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Honorable Mario M. Cuomo
Governor of the State of New York
The Capitol
Albany, New York, 12224

Honorable Governor,

1a. I wish to draw your attention to high level misconduct in the state's executive branch, as well as related judicial misconduct of a criminal nature, wherein the normal corrective measures are unavailable, and which appropriately permits, if not mandates, your official intervention.

b. I am reasonably certain that if some of the events described herein were to occur in some other state or country- your voice, commendable so- with its usual eloquence, would be among those protesting.

c. I suggest that state convictions, sentences, and incarcerations, without benefit of a trial and other fundamental constitutional rights, legally triggers. if not mandates. responsible gubernatorial action!

d. Fundamental constitutional rights, including those federally imposed. should not be blithely disregarded simply because an attorney will not abandon his client's interest- and conceal official and judicial misconduct!

2a. By statute (e.g. Business Corporation Law §1214), the Attorney General has a legally cognizable obligation towards involuntarily dissolved corporations. which in the New York City area, is the assigned bailiwick of Senior Assistant Attorney General David S. Cook, Esq., in his essentially one-man unit.

b. When documented evidence surfaced of the larceny of judicially entrusted assets of Puccini Clothes, Ltd., which was involuntarily dissolved on June 4, 1980, I communicated with the Attorney General, as was and is my constitutional right to "petition the government, or any department thereof" (Article 1 §9), and it was Mr. Cook who responded.

c. Then and thereafter, I confided and gave Mr. Cook extensive information, real and then only suspected, concerning the larceny of Puccini's judicially entrusted assets, the perjury in attempting to conceal same, and the associated corruption, judicial and otherwise.

d. Subsequently, when actions and proceedings were undertaken on behalf of Puccini, and those legally interested in its affairs, against the involved judicial members, Mr. Cook, of the very many available Assistant Attorney Generals, was exclusively commandeered and assigned to represent each and every one of those judicial members, rather than employing the usual rotating basis.

e. Thus, Mr. Cook, now and for some time past, represents those actively aiding and abetting those who clearly were criminally responsible for the extensive larceny of Puccini's assets, and simultaneously, by statutory command, Puccini, the victim!

In every instance, the interests of those accused of criminal conduct, or aiding and abetting same, has been preferred to that of the victim, Puccini, the judicial trust!

f. For example, although several times the mandated period for an accounting for the judicial trust has expired, compelling a petition by the Attorney General, it is now more than 5 years since Puccini was involuntarily dissolved, and still no action has been taken by the Attorney General to compel any accounting, final or intermediate.

Indeed, the Attorney General's Office does not even support any application for an accounting when it is made by others, on behalf of Puccini!

g. Although most of Puccini's financial books and records which existed after June 4, 1980 have been destroyed or secreted, and despite the lack of any accounting. through my efforts, Mr. Cook has in his possession the documented evidence that more than \$4,000,000 was disbursed from Puccini's bank assets since they became custodia legis; Mr. Cook has the records which reveal the total disappearance of all furniture, fixtures and other chattels; the evaporation of non-deposited cash; and the uncollected accounts. and other receivables.

Puccini's inventory was completely disposed of within seven months after the decree of dissolution, and with the efforts of twelve employees, the total gross receipts are supposedly \$512!

3a. The extent that Mr. Cook's judicial clients have employed the confidential information that I imparted to him, can be immediately recognized by the fact that recently, without a trial or other fundamental rights, I and another attorney. were convicted and incarcerated for non-summary criminal contempt.

I will not even attempt to estimate the number of times, as an incarcerated prisoner, I was compelled to listen in the cell block to "Born in the U.S.A."!

b. One need not be an attorney nor versed in the law to know that every american judge and every american judicial tribunal, must as a matter of federally imposed ministerial compulsion. for any crime, afford every person a trial before conviction and incarceration, absent a plea of guilty (Amendment VI, XIV of the Constitution of the United States), including for non-summary criminal contempt (Bloom v. Illinois, 391 U.S. 194).

The constitution of this state, as well as statutory mandate, ministerially compels a similar procedure, prior to conviction and incarceration.

c. Such conduct by members of the judiciary, the clients of Mr. Cook, constitutes a criminal violation of my state and federal civil rights, for which there is no immunity, judicial, official, or otherwise!

d. May I remind, Your Honor, that even at the heyday of Klu Klux Klan power, it was their general practice to give their untried victims a "drumhead trial".

I reject the usurpation of power by the robed priests of the temples of justice in this state, who believe that when judicial and official corruption is involved, they may dispense with even a "drumhead trial"!

e. I have stated repeatedly, that I have neither the power nor authority to excuse, condone, or compound criminal conduct, nor do I intend to do so!

I have repeatedly refused in the Appellate Division, at nisi prius, and elsewhere to negotiate or give a quid pro quo for my fundamental right to a trial, for habeas corpus relief, or other fundamental rights! To the charge that I am unreasonable, uncompromising, adamant, and impossible, I admit same totally and unabashedly in the situation at bar!

Consequently, aided and abetted by the Office of the Attorney General, further criminal proceedings have been instituted against me, with every indication that I will not be given a trial or any of the other fundamental constitutional rights prior to conviction and incarceration!

3a. As Your Honor is undoubtedly aware, the federal requirement of "exhaustion" of state remedies, makes federal habeas corpus relief unavailable to a short term prisoner.

b. In any event, there seems to be no legitimate state reason why anyone should be compelled to resort to the federal forum for fundamental constitutional relief, unless the state judicial system is in a bonded situation!

c. I respectfully submit that such bonded judicial system does exist in this situation. The judiciary is exclusively concerned with protecting its own clan, actively aided and abetted by the Attorney General's Office!

d. Indeed, a member of the nisi prius judiciary has enjoined me from communicating with the Grievance Committee or any professional disciplinary organization, although I have uncontrovertible documentary evidence of massive larceny of judicially entrusted assets, perjury, and corruption, judicial and otherwise, and despite my professional obligation to disclose (Disciplinary Rule 1-103)!

I am also enjoined, at the pains of incarceration, from requesting or suggesting that you, under your attorney's obligation, or anyone else, so communicate!

e. A substantial amount of such documented evidence was turned over to Mr. Cook, and is in the possession of his office for almost two years!

4a. Mr. Governor, the biblical right to face one's accuser (The Acts of the Apostles, 25/16), and other procedural rights, exist for the "saint, as well as the sinner", the "guilty, as well as the guiltless", and therefore I believe it inappropriate to insist upon my own innocence at this time.

b. Nevertheless, Sam Polur, Esq., was also convicted, sentenced to 30 days incarceration, and indeed served his full term, based solely on an uncorroborated affidavit that he served a summons on one Donald F. Schneider, Esq.

Mr. Schneider's accusatory affidavit was not corroborated by his colleague, nor by Mr. Cook, they being present at the supposed event, as was I.

Notwithstanding my statement in open court that such accusatory affidavit was perjurious, which was not denied by Mr. Schneider, nor his colleague, nor by Mr. Cook (cf. United States v. Agurs, 427 U.S. 97; Brady v. Maryland, 373 U.S. 83), Mr. Polur was compelled to complete his full term of incarceration!

I am prepared to demonstrate that the purpose for "jailing the lawyers" was to extort a civil remedy with the client!

5a. Mr. Governor, neither you nor any other governor should ever permit a person in this State to be convicted, sentenced, and incarcerated for a crime without benefit of a trial, absent a voluntary plea of guilty, no matter what his alleged crime, no matter how devastating the evidence!

At bar, there was no crime, there was no evidence of any crime, it is only sham pretext to extort silence and a civil settlement!

b. In the two newly instituted criminal contempt proceedings presently pending, despite the fact that nothing in them sets forth a crime or violation of any order, valid or otherwise, I entertained little doubt that I will again be "honored" by further incarcerations, without a trial!

b. Speaking for myself, although I am certain that Mr. Polur is similarly disposed, we want and will not accept anything less than "an american trial", or, if I may, "a New York State trial"!

If the state judiciary and your Attorney General do not believe we, or anyone else, are entitled to such fundamental rights, then I suggest Mr. Governor that at least you should be made aware of their views!

c. I wish to make it eminently clear that I intend to publicize the aforementioned outrages, including the conduct of the Attorney General's Office, along with the extensive documents in my possession, to the media, the appropriate members of the legislature, the bar associations, and civic associations, with expedition!

6. Mr. Governor would you believe that despite the numerous pronouncements on the subject by the Supreme Court of the United States, in addition to statutory mandate, that at 60 Center Street, New York, for almost one and one-half years they have been holding judicial proceedings in "non-public courtrooms", where even interested parties and the accused are excluded!

My "out of courtroom" protests results in contempt recommendations, without any trial, and my "in court", most respectfully asserted objections, results in having me escorted "out of the entire court building".

d. Mr. Governor, I am so totally incensed at the way the best and finest jurists are being "compelled" to stand fast behind their errant colleagues!

e. My evidence of official and judicial misconduct, some of it of criminal nature, must be provided with a effective state investigatory forum which is beyond political or official influence!

7a. Mr. Governor, when after thirty-five years of the continuous practice of law, an attorney cannot tell his client, with absolute assurance, that the judiciary cannot convict, sentence, and incarcerate anyone, without a trial, the situation calls for dramatic intervention!

b. There was nothing wrong with our law professors at St. John's, but with the judges, appointed and elected, who demand obedience as a pretext. while they disobey basic constitutional and civilized values!

c. While Dean Robert B. McKay was not my professor or teacher, I have had great admiration, as I am sure you have, with his efforts in the administration of the law.

I, therefore, am sending Dean McKay a copy of this letter for his personal information, not as President of the Association of the Bar.

Sept. 22, 1985

8a. In every respect I will cooperate with members of your staff in any reasonable request, although everything here stated is in the possession and can be confirmed by the Attorney General's Office.

b. To expedite matters, I am simultaneously mailing a copy of this letter to the Attorney General and Mr. Cook, so that they may advise you of the situation, and add whatever comments they believe appropriate.

Respectively,



GEORGE SASSOWER

GS/h

cc: Hon. Robert Abrams, Albany, N.Y.
Hon. Robert Abrams, New York, N.Y.
Hon. Robert Abrams
Att. David S. Cook, Esq.
Dean Robert B. McKay
Sam Polur, Esq.
Mr. Hyman Raffé