

1/27/91

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1990
No. 90-

-----x

In re:

GEORGE SASSOWER,
Petitioner,

-----x

x-----x

PETITION FOR WRITS OF MANDAMUS and PROHIBITIONS
TO THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK and THE JUDGES THEREOF

x-----x

x-----x

PETITION

x-----x

PRELIMINARY STATEMENT

1. Chief U.S. District Judge CHARLES L. BRIEANT ["respondent-Brieant"] and U.S. District Judge WILLIAM C. CONNER ["respondent-Conner"] are the principal jurists in the U.S. District Court for the Southern District of New York engrossed in an "in office" egregious criminal adventure involving the larceny and unlawful plundering of judicial trust assets, extortion, and other racketeering activities.

In addition to personally "fixing" their judicial colleagues, the prime weapon of "respondent-Brieant" and "respondent-Conner" is the without due process injunction which, on examination, do not even have a frivolous pretense to validity.

2. This criminal adventure is doomed, with profound judicial consequences, unless immediate remedial action is undertaken, as the public is becoming aware that members of the judiciary are: stealing and unlawful plundering judicial trust assets and/or aiding, abetting and/or facilitating such activities for their cronies, leaving nothing for legitimate creditors and stockholders; are convicting, fining and incarcerating, without benefit of trial; are directly involved in extorting millions of dollars for their cronies; are, while on the government payroll, diverting monies payable to the federal government to the private pockets, and are otherwise engaged in racketeering activities.

Thus, while petitioner is barred from the judicial forums in the Southern and Eastern District of New York, and the Circuit Court of Appeals for the Second Circuit, he has and is communicating with members of Congress, public interests groups, the media, and other extra-judicial forums, setting forth, with documented support, those very facts which the judiciary is attempting to suppress.

QUESTIONS PRESENTED
(THE JUDICIAL BLOCKADE)

1a. Should U.S. District Judge CHARLES S. HAIGHT, JR. ["respondent-Haight"] be mandated to entertain and render a judicial determination on petitioner's unopposed motion for an Order:

"(1) vacating and rendering null and void the orders, edicts, proclamations, ukases, decisions and opinions of Chief U.S. District Court Judge CHARLES S. BRIEANT in the above entitled matter (87 Civ. 7135 [CSH]) (2) for the recusal of each and every jurist from the Southern and Eastern District of New York ..."?

b. Should "respondent-Haight" be mandated to entertain and render a judicial determination on petitioner's unopposed motion for an Order:

"(1) dismissing the within criminal contempt proceeding on the constitutional and statutory ground of the failure to provide [petitioner] a speedy trial; (2) by reason of 'double jeopardy'; (3) to enjoin FELTMAN, KARESH, MAJOR & FARBMAN, Esqs., KREINDLER & RELKIN, P.C., and the U.S. Attorney for the Southern District of New York from charging or prosecuting affirmant for non-summary criminal contempt based upon the Order of U.S. District Judge WILLIAM C. CONNER in Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]); (4) for the institution of criminal contempt proceedings against FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. and U.S. District Judge WILLIAM C. CONNER ..."?

2. Should U.S. District Judge GERARD L. GOETTEL ["respondent-Goettel"] be mandated to entertain and render a judicial determination on petitioner's unopposed motion for an Order:

"vacating, and declaring null and void the proceedings in the within matter (87 Civ. 1450 [GLG]), subsequent to the filing and service of the complaint (ERCivP 60(b)[4][6]) ... "?

3. Should U.S. District Judge LEONARD B. SAND ["respondent-Sand"] be mandated to entertain and render a judicial determination on petitioner's unopposed motion for an Order:

"initiating criminal contempt proceedings against U.S. Chief District Court Judge CHARLES L. BRIEANT of the Southern District of New York and U.S. District Judge NICHOLAS H. POLITAN of the District of New Jersey ..."?

4. Should U.S. Bankruptcy Judge HOWARD SCHWARTZBERG ["respondent-Schwartzberg"] be mandated to entertain and render a judicial determination on petitioner's unopposed motion for an Order:

"vacating and declaring null, void, and of no effect, the proceedings of this Court in this matter, leading to, and including, the court's disposition of December 21, 1987, all without prejudice to an independent Rule 60(b) action ..."?

5. Should "respondent-Brieant" and "respondent-Conner" be enjoined from preventing Article III and Article I jurists from determining motions, particularly where the underlying determinations are infirm by reason of their intrusive "fixing" activities?

6. Should "respondent-Brieant" be enjoined from interfering with any attempt to file an action in the Southern District of New York based upon the "enforcement" of his unconstitutional edicts?

7. Where the activities of "respondent Brieant" and "respondent-Conner" which include the diversion of monies payable "to the [federal] court" to private pockets, should the U.S. Solicitor General and U.S. Attorney General be precluded from representing them in this Honorable Court?

THE PARTIES

GEORGE SASSOWER Petitioner 16 Lake Street, White Plains, N.Y. 10603 (914) 949-2169	Chief Judge CHARLES L. BRIEANT Respondent 101 E. Post Road, White Plains, N.Y. 10601 (914) 791-0103
Judge WILLIAM C. CONNER Respondent Foley Square, New York, N.Y. 10007 (212) 791-0934	Judge CHARLES L. HAIGHT, JR. Respondent Foley Square, New York, N.Y. 10007 (212) 791-9012
Judge GERARD L. GOETTEL Respondent 101 E. Post Road, White Plains, N.Y.. 10601 (914) 683-9592	Judge HOWARD SCHWARTZBERG Respondent 101 E. Post Road, White Plains, N.Y. 10601 (914) 683-9755

TABLE OF CONTENTS

Preliminary Statement	
Questions Presented	i
The Parties	iii
Table of Contents	v
Table of Authorities	v
Opinions Below	vi
Jurisdiction	1
Constitutional-Statutory Provisions	1
Statement of the Case	2
Reasons for Granting the Writ	7
Certificate of Service	9
Appendix	
Chief Judge Brieant's Administrative Edict (12/10/87)	A1
Chief Judge Brieant's Administrative Edict (1/211/87)	A4
Pro-Se Clerk's Letter to Petitioner	A5
Chief Judge Brieant's Letter to Congresswoman Lowey	A6

TABLE OF AUTHORITIES

A & B, In re 44 NJ 331, 209 A2d 101, 17 ALR3d 827 [1965]	9
Abdul-Akbar v. Watson 901 F.2d 329 [3rd Cir.-1990]	8
Balogh v. H.R.B. Caterers 88 A.D.2d 136, 452 N.Y.S.2d 220 [2d Dept.-1982]	8
Bounds v. Smith 430 U.S. 817 [1977]	8
Cohens v. Virginia 19 U.S. [6 Wheat] 264 [1821]	8
Dennis v. Sparks 449 U.S. 24 [1980]	3, 5, 6, 7
Forester v. White 484 U.S. 219 [1988]	7
Garrison v. Louisiana 379 U.S. 64 [1964]	7
Grand Jury Application, In re 617 F. Supp. 199 [SDNY-1985]	8
Mallard v U.S. District Court U.S. , 109 S.Ct. 1814 [1989]	7
Supreme Court of Va. v. Consumers Union 446 U.S. 719 [1980]	8
U.S. v. Providence Journal 485 U.S. 693 [1988]	9
Wood v Georgia 450 U.S. 261 [1981]	9

OPINIONS BELOW

The sua sponte, without due process, edict of respondent, Chief U.S. District Judge CHARLES L. BRIEANT, in an action wherein U.S. District Judge CHARLES S. HAIGHT, JR. was the assigned jurist (A1).

The sua sponte, without due process, edict of respondent, Chief U.S. District Judge CHARLES L. BRIEANT, in a proceeding wherein Bankruptcy Judge HOWARD SCHWARTZBERG was the assigned jurist (A4).

An example of the Pro Se Clerk's enforcement letters which are mailed to petitioner (A5).

Confirmation of the physical exclusion edict by Chief U.S. District Judge CHARLES L. BRIEANT in his letter to Congresswoman Lowey (A6).

JURISDICTION

- (i) Not Applicable.
- (ii) Not Applicable.
- (iii) Not Applicable
- (iv) 28 U.S.C. §1651[a].

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article III of the U.S. Constitution provides:

"§1 The judicial power of the United States, shall be vested in one Supreme Court
§2[1] The judicial power shall extend in all cases, in law and equity, arising under this Constitution".

2. The First Amendment of the U.S. Constitution provides:

"Congress shall make no law respecting ... abridging the freedom of speech ... or the right of the people ... to petition the Government for a redress of grievances."

3. The Fifth Amendment of the U.S. Constitution provides:

"No person shall ... be deprived of ... liberty, or property, without due process of law ...".

4. The Sixth Amendment of the U.S. Constitution provides:

"In all criminal prosecutions, the accused shall enjoy the right to a ... public trial ..."

5. 28 U.S.C. §1651[a] provides:

"The Supreme Court ... may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law."

6. Canon 3(A)[4] of the Code of Judicial Conduct provides:

"A judge should ... neither initiate nor consider ex parte or communications concerning a pending or impending proceeding. ..."

STATEMENT OF THE CASE
("THE NATURE OF THE JUDICIAL PROCESS")

1. Petitioner was aware that "respondent-Conner" was engaged in "judicial fixing" on behalf of KREINDLER & RELKIN, P.C. ["K&R"] and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], who were openly boasting that "all" judges were under their "control".

K&R and its client, CITIBANK, N.A. ["Citibank"] had engineered the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], and agreed with LEE FELTMAN, Esq. ["Feltman"], the court appointed receiver, that the balance of Puccini's tangible trust assets would be transferred to his law firm, FKM&F, if he concealed such larceny and made no attempt at recovery thereof on behalf of his appointed judicial trust.

2. Investigation concerning the issuance of a patently suspect Order by "respondent-Haight" produced a "Bill [Conner] to Terry [Haight]" "fixing memorandum", with copies sent to "respondent-Brieant", "respondent-Goettel", "respondent-Schwartzberg", other federal jurists and court clerks.

This time however, by reason of the extensive distribution of such "Bill to Terry fixing memorandum", unlike the prior "Conner fixes", petitioner was able to immediately react without jeopardizing the confidential sources of his information regarding the omnipresent "Conner Fixes".

Petitioner's reacted by amending the Complaint in his Judge Haight action, as "of course", by adding Judge Conner as a Dennis v. Sparks (449 U.S. 24 [1980]) defendant.

Since "respondent-Conner", in such "Bill to Terry memorandum", conceded that he was disqualified from adjudicating any judicial proceeding involving petitioner, petitioner saw no legal reason for not treating "respondent-Conner" any differently than a lay fixor, who was denying petitioner due process.

3. "Respondent-Brieant", advised of such amendment in the Judge Haight action, without employing any due process procedures whatsoever, sua sponte intruded himself upon the Judge Haight judicial bailiwick, dismissed petitioner's action which, to repeat was, at all times, pending before "respondent-Haight".

In the same ukase, "respondent-Brieant" barred petitioner from the federal judicial forum in the Southern District of New York, absent judicial permission.

The statements made in the Brieant diatribe to the effect that petitioner had added "respondent-Haight" as a party defendant, instead of "respondent-Conner", was false, concocted, contrived and fabricated in order to conceal the "fixing" activities of "respondent-Conner".

For reasons, here irrelevant, petitioner was not able to appeal such Brieant diatribe without violating the penal provisions of the Bankruptcy Code.

4. The following day, "respondent-Brieant" struck again, also sua sponte, and without any due process procedures, issued a similar direction to "respondent-Schwartzberg" (A4).

There was a concomitant oral or implied direction to Judge Schwartzberg by "respondent-Brieant" that the trustee and Judge Schwartzberg were to execute false legal documents and close out petitioner's proceedings pending in that Court, which directions were complied with by the trustee and "respondent-Schwartzberg".

Obviously, bankruptcy judges and magistrates, are extraordinarily vulnerable to "fixes" by members of the federal judiciary, particularly the Chief Judge.

5. As a result of the Brieant ukase, all papers filed by petitioner in the Southern District of New York are returned by the pro se clerk of the District Court (A5), and are not docketed by the clerk of the Judge Schwartzberg court.

However, the respondent jurists have "courtesy copies" of petitioner's motions, which are independently transmitted, and aware of the situation, but give obedience to the Brieant ukases and judicial blockade.

6. In July of 1988, struck once more, when without any pretense of due process, petitioner was physically excluded from the Federal Building and Courthouse in White Plains.

Six (6) months later, in a letter to Congresswoman NITA M. LOWEY, "respondent-Brieant" wrote (A6):

"The prior exclusion order remains in effect, unless his physical presence is actually required."

THE MECHANICS OF JUDICIAL CORRUPTION

7. This Court in Dennis v. Sparks (supra) held that those who corrupt jurists and deny litigants due process have no damage immunity.

REASONS FOR THE GRANT OF THIS WRIT

1. Unless petitioner is given access to the District Court, by a grant of this Writ, he is being unconstitutionally deprived of his right to eventually petition this Honorable Court for a Writ of Certiorari on the merits of his claims, certainly a more compelling situation than Mallard v U.S. District Court (U.S. , 109 S.Ct. 1814 [1989]).

2. Unless petitioner is afforded relief herein, federal jurists will be able to immunize themselves and those who "fix" them, by denying their victims access to the court for relief, while for similar conduct immunity would not be available to state jurists and their cronies (Dennis v. Sparks, supra) since their victims could obtain relief in the federal forum.

3. By virtue of a similar analysis, unless petitioner is afforded relief herein, federal jurists will be able to immunize themselves for unlawful administrative conduct, while similar immunity would not be available to state jurists (Forester v. White, 484 U.S. 219 [1988]).

4. Unless petitioner is afforded relief herein, punishment could be inflicted upon those who criticize the federal judiciary, while similar punishment would not be available against those who criticize the state judiciary (Garrison v. Louisiana, 379 U.S. 64 [1964]).

5. Unless petitioner is afforded relief herein, monetary relief would be available against state jurists in their enforcement capacity, while denying similar relief as against federal jurists (Supreme Court of Va. v. Consumers Union, 446 U.S. 719 [1980]).

6a. Obviously, broad injunctive edicts which totally deny a petitioner's right to access to the Court are unconstitutional and unlawful (Bounds v. Smith, 430 U.S. 817 [1977]; Abdul-Akbar v. Watson, 901 F.2d 329 [3rd Cir.-1990]). The quintessential mandatory function of the judiciary is to decide (Cohens v. Virginia, 19 U.S. [6 Wheat] 264 [1821]).

b. Instructively, under the "Brieant ukase", he has been able to immunize himself and his entourage from criminal charges and a grand jury inquiry (In re Grand Jury Application, 617 F. Supp. 199 [SDNY-1985]).

7a. Judicial independence becomes a myth when "All the Chief Judge's Men" blithely obey his manifestly unconstitutional no due process administrative ukases, including his physical exclusion ukase of petitioner from the Federal Building and Courthouse (cf. U.S. Constitution, Amendment VI), when privately not a single jurist, would not even attempt to justify same.

b. Administrative intrusion into the judicial process is lethal to the administration of justice and unconstitutional (Balogh v. H.R.B. Caterers, 88 A.D.2d 136, 452 N.Y.S.2d 220 [2d Dept.-1982]).

c. Judicial independence is a myth when those like Judge Conner and Chief Judge Brieant are able, with impunity, "fix" Article III and Article I jurists.

8a. The American taxpayer should not be further burdened by having the U.S. Solicitor General or U.S. Attorney General undertake the defense of "respondent-Brieant" or "respondent-Conner" when their activities include insuring that monies payable "to the [federal] court" remain in private pockets (U.S. v. Providence Journal, 485 U.S. 693 [1988]).

b. Additionally, any such conflicting representation would be professionally unethical (Wood v Georgia, 450 U.S. 261 [1981]; In re A & B, 44 NJ 331, 209 A2d 101, 17 ALR3d 827 [1965]).

Dated: January 27, 1991

Respectfully submitted,

GEORGE SASSOWER
Petitioner, pro se.
16 Lake Street,
White Plains, N.Y. 10603
(914) 949-2169

CERTIFICATION OF SERVICE

On January 28, 1991, I served a true copy of this Petition by mailing same in a sealed envelope, first class, addressed to Hon. Kenneth W. Starr, U.S. Solicitor General, 10th & Constitution Ave., Washington, D.C. 20530; Chief Judge Charles L. Brieant, Judge Gerard L. Goettel, and Judge Howard Schwartzberg, 101 E. Post Road, White Plains, N.Y. 10601; and Judge William C. Conner and Judge Charles L. Haight, Jr., at their last known addresses.

Dated: January 28, 1991

GEORGE SASSOWER
16 Lake Street,
White Plains, N.Y. 10603
(914) 949-2169

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

32

-----X
UNITED STATES OF AMERICA for the
benefit of GEORGE SASSOWER, and
GEORGE SASSOWER,

Plaintiffs,

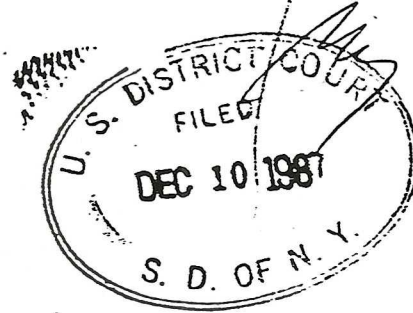
- against -

87 Civ. 7135 (CSH)

MEMORANDUM AND ORDER

JEFFREY L. SAPIR; HAROLD JONES;
HOWARD SCHWARTZBERG; IRA POSTEL
KREINDLER & RELKIN, P.C.; JEROME
H. BARR; CITIBANK, N.A.; LEE
FELTMAN; FELTMAN, KARESH, MAJOR &
FARBMAN; "Z SURETY COMPANY," and
"Y SURETY COMPANY," names
fictitious but intended to be
those who have executed bonds to
insure the faithful performances
of JEFFREY L. SAPIR and HAROLD
JONES; and Hon. EDWIN MEESE, III,
as Attorney General of the United
States, and Hon. WILLIAM C. CONNER,

Defendants



-----X
BRIEANT, Chief Judge

The Honorable Charles S. Haight, Jr., a Judge of this Court, has applied to me in my capacity as Chief Judge and Chairman of the Assignment Committee of the Court, charged with the administration of the Rules of the Court for the Division of Business, for reassignment of the above entitled action on the ground of his judicial disqualification. Such disqualification is based on the fact that by an amended complaint docketed in the action on December 2, 1987, Judge Haight himself has been added to the case as a defendant, along with Judge Conner of this Court. The amended complaint seeks to recover money damages from all the defendants.

A1

MICROFILM

DEC 11 1987 1 00 PM

It is quite clear to me that the amended complaint, which added Judge Haight as a party defendant, was served after Judge Haight had, by a memorandum and order dated November 18, 1987, filed herein, determined that all motions of plaintiff in this action should be held in abeyance, and no more should be filed, until Judge Haight decided a motion by defendants to dismiss the action as violative of an injunction issued in this Court against the plaintiff Mr. Sassower and reported, sub nom Raffe v. Doe, 619 F.Supp 891, 898 (S.D.N.Y. 1985), and it is also clear that inclusion of the assigned judge as an additional defendant had the effect, and probably the purpose of disrupting the orderly judicial decisional process of this district court insofar as concerns the motion to dismiss. Plaintiff, who used to be a lawyer, must be deemed to recognize that the Amended Complaint violates the 1985 injunction, and also that Judge Haight, and for that matter Judge Connor also, are immune from this sort of litigation.

Our Court is the busiest federal district court in the nation, burdened as it is with five judicial vacancies and a number of long criminal trials. In light of the 1985 injunction which so clearly bars the lawsuit, and the judicial immunity of the recently added defendant, there is no need to strain our limited judicial resources with any more of such nonsense by reassignment of the action.

In aid of the enforcement of the rules of this Court, see 28 U.S.C. Sec. 137, this action is hereby dismissed without

prejudice and without costs.

The Clerk of this Court is hereby ORDERED not to accept for filing any paper or proceeding or motion or new case of any kind presented by Mr. George Sassower, or naming him as a party plaintiff or petitioner, without the leave in writing first obtained from a judge or magistrate of this Court who shall have examined such paper to assure that it is not in violation of the 1985 injunction hereinbefore referred to, provided however that a Notice of Appeal to the Court of Appeals for the Second Circuit may be filed without such leave at any time.

The Clerk shall enter a final judgment.

SO ORDERED.

Dated: New York, New York
December 10, 1987

Charles L. Briant
CHARLES L. BRIANT
Chief Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re

GEORGE SASSOWER,

Debtor.
-----X

: 87 Civ. 7878-CSH

: MEMORANDUM AND ORDER

: [86 Bkcy 20500-HS]
-----X

The relief sought here, which is to obtain leave to appeal to this Court from an order of the Bankruptcy Court dated September 16, 1987, is denied as moot, in light of the subsequent waiver of discharge by the Debtor, which took place in the converted Chapter 7 proceedings before the Bankruptcy Judge on October 6, 1987.

No further papers are to be filed under this docket number by Mr. Sassower, except for a Notice of Appeal, without leave in writing first obtained from a Judge or Magistrate. See Memorandum and Order dated December 10, 1987 in Sassower v. Sapir, 87 Civ. 7135-CSH.

So Ordered.

Dated: New York, New York
December 11, 1987

Charles L. Brieant
Chief Judge

AH

JOSEPH F. CLOIDT

ACTING CLERK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK
OFFICE OF THE CLERK
U.S. COURTHOUSE
FOLEY SQUARE, NEW YORK, N.Y. 10007

January 22, 1991

George Sassower
16 Lake Street
White Plains, New York 10603

Re: Sassower v. Jeffrey L. Sapir, et al.,
87 Civ. 7135 (CSH)

Dear Mr. Sassower:

I am writing to you regarding the document you submitted to the Pro Se Office on January 10, 1991.

Pursuant to Chief Judge Briant's order in the case, United States of America for the benefit of George Sassower, and George Sassower v. Jeffrey L. Sapir, et al., 87 Civ. 7135 (CSH), your document cannot be accepted for filing; therefore, I am returning it to you.

I hope this information is of assistance to you. Should you have any further questions, please contact this office.

Sincerely,



Richard Wilson
Pro Se Clerk
(212) 791-0165

enclosure

A5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

"The Mother Court"

Convened November 3, 1789

CHIEF JUDGES

CHARLES L. BRIANT
1986 - PRESENT

CONSTANCE BAKER MOTLEY
1982 - 1986

LLOYD F. MACMAHON
1980 - 1982

DAVID N. EDELSTEIN
1971 - 1980

SIDNEY SUGARMAN
1966 - 1971

SYLVESTER J. RYAN
1959 - 1966

JOHN W. CLANCY
1956 - 1959

WILLIAM BONDY
1955 - 1956

JOHN C. KNOX
1948 - 1955

068 07 NHP

UNITED STATES COURTHOUSE
FOLEY SQUARE
NEW YORK, NY 10007-1581

UNITED STATES COURTHOUSE
101 EAST POST ROAD
WHITE PLAINS, NY 10601

January 23, 1990

Hon. Nita M. Lowey
Member of Congress
1313 Longworth Building
Washington, DC 20515

Attention: Miss Patricia Lynch

Dear Miss Lynch:

This letter responds to your inquiry in behalf of Mrs. Lowey, concerning George Sassower.

Mr. Sassower is free to write the Court at any time that he wishes, and indeed he has done so.

The prior exclusion order remains in effect, unless and until his physical presence is actually required.

Very truly yours,

Charles L. Briant
Charles L. Briant
Chief Judge

CLB:afc

TWO CENTURIES OF SERVICE

200

TO THE COMMUNITY AND BAR