

Charlatans in Courtrooms

All week long, we saw judges climbing into a second-story window in order to steal anything of value from the local Democracy.

In two matters, free speech during a transit bargaining, and a change in venue of the case of the frightful shooting of Amadou Diallo in the Bronx. Judges turned this city into Hayneville, Ala., when they moved the case to Albany.

Judgeships are the only reason they have political parties in New York. Nobody goes into a party out of belief. Nor is there a party machine. There are only these little lawyers, most of them dreadful failures, who sit over drug stores and in storefronts and work in elections of judges and beg and pay political leaders for the chance to be judges themselves.



Jimmy Breslin

Commitments filled, the leader puts them on a ballot and they run unopposed. That's how we get New York judges. The public doesn't have a thing to do with it.

All we can do is see these miserable little rodents go through the upstairs window to steal and plunder our rights.

First, there was Pesce in Brooklyn, who sat in his house and signed an order for Giuliani, who is a little man looking for a balcony. Here, Pesce almost put him on one: an order saying that if a transit worker even utters the word "strike" he can be fined \$25,000 a day, running up like the tables of compound interest until it is a true fortune.

Then the city's lawyer, Hess, who passed the Cologne Bar Exam, had cops roaming through the crowds waiting to pounce on the first man to use free speech and utter the word "strike."

Pesce had a neighbor, Mangano, of the appellate division in Brooklyn, uphold the restraining order.

Never before in the history of this city have people been threatened with arrest and fines that would put them into penury if any word was uttered that the government did not like.

The transit workers, like dogs on a leash, obeyed. If this is the best they can do, why bother to live? Where were the other unions? Why did people sit home and do nothing while their liberty was being maimed? If the city was too weak, then somebody should have appealed to Hoffa of the Teamsters to give protection to working people.

The Pesce order was a fake and a fraud. The ruling wouldn't last five minutes in a federal court. Therefore, who are these cheap municipal employees, a mayor, judge and city lawyer, to be threatening citizens for using free speech? Where do they get that from, violating the Constitution and Declaration of Independence?

There must be penalties against these charlatans, beginning with judicial misconduct hearings and disbarment proceedings.

They knew that this attempt to restrain free speech with an injunction was settled in a case involving my friend, Richard Oliver, and a defendant, Carmine Persico Jr. of Brooklyn. In Oliver's newspaper they referred to Persico as Carmine (The Snake) Persico. The defense lawyer, Maurice Edelbaum, put in a strong beef, and the judge, Postel, closed the courtroom to newspapers because they printed the nickname. The ruling lasted about eight hours

in a higher court. It should have prevented the issuing of this insane transit union order.

Attorney Maurice Edelbaum also was involved in the last big case that had its venue changed to Albany. He was defending John (Sonny) Franzese in Brooklyn federal court on charges of bank robbery. When a couple of newspapers wrote that Sonny was a big mobster, lawyer Edelbaum shrieked to the rafters. How could they say such a thing about a man like Sonny? How dare they?

From the bay at Bay Ridge to the ocean at Montauk, Edelbaum said, all possible jurors were quickened at the idea of getting in a room and voting guilty for Sonny Franzese.

Judge Jacob Mischler said, all right, let's go to Albany.

Edelbaum shook. He only made the motion so he could have something for an appeal. His client, Sonny Franzese, also was unhappy. Maybe he had a chance in Brooklyn, maybe fix a juror, but Albany was a chasm he could not leap.

But Mischler swept up the case and took it to Albany.

He was a federal judge, and he could go to Pasca-goula if he wanted. This is the big difference from the Diallo case.

The move to change the Diallo venue was all about the judge, Patricia Williams, who is of color. Besides the glaring handicap of her skin, she is an acting State Supreme Court judge. That means she cannot leave the city.

This "acting" title is truly beautiful. The regular Supreme Court judgeships are people a political leader put on a ballot unopposed.

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Sharpton: We're Going to Albany

By Dan Morrison and Ray Sánchez

STAFF WRITERS

The Rev. Al Sharpton promised yesterday to pack the streets of Albany with protesters when the planned murder trial of four city police officers begins there next year.

Sharpton, who organized daily vigils that led to the arrests of more than 1,000 people at police headquarters after the Feb. 4 fatal police shooting of Amadou Diallo, said he already had signed up more than 300 people to make the 2-1/2 hour trek each day—and promised to recruit hundreds more.

"If we can convince a thousand to go to jail, we can convince more to go to Albany, the pugnacious preacher said in an interview.

Sharpton's comments came as he and U.S. Rep. Jose Serrano (D-Bronx) said they would ask the U.S. Justice Department to fight a state appeals court decision that moves the trial of Police Officers Sean Carroll, Edward McMellon, Richard Murphy and Kenneth Boss from the Bronx to nearly all-white Albany County.

The five-judge panel of the Appellate Division ruled that the officers could not get a fair trial anywhere in New York City. The judges said that public clamor over the shooting of the West African immigrant, who was unarmed, had tainted potential jurors citywide.

The four officers are charged with second-degree murder and reckless endangerment for firing 41 shots at Diallo as he stood in the vestibule of his apartment building at 1157 Wheeler Ave. in the Soundview section. They have pleaded innocent.

Bronx District Attorney Robert Johnson, who was stunned by the appellate panel's decision, said yesterday he was resigned to trying the case in Albany. "We haven't found anything" that could make the panel change its mind, he said.

Serrano called for "federal scrutiny" of the bombshell decision. "It's obvious some people want these guys to walk," he said of the police officers.

Johnson and Serrano were at the annual Bronx Children's Christmas parade along Westchester Avenue.

Sharpton said he would ask the Justice Department either to take over the prosecution, which would move the trial to the federal courthouse in



Winnie Madikizela-Mandela, left, joins the Rev. Al Sharpton, beside her, and Saikou Diallo, right, the father of slain West African immigrant Amadou Diallo, at a rally yesterday in Harlem calling for "justice" in the killing of Diallo.

Manhattan's Foley Square, or sue in federal court to reverse the state Appellate Division ruling.

But if the trial goes forward in Albany, Sharpton said, his well-oiled protest machine will turn its attention to the state's capital. It's essentially the same operation that in the past tied up traffic and enflamed locals in racially charged rallies on the New Jersey Turnpike, over racial profiling by police there and after a police shooting, and in upstate Poughkeepsie during the Tawana Brawley affair.

"It's going to be a multiracial, disciplined, nonviolent group of people," he said.

"You forget, I've run twice for statewide office," said the two-time candidate for U.S. Senate. "There are quite a lot of people who voted for me in Alba-

ny." Sharpton said he would lead a rally Tuesday at noon outside the Foley Square courthouse to call for federal intervention. He announced the rally from the National Action Network's headquarters in Harlem.

Winnie Madikizela-Mandela, the ex-wife of former South African President Nelson Mandela, made a brief appearance at National Action Network. Madikizela-Mandela, a member of the South African Parliament, arrived in New York on Friday morning, only to be detained for several hours by immigration officers because of questions about the validity of her visa.

Staff Writer Bryan Virasami contributed to this story.