SUPREME COURT OF THE UNITED STATES

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In the Matter of

D-613

GEORGE SASSOWER, Esq.

An Attorney.

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1a. I, GEORGE SASSOWER, Esq., submit this affirmation in further support of my motion for the appointment of a Master and/or Committee to take testimony in this matter on behalf of this Honorable Court.

b. Despite an unambiguous directive by Hon. VINCENT L. BRODERICK, dated April 24, 1987, U.S. Magistrate JAMES C. FRANCIS, IV, sua sponte, reserved to himself the option of disobeying said ministerially imposed judicial obligation.

c. Furthermore, also sua sponte, quashed all subpoenas that had been served on behalf of your affirmant for the hearings scheduled to commence this day.

2a. Today, May 4, 1987, marks the commencement of the eighty-fourth (84th) month since PUCCINI CLOTHES, LTD., was involuntarily dissolved, its assets and affairs becoming custodia legis, under color of law.

b. Despite multiple statutory mandates, no accounting nor statement of assets has ever been served and filed (Bus. Corp. Law §1216[a]; §1207[A][3]; 22 NYCRR §202.52[e], 202.53).

c. Notwithstanding the ministerial "duty" of the Attorney General, Hon. ROBERT ABRAMS, to compel an accounting after eighteen (18) months (Bus. Corp. Law §1216[a]), almost five (5) times that period has elapsed, and he still refuses to make such mandated application.

d. The uncontroverted documented evidence, including effective confessions, reveals the massive larceny of Puccini's judicial trust assets.

e. Judicial involvement in such criminal activity, is also clear and dramatic.

3a. The Order of April 24, 1987, in part, reads as follows:

> "Mr. Sassower appeared this morning and requested a hearing, on the grounds that he was disbarred in state court without due process. The matter is referred to Magistrate James Francis to hold such a hearing, and then to report to the undersigned."

b. From a statement made this morning by GEORGE G. GALLANTZ, Esq., is would appear that Hon. VINCENT L. BRODERICK had decided to have hearing in this matter even before April 24, 1987.

c. In the Order of Hon. VINCENT L. BRODERICK, dated April 30, 1987, His Honor further stated, in part:

> "While Mr. Sassower will have the opportunity, in the hearing before Magistrate Francis, to present the evidence which he wishes to have considered in the discipline, if any, to be imposed, it is appropriate that he be suspended in the interim from practice before this court."

4a. It is manifestly clear that whereas the Second Circuit might be the only circuit that can determine whether affirmant should be suspended therein, that Circuit is not a constitutional tribunal to adjudicate matters on which this Honorable Court should bottom its determination.

b. On Thursday, April 30, 1987, at 11:54 a.m., affirmant learned that he had been granted in forma pauperis relief.

c. On Friday, May 1, 1987, I caused to be served subpoenas and subpoenas duces tecum on a number of witnesses including Judge EUGENE H. NICKERSON, of the Eastern District of New York; Judge GERARD L. GOETTEL, of the Southern District of New York, and a number of other jurists in the Appellate Division, Second Judicial Department [the Court that disbarred me].

d. This morning, at about 9:15 a.m., I caused subpoenas to be served on Chief Judge, WILFRED FEINBERG; Circuit Judge, IRVING R. KAUFMAN, and Circuit Judge, THOMAS J. MESKILL.

e. His Honor, JAMES C. FRANCIS, IV, appeared in the Courtroom at 10:20 a.m., and it was obvious from the aforementioned, and other matters stated, that His Honor had been given his "marching orders".

f. If in this quasi-criminal proceeding, the "appearance of justice" is the constitutional standard, then it seems clear that Magistrate FRANCIS, by His Honor's rulings, has disqualified himself, particularly insofar as other courts might desire to bottom themselves on the findings of His Honor.

5a. These three (3) trial-less criminal convictions which were the basis of the state disbarment order, which I was not permitted to controvert at the disciplinary proceedings, are nullities, as a matter of law, and are "not entitled to respect in any other tribunal".

b. This Court, in Ex parte Terry (128 U.S. 289, 307) stated:

> "It is undoubtedly a general rule in all actions, whether prosecuted by private parties, or by the government, that is, in civil and criminal cases, that ' sentence of a court pronounced against a party, without hearing him, or giving him an opportunity to be heard, is not a judicial determination of his rights, and is not entitled to respect in any other tribunal' Windsor v. McVeigh, 93 U.S. 274, 277".

c. This Circuit reiterated the same sentiments in United States v. Lumumba (741 F.2d 12, 15-16 [2d Cir.]).

d. Any examination of such three (3) trial-less convictions reveals, that had I been given the ministerially mandated hearing, my adversaries simply could not set forth a prima facie case.

6a. Conclusive proof of the constitutional infirmities of said convictions was spelled out in Sassower v. Sheriff (651 F. Supp. 128).

b. The Referee, in state disciplinary proceedings recommended that I be disbarred based on such fourth conviction as well, but when same was vacated, under a federal writ of habeas corpus, only such conviction was eliminated in the disbarment determination, although, to repeat, the other convictions suffered from the exact same infirmities.

7a. This trial-less criminal convictions were obtained after my adversaries, "the criminals with law degrees", could not obtain convictions, the old fashioned "due process" way.

b. Such convictions were employed to extort and blackmail, as I have heretofore shown in prior affirmations.

c. Such trial-less convictions were part of a general scenario to disbar me in order to conceal their own criminal conduct.

d. If the courts prevent me from proving my case at a hearing, I will prove my case in other forums, including the media.

e. I will obey the law's mandate (Disciplinary Rule 1-103). I will have no part of, and indeed expose, judicial corruption, no matter what the personal cost may be.

f. I believe in "judicial independence" and will not tolerate "marching orders" to members of the judiciary, no matter how subtle the suggestions may be.

g. In my view, the judicial robe is not an emolument of office to "fix" cases.

8a. Affirmant contends he was an honest person, then both an honest person and an honest attorney.

b. I have, and do, accept all the in terrorem actions that have been imposed upon me, including repeated incarceration, pursuant to trial-less convictions, disbarment and poverty, with honor.

c. My honesty, integrity, and obedience to oath of office, albeit disbarred, is simply non-negotiable.

d. If the courts, state and federal, nisi prius and appellate, wish to involve themselves in corruption, such misconduct does will not influence my charted course.

9a. A copy of this affirmation is being served upon everyone named herein, including KREINDLER & RELKIN, P.C. and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs., "the criminals with law degrees"; the Attorney General of the United States, Hon. EDWIN MEESE, III; Hon. WILLIAM H. WEBSTER, Director of the Federal Bureau of Investigation; and others.

b. My right to "everyone's testimony", is not dependent on the grace of any judicial officer, but lies under the mandate of the VI Amendment to the Constitution of the United States.

c. In United States v. Bryan (339 U.S. 323), this Court wrote (at p. 331):

> "[P]ersons summoned as witness by competent authority have certain minimum duties and obligations which are necessary concessions to the public interest in the orderly operation of legislative and judicial machinery. A subpoena has never been treated as an invitation to a game of hare and hounds, in which must testify only if cornered at the end of the chase. If that were the case, then, indeed, the great power of testimonial compulsion, so necessary to the effective functioning of courts and legislature, would be a nullity. We have often iterated the importance of this public duty, which every person within the jurisdiction of the Government is bound to perform when properly summoned (cases cited). .... Dean Wignore stated the proposition thus: 'For more than three centuries it has now been recognized as a fundamental maxim that the public (in the words sanctioned by Lord Harwicke) has a right to every man's evidence. When we come to examine the various claims of exemption, we start with the primary assumption that there is a general duty to give what testimony one is capable of giving , and that any exemptions which may exist are distinctly exceptional, being so many derogations from a positive general rule.' " .

d. Those, robed or unrobed, who conspire with those engaged in a criminal misadventure to deprive me or anyone else of their fundamental rights simply have no testimonial immunity (Dennis v. Sparks, 449 U.S. 24).

10. I affirm the foregoing to be true, under penalty of perjury.

Dated: May 4, 1987

GEORGE SASSOWER