter charged that Murphy and his chief clerk Harry Reynolds had used his court as a "personal fiefdom" and "patronage mill" to provide jobs for relatives.

According to court sources, the three employees who were fired and then hired again are Suzanne Schnitzer, a \$70-a-day switchboard operator who is the wife of Melvin B. Schnitzer, a court appointment clerk; Sally Miller, a \$37,000-a-year attorney who is the daughter of William Barkan, a deputy chief law assistant; and Esther Brower, a \$33,000-a-year secretary who is the sister-in-law of Philip Lefkowitz, a senior appointment clerk.

The three employees' resignations followed those last week of Reynolds' son, daughter and nephew from positions as court analyst, court assistant and parttime worker in the Appellate Division's library. Reynolds' relatives resigned after Murphy received a copy of the anonymous letter from Wachtler.

That letter also charged that Murphy, who is presiding justice for the Appellate Division's First Department, and U.S. District Court Judge Charles Brieant had hired each other's sons — Tim Murphy as a law clerk, and Charles Brieant as an executive assistant. Both Murphy and Brieant have denied there was any connection between the two hirings.



Newsday / Art Mintz
Justice Francis T. Murphy

"Although you and I agree that anonymous letters do not ordinarily deserve a great deal of attention," Wachtler said in a letter to Murphy dated Nov. 18 accompanying the anonymous note, "the matters set forth . . . if accurate, are extremely disturbing from substantive and perceptual standpoints."

Wachtler said yesterday he would have "no comment at this time" on the letter.

After asking Schnitzer, Miller and Brower for their resignations Monday, Murphy said yesterday he changed his mind.

"Almost immediately after . . . my conscience persuaded me that it was very wrong and very cruel to do so. I therefore retracted my request, and indeed I regret that any employee resigned over an anonymous letter. Everyone of them is a good employee innocent of any conceivable wrongdoing," he said. "All of them were appointed by the Office of Court Administration because they were qualified. It is simply irrational to ask a worker who had been found so qualified for his resignation because he is related to someone in the court. I will not deprive anyone of a livelihood in order to satisfy the press or anyone else."