

Petition for Review by the
Second Circuit Judicial Council
of the Non-Judicial Capacity Misconduct of
Chief U.S. Circuit Court Judge JON O. NEWMAN
Docket No. 93-8527

1a. Part "A" of my 28 U.S.C. §372[c] complaint concerned itself with the misconduct of Chief Judge Newman in defrauding the federal purse, violating the federal criminal code, compromising the ability of the Department of Justice to prosecute, him and his patrons, violating the constitutional scheme of the separation of powers, effectively increasing his own compensation; not reporting "taxable income", or paying his taxes thereon.

b. In support thereof, I set forth certain Local Rule 3g concessions, not admissions, made by Chief Judge Newman in pending litigation and further stated:

"Aside from the aforementioned concessions by Chief Judge Newman, the statutes, all cases, and the practices of the Department of Justice confirm the aforementioned [concessions] to be correct."

2a. The opinion of Acting Chief Judge Ralph K. Winter can only be read as confirming the aforementioned civil and criminal transgressions of Chief Judge Newman, which continue to date.

b. However, Judge Winter avoids expressly stating the inexorable compelled conclusion of Chief Judge Newman's transgressions, by stating that the "concessions" set forth in my complaint, which he mislabels as "admissions", were stayed in the litigation pending, a statement which does not qualify even as a half-truth, since, inter alia, there was no motion for a protective order, the so-called "stay" was actually only a request for an extension of time, on which a default had occurred.

c. Judge Winter, thus rejects the accusation, based upon such specious "stay" argument, and then avoids mentioning my other evidence which compels the conclusion of the civil and criminal misconduct of Judge Newman which, to repeat, is inexorably compelled.

3a. Judge Winter notes that the Judge Newman action was removed by the U.S. Attorney from the state to the federal tribunal, however he fails to note that since there was no complete diversity, nor a federal question presented, the federal courts did not have subject matter jurisdiction, a fact, that both Newman, the client actually knew (Town of Stratford v. City of Bridgeport, 434 F. Supp. 712 [Ct.-1977, per Newman, J.]), as

well as the U.S. Attorney.

b. The misconduct of Chief Judge Newman, as well as other federal jurists and officials, are sufficiently egregious that even the judicially bonded U.S. attorneys in this Circuit will 28 U.S.C. §2679(d) "scope" certify (28 CFR §15.3).

c. Absent, a "scope" certification and/or adjudication, the federal official, judge, employee and/or serviceman, defends himself, at his own cost and expense, and personally satisfies any judgment recovered, as Judge Winter, the author of McHugh v. University of Vermont (966 F.2d 67 [2nd Cir.-1992]), in which Chief Judge Newman was a panel member.

d. All reported cases support such conclusion in the Second Circuit (Kelley v. United States (568 F.2d 259, 264-265 n. 4 [2nd Cir.-1978] cert. denied 439 U.S. 830 [1978]; Brennan v. Fatata, 78 Misc.2d 966, 359 N.Y.S.2d 91 [Oneida Co. 1974]), and elsewhere (Wood v. United States, 995 F.2d 1122 [1st Cir. 1993]; Johnson v. Carter, 983 F.2d 1316 [4th Cir.-1993] cert pdg. U.S. [Docket No. 92-1591]; Sullivan v. Freeman, 944 F.2d 334 [7th Cir.-1991]; Tassin v. Neneman, 766 F. Supp. 974 [Kan.-1991]), and there are none to the contrary to my knowledge.

e. Indeed, no one has been able to show a single instance wherein a federal official has been defended, at federal cost and expense, in money damage tort actions, without a 28 U.S.C. §2679(d) "scope" certification and/or adjudication.

5a. The public is entitled to know that Chief Judge Newman is engaged in criminal conduct aided and abetted the U.S. Attorney's Office, and that Judge Winter is attempting to conceal such misconduct.

b. Each and every defendant, charged with similar or less egregious crimes, is also entitled to know of such judicial and prosecutorial misconduct, so that he may enter an appropriate plea and defense.

* * *

1a. Part "B" of my §372 complaint states:

" 1a. I was not a party in E.R. Sassower v. Field (973 F.2d 75 [2d Cir.-1992]), not permitted to intervene, and not even permitted to be physically present at this or any other proceedings in the Federal Courthouse in White Plains, New York.

b. Nor was I permitted to file papers to intervene in the Circuit Court, under the edict of Chief Judge Newman.

c. In short, Chief Judge Newman had no jurisdiction over me in E.R. Sassower v. Field

(supra), and as to the undersigned, Chief Judge Newman was not acting in a judicial capacity.

2a. Aside from the legalities of the matter, fundamental ethics and fairness mandate that a judge not publish derogatory or constitutional injurious statements against one who is not a litigant, and who was not afforded an opportunity to controvert any statement thereafter published.

b. In addition to being actionable, such defamatory and constitutional injurious material, reveals a manifest lack of basic ethics on the part of Chief Judge Newman."

2. Initially it must be noted that Judge Winter was a panel member in E.R. Sassower v. Field (supra) and thus disqualified from adjudicating this Chief Judge Newman complaint since, inter alia, he was simultaneously adjudicating his own misconduct.

3a. Judge Winter restates my complaint as follows:

"Complainant also asserts that the judge had no jurisdiction over complainant in these proceedings and that any statements the judge made about complainant were therefore not made in a judicial capacity." [emphasis supplied]

b. In an intentional deceptive and false conclusion, Judge Winter states:

"To the extent complainant asserts that statements in the judge's decision were defamatory, injurious or unfair, and were not made in the judge's judicial capacity, complainant is mistaken. Although not expressly stated, the judge merely took judicial notice of findings in other proceedings. Nor do the judge's statements provide evidence of unethical behavior."

c. I never asserted that Chief Judge Newman (or Judge Winter) was not acting in a judicial capacity as to the litigants involved in E.R. Sassower v. Field (supra), but he certainly had no personal jurisdiction over me in that published opinion (Martin v. Wilks, 490 U.S. 755 [1989]).

* * *

1a. Part "C" of my complaint against Chief Judge Newman was as follows:

" 1a. Chief Judge Newman is engaged in 'in office' egregious criminal racketeering activities, as will be more completely revealed in a

subsequent filing.

b. In an attempt to advance and conceal such criminal activities, Chief Judge Newman has usurped the lawful powers of his office, as will also be demonstrated in a future filing.

2a. In E.R. Sassower v. Field (supra), Chief Judge Newman stated:

"George Sassower ... whose proclivity for frivolous and vexatious litigation ..."

" b. Chief Judge Newman is here challenged to set forth, with specifics, any judicial procedure that I ever undertook since I was admitted to the bar in 1949, that was 'frivolous', and a rational motive for my initiating such 'frivolous' procedure.

c. Where Chief Judge Newman, and others, are engaged in the larceny of judicial trust assets, the diversion of monies payable 'to the federal courts' to private pockets, extortion, defrauding the federal government by federal representation, at federal cost and expense, and similar criminal racketeering activities, Chief Judge Newman and others are attempting to conceal and advance such criminal activities, by labelling my charges and documents as 'frivolous', nothing more.

3a. Neither will Chief Judge Newman, or any other federal jurist will certify or even assert that my convictions for non-summary criminal contempt, were constitutionally and jurisdictionally valid, or that my disbarment thereunder was lawful.

b. I openly challenge Chief Judge Newman to here certify that in his opinion those non-summary criminal contempt convictions did not have constitutional and jurisdictional infirmities, and that my disbarment thereunder, was lawful.

c. He will not!"

2. Here again Judge Winter was transactionally involved, since he was a panel member with Chief Judge Newman on my Circuit Court disbarment (Matter of Sassower, CCA2d Docket No. 87-8028).

3a. Even as "offenses", as Chief Judge Newman and Judge Winter know, one cannot be convicted of non-summary criminal contempt, with terms of incarceration and/or fines imposed thereon, federal or state, without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver (Crosby v. U.S., 506 U.S. , 113 S.Ct. 748 [1993]; Bloom v. Illinois, 391 U.S. 194 [1968]; Klapprott v. U.S., 335 U.S. 601 [1949]; Nye v. U.S., 313 U.S. 33 [1941]).

b. Obviously, neither Chief Judge Newman or Judge Winter can justify the recognition of same, particularly after they were escalated, ex post facto, to "serious" crimes.

c. U.S. District Court Judge JAMES H. PECK ["Peck"] was impeached for misconduct less egregious, and obviously LUKE LAWLESS, Esq. ["Lawless"] was not "the last victim" (Nye v. U.S., supra).

4. Obviously also, neither Chief Judge Newman, Judge Winter, nor anyone else can set forth, with any degree of particularity, any judicial procedure which I involved myself was "frivolous".

* * *

My complaint of "judicial" misconduct of Chief Judge Newman, will follow.

* * *

Conclusion -- Irrespective of the action of the Judicial Council, or any other body or person, there is no possible way that the criminal corruption of Chief Judge Newman and other members of this Circuit can be concealed from public disclosure.

Dated: October 5, 1993

Respectfully submitted,

GEORGE SASSOWER