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VOL. XXXIII No. 23 • THE WEEKLY NEWSPAPER OF NEW YORK • JUNE 6, 1989 • \$1.00

GEORGE SASSOWER

The Man Who Sued Too Much



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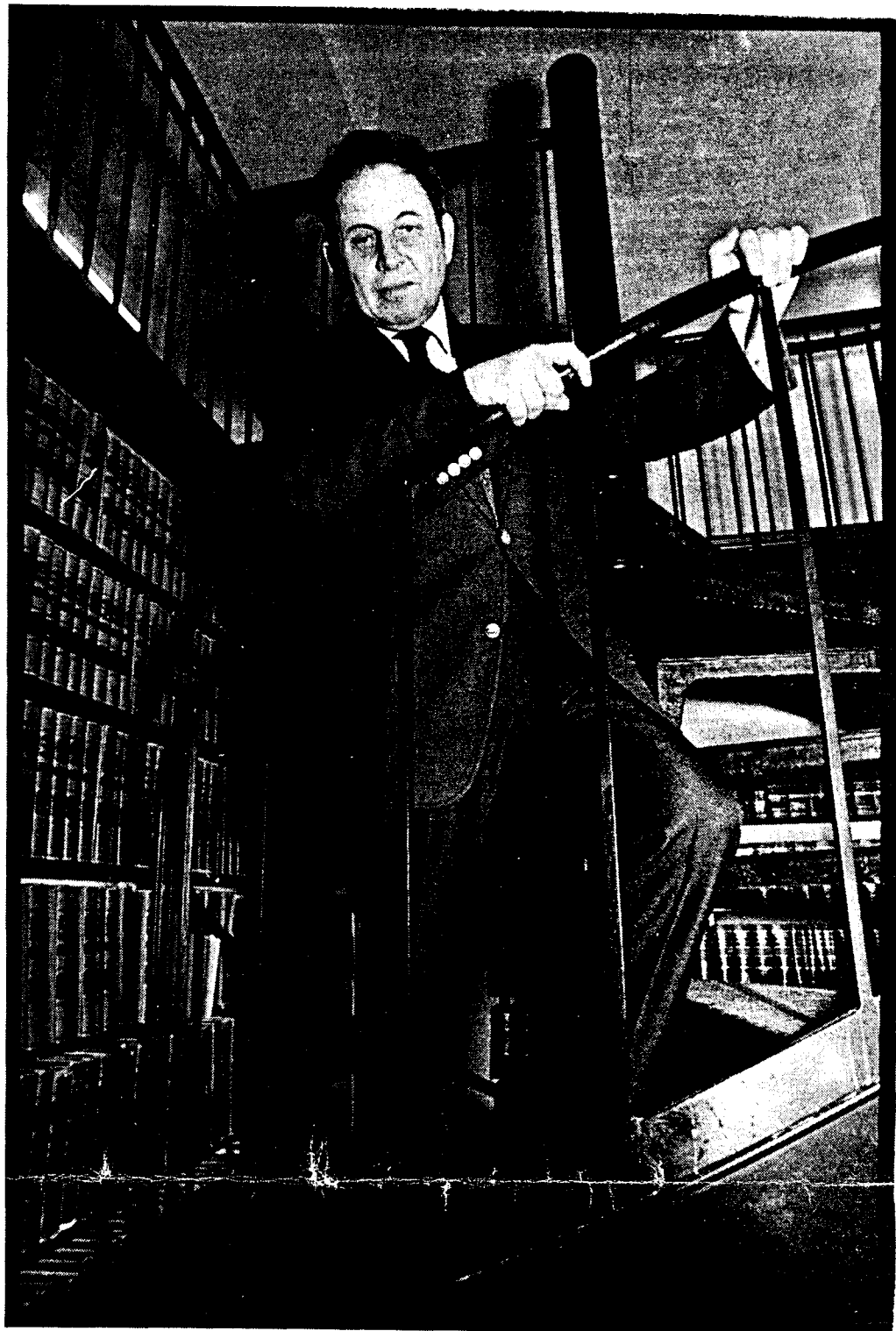
AN EXCLUSIVE EXCERPT (P.20)

EX-D-1

To the Gulag

Courthouse Leper
George Sassower
Takes On Every
Judge in Town

BY JONATHAN FERZIGER



The man who sued too much: disbarred lawyer George Sassower

THE FEDS have finally busted George Sassower, the bane of New York's judiciary. After scouring virtually all the SROs on the Upper West Side, a half dozen U.S. marshals on a bright Thursday in May chased through nine stories of the Newton Hotel on Broadway and 94th Street and discovered the half-blind, 65-year-old ex-lawyer in a sixth-floor bathroom, waiting calmly, smoking a pipe. They put him in handcuffs, held him in jail overnight, and made him stand through an arraignment that went all day in fits and starts before U.S. magistrate Nina Gershon.

Though Sassower argued that the warrant for his arrest on contempt of court charges was filled with errors and that he was under a doctor's care after having undergone a delicate eye operation two weeks before, Gershon didn't flinch—even when he offered every penny he had left (about \$260) as bail. She sent him to Metropolitan Correctional Center to await trial in *United States of America v. George Sassower*. It was the eighth time Sassower has been incarcerated by a succession of state and federal judges who have done all they can just to make him shut up.

Some call Sassower a "legal terrorist." In its latest issue *Spy* magazine describes him as one of New York's most litigious citizens, up there with Donald Trump, Harry Helmsley, and Governor Mario Cuomo. Other people familiar with his 38-year career as a lawyer say he has a razor-sharp intellect, an insider's knowledge of the court system, and an obsession with exposing judicial corruption. The state's chief judge, Sol Wachtler, Attorney General Robert Abrams, and assembly judicia-

ry committee chairman G. Oliver Koppell take him seriously enough that they have personally reviewed his case.

What has Sassower done to bring the full weight of the judicial system down upon him? The disbarred lawyer has repeatedly violated orders forbidding him to file legal papers before any New York—or federal—court. "Sassower's protracted, repeated, and flagrant contumacy," as U.S. Magistrate Allyne Ross puts it, "virtually compels action to vindicate the authority of two federal courts." In other words, he won't shut up—not even after two sheriff's deputies broke into his apartment last year and seized his word processing equipment.

Sassower has been accusing judges of corruption for years, but few have paid any attention to his charges that the patronage system has gotten out of hand and turned into a criminal enterprise. "This is the favor bank. This is the payoff. This is money, money, money," Sassower says, sounding like a voice crying out in the wilderness.

Though dismissed by some as a fruitcake, Sassower has raised important questions about the integrity of New York's judicial system, particularly the way judges award lucrative guardianships and legal fees to politically connected law firms.

Prominent lawyers are appointed every day by the court to watch over monetary disputes involving the estates of dead or incompetent people. Such appointments are a key element of the judicial patronage system. They help to pay off political favors and take care of retired judges, politicians, and court cronies. (An example is John Zaccaro's appointment as con-

servator over the escrow account for an elderly woman in the early '80s, which contributed to the political problems of his wife, Geraldine Ferraro.)

THE ROOT OF Sassower's predicament can be found in what he calls a judicial *Fortune Cookie*, the 1966 movie about a photographer faking an injury in order to sue CBS Sports. Neither Walter Matthau nor Jack Lemmon had anything to do with Puccini Clothes Ltd., but when you crack the case open, it tells a story of pure greed.

Puccini was a downscale men's apparel firm, headquartered in a Flatbush Avenue warehouse, that was created over a gin rummy game in the late 1970s. The game was a regular event for Sassower's rich client, Hyman Raffe, Raffe's even wealthier pal, Milton Kaufman, and two small-time Long Island businessmen, Eugene Dann and Robert Sorrentino (then living in Seoul). Together they planned to make a little money selling cheap suits imported from Korea.

But when Kaufman died in 1979 the surviving three partners and Citibank (executor of Kaufman's will) started a tug-of-war, turning the company's assets into what Sassower calls an inviting cookie jar ripe for plunder.

Puccini was about the last thing Citibank cared about until the rest of Kaufman's millions were distributed. But when, according to court papers, the bank suspected that Dann, Sorrentino, and Raffe were interested in carving up what was left of the company, Citibank took action. Through its lawyers, Kreindler & Relkin, the bank sought involuntary dissolution. CONTINUED ON PAGE 12

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tion of Puccini, which was granted by state Supreme Court on June 4, 1980. The company's assets were placed in the hands of a court-appointed guardian who, through a wicked twist of fate, turned out to be former Mayor John V. Lindsay.

Actually, judges like to pick prominent lawyers and former pols to watch over estate matters because they have their reputations at stake and are considered less likely to raid the till. But just to protect unsuspecting legal customers, the state has set up a "client's security fund" which has paid out \$7.3 million since it was established in 1982. The fund's administrators say thefts from escrow accounts amounted to \$2.6 million in 1988 alone.

A *Daily News* survey found dozens of court-appointed guardianships awarded to influential politicians and judges in 1987 and 1988, including at least five assigned to former Bronx Surrogate Bertram Gelfand, who was removed from office because of a sex scandal. Gelfand, while still on the bench, gave a combined \$10,000 in appointments to Bronx Democratic Chairman/Assemblyman George Friedman, Democratic district leader Gerald Esposito and Herbert Evans, a former state chief administrative judge. Lawyers like doing the estate work because it usually involves little work and pays sizable commissions.

But when Lindsay saw Puccini would be no ordinary cakewalk, he went to some lengths to unload the case, and was dismissed nearly a year later by the court.

"Lindsay says, 'What's all this controversy? I don't want any part of it,'" recalled Donald Relkin, who represents Citibank in the dispute.

In early 1982, Puccini's assets of roughly half a million dollars were brought together in a single bank certificate of deposit while a new receiver, Lee Feltman, tried to sort out the mess. But by October 26, 1988, after the CD account had blossomed (with interest) to \$756,155, not one penny of the money had been paid to any of the three surviving partners.

Instead, Feltman's firm, Feltman Karesh Major & Farbman billed and collected \$687,080 in fees, although no court record exists approving distribution of the fees to the law firm until September 1988—at which point the Puccini account was empty.

Sassower saw this case as an exemplary demonstration of corruption in action. In what amounts to a page out of Dickens's *Bleak House*, he has filed more than 300 motions designed, according to Sassower, to expose the way judges close ranks to protect one another—and he is not afraid to call any sitting judge corrupt to his face.

The case is complicated and, in fact, rather than accept Sassower's version, the court-appointed referee, Donald Diamond, sided with Citibank, ruling that Sassower's litigation was a "tool of economic duress" calculated to wear down the opposition.

Sassower was found guilty of 63 counts of contempt of court. When he refused to pay the fines, Sassower was put in jail—seven times. The Appellate Division affirmed the jail sentences. It is exceedingly unusual for a lawyer to be put in jail on such charges, but at least two dozen judges have reviewed the case and approved of Sassower's treatment.

Raffe, who wants nothing more to do with his former lawyer, was also faced with 71 counts of criminal contempt. By signing three extraordinary agreements in 1985, however, Raffe agreed to foot all legal costs incurred by Feltman's firm and Citibank's lawyers, Kreindler & Relkin, for defending against Sassower. In exchange, the court agreed to let him go free.

The tab so far has come to more than \$2.5 million, paid to both the Feltman and Kreindler firms. Raffe continues to pay with checks from his A.R. Fuel Co. business.

"That's outrageous. It's unbelievable. It's disturbing. But I'm not sure it's illegal," said Attorney General Abrams when he saw copies of the checks. Abrams is the statutory watchdog over court-appointed receivers like Feltman.

THE JUDGE Sassower is particularly bitter about is Francis T. Murphy, presiding justice over the appellate division of state Supreme Court in Manhattan and the Bronx. Murphy has some headaches of his own (*Voice*, May 9). Now under state investigation for alleged abuses of power in connection with disciplinary proceedings against half a dozen other lawyers, including Andrew Cuomo, C. Vernon Mason, and Joel Steinberg, the 62-year-old Murphy wants nothing more to do with Sassower. He refuses to discuss the case, calling the charges "scurrilous." Several other judges and lawyers have said they doubt Murphy would have wasted his time directing attention at Sassower.

While Sassower is owed some \$45,000 in legal fees from the Puccini account dating back 10 years, it's not money Sassower is concerned about. If it were, he would not have turned down a half-million-dollar settlement to drop his legal attack. Sassower is a zealot.

"How can 10,000 lawyers and judges be wrong and this one lunatic be right?" demands Donald Relkin, whose law firm billed and collected at least \$2 million from Puccini and the Kaufman estate. The question begs for a good answer.

At presstime, Sassower was being held at a federal detention center a block away from City Hall while his family filed a *habeas corpus* motion in an effort to get him released, if only on bail. He was placed in solitary confinement for several days. When Sassower told authorities about his history of heart trouble and asked for a cellmate, so someone could call a guard in case of an overnight seizure, the request was granted graciously.

In his new cell Sassower introduced himself to the guy sitting on the other bed. "What are you in for?" Sassower politely inquired.

"Murder," the other man replied.

Sassower told the guard he wouldn't mind going back to solitary.

Last Thursday, after asking to see Sassower, I was told by public information officer Alan Stiefel to write a letter, that the inmate would be consulted, and the request would most probably be granted.

After complying with the rules on Friday, I was kept waiting for one hour and then told prison authorities were too busy to deal with the request until after the Memorial Day holiday. Asked whether I could simply talk to Sassower during normal visiting hours, without a tape recorder or notebook, Stiefel said no. Gregory Bogdan, chief of public information at the federal Bureau of Prisons in Washington, D.C., refused to step in.

Meanwhile, Sassower lingers in jail, a prisoner of the courts and the judges who rule them. Last week, U.S. District Judge Nicholas Politan ordered that he be sent for a month to a federal psychiatric facility in Maryland or Missouri for observation. "Sounds like the gulag for daddy," Sassower's daughter Elena said.

"I don't know whether he's crazy or not," said Assemblyman Koppell. "But sometimes crazy people are right." ■