

GEORGE SASSOWER

ATTORNEY AT LAW

~~2125 MILL AVENUE~~
~~BROOKLYN, N.Y. 11234~~

51 Davis Avenue,
White Plains, N.Y. 10605

~~212-443-0400~~
914-949-2169

January 22, 1986

Hon. Michael Potoker
67-64 Groton Street,
Forest Hills, New York, 11375

Honorable Sir:

1a. I hereby confirm the conference scheduled with Your Honor by Mr. Straus, at the Offices of the Grievance Committee, for January 30, 1986, at 2:00 p.m.

b. Since the proceedings will be public (Matter of Capoccia, 59 N.Y.2d 549, 466 N.Y.S.2d 268), I assume that all subsequent proceedings and conferences will take place in a courthouse.

c. I have no objection if such proceedings take place in the Courthouse in Brooklyn, Queens, New York, or Westchester. If Your Honor finds Queens the most convenient, that would be acceptable.

d. Nevertheless, I believe that some sessions should be held in Manhattan to meet the convenience of a number of judicial witnesses that will be called.

2a. I believe it would serve a salutary, for the purposes of the above conference, and the proceedings thereafter, that I now set forth some random views, thoughts, preferences, statements, and desires.

b. Your Honor must understand that because, inter alia, the publicity given to this matter, I must chart a course which might otherwise seem unorthodox, if not aberrational.

c. A recommendation by Your Honor to the Appellate Division, that the charges have not been proved, is simply not sufficient, because, inter alia, of such publicity.

d. I need dramatic confessions from my accusers, as well as unqualified statements from Mr. Straus and Your Honor, as part of the report!

3a. I intend to prove three interrelated matters, to wit., (1) my own complete innocence; (2) that the judiciary in Manhattan is nothing less than a cesspool of corruption in the litigation involved; and (3) that Robert H. Straus, Esq. has not performed his prosecutorial obligation ethically (see Berger v. United States, 295 U.S. 78), thus far.

b. It is because of item #2, that I requested the appointment of a referee "who is not now, nor has ever been associated with the judiciary or the active practice of law."

c. I have gone through this type of proceeding before, and I recognize the problem faced by Hon. ALOYSIUS J. MELIA on the matter, when His Honor heard the nature of the evidence and was compelled to state that his colleagues and members of the Appellate Division were unquestionably wrong.

Indeed, I shall never forget His Honor's opening words, as he showed me his oath of office. They were:

"I have read the petition and you must be punished. But I owe it to myself to afford you a fair hearing!"

I was so impressed with His Honor's honesty and sincerity, that immediately upon leaving the courtroom I told the attorneys for the Grievance Committee attorneys that "I had won". They both said I was "crazy", for it was the easiest contested case they ever had, and their record was 100% on convictions!

4. Your Honor, I have actively practiced law for 35 years, and at one time could say I had appeared before almost every judge in every court in the New York City area. Some of the judges that I intend to call, and probably embarrass, are people that I went to law school with, employed, and/or loved and respected for very many years!

Nevertheless, I approach the subject with the same attitude that Abraham faced when he was called upon the sacrifice his only son. I, as a soldier will do what has to be done to cleanse the "temple of justice", no more and certainly, no less!

5a. Judge Melia's task was eased considerably by the Grievance Committee attorneys, who although convinced of my guilt at the start, were professional enough, when they recognized the nature of their evidence, to denounce their complainants and their own witnesses, in no uncertain terms.

b. Thus, if I can convince and compel Mr. Straus to change his ways, which I believe are improper, the proceedings will be considerably shortened and needless hurt avoided to certain members of the judiciary with whom I share a great deal of fondness!

6a. I contend that Mr. Straus should flatly state to Your Honor, that as a matter of federal constitutional ministerial compulsion, no American court can convict, sentence, and incarcerate anyone, for non-summary criminal contempt, without a trial, absent a plea of guilty (Bloom v. Illinois, 391 U.S. 194). Thus, the three convictions, without a trial, were and are unconstitutional, as a matter of law.

b. I contend that Mr. Straus has a Brady v. Maryland (373 U.S. 83) and United States v. Agurs (427 U.S. 97) obligations to immediately advise Your Honor the results of the within served document, and a substantially similar document served on the members of the Appellate Division, First Department, and if such demands were not answered, Mr. Straus has the affirmative obligation to make inquiry of those jurists who were served!

c. I contend that Mr. Straus has an affirmative obligation to advise His Honor that there is no case, no authority, no nothing, to support these criminal contempt convictions and to give Your Honor an honest rational explanation for same, which he can obtain privately from the Appellate Division, First Department jurists!

These convictions are sham and contrived, which I can prove, without any question. They were rendered to extort and blackmail with knowledge that no contempt could be proved on trial, since none was committed.

d. Instead, Mr. Straus, knowing that he cannot prove criminal contempt, intends, as I understand it, to introduce such unconstitutional, invalid convictions and rest, without affording any explanation to Your Honor!

Mr. Straus intends to follow such course although Mr. Straus knows that the Appellate Division, Second Department, has already sub silentio rejected the conclusiveness of such convictions.

e. I believe that I am entitled to have a "confession" from each and every involved member of the Appellate Division, First Department that they know these convictions are invalid!

I believe that I am entitled to have a "statement" from Mr. Straus that he knows of no case nor authority to support such convictions!

I believe that I am entitled to prove that Mr. Justice Alvin F. Klein, in rendering these convictions, is nothing less than a barbarian wearing a robe!

I believe that I am entitled to prove that Mr. Justice David B. Saxe is corrupt!

I believe that I am entitled to prove that Referee Donald Diamond is nothing less than a "judicial whore", who inter alia, blackmails and extorts!

I believe that I am entitled to prove that the firms of Feltman, Karesh & Major, Esqs. and Kreindler & Relkin, P.C. are involved in base criminal conduct!

In short -- I contend that I am being victimized because I can prove the aforementioned!

Mr. Straus knows that I have the evidence, as does everyone else!

7a. Thus, it is I, the quasi-criminal respondent, who will be called upon to subpoena judges, who I have known for years, and have them confess in open court the corrupt reasons that caused them to disobey their oath of office by affirming such egregious convictions.

b. Obviously, even if Your Honor were absolutely convinced such convictions to be constitutionally invalid, as Your Honor should be, can I, without more, expect Your Honor to state that the Appellate Division was legally wrong, or did not know what they were doing, or something of that nature, without having members of that appellate court confess that fact?

c. Obviously, even if Your Honor were absolutely convinced of the invalidity of these convictions, Your Honor's power is limited to "reporting" not "determining".

8a. Mr. Straus has in his possession or readily available to him, the uncontroverted evidence of massive larceny of judicial trust assets, perjury, betrayal of trust and clients, and corruption, official and judicial which I exposed, nevertheless, he has failed and refused to report same to the proper authorities (Disciplinary Rule 1-103).

b. Thus, as I can prove, I am being made a scapegoat, because "criminals with law degrees" have powerful official and judicial "friends".

c. Thus, I will expect that Mr. Straus, as well as Your Honor, to obey the professional mandate, and report these "criminals with law degrees" to the proper authorities when the evidence is submitted to confirm such fact, particularly since I have been restrained from communicating with the proper authorities by a corruptly secured nisi prius order!

d. Obviously, if Mr. Straus desires to prove that I disobeyed any valid order in any way, de novo, I have no objection! Certainly, he cannot prove that I "obstructed the administration of justice" as he alleges.

9a. I have advised Mr. Straus that he need not certify any documents, that on non-essential documents, where possible, I will concede that if the person called he would testify as set forth in the document.

b. As to important witnesses or testimony, judicial or otherwise, I will want live testimony, with the right to cross-examine. To repeat, I need clear confessions, nothing less!

10a. I expect Mr. Straus to scrupulously afford me each and every criminal and quasi-criminal constitutional, statutory, and professional right!

b. If Mr. Straus performs as I expect he should perform, he, not I, will be the real victor!

11a. Your Honor, I know my law, I know my profession, and I know how to try a case!

b. Win or lose, you can expect nothing less than a professional trial from me.

Jan. 22, 1986

c. One further observation. In a non-jury case, I almost invariably follow the desires of the trial judge, without belaboring a point.

d. Ordinarily, I would follow the same procedure before Your Honor, except that in the final analysis, I have to convince not only Your Honor, but also the Appellate Division.

e. Therefore, I hope Your Honor understands that I must make eminently clear "on the record", what might be already eminently clear to Your Honor.

Thus, where one witness might ordinarily suffice, I want Your Honor to bear with me as I call three!

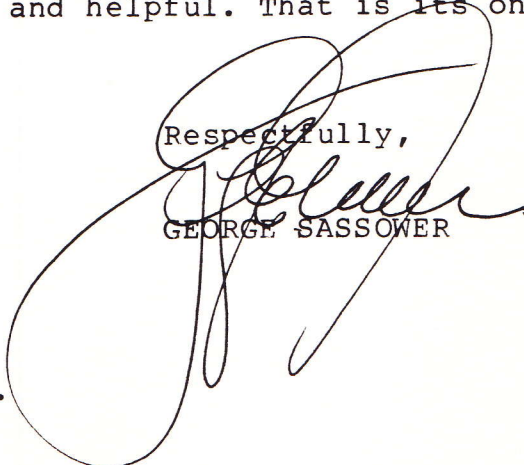
12a. With the permission of Mr. Straus, I will be ready at the conference to give Your Honor copies of the Briefs to the Appellate Division with respect to the convictions of Mr. Justice Alvin F. Klein and Mr. Justice David B. Saxe, and will assure you that Your Honor will be shocked, outraged, and numb!

b. I assure Your Honor will find it hard to believe what Your Honor reads!

c. I never tell a court or jury when I open, more than I can prove and I can assure Your Honor that I have not done so here.

13. I hope that Your Honor finds this communication, both proper and helpful. That is its only purpose.

Respectfully,



GEORGE SASSOWER

GS/h

cc: Robert H. Straus, Esq.