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AN ANATOMY OF JUDICIAL CORRUPTION

March 26, 1987

Elaine B. Goldsmith, Esq.
Clerk, Circuit Court of Appeals
40 Foley Square,
New York, New York, 10007

Att: Patricia Dundas, Esq.

Re: Chief Judge Wilfred Feinberg
Circuit Judge Irving R. Kaufman
Circuit Judge Thomas J. Meskill
District Judge Eugene H. Nickerson
a/k/a "the accused"
Jud. Conduct Complaint
No. 87-8503

Dear Ms. Dundas,

1a. My intentions are to fragment my complaint of March 17, 1987, into very specific components, and to widely distribute same to interested groups and persons.

b. The misconduct will be rectified, to the extent that it can be corrected, and this holocaust on constitutional, legal, and civilized values will simply never happen again.

2a. On the issue of "criminal contempt", here presented, my intention is to distribute this letter to every member of the Second Circuit Court of Appeals, and every federal judicial official within that circuit, including District Court Judges, Bankrupcy Judges, U.S. Magistrates, and U.S Attorneys.

b. I am reasonably certain that of such vast number of federal jurists and judicial officials, not a single one -- not one -- including the accused, would be willing to give sworn testimony that the, without trial, non-summary criminal contempt Orders, were within the jurisdictional power of the "accused" to make and/or affirm, and each and every one of them knew and knows it.

c. As an American citizen, as a World War II veteran, as an attorney, as a human being, and to help insure that it does not happen again to anyone , I demand that within ten (10) days, unless good cause is shown, that the Circuit Court of Appeals, set down the criminal and civil contempt accusation down for an expeditious, fundamentally fair trial, to be held according to law.

d. I will not accept disbarment nor any professional discipline because of such and similar sham convictions, all of which were rendered without benefit of trial.

e. If punishment is to be imposed, it should be upon those who manipulate the "machinery of justice" for their own corrupt ends and those who remained silent (Disciplinary Rule 1-103).

f. There can be little doubt that as a result of the impeachment of District Judge, James Hawkins Peck, congress by the Act of March 2, 1831 intended to make certain that no federal court that it created had the jurisdictional power to convict anyone for non-summary criminal contempt without a trial, absent a plea of guilty (Ex parte Robinson 19 Wall [86 U.S.] 505).

g. Luke Edwards Lawless, Esq. was supposed to be, but was not, "the last victim" of judicial tyranny (Nye v. United States, 313 U.S. 33, 46).

3a. Pertinent, and deeply disturbing, is the fact that such "criminal and civil contempt order" was obtained by KREINDLER & RELKIN, P.C. ["K&R"], its clients, CITIBANK, N.A. ["Citibank"], and JEROME H. BARR, Esq. ["Barr"].

b. K&R and its clients, including Citibank, had engineered the massive larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], had inundated the courts with perjurious and prejudicial statements denying same, and practiced judicial and official corruption on a grand scale.

c. Their principal co-conspirators in this criminal adventure were LEE FELTMAN, Esq. ["Feltman"], and his law firm, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F].

d. Unless both I and my client, HYMAN RAFFE ["Raffe"] succumbed, there was no way that Feltman could account for Puccini's judicial trust assets, without exposing the massive larceny, the perjury, the extortion, and the official and judicial corruption.

e. Thus, today, almost seven (7) years since Puccini was involuntarily dissolved, no accountings, final nor otherwise, have been filed, albeit clear statutory mandates ministerially compels same (Bus. Corp. Law §1216[a]; 22 NYCRR §202.52[e], §202.53).

4a. The June 10, 1985 Order of Judge EUGENE H. NICKERSON which convicted me and my client, without a trial, of non-summary "civil and criminal contempt of court" stated we had "defaulted and failed to appear for deposition" on (1) April 25, 1985 and (2) May 30, 1985, and at no other time.

b. Assuming, arguendo, that statement to be correct, which it clearly is not, the September 13 Order of the Circuit Court of Appeals which referred to my "numerous default[s]" is patently contrived and fabricated by Your Court.

5a. Even when there is a "constitutional waiver", not simply a default or defaults, and at bar, none existed or were found, there is a trial, or the trial continues, in absentia of the accused.

b. There is no such thing, in any civilized society, as a criminal judgment by default, or by submitted affidavit, or any wholly non-testimonial procedures.

c. There could not be any criminal conviction at bar, because even ex parte, K&R could not show a prima facie case of criminal contempt, in a thousand light years.

d. There was no default, there was no constitutional waiver, and as will be shown there was not even jurisdiction for this contempt proceeding, except as K&R and the accused fabricated facts, and manipulated blackletter law.

6a. The assertion was made that I defaulted on April 25, 1985 was so thoroughly demolished, with specifics, that it was never repeated again by K&R, until it was incorporated in the Order of June 7, 1985.

b. I can show, and did show, that I was ready, willing, and able to be deposed on April 25, 1985, on behalf of myself and my client, and it was MICHAEL J. GERSTEIN, Esq. ["Gerstein"] of K&R, who did not desire to depose me at that time or some reasonable time thereafter.

c. If Mr. Gerstein were placed on the stand, even before cross-examination, the assertion that I defaulted on that day would simply collapse. It would be a massacre!

7a. Thereafter, there was no default by me, at any time, May 30, 1985 or otherwise, as the documentary evidence reveals.

b. The "only" default was by K&R, not me. The "only" improper conduct was K&R, not me.

c. I do not involve myself with ex parte communications with any court or judge. With K&R, as is larceny, perjury, and judicial corruption, it is its "stock in trade".

8a. When K&R falsely claimed that I defaulted, and by specifics, I showed otherwise, Judge Eugene H. Nickerson, on Friday, May 24, 1985, set the matter down for Tuesday, May 28, 1985, at 4:00 p.m. for depositions.

b. Ex parte, without consulting me, immediately before the scheduled deposition, the time was changed to 3:00 p.m., and I rearranged my schedule accordingly.

c. I was present, promptly at 3:00 p.m., on May 28, 1985, and was seen by some attorneys and others, including the male and female law clerks of Judge Eugene H. Nickerson.

d. No one from K&R was there, not Mr. Gerstein, nor any "phantom" stenographer, who Mr. Gerstein claimed was there.

e. If there was any [phantom] stenographer, neither I nor the law clerks of Judge Eugene H. Nickerson saw such person.

f. At 3:22 p.m. when neither K&R nor any "phantom" stenographer appeared, I "clocked out" with the Clerk of the Court, as his Time Stamp reveals.

g. The "default" on that day, whether it was intentional, the result of improper scheduling, or otherwise could not be attributable to me.

h. Nevertheless, Judge Eugene H. Nickerson and this Court compensated K&R for the additional expense resulting from its default.

9a. The following day, Wednesday, May 29, 1985, by reason of K&R's default, it again ex parte, secured another Order requiring my appearance on Thursday, May 30, 1985, at 10:00 a.m., again without any prior consultation as to whether such time was available for my deposition.

b. I immediately telephoned Mr. Gerstein, and advised him I was scheduled to be actually engaged in state court on trial, and also immediately served and filed an affidavit of actual engagement.

c. Such affidavit of actual engagement was before His Honor on Thursday, May 30, 1985, at 10:00 a.m., and in fact I did go to trial on that day in state court.

d. Such prior engagement on trial, in another court, is not a default, when one's adversary and the Court, have an affidavit to such effect. The opinions of Mr. Gerstein, Judge Eugene H. Nickerson, and the members of this Court to the contrary notwithstanding.

e. Even if by some skewed logic, a prior engagement in another court should be construed as a "default", such prior trial engagement is clearly not a "constitutional waiver", which requires a knowing, voluntary, and intelligent decision (Johnson v. Zerbst, 304 U.S. 458).

10a. On Monday, June 3, 1985, Gerstein of K&R secured an Order to Show Cause from Judge Eugene H. Nickerson, based on an affidavit which proliferates with language that my May 30, 1985 default was "wilful and intentional", and makes no mention of my prior state trial engagement, which they both knew about.

b. Up to this point, the contempt proceedings were all "civil contempt" in nature, and this Order to Show Cause dated June 3, 1985, returnable June 7, 1985, stated that it was an "ORDER TO SHOW CAUSE WHY ... GEORGE SASSOWER ... SHOULD NOT BE HELD IN CONTEMPT".

c. Service was to be made by June 4, 1985 by mailing, and the answer was to be "personally served upon K&R ... on or before 4:00 P.M. on the 6th day of June, 1985" was seeking almost the impossible, if not the impossible from me.

d. Thus, it now became absolutely clear that both K&R and Judge Eugene H. Nickerson were seeking some pre-text to hold me and my client in contempt of court.

e. To permit mail service as late as the 4th and a "in hand" response by 4:00 P.M. on the 6th, does not even insure that a response will not be due before the Order to Show Cause is received!

f. There was absolutely no indication on any of the papers of June 3, 1985, or prior thereto, that the proceeding was anything other than "civil contempt".

g. On page 8, however, of the supporting affidavit, -- page 8 -- Gerstein requested criminal, as well as civil, sanctions. Consequently, as part of my response, which had to be prepared and served within a few hours after receipt, I asserted 5th Amendment rights, and demanded a hearing.

h. As part of a covering letter to Judge Eugene H. Nickerson I stated that in view of the aforementioned criminal sanctions "we have determined to remain silent on the issue and put Mr. Gerstein and his firm to their proof".

11a. On a few hours notice, there were simply too many other commitments, legal and otherwise, that simply could not be rearranged, so I had little alternative but to "submit" in opposition to Mr. Gerstein's motion, rather than argue. Since I had already committed myself, as stated hereinabove, to remain silent, and opt for a hearing, a personal appearance, simply to say "not guilty" would have been supererogatory, even if I could have reasonably attended on such short notice.

b. Here again, there was no default, but simply a submission in opposition, rather than an oral argument presented.

There was no default by me on that day, and the Order of June 7, 1985 does not so declare.

12a. Without more, on June 7, 1985, the same day I submitted my opposing papers, Judge Eugene H. Nickerson signed a long form Order of Civil and Criminal Contempt.

b. The K&R prepared long form Order was signed the same day as the return day -- and this Order, without prior notice (except for the page 8 request for penal sanctions) now became "criminal contempt", as well as "civil contempt".

c. The criminal contempt of June 7, 1985 was based on the false and abandoned assertion that I failed to appear on April 25, 1985 and the failure to appear on May 30, 1985, when I was engaged in another trial.

d. Thus assuming, arguendo, these two (2) defaults in a civil contempt proceeding did occur, how does one thereafter obtain "criminal contempt"?

13a. Instructively, annexed to the Order to Show Cause of June 3, 1985, was a Dunn & Bradstreet report, dated August 9, 1984 which showed that Raffe's assets were about $10,000,000, and a Bishop Service Report, dated June 22, 1983 which revealed no unfavorable information and "a man of substantial wealth ... a millionaire.".

b. K&R, in the midst of May 1985, even before the motion based on the spurious assertion that there was a failure to appear on April 25, 1985, served two hundred (200) subpoenas, each containing a restraining notice for twice the amount of the judgment (CPLR §5222[b]. Thus for a judgment approximately $10,000, K&R had restrained a potential $4,000,000.

c. K&R had also restrained my bank account as well.

d. Thus, while the civil contempt proceedings were being pressed, K&R had set about to destroy both me and my client financially, knowingly aided, abetted, and facilitated by Judge Eugene H. Nickerson.

e. In addition to the above, ostensibly to collect this relative miniscule judgment, K&R had served subpoenas on two (2) of Raffe's corporations, subpoenad his wife and accountant to submit to supplementary proceedings, as well.

f. The Record is clear that even after the U.S. Marshal had "in hand" the monies to satisfy the judgment against Raffe and myself, matters on which K&R, Judge Nickerson, and this Court, had actual knowledge, K&R kept insisting that it still desired the deposition of Raffe, two (2) of his corporations, his wife, his accountant, and myself!

14a. The aforementioned, without notice, criminal conviction, was not an isolated affair, but instead it was part of a state-federal orchestrated "reign of terror".

b. In less than one month, all without a single trial, K&R and FKM&F had obtained six (6) criminal convictions -- six (6) -- state and federal, Bloom v. Illinois (391 U.S. 194) and Nye v. U.S. (supra) to the contrary notwithstanding.

15a. In January 1985, the tyranny of Referee DONALD DIAMOND ["Judicial Caesar I"], the ex parte selectee of Administrator XAVIER C. RICCOBONO ["Corruption Incarnate"], was in a state of collapse, as about every jurist was refusing to obey his self-enacted, ever-changing, situation, ukases.

b. On January 4, 1985, Hon. MARTIN EVANS, after a more than two (2) year study, and with a very voluminous and continuing submission by K&R and FKM&F, "the criminals with law degrees", His Honor had vindicated both me and Raffe of criminal contempt.

c. Totally disregarding "double jeopardy" prohibitions, FKM&F, on January 30, 1985, twenty six (26) days later, reinstituted the same charges, and it was referred to Hon. MARTIN EVANS.

d. This time however, Corruption Incarnate, compelled Mr. Justice MARTIN EVANS to refer same to Referee DONALD DIAMOND, who without a hearing or trial, on or about May 1985, recommended that both Raffe and myself be incarcerated and fined, each for more than sixty (60) counts of criminal contempt.

e. It was this conviction which was vacated in Sassower v. Sheriff (651 F. Supp. 128 [EDNY, per EDELSTEIN, J.), for reasons other than "double jeopardy", which was not adjudicated.

f. Raffe paid by check, several hundreds of thousands of dollars to FKM&F, and released other rights worth in the millions, so that he would not be incarcerated under a trialess conviction by Mr. Justice ALVIN F. KLEIN, so that the Report of DONALD DIAMOND would not be confirmed, and that he no longer be made the subject of terror by the "criminals with law degrees" and their stable of judicial whores, which definitely includes Judge Eugene H. Nickerson.

16a. In June 1985, again without a trial, Mr. Justice DAVID B. SAXE ["Saxe"], a "hard core" corrupt jurist, convicted, sentenced, and incarcerated me, and directed such conviction be forwarded to the Appellate Division, because I had moved to hold CPLR §5222[b] unconstitutional, insofar as it permits restraints of "twice" the amount of a judgment, and multiple restraints, and similar in terrorem conduct, actionable.

b. Consequently, Raffe could not, except at the risk of incarceration, seek judicial relief when two hundred (200) restraints were placed against his various accounts by virtue of the proceeding before Judge Eugene H. Nickerson.

c. I also became the subject of economic terror when my bank assets were seized pursuant to a "phantom" judgment, and still claiming such "phantom" judgment totally unsatisfied, Referee DONALD DIAMOND issued repeated Orders directing the Sheriff of Westchester County to "break-into" my residence, "seize all word processing equipment", and "inventory" my possessions.

d. When in jest, I stated that I was compelled to place my money in my "non-interest bearing mattress", I was met with an application to have the Sheriff "break into" my residence and "to tear apart" my "non-interest bearing mattress".

17a. The criminal contempt convictions, also without trials, by veteran jurist, Mr. Justice ALVIN F. KLEIN ["Klein"], was by far, the most depraved and diabolic act of all.

b. In one Order Klein convicted and sentenced Raffe, SAM POLUR, Esq. ["Polur"], and affirmant, to be incarcerated for non-summary criminal contempt, for thirty (30) days each, although there was no prima facie case against anyone of us, especially Raffe and Polur.

c. Raffe paid by check hundreds of thousands of dollars, gave up rights worth millions, including releases to Klein, Gammerman, Diamond, Corruption Incarnate, and others. In return he was never incarcerated, the confirmation motion of the Diamond Report never made, and the economic penalties halted.

In writing Raffe agreed to do whatever FKM&F desired of him, and in return he would not be incarcerated, confirmation of the Referee Diamond report made, and other penalties would remain in abeyance.

d. Polur served his term, but when he left the scene for other reasons, the disciplinary proceedings based on such conviction also held in abeyance, to assure that he did not return to the scene, against these mobsters.

e. Affirmant refused to buy any "judicial indulgences" being peddled the these "criminals with law degrees" and their stable of judicial whores, and he has been repeatedly incarcerated, and disbarred by the state courts.

18. The affirmance by the Circuit Court of Appeals, and the affirances of the Saxe and Klein convictions by the Appellate Division, First Department, also were engineered to operate in tandem, as they occurred almost simultaneously.

19a. In view of the aforementioned documented facts, the opinion of the Circuit Court of Appeals, Second Circuit, in addition to being beyond its jurisdictional power, is clearly contrived, fabricated, and patently corrupt, for it reads as follows, insofar as the contempt issue was concerned:

> "5. Because the basis of the contempt order was appellants' failure to respond to orders requiring their testimony, not the non-payment of the judgment, appellants' jurisdictional objection to the contempt order is groundless. Furthermore, we find appellants' claims that they made full payment prior to the contempt order unsupported by the record.
>
> 6. We are particularly unimpressed with appellants' excuses for their numerous defaults and their attempt to shift the burden to appellees on the basis of one late appearance by their counsel.
>
> 7 Finally, we find Judge Nickerson's contempt order appropriate under the circumstances. We have reviewed appellants' claim that criminal contempt entitles them to a hearing and find no merit to appellants' procedural objections, in view of their failure to respond adequately to Judge Nickerson's order to show cause and the statement in Mr. Sassower's affidavit dated June 6, 1985, that no appearance was necessary.
>
> 8 We have considered all of appellants' arguments and find them to be without merit."

b. Afford me an American trial or hearing, and we shall see if K&R had payment or evidence of payment to the U.S. Marshal, which indeed is, by documents, supported by the Record on Appeal.

c. Insofar as the adequacy of my response, which had to be made within a few hours of the receipt of the Order to Show Cause, a plea of the 5th Amendment is sufficient -- or so the opinions of the United States Supreme Court, and your Court state.

20a. I verily believe that not a single judicial officer -- not one -- in the Second Circuit, and all of them are being sent a copy of this letter, would be willing to testify in open court that "the accused" had the jurisdiction power to hold me and my client in criminal contempt or was appropriate under any view of the facts at bar.

b. I verily believe that none of "the accused" would be willing to testify in open court and justify their actions herein.

c. Nor do I believe any member of K&R or FKM&F, "the criminals with law degrees" would be willing to testify in open court that any of "the accused" had the jurisdictional power to impose a sentence of "criminal contempt"!

21. To say more, would be supererogatory!

Respectfully,

GEORGE SASSOWER

cc: All Federal Jurists, Second Circuit
Kreindler & Relkin, P.C.
Feltman, Karesh, Major & Farbman, Esqs.