

GEORGE SASSOWER

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December 13, 1985

Robert H. Straus, Esq.
Grievance Committee, Second Judicial Dept.
210 Joralemon Street,
Brooklyn, New York, 11201

Dear Mr. Straus,

1a. I acknowledge receipt of your letter of the 4th inst., and interpret same in its most favorable light, to wit., that any future communications addressed to your committee similar to my letter of November 29, 1985, will be reproduced by your office and expeditiously forwarded to each member.

b. Even as so broadly and liberally interpreted, and assuming good faith, it cannot be accepted, as being inconsistent with my right to petition government or "any department thereof" (U.S. Constitution, Amendment 1; N.Y.S. Constitution, Article 1, §9), although it would save me a great deal of trouble and expense to accept what I conceive to be the sense of your alternate proposal.

2a. Nor do I agree with your interpretation of DR 7-104, which of necessity must exclude government attorneys on governmental matters, as inconsistent with the aforementioned constitutional guarantees.

b. If your interpretation were correct, no one could criticize a District Attorney or one of his subordinates to "the people"; complaints could not be made against the Attorney General or any of his subordinates to other branches of government, etc.

3a. My understanding is that you were not hired and retained by the present committee, not compensated by them, do not serve at their unanimous pleasure, but rather that you are accepted as part of the "organization", as each member accepts the other!

b. Indeed, if I recall, one of your documents specifically states that you were authorized to act as the prosecuting attorney in this matter by the Appellate Division, not the Committee.

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c. If you are the committee's attorney [in its traditional sense] how could any other body, even the Appellate Division, appoint you as the committee's attorney?

d. If you have any authority for your assertion, I would be happy to to rethink such matter based thereon.

4a. I wish you to clearly understand that my plea of "not guilty" to your charges, is a matter of earnest belief in my innocence, not as a pro forma recitation.

b. It is my further belief that my very best defense is to assure myself that you properly perform your prosecutorial and ethical obligations very strictly and with exactitude. Thus, you may find me on "your back" for my protection and for my legitimate purposes, and not for any other reason.

c. If you will reread my initial communication with you, or recall our initial conversations, I, from a past experience, entered this matter very favorably impressed towards the workings of the committee and its counsels. This is the way I desire to leave this matter, regardless of its outcome.

5a. In my future communications to the committee, whether it be through your office or otherwise, I would be delighted to speak favorably of your performance.

b. If I acted improperly, in any significant manner, given a proper judicial proceeding, I can accept punishment. On the other hand, if the facts show otherwise, I will insist and demand that you will do your part fairly and properly.

6. If you wish a "win", I do not think I can accomodate you, but if you desire a proper, civilized, and indeed a pleasant judicial proceeding, you will find me cooperative.

Very truly yours,



GEORGE SASSOWER

GS/h