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In re:
JANET RENO,
Attorney General of the United States.
28 *U.S.C.* §591

George Sassower
Petitioner.
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C H A R G E S

Statement

1a. In this Independent Counsel petition, the charges against JANET RENO ["Reno"], the Attorney General of the United States, as here presented, are limited to those whose essential aspects are documented, uncontroverted, non-complex, and whose seriousness exceeds the statutory requirements (28 *U.S.C.* §591[a]). In fact, Ms. Reno's conduct is of impeachable magnitude (*United States Constitution*, Article 2, §4).

b. Thus, in view of this limited presentation, any investigation and prosecution by the Independent Counsel should not be limited to the charges set forth herein, since there is substantial evidence of other significant and serious criminal transgressions by Ms. Reno.

2a. All misconduct set forth herein, including that of Ms. Reno, has as its origin in the bribery, extortion, larceny, graft, and corruption by the New York-Second Circuit judiciary, which is of a criminal racketeering nature (18 *U.S.C.* §1961).

b. Ms. Reno's activities include: (i) aiding, abetting and permitting corrupt judges and officials to unlawfully utilize the services of the UNITED STATES DEPARTMENT OF JUSTICE ["USDJ"], at federal cost and expense, defrauding the federal treasury thereby; (ii) herself, unlawfully employing the services and facilities of the USDJ, also at federal cost and expense, defrauding the federal treasury thereby; and (iii) an essential conspiratorial participant in egregious racketeering and other criminal activities.

c(1) <u>All</u> Ms. Reno's actions and omissions were and are contrary to the legitimate interests, financial and otherwise, of her one and only client, the United States.

(2) As only one example of the perfidious conduct of Ms. Reno/USDJ -- they <u>always</u>, without any articulated justification, reason or excuse, oppose and/or do not support, petitioner's motions for the recapture of monies which were payable "to the federal court", but which were diverted, by self help, to the bagmen and cronies of the judiciary.

d. However, as serious as these criminal charges against Ms. Reno may be, it is her blatant oath-bound disregard for the constitutional scheme for the separation of powers, that compels her prompt removal from office.

3a. Ms. Reno's prime co-conspirators are U.S. Circuit Court Judge JON O. NEWMAN ["Newman"] of the Second Circuit; (former) Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"] of the Southern District of New York; and Presiding Justice FRANCIS T. MURPHY ["Murphy"] of the NY Appellate Division, First Department1, who are shamelessly engaged in "in-office" criminal racketeering activities, clearly documented by the evidence, never controverted.

b. Chief Judge Newman, Chief Judge Brieant and Presiding Justice Murphy, are jointly involved in: (i) the larceny of judicial trust assets; (ii) defrauding the federal treasury by dragooning and/or accepting federal defense representation, at federal cost and expense, in money damage tort litigation, when they have been refused and/or cannot obtain 28 *U.S.C.* §2679[d] "scope" certifications; (iii) not reporting "taxable income" and evading taxes due thereon; (iv) diverting monies payable "to the federal court" to the private pockets of the judicial bagmen and cronies; (v) extortion of millions of dollars from a private citizen, so that he could avoid incarceration under a criminal conviction, and other extortion activities; (vi) bribery; (vii) bankruptcy fraud; (viii) obstruction of justice; (ix) obstruction of criminal investigations; and (x) other criminal activities, racketeering and otherwise, only some of which are here described.

c. Newman, Brieant, and Murphy, in an attempt to advance and conceal their criminal racketeering activities, have: (i) as "fixers", been corrupting jurists, within and without New York-Second Circuit; (ii) been corrupting various persons, departments and agencies within the USDJ, in addition to Ms. Reno; (iii) been corrupting other branches of government, state and federal; (iv) been corrupting private businesses, whose activities can be fairly attributed to government; and (v) been corrupting private attorneys.

d. The massive amount of supportive documentary evidence, including confessions, admissions, and/or other hard evidence, can be found in filings with the various courts and agencies of government, including at the USDJ, and only a small portion is referenced herein.

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1. The joint state-federal conduct, triggers 42 *U.S.C.* §1983 and 18 *U.S.C.* §241 application for the involved federal officials (*Melo v. Hafer*, 912 F.2d 628, 638 [3rd Cir.-1990] aff'd *Hafer v. Melo*, 502 U.S. , 112 S.Ct. 358 [1991]).

The *Modus Operandi* of the Newman/Brieant/Murphy Judicial Rackets. In a Nutshell.

1a. In New York, for more than a century, judicial trusts have been the subject of repeated scandal, despite much remedial, but ineffective, legislation2.

b. However, as actively aided and abetted by Ms. Reno/USDJ, at federal cost and expense, these judicial rackets have reached vertiginous heights.

2a. Petitioner's personal, constitutionally protected, interests extends to the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], the ESTATE OF EUGENE PAUL KELLY ["Kelly Estate"], and the GENE KELLY MOVING & STORAGE, TRUSTS ["Kelly Trusts"].

b. The *modus operandi* employed in the larceny of the judicial trust assets in the Puccini and Kelly matters, are paradigmatic of the manner that judicial trusts, which are constitutional "persons", whose assets are held under "color [pretense] of law", are routinely raped and ravished by the New York-Second Circuit judiciary, for their private benefit, and for the benefit of their bagmen and cronies.

2a. In *Matter of Kane* (75 N.Y.2d 511, 554 N.Y.S.2d 457, 553 N.E.2d 1005 [1990], the Court stated (516-517, 459, 1007):

> "As this court noted more than a century ago: `It is a matter of public notoriety that the act [*NY Bus. Corp. Law* §1217] ... was passed, in view of the scandals which had been set afloat, in respect to the administration of the affairs of insolvent corporations through receivers. ... [I]t is, we think, reasonably clear that the object of the act ... to provide further restrictions and safe-guards against the misuse or depletion of corporate funds in the hands of the receivers.' The passage of time ... have not diluted the potency or pertinency of this observation."

b. In addition to *NY Bus. Corp. Law* §1217, which limits the compensation of court-appointed receivers, and is non-waivable, the New York State Attorney General was made the statutory fiduciary, with extensive discretionary powers (*NY Bus. Corp. Law* §1214[a]), and some mandatory duties (e.g., *NY Bus. Corp. Law* §1216[a]). However, since 1976, when Murphy became Presiding Justice, the NY State Attorney Generals, have consistently failed and refused to respect their fiduciary obligations, in or out of the judicial forum, except with Murphy's consent. Indeed, they actively aid, abet and cooperate in the larceny and plundering of the assets over which they are the statutory fiduciary.

3a. All of Puccini's judicial trust assets were made the subject of larceny, not leaving anything for its nationwide creditors, including petitioner, who holds, *inter alia*, a contractually based, constitutionally protected, money judgment.

b. Although most of Puccini's books and records were destroyed while they were *custodia legis*, more than $1,000,000 in bribe monies are fully documented and uncontroverted.

c. In addition to (i) the larceny of all of Puccini's judicial trust assets, there was diverted to the bagmen and/or cronies of the judiciary: (ii) substantial monies payable "to the federal court", which included monies paid on behalf of petitioner; and (iii) check payments of "more than $2,000,000", to avoid incarceration under a criminal conviction.

4a. All of the disposable assets of the Kelly Estate were disbursed to satisfy the personal obligations of Surrogate-Judge ERNEST L. SIGNORELLI ["Signorelli"] and his appointee, Public Administrator ANTHONY MASTROIANNI ["Mastroianni"], leaving nothing for any beneficiary.

b. When the federal taxing authorities imposed substantial penalties on Mastroianni for his failure to timely pay estate taxes he, without any due process of law, seized the assets of the Kelly Trusts, in which petitioner is the trustee, and used those assets to satisfy the penalties imposed upon him personally for his neglect.

c. As a result, the prime beneficiaries of the Kelly Estate and Kelly Trusts, to wit., three motherless infants of the predeceased daughter of EUGENE PAUL KELLY ["Kelly"], the testator/settlor, received nothing, except those amounts distributed by petitioner prior to such *ex parte*, without due process, seizure.

5a. To advance and conceal the criminal racketeering activities involved in the larceny of the Puccini and Kelly judicial trust assets, jurisdictionally infirm, without due process, orders, state and federal, containing fabricated, contrived and concocted facts were issued and published (see, 18 *U.S.C.* §1001; *NY Penal Law* §175.35).

b. Anything published and republished, *ad nauseam*, by the judiciary, to the contrary notwithstanding, there has been and is no "final order", no "final judgment", by any jurist having subject matter or personal jurisdiction, which legally terminated the Puccini litigation. In short, there can be no valid legal plea of *res judicata*.

c. A like statement concerning *res judicata* can be made as to the Kelly Estate.

d. The aforementioned judicial publications and republications, are nothing less than a transparent attempt to conceal the fact that the Puccini and Kelly assets were diverted to serve the personal interests of members of the judiciary, their bagmen and/or cronies, and similar misconduct.

6a(1) In _every_ American jurisdiction, judicial appointees _must_ publicly account for their stewardships, with due process afforded to those having an interest in the trust assets, before the appointees and/or their sureties can be discharged of their obligations.

(2) In New York, in addition to a mandatory final accounting, with due process afforded, a court-appointed receiver _must_ file an accounting "at least once a year"[3], and if an accounting is not filed within 18 months, the NY State Attorney General, the statutory fiduciary _must_, as a non-discretionary "duty", make application and compel such filing[4].

(3) The obligation of a judicial appointee to publicly account for his stewardship, may not be waived, excused or enjoined by anyone, even with the consent of all having an interest in the assets. A public accounting _must_ be filed by a judicial appointee -- no exceptions!

b(1) However, with Murphy, the son of a Bronx political boss, at the helm, neither NY State Attorney Generals ROBERT ABRAMS ["Abrams"], nor G. OLIVER KOPPELL ["Koppell"], have _ever_ performed _any_ fiduciary obligation for _any_ judicial trust, even those obligations which are of a mandatory nature, unless Murphy consented[5].

(2) Indeed, Abrams/Koppell, like Reno/USDJ, actively and affirmatively aid and abet these criminal racketeering adventures, at taxpayers expense.

(3) With Murphy in control of, *inter alia*, the professional disciplinary process, private attorneys are compelled to cooperate and/or suffer these criminal activities to exist in silence, at pains of retaliatory action, notwithstanding their professional obligations to their clients.

(4) Thus, the judiciary, their bagmen and cronies, are able, and do, rape and ravish judicial trusts, such as Puccini, for private and personal benefit, with impunity.

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3. 22 *NYCRR* §202.52[e].

4. *NY Bus. Corp. Law* §1216[a].

5. See, note 2.

c(1) There are no accountings, final or otherwise, for the judicial trust assets of Puccini -- "The Judicial Fortune Cookie" -- since it was involuntarily dissolved almost 15 years ago, or any Abrams/Koppell applications to compel an accounting, the mandatory statutory requirements notwithstanding.

(2) There is no final order or final judgment by any jurist having the power to issue such order or judgment, or any legal discharge of the court-appointed receiver or his surety by anyone having such legal power.

(3) The "accountings" for Puccini, as well as other documents, as reported by the judiciary, state and federal, are 'phantom', 'non-existent', 'concocted', 'contrived' and 'fabricated', aided and abetted by, *inter alia*, Abrams and FIDELITY & DEPOSIT COMPANY OF MARYLAND ["F&D"], the surety, who "approved" a document which did not exist.

d(1) Similarly, there is no accounting for the judicial trust assets of the Kelly Estate -- "Signorelli's Fortune Cookie" -- after the ex parte seizure of the assets of the Kelly Trusts, without any due process afforded to those interested in those assets.

(2) The attorney for the prime beneficiaries, three motherless infants had died six (6) months prior thereto[6], without being replaced, as required by law[7], and petitioner was not served and did not participate in the Appellate Division proceedings.

(3) The statutory fiduciary for such infants is Signorelli[8], or the same person who was diverting the Kelly Estate assets to satisfy his personal obligations.

(4) The USDJ was directly involved and actively participated in this fraud.

7a. The active and cooperative co-conspirators, in addition to Abrams/Koppell and Reno/USDJ, include, *inter alia*: (i) F&D, the surety for Puccini's court-appointed receiver and the Kelly Estate administrator (Mastroianni); and (ii) the legal publishers, such as WEST PUBLISHING COMPANY ["West"/"Westlaw"] and THE MEAD CORPORATION ["Lexis"].

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6. CHARLES Z. ABUZA, Esq. ["Abuza"], *NY Times*, July 1, 1988, p. B8, col. 3 (Obituaries).

7. *NY CPLR* §321 - "Death, Removal or Disability of Attorney".

8. See, *Surrogate's Court & Procedure Act*, §403[2].

b. F&D, West/Westlaw and Lexis, do business in every state, territory and judicial district in the United States.

c. Consequently each and every judicial district can serve as an appropriate and proper venue for litigation revolving around the Puccini, Kelly, and similar judicial trusts9.

8a. <u>Every</u> decision involving Puccini and/or the Kelly Estate, is jurisdictionally infirm and void, and in almost every instance, these jurisdictional infirmities are clear, evident, plain, patent and obvious for, *inter alia*, the following reasons:

b(1) In <u>every</u> federal action, <u>all</u> the state defendants were and are represented by Abrams/Koppell at state cost and expense, notwithstanding the XI Amendment/Hans10 subject matter jurisdictional bar.

(2) <u>Every</u> Article III jurist and <u>every</u> U.S. Magistrate Judge, knows that an XI Amendment/Hans violation, is a subject matter constitutional infirmity, rendering the litigation to be null and void.

(3) Given the draconian sanctioning powers of the federal courts, Abrams/Koppell would never enter their appearances, at state cost and expense, defrauding the state, their client, in an XI Amendment/Hans situation, unless they were assured that the federal jurist had been "fixed" and "corrupted", and that such constitutional subject matter infirmity would be ignored.

(4) The aforementioned, XI Amendment/Hans jurisdictional infirmity is in addition to the infirmities created by Abrams/Koppell <u>always</u> taking positions contrary to the interests of their statutory ward (see note 18, *infra*).

c(1) Ms. Reno and <u>every</u> U.S. Attorney, also know that they may not lawfully defend federal judges, officials, or employees, at federal cost and expense, in money damage tort litigation, unless they have 28 *U.S.C.* §2679[d] "scope" status, and that without 28 *U.S.C.* §2675[a] compliance, there is no subject matter jurisdiction (see note 21, *infra*).

(2) At any one time, in addition to Ms. Reno, there are more than 100 officials authorized to issue 28 *U.S.C.* §2679[d] certificates (28 *CFR* §15.3).

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9. *Keeton v. Hustler*, 465 U.S. 770 [1984]; 18 *U.S.C.* §1965.

10. *Hans v. Louisiana*, 134 U.S. 1 [1890]; See 106 *L.Ed.2d* 660.

(3) However, neither Ms. Reno, nor any authorized official, has ever been willing to execute a "scope" certificate for Newman, Brieant, or any other rogue jurist or official involved in the Puccini or Kelly criminal racketeering adventures which, in addition to the larceny of judicial trust assets, includes diversion of monies payable "to the federal court" to private pockets, extortion, bribery, and other egregious criminal racketeering activity.

(4) Notwithstanding the absence of "scope" status, assistant U.S. Attorney Generals and/or U.S. attorneys, are instructed to represent Newman, Brieant, and other rogue jurists and officials in their personal capacities, at federal cost and expense, defrauding the federal treasury thereby.

(5) Obviously, the various assistant U.S. Attorney Generals and/or U.S. attorneys would not enter such unauthorized representation, at federal cost and expense, unless they were assured that the jurist had been "fixed" and "corrupted", and there would not be any personal repercussions by reason of the misconduct involved.

d(1) As part of such unauthorized representation, at federal cost and expense, the assistant U.S. Attorney Generals and/or U.S. attorneys are instructed to oppose and/or not to support petitioner's motions: (i) to recapture the monies made payable "to the federal court" but diverted to the bagmen and/or cronies of the judiciary; (ii) to recapture in favor of the federal and state treasuries the millions of dollars in extortion payments to the judicial cronies, to avoid incarceration under a criminal conviction[11]; (iii) all other relief, which inures to the legitimate benefit of the sovereign, financial or otherwise, direct and/or indirect.

(2) Obviously, the various assistant U.S. Attorney Generals and/or U.S. attorneys would not follow such a manifestly perfidious course of conduct unless so instructed by superiors, including by Ms. Reno, and unless informed that the jurist had been "fixed" and "corrupted".

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11. *Gompers v. Buck's Stove*, 221 U.S. 418, 447 [1911]; *Goodman v. State*, 31 N.Y.2d 381, 340 N.Y.S.2d 393, 292 N.E.2d 665 [1972].

9a. Presiding Justice Murphy considers the Appellate Division Courthouse to be his "personal fiefdom", which he operates as a "patronage mill"12, and his prime co-conspirator in his racketeering operations is, and has always been, Chief Judge Brieant, with whom he is also engaged in "disguised nepotism"13.

b(1) Chief Judge Brieant, a former member of the Judicial Conference of the United States, is known to have been engaged in "fixing" operations in the Eastern District of New York, the Districts of New Jersey, Maryland, Southern District of Ohio, Western District of Washington, and elsewhere.

(2) Brieant's, as well as Newman's, "fixing" instructions to other jurists are, that they should ignore the jurisdictional infirmities in the New York-Second Circuit decisions, accept the Abrams/Koppell representation, as well as the federal representation, albeit the absence of "scope" certifications.

c. Obviously, if there was any merit to any res judicata defense to the Puccini or Kelly litigation, there would be no need for any injunctions, issued by the New York-Second Circuit judiciary.

d. The U.S. Attorney's Office in the Southern District of New York is plainly under the unfettered control of Chief Judge Brieant, cooperating and assisting his activities even when they are manifestly unconstitutional, beyond his legal powers, and penal in nature.

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12. *New York Newsday*, November 25, 1989, December 1, 1989.

13. "Our analysis recognizes two levels of consideration. The progression may be simply stated. First, nepotism is to condemned, and disguised nepotism imports an additional component of evil because, implicitly conceding that evident nepotism would be unacceptable, the actor seeks to conceal what he is really accomplishing. Second, and this peculiar to the judiciary, even if it cannot be said that there is proof of the fact of disguised nepotism, an appearance of such impropriety is no less to be condemned than is the impropriety itself." *Spector v. State Comm. on Judicial Conduct*, 47 N.Y.2d 462, 466, 418 N.Y.S.2d 565, 566, 392 N.E.2d 552, 553 [1979].

Presiding Justice Murphy and Chief Judge Brieant, simultaneously employed the son of the other, in an unlawful attempt to circumvent the prohibition contained in 28 *U.S.C.* §458 and corresponding state law (see *New York Newsday*, November 25, 1989, December 1, 1989).

10. Bribe payments made to the "Murphy-Brieant syndicate", which are openly flaunted by their bagmen and cronies, can and have produced remarkable results with, *inter alia*, Ms. Reno and USDJ.

11a. On June 1, 1993, when Newman was on the "short list" for the seat on the Supreme Court of the United States, petitioner advised President WILLIAM J. CLINTON ["Clinton"] of some, but not all, of Newman's criminal racketeering activities (Exhibit "A"), with copies mailed to, *inter alia*, Ms. Reno and Judge Newman, which assertions were never denied.

b. In addition to Newman's involvement in the Puccini, Kelly and other criminal adventures, petitioner included the following Newman judicial concessions[14].

c. As set forth in petitioner's letter of June 1, 1993, (Exhibit "A") they included [all emphasis in the original]:

> " 1a. In Sassower v. McFadden (SDNY 93-0343 [PKL]), Judge Newman and others, sued in their personal capacities, conceded the following Local Rule 3g statements to be correct.
>
> > ` 1. None of the federal defendants, represented by the U.S. Attorney, including ... JON O. NEWMAN [`Newman'] ... have applied for and/or received a 28 U.S.C. §2679[d] `scope' certificate.
> >
> > 2. The federal defendants being represented by the U.S. Attorney, including ... Newman ... know and are clearly aware that such federal representation, at federal cost and expense, in this personal capacity action is unauthorized (28 U.S.C. §547), and that they are defrauding the federal purse.
> >
> > 3. The U.S. Attorney ... also know and are aware that in this personal capacity action, their representation of the federal defendants is unauthorized and they are defrauding the federal purse.

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14. These same concessions were made by Chief U.S. District Court Judge Brieant and other jurists, but since their identities, although known to Ms. Reno, were irrelevant to petitioner's communication to President Clinton, their names were omitted in Exhibit "A".

4. [The U.S. Attorney] ... and the federal defendants in this action, including ... Newman ... know and are aware that their actions as alleged herein, which includes the diversion of monies payable 'to the federal court' to private pockets, are contrary to the legitimate and monetary interests of the United States.

5. [The U.S. Attorney] ... and the federal defendants in this action, including ... Newman ... know and are aware that their actions as alleged herein, are criminal in nature and violative of the federal criminal code.

6. The federal defendants being represented by the [U.S. Attorney] including ... Newman ... are aware that such personal capacity civil representation for criminal activities itself, compromises and obstructs the ability of the U.S. Attorney to prosecute them for their criminal activity in this jurisdiction.

7. The federal defendants being represented by the [U.S. Attorney], ... including ... Newman ... are aware that such personal capacity civil representation violates the constitutional scheme for the separation of powers, and is unconstitutional.

8. The federal defendants being represented by the [U.S. Attorney] ... including ... Newman ... are aware that such personal capacity civil representation, at federal cost and expense, is effectively an unlawful increase in these defendants' compensation, constitutes 'taxable income', and that they defendants have no intention of reporting such 'taxable income' on their tax returns, or paying taxes upon such income.'

b. Aside from a plain reading of the statute (28 U.S.C. §2679[d]), all the reported cases are to the effect that absent a statement by the Attorney General or one of his designees (28 CFR §15.3), certifying that the misconduct was 'within the scope of [his] office or employment', the cost of the defense and satisfaction of any judgment is at personal, not governmental, expense.

c. Obviously, neither the Attorney General nor any U.S. Attorney will 'scope' certify activities such as, diverting monies payable 'to the federal court' to private pockets as being 'within the scope of office' of any federal judge or prosecutor, or aiding and abetting such activities.

d. Nevertheless, employing the 'clout' of their office, Judge Newman and his co-conspirators, are able to dragoon the services of U.S. attorneys, for their personal civil defense, at federal cost and expense."

c. Since no authorized person (28 CFR §15.3), including Ms. Reno, is willing to sign a "scope" certificate for Newman, Brieant, or any other corrupt jurist or official involved in these criminal rackets, particularly after the publication of Exhibit "A", the representation by Ms. Reno and the USDJ, at federal cost and expense, has continued on a concealed basis, thus importing an additional component of misconduct.

12a. The starting point of any inquiry is to demand that Newman, Brieant, Murphy, Reno/USDJ, Abrams/Koppell, F&D, or anyone else produce a copy of the filed "final accounting" for Puccini's judicial trust assets. None of them can, not even Abrams or F&D, who approved such 'non-existent' "final accounting" because it does it does <u>not</u> exist!

b(1) Accountings for the Puccini judicial trust, neither final nor otherwise, do <u>not</u> exist. These accountings, as reported, published and distributed by the judiciary and the legal media, are "phantom" and "non-existent".

(2) The existence of accountings for the judicial trust assets of Puccini has been contrived, concocted and fabricated by the judiciary, aided and abetted by, *inter alia*, Reno and her USDJ, in order to conceal that the judiciary, their bagmen and cronies have converted <u>all</u> of Puccini's assets for their own personal purposes.

(3) Similarly, Chief U.S. Circuit Court Judge MARTIN T. MANTON ["Manton"] of the Second Circuit, as a result of bribes paid to one of his bagmen, WILLIAM FALLON, Esq. ["Fallon"], concocted facts to arrive at the desired result, for which he was thereafter tried, convicted, fined and incarcerated15.

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15. *Art Metal v Abraham & Straus*, 70 F.2d 641 [2nd Cir.-1934]; *United States v. Manton*, 107 F.2d 834 [2nd Cir.-1938]; Art Metal v. Abraham & *Straus*, 107 F.2d 944 [2nd Cir.-1939].

(4) Unlike the current state of affairs, neither Chief U.S. Circuit Court Judge Manton, nor any other corrupt jurist, ever attempted to obtain the aid, assistance, and cooperation of the Attorney General of the United States or the USDJ for their criminal activities, as is the present situation.

(5) Indeed it is those who oppose and resist these criminal racketeering activities who are pursued and prosecuted by the state and federal authorities, including the USDJ, all at sovereign expense.

13a. As a direct result of openly flaunted bribe payments made and promised to, inter alia, Administrator XAVIER C. RICCOBONO16 ["Riccobono"], a Murphy subordinate, access to the state courts are denied to petitioner, under a without due process, ukase, even when constitutionally compelled, such as for habeas corpus relief or vindication of private contract rights.

b. Similarly, under, without due process, ukases issued by Brieant and Newman, access to the Second Circuit courts are denied petitioner, absent permission, invariably denied, even when legally compelled (28 *U.S.C.* §1331).

c. Consequently, sham, transparently void and fraudulent orders, always lacking in subject matter jurisdiction, and generally also lacking in personal jurisdiction, remain extant, elevated into apparent validity, by corrupted jurists, all of whom are actually aware of their invalidity.

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16. Murphy's immediate subordinates were Administrative Judge LOUIS FUSCO ["Fusco"] in the Bronx, where prior to his forced retirement, "pay-offs" made to his concubine were the "coins of his judicial realm", and Administrative Judge Riccobono in Manhattan, who is a product of the notorious Tamawa Club when it was controlled by such mafia figures as FRANK COSTELLO ["Costello"] and THOMAS "Three Finger Brown" LUCHESE ["Luchese"] (See, *The Crime Confederation*, Salerno; *Biography of Kefauver*, Gorman; *The Last of the Big-Time Bosses*, Moscow; *Autobiography of Roy Cohen*, Zion).

U.S. Circuit Judge LEARNED HAND ["L. Hand"], described Costello, who received nationwide notoriety for his appearance before the Senator Kefauver Crime Commission, as follows (*U.S. v. Costello*, 221 F.2d 668, 671-672 [2nd Cir.-1955], aff'd 350 U.S. 359 [1956]):

> "By his own admission Costello was a gambler, though he had no other occupation. He had substantial interests in 'slot machines' and 'juke boxes' in Louisiana companies; and these were not his only ventures, for he gambled in 'horses, cards and fights'; and there was evidence that he received $30,000 for keeping bookmakers away from a race tract for two years; which of itself <u>showed him to have been a man of powerful undisclosed influence</u>." [emphasis supplied]

Charge I   Reno - 18 *U.S.C.* §§371, 1001 Transgressions.

1. The evidence is clear, overwhelming and uncontroverted that federal judges/officials, including Reno/USDJ, have conspired and have been acting jointly with state judges/officials and private parties, in order to advance and conceal egregious criminal rackets, in manifest violation of, *inter alia*, 18 U.S.C. §371[17].

2a. In every respect, financial and otherwise, civil and criminal, Reno/USDJ have been perfidiously conducting themselves contrary to the legitimate interests of the United States.

b. The federal treasury has been burdened with the costs and expenses of the perfidious efforts of Reno/USDJ, on their own behalf, and on behalf of the corrupt judges/officials they sought to unlawfully represent, in their personal, private and criminal capacities.

3a. The corruption of Chief U.S. Circuit Court Judge GERALD BART TJOFLAT ["Tjoflat"] of the Eleventh Circuit is clear when in his Court and Circuit, Chief Judge Tjoflat and his subordinate jurists permit Reno and the U.S. Attorney not to support petitioner's motions (*Application for a Grand Jury Inquiry*, SD Fl. #94Civ1627[KMM]; CCA 11 94-)[18]:

> "to direct Attorney General JANET RENO [`Reno'] and/or U.S. Attorney KENDALL COFFEY [`Coffey'] to take whatever legal steps that may be necessary to: (1) obtain reimbursement from KREINDLER & RELKIN, P.C. [`K&R'] and/or CITIBANK, N.A. [`Citibank'] for monies due this Court and the U.S. Marshall for the filing fees and disbursements expended for effecting the service of process in this, in *forma pauperis* proceeding, permitting them to debit their obligations

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17. *Dennis v. U.S.*, 384 U.S. 855, 861 [1966]; *Glasser v. U.S.*, 315 U.S. 60, 66-67 [1942]; *U.S. v. Manton*, 107 F.2d 834, 839 [2d Cir.-1938]; 18 *U.S.C.* §371.

18. See *Wood v Georgia*, 450 U.S. 261, 265 n. 5 [1981], where the Supreme Court held that a *sua sponte* reversal was appropriate, although the issue of a perfidious representation was never raised in that Court or any lower court.

At bar, as in *Wood v. Georgia* (supra), neither Reno/USDJ nor Abrams/Koppell, could be expected to openly assert before the various courts that they were engaged in perfidious activities.

Only in People's Court of Nazi Germany, were attorneys permitted to betray and openly denounce their clients, and then only when those accused attempted Hitler's assassination (*The Rise and Fall of the Third Reich*, William L. Shirer, `Bloody Vengeance', p. 1391).

to petitioner on his contractually based, constitutionally protected, money judgment against PUCCINI CLOTHES, LTD. [`Puccini']; (2) obtain restitution from K&R and Citibank for monies, including that paid on behalf of petitioner, under the Order of U.S. District Court Judge EUGENE H. NICKERSON [`Nickerson'] of the Eastern District of New York of June 7, 1985, which were payable `to the federal court' but diverted to their pockets; (3) obtain restitution from K&R, Citibank and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. [`FKM&F'] for all monies paid by HYMAN RAFFE [`Raffe'] to avoid incarceration, as was visited upon petitioner and SAM POLUR, Esq., and protection against the monetary obligations due them, whether related to Puccini, or not; (4) obtain restitution of all assets of Puccini, a constitutional `person', made the subject of larceny for the benefit of the judiciary, their bag-men and cronies; and (5) obtain restitution for all monies from the ESTATE of EUGENE PAUL KELLY [`Kelly Estate'] diverted to pay the private obligations of Surrogate ERNEST L. SIGNORELLI [`Signorelli'] and ANTHONY MASTROIANNI [`Mastroianni'], including that seized without due process from the GENE KELLY MOVING & STORAGE TRUSTS [`Kelly Trusts'], in which petitioner is the trustee, in order to pay the penalties imposed on Mastroianni by the federal taxing authorities; and (6) obtain reimbursement from federal judges and officials, who were and are defended, at federal cost and expense, although unable to obtain 28 *U.S.C.* §2679[d] `scope' status."

b. Similarly, the corruption of Chief U.S. Circuit Court Judge HENRY A. POLITZ ["Politz"] of the Fifth Circuit is made obvious by the opposition and/or failure to support, substantially similar motions of petitioner in the Northern District of Texas and the Fifth Circuit Court of Appeals.

4. It is irrelevant, and so the cases hold[19], that the prime underlying purpose of this conspiracy was and is to deprive judicial trusts of their assets for the personal benefit of members of the judiciary, their bagmen and cronies, rather than injure the United States.

5a. Reno/USDJ, their rogue clients and co-conspirators have literally inundated the federal system, judicial and otherwise, with false and deceptive material, violative of 18 *U.S.C.* §1001[20].

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19. See *U.S. v. Loney*, 959 F.2d 1332 [5th Cir.-1992]; *U.S. v. Falcone*, 960 F.2d 988 [11th Cir. (*en banc*) 1992].

20. See *U.S. v. Barber*, 881 F.2d 345 [7th Cir.-1989]; *U.S. v. Lawson*, 809 F.2d 1514 [11th Cir.-1987].

b. The ends sought, and the means employed, including the concealment of both ends and means, were all in violation of the federal criminal and tax codes, as the co-conspirators, including Ms. Reno, are well aware (see Exhibit "A", ¶1a8).

c. However, by reason of her official position, and by denying petitioner access to the grand jury (cf. 18 *U.S.C.* §3332[a]), Reno and members of the USDJ have effective criminal immunity.

d. Reno/USDJ, by their unlawful representation, have also given effective criminal immunity to their federal clients, as well as their co-conspirators, state and private, since she cannot criminal prosecute her own clients and/or their co-conspirators.

<u>Charge II</u> <u>Reno - Defrauding the Federal Treasury etc</u>.

1a. Any money damage tort action brought against the United States or any federal judge, official, and/or employee (28 *U.S.C.* §2671), having "scope" status (28 *U.S.C.* §2679[d]), without the filing of a notice of claim and the denial thereof or the expiration of six (6) months from the filing (28 *U.S.C.* §2675[a]), lacks subject matter jurisdiction, which infirmity cannot be waived, and must be dismissed[21].

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21. *McNeil v. U.S.*, 508 U.S. , 113 S.Ct. 1980 [1993]; *Cotto v. U.S.*, 993 F.2d 274 [1st-Cir.-1993]; *Cardozo v. Graham*, 848 F. Supp. 5 [Mass.-1994]; *Wisner v. U.S.*, 154 FRD 39 [NDNY-1993]; *Seltech v. U.S.*, 816 F.Supp. 161 [EDNY-1993], aff'd. 17 F.3d 390 [2nd Cir.-1993]; *Deutsch v. Fed. Bur. of Prisons*, 737 F.Supp. 261 [SDNY-1990], affd 930 F.2d 909 [2nd Cir.-1991]; *Filaski v. U.S.*, 776 F.Supp. 119 [EDNY-1991]; cf. *Osijo v. U.S.*, 850 F. Supp. 992 [EDNY-1993]; *Biase v. Kaplan*, 852 F. Supp. 268 [NJ-1994]; *Cooper v. Perkimen*, 526 F.Supp. 1086 [Pa.-1981]; *Logan v. U.S.*, 851 F. Supp. 704 [Md.-1994]; *Romero v. U.S.*, 806 F. Supp. 569 [Va.-1992], aff'd 2 F.3d 1149 [4th Cir.-1993]; *Cook v. U.S.*, 978 F.2d 164 [5th Cir.-1992]; *Reynolds v. U.S.*, 748 F.2d 291 [5th Cir.-1984]; *McAfee v. 5th Cir. Judges*, 884 F.2d 221 [5th Cir.-1989], cert. denied 493 U.S. 1083 [1990]; *Gregory v. Mitchell*, 634 F.2d 199 [5th Cir.-1981]; *Rise v. U.S.*, 630 F.2d 1068 [5th Cir.-1980]; *Employees v. Daws*, 599 F.2d 1375 [5th Cir.-1979]; *Mack v. Alexander*, 575 F.2d 488 [5th Cir.-1978]; *Ticor Title v. FDIC*, 757 F. Supp. 797 [SD Tx.-1990]; *Lundstrum v. Lyng*, 954 F.2d 1142 [6th Cir.-1991]; *Sullivan v. U.S.*, 21 F.3d 198 [7th Cir.-1994]; *Deloria v. V.A.*, 927 F.2d 1009 [7th Cir.-1991]; *Melo v. U.S.*, 505 F.2d 1026 [8th Cir.-1974]; *Tonn v. U.S.*, 847 F. Supp. 711 [Minn.-1993]; *Jerves v. U.S.*, 966 F.2d 517 [9th Cir.-1992]; *Hallett v. U.S.*, 850 F. Supp. 874 [Nev.-1994]; *Lurch v. U.S.*, 719 F.2d 333 [10th Cir.-1983], cert. denied 466 U.S. 927 [1984]; *Hass v. U.S.*, 848 F. Supp. 926 [Kan.-1994]; *Suarez v. U.S.*, 22 F.3d 1064 [11th Cir.-1994]; *Free v. U.S.*, 885 F.2d 840 [11th Cir.-1989]; *Tidd v. U.S.*, 786 F.2d 1565 [11th Cir.-1986]; *Lykins v. Pointer*, 725 F.2d 645 [11th Cir.-1984]; *Pugh v. Farmers Home*, 846 F. Supp. 60 [MDFl-1994]; *Mittleman v. U.S. Treasury*, 773 F.Supp. 442 [DC-1991]; *McWhirter v. Texaco*, 668 F.2d 511 [Temp.Emerg.C.A.-1981].

b. In <u>none</u> of petitioner's actions against Newman, Brieant, or any other rogue jurist or official, arising out of the Puccini or Kelly matters, has petitioner based his action against these jurists and/or officials in their official capacities <u>or</u> upon any 28 *U.S.C.* §2675[a] notice of claim.

d. The fact that neither Reno, the USDJ, nor the jurist/official involved ever made a motion to dismiss based upon the failure of petitioner to file a notice of claim, nor did any judge, *sua sponte*, dismiss for lack of subject matter jurisdiction, was and is a judicial concession that the federal judges and officials sued, including Newman and Brieant, were being sued in their personal, not official, capacities, for conduct which was not within the "scope" of their offices.

e. Consequently, in such personal capacity actions, the federal government was not involved, and these rogue jurists and officials, including Newman and Brieant, were not entitled to any federal representation, at federal cost and expense.

f. In short, the representation of Newman, Brieant, and the other rogue jurists and officials, by Reno and/or the USDJ, at federal cost and expense, was a criminal fraud upon the federal treasury and the judicial system.

2a. Any judge, official or employee being sued in a money damage tort action is entitled to federal representation, at federal cost and expense, <u>provided</u> Reno, or any one of her specified designees (28 *CFR* §15.3), certifies that the judge, official or employee:

> "was acting within the scope of his office or employment at the time of the incident out of which the claim arose" (28 *U.S.C.* §2679[d]).

b. If the Attorney General and/or her designees all refuse to "scope" certify the judge, official and/or employee, or if an issued "scope" certification is thereafter withdrawn, as is the right of the Attorney General[22], the judge, official and/or employee may resort to the courts requesting a favorable "scope" adjudication (28 *U.S.C.* §2679[d])[23].

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22. *Jamison v. Wiley*, 14 F.3d 222 [4th Cir.-1994].

23. *Melo v. Hafer*, 13 F.3d 736 [3rd Cir.-1994].
In two (2) circuits the reverse is not true (*Johnson v. Carter*, 983 F.2d 1316 [4th Cir.-1993], cert. denied U.S. , 114 S.Ct. 57 [1993]; *Garcia v. U.S.*, 22 F.3d 609 [5th Cir.-1994], *en banc* granted and pending rehearing.

3. The law (statutory and decisional) is clear and uniform, to wit., the absence of an extant "scope" certification or adjudication, the judge, official and/or employee must defend himself, at non-governmental cost and expense24.

4a. Where "scope" status exists, Reno and her subordinates do not represent federal judges, officials and/or employees, *qua* judges, officials and/or employees, but rather the United States.

As the statute specifically provides (28 *U.S.C.* §2679[d][1]):

> "Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant." [emphasis supplied]

b. Notwithstanding the aforementioned fundamental principles of law, having no known exceptions25, Reno has been representing certain members of the judiciary and officials, who have not been "scope" certified or "scope" adjudicated, in their own name, without a United States substitution, at federal cost and expense, defrauding the federal governmental treasury thereby, as Chief Judges Newman, Brieant and others have conceded (Exhibit "A", ¶1a2).

5a. The absence of a "scope" certification or adjudication for Newman, Brieant, and/or their co-conspirators, is not as the result of neglect or inadvertence, although even neglect or inadvertence suffices for the loss of federal representation, at federal cost and expense26.

b. At any particular moment in time, in addition to Reno, there are more than 100 officials authorized to "scope" certify (28 *CFR* §15.3).

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24. *Sullivan v. Freeman*, 944 F.2d 334, 337 [7th Cir.-1991]; *Kelley v. United States*, 568 F.2d 259, 264-265 n. 4 [2nd Cir.-1978] cert. denied 439 U.S. 830 [1978]: *Tassin v. Neneman*, 766 F. Supp. 974, 976 [Kan.-1991]; *Brennan v. Fatata*, 78 Misc.2d 966, 967, 359 N.Y.S.2d 91, 92 [1974]. There are no reported cases holding the contrary.

25. See Note 24.

26. See note 24.

c. Nevertheless, none of these more than 100 officials authorized to "scope" certify, including Reno herself, have ever been willing to "scope" certify rogue jurists such as Newman or Brieant who are involved in the larceny of judicial trust assets, bribery, extortion, diverting monies payable "to the federal court" to private pockets, and other egregious criminal activities, racketeering and otherwise, all of which are contrary to legitimate sovereign interests, financially and otherwise.

6a. Furthermore, the federal government has not waived sovereign immunity for constitutional torts27, except for "acts or omission of investigative or law enforcement officers of the United States Government" (28 *U.S.C.* §2680[h]).

b. Where the federal government is not liable for any judgment recovered, such as those who do not have "scope" status or for constitutional tort violations, neither the courts nor Reno may burden the government with the costs or expenses of the litigation, except as authorized by Congress28.

7a. Clearly, Reno, the USDJ, Newman, Brieant, and the other rogue jurists and officials were defrauding the federal treasury, by dragooning and/or accepting, federal representation, at federal cost and expense, as Newman, Brieant and the U.S. Attorney judicially conceded (Exhibit "A", ¶1a2, ¶1a3).

b. Although no one, including Reno and the USDJ denies that Newman, Brieant and the other rogue judges and officials are liable to the U.S. Treasury for their unauthorized representation, neither Reno nor the USDJ have supported petitioner's unopposed motion, either at the District Court or Circuit Court levels (*Application for a Grand Jury Inquiry*, SD Fl. #94Civ1627[KMM]; CCA 11 94-   )29:

> "to direct Attorney General JANET RENO ['Reno'] and/or U.S. Attorney KENDALL COFFEY ['Coffey'] to take whatever legal steps that may be necessary to: ... (6) obtain reimbursement from federal judges and officials, who were and are defended, at federal cost and expense, although unable to obtain 28 *U.S.C.* §2679[d] 'scope' status."

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27. 28 *U.S.C.* §2679[b](2)(A).

28. *Kentucky v. Graham*, 473 U.S. 159, 166-167 [1985].

29. *See also*, *Application for a Grand Jury Inquiry*, ND Ga. #1:94Civ3138[HTW].

8. The failure of Reno/USDJ to obtain reimbursement form the rogue jurists and officials constitutes an unconstitutional and unlawful increase in their salary, as Newman and Brieant conceded (Exhibit "A", ¶1a8).

Charge III Reno - Concealing The Fraud.

1. Since June 1, 1993, when petitioner communicated with President Clinton (Exhibit "A"), an additional component of criminal conduct has existed, as Reno-Newman/Brieant, while continuing their unlawful assault upon the federal treasury, have fraudulently attempted to conceal such activity.

2a. Prior to June 1, 1993, federal representation of certain rogue federal judges and officials, who had not been "scope" certified, was openly and arrogantly practiced, although none of the participants ever controverted the fact that the practice was unauthorized, unlawful, fraudulent and criminal.

b. On June 1, 1993, when Newman was on the "short list" to fill the vacancy on the Supreme Court of the United States, petitioner advised President Clinton and, *inter alia*, Reno, of Newman's criminal racketeering activities, which communications included, *in haec verba*, his judicial concessions that he was defrauding the federal purse by being represented, at federal cost and expense, without having "scope" status (Exhibit "A", ¶1a3).

3. Although such unlawful federal representation, at federal cost and expense, continued after July 1, 1993, and continues to date, such unauthorized defense representation has been practiced on a concealed basis by Reno, her various U.S. attorneys, their rogue clients, and the "fixed" judges involved (*e.g.*, *Sassower v. Fidelity & Deposit Co. of Maryland*, SD Fl. 93Civ.2269[DLG]; *Sassower v. American Bar Association*, ND Ill. 93Civ.7427[WTH]; *Cohen & Sassower v. West Publishing Co.*, ND Tex. 93Civ2546H).

4. In addition to this attempt at the concealment of federal representation, at federal cost and expense, of federal judges/officials who do not have "scope" status, since June 1, 1993, in the above proceedings, Reno/USDJ, also by stealth and concealment, have been effectively representing state judges/officials, in an attempt to likewise conceal the XI Amendment/Hans subject matter infirmity.

Charge IV Reno - Defrauding the Federal Treasury etc.

1a. Reno herself, when sued in her personal capacity for tort money damages, has been defended at federal cost and expense, although she has never been "scope" certified or adjudicated (*e.g.*, *Sassower v. American Bar Association, et el.*, ND Ill. - 93Civ.7427[WTH]).

b(1) Reno's activities have been sufficiently illegal and egregious that she has been unable to obtain _any_ authorized subordinate in the USDJ to "scope" certify her activities, all of which are contrary to legitimate federal interests, financial and otherwise.

(2) Thus, for example, Reno's perfidious activities have included _consistently_ opposing and/or not supporting petitioner's efforts to have recaptured in favor of the federal government those monies which were payable "to the federal court" but diverted, by self-help, to KREINDLER & RELKIN, P.C. ["K&R"] and CITIBANK, N.A. ["Citibank"], or those who engineered the larceny of all of Puccini's judicial trust assets.

2a. To repeat -- Reno herself, when sued for her own personal tortious misconduct, cannot obtain a "scope" certification from _any_ of her subordinates. Nevertheless, Reno dragoons federal defense representations, at federal cost and expense.

b. As part of Ms. Reno's illegal federal defense representation, at federal cost and expense, she and her representatives _consistently_ do not support or oppose the recapture of monies payable "to the federal court" but diverted to private parties (Exhibit "B"), never articulating any justification for any of the aforementioned misconduct.

3a. Exhibit "A" and Exhibit "B", are only two (2) of several communications, which reveal actual knowledge by Ms. Reno of the transpiring events.

b. Exhibits "B", transmitted to Ms. Reno by Certified Mail, reads as follows:

> " 1a. This is to put you, as well as President Clinton, on actual notice, that you, Mme. Attorney General, are defrauding the federal treasury, and otherwise violating the federal criminal code, by being defended, at federal cost and expense, in an action wherein you are being sued and defended in your personal capacity, the clear language of the statute (28 _U.S.C._ §2679[d]), and all decisions on the subject (e.g., _Sullivan v. Freeman_, 944 F.2d 234 [7th Cir.-1991, per Posner, J.]) notwithstanding.
>
> b. In view of your misconduct, which is of a criminal magnitude and not disputed, no U.S. Attorney, although authorized (28 _CFR_ §15.3), has been willing to issue a 28 _U.S.C._ §2679[d] `scope' certificate for in your favor or for your co-conspirators.

2a. At present there is pending my motion:

"(2) to direct the U.S. Attorney for the Northern District of Illinois, to take such action as may be necessary to recover such monies that were payable 'to the federal court', but diverted to the pockets of CITIBANK, N.A. ['Citibank'] and KREINDLER & RELKIN, P.C. ['K&R'], which included monies paid on behalf of affirmant."

b. Although not disputing the fact that monies payable 'to the federal court' were diverted to private pockets, U.S. Attorney James B. Burns, as representing you personally, opposes such relief.

3. Ironically, the President, when sued in his personal capacity, for alleged misconduct, which did not prejudice the federal or state sovereign purse, unlike yourself, is not permitted to burden the federal treasury for his personal legal defense.

4. I deem this criminal situation, involving you, the Attorney General, to be a matter of public attention and redress by, inter alia, the <u>vox populi</u>.

5. Unless you <u>immediately</u> repudiate the aforementioned usurped representation and the conduct of the U.S. Attorney in opposing restitution in favor of the United States, for monies diverted to private pockets, I will deem such misconduct as having been ratified."

4a. Ms. Reno and the U.S. Attorney knew that Chief Judge RICHARD A. POSNER ["Posner"] and his Circuit had been corrupted, in order to have had the U.S. Attorney openly represent her and <u>simultaneously</u>, but covertly, represent some of the members of the Second Circuit judiciary, <u>all</u> in their own personal names and capacities, since shortly theretofore, then Judge, now Chief Judge, Posner, speaking for the Court in *Sullivan v. Freeman* (*supra*) stated (at p. 337):

"For the [*Westfall*] Act [28 *U.S.C.* §2671, *et. seq.*] to kick in, the employee must notify the Attorney General of the suit; the Attorney General must certify that the defendant employees were acting within the scope of their employment when the tort occurred; and, if he [she] refuses to so certify, the employees themselves must petition the district court. ... No certification or petition has been filed in this case and, so far as we are aware, the defendants have not even notified the Attorney General of the suit. ... The suit proceeds as an ordinary tort action against an individual, as it would if, for example, the defendant, although unquestionably a federal employee within the meaning of the Westfall Act, had been acting outside the scope of his employment when he committed to tort."

b. Here, as is the almost invariable consequences, for exposing judicial fraud, draconian retaliatory measures were taken against petitioner, as this fraud continues, without abatement, actively aided and abetted by Mr. Reno, at federal cost and expense.

5. For Ms. Reno's personal problems with THE FLORIDA BAR, caused by her activities which were and are illegal, unethical and contrary to legitimate federal interests, she has employed federal attorneys, at federal cost and expense, when she has been made aware that other Article II officials, including the President of the United States, employed private attorneys, at private cost and expense.

Charge V Evasion of Income Taxes.

The receipt of legal services by Newman, Brieant, Reno and others, at federal cost and expense, results in "taxable income"[30] as, *inter alia*, Newman-Brieant conceded (Exhibit "A", ¶1a8), which income they neither have reported nor paid.

Not reporting "taxable income" or paying the taxes due thereon, in addition to defrauding the federal government, are crimes which Reno and the USDJ routinely prosecutes, and Newman, Brieant and other federal jurists, routinely punish.

Charge VI Reno-Defrauding the Governmental Treasury.

1a. Reno and her subordinates in the USDJ have only one client, the United States, whose interests they must defend and advance with "zeal" and "undivided loyalty".

b. Reno and her subordinates in the USDJ do not represent federal judges, officials, or employees, *qua* individuals, except insofar as those judges, officials, or employees act within the "scope" of their office or employment, at which point there is a United States substitution and it is the United States that Reno and/or her subordinates are defending.

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30. 26 *U.S.C.* §120.

2a. Reno and her subordinates in the USDJ have the right, indeed the obligation, to intervene in any litigation where the interests of the United States are involved31.

b. Where petitioner has repeatedly moved in various circuits during the Reno tenure in office to recapture, in favor of the federal purse, monies which were payable, *in haec verba*, "to the federal court", but diverted to K&R and Citibank, although no one disputes that such criminal diversion occurred, petitioner's motions are always opposed and/or not supported by Reno and her subordinates in the USDJ, without any reason advanced for their action and/or inaction.

Charge VII Reno-Obstruction of Justice.

1. Reno is an Article II official has been conducting herself in conspiratorial consort with, *inter alia*, Newman, Brieant and other corrupt and corrupted Article III jurists, triggering unconstitutional, as well as criminal, ramifications as they judicially conceded (Exhibit "A", ¶¶1a5-7).

2a. Every Article III jurist, U.S. magistrate-judge, and U.S. attorney is familiar with the United States substitution provision when "scope" status has been obtained in money damage tort litigation.

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31. 28 *U.S.C.* §§ 516, 517. However, as the official historical note reveals, "[t]he words 'as such officer' [in such statutes] are omitted, as unnecessary since it is implied that the officer is a party in his official capacity as an officer."

Thus if federal judges are diverting monies payable 'to the federal court' to the pockets of their bagmen and cronies, the Attorney General can, and should, intervene in favor of recapturing such diverted funds in favor of the federal treasury, not opposing same to advance the interests of rogue jurists such as Newman and Brieant.

b. Every Article III jurist, U.S. magistrate-judge, assistant Attorney General assigned to the Torts Division[32], and U.S. Attorney knows that in the reported case wherein petitioner is involved, they have, on their face, jurisdictional infirmities, subject matter and otherwise, since, *inter alia*, federal judges and officials have been defended, in their own names, without a United States substitution, by the Attorney General and/or U.S. attorney, and state defendants, are represented at state cost and expense, the XI Amendment/Hans subject matter infirmity, notwithstanding.

c. Additionally, when a United States substitution is triggered, as every Article III jurist, U.S. magistrate-judge, and U.S. attorney knows, there is the loss of the official immunity defense[33].

d. Every Article III jurist and U.S. magistrate-judge knows that they must act when federal attorneys act contrary to federal interests, state attorneys act contrary to state interests, and all fiduciaries act contrary to their trusts.

e. Ms. Reno's fraud, conspiring with Newman, Brieant and other rogue jurists, is made compellingly obvious when, as invariably is the situation, she, without any articulated reason or excuse, does not support petitioner's motions to "obtain reimbursement from federal judges and officials, who were and are defended, at federal cost and expense, although [they are] unable to obtain 28 *U.S.C.* §2679[d] 'scope' status." (*e.g.*, *Applications for a Grand Jury Inquiry*, *supra*).

3. In each instance the federal jurist involved has been "fixed" and "corrupted" by the clients of Reno/USDJ, such as Newman and Brieant, often with the active aid and assistance of Reno/USDJ.

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32. Particularly included in this category is Assistant Attorney General BARBARA HERWIG ["Herwig"], who is the Attorney General's authority on the Federal Tort Claims Act, and recognized as such by the USDJ (*Melo v. Hafer*, 912 F.2d 628, 640 n.17 [3rd Cir.-1990], aff'd *sub nom. Hafer v. Melo*, 502 U.S. , 112 S.Ct. 358 [1991].

Notwithstanding Ms. Herwig's contentions on the subject at hand, concurred in by all the circuit courts, where petitioner is involved, Ms. Herwig has always taken a contrary position, and appeared for federal judges and officials, in their personal capacities, none of whom had "scope" status (*e.g.*, *Sassower v. Carlson*, 930 F.2d 583 [8th Cir.-1991]; *Sassower v. Whiteford*, 1991 WL 133163 [4th Cir.-1991]).

Ms. Herwig, well aware that the tribunal had been "fixed" and "corrupted", never has even attempted to justify her fraudulent behavior.

33. *Kentucky v. Graham*, supra, at 166-167; *Castro v. U.S.*, 34 F.3d 106, 111 [2d Cir.-1994]; *Rivera v. U.S.*, 928 F.2d 592, 609 [2d Cir.-1991].

b. Only federal judges who had been corrupted by, *inter alia*, Newman and Brieant, would tolerate Reno/USDJ betraying the legitimate financial interests of the United States, in order to advance and conceal criminal racketeering activities34, as Reno is aware.

<u>Charge VIII</u> <u>Reno's Co-Conspirators -- F&D</u>.

1a. F&D issued the surety bonds for LEE FELTMAN, Esq. ["Feltman"], Puccini's court-appointed receiver, and also for Mastroianni, the administrator on the Kelly Estate.

b. When sued, the only legal and ethical course that F&D and its attorneys could pursue, was to implead financially responsible culprits, and "walk-away" from the litigation without incurring any further legal expense.

c. However, impleading would abort the Puccini/Kelly racket, and seriously jeopardize similar racketeering adventures.

d. Consequently, F&D's attorneys were solicited by the Newman/Brieant/Murphy entourage, with the cooperative efforts of Reno/USDJ, not to implead, but instead avoid liability by submitting false and perjurious affidavits and documents which: (i) denied they issued the surety bonds on the Kelly Estate, and (ii) that they were discharged from any obligations on the Puccini bond (see, *e.g.*, *Sassower v. F&D* [SD Fl. 93Civ2268[DLG]).

e. With the active cooperation of Reno/USDJ, Chief Judge Tjoflat, and others, the jurist was "fixed", and accepted, without any due process, the perjurious and sham documentation tendered by F&D's attorneys.

f. To conceal this fraud and abort a criminal investigation, Reno/USDJ has stonewalled petitioner's attempt to gain access to the grand jury, although they had no discretion in the matter (18 *U.S.C.* §3332[a])35.

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34. *See* 28 *U.S.C.* §372, *Code of Judicial Conduct*, 3B3. *See also* The *Code of Ethics for Government Service*, approved by Congress, which provides that governmental officials and employees shall (28 *CFR* Part 45, Appendix, p. 28):

"9. Expose corruption whenever discovered".

35. *Matter of Grand Jury Application*, 617 F. Supp. 199 [SDNY-1985].

g. The cost and expense by F&D in defending such Puccini/Kelly litigation, avoidable by impleading, was and is the price paid by F&D for the judicial favors it enjoys from the New York-Second Circuit judiciary in having a virtual monopoly in the judicial bond business in New York.

<u>Charge IX</u> <u>Reno's Co-Conspirators -- Lexis, West/Westlaw</u>.

1a. Essential co-conspirators in the Puccini/Kelly and similar criminal rackets is Lexis, West/Westlaw, whose operations in republishing and distributing judicial opinions can be fairly attributable to the judicial branch of government.

b. <u>All</u> published opinions by Lexis, West/Westlaw, hard copy and/or electronic, involving the Puccini/Kelly rackets, are jurisdictionally infirm, in addition to including concocted, contrived and fabricated facts.

c. In most of these published opinions, some of the jurisdictional infirmities appear facially, *e.g.*, XI Amendment/Hans, federal representation without a United States substitution.

d. Everyone, including Reno/USDJ, Lexis and West/Westlaw are aware of these infirmities, patent and concealed.

e. However, aided and abetted by Reno/USDJ and their personal capacity clients, including Newman and Brieant, petitioner is denied access to the courts in order to have these false and deceptive decisions vacated, and employing these sham opinions, which every jurist knows are sham and void, the New York-Second Circuit judiciary "fix" and corrupt other judges and circuits.

2. Some of the criminal racketeering activities of Chief Judge Brieant, a personal capacity client of Reno/USDJ, warrants a brief discussion.

a. Feltman, the court-appointed receiver, unable to account for the Puccini assets, in view of the K&R-Citibank larceny, and K&R-Citibank not desiring to return the booty, made their financial arrangements with the "Murphy-Brieant syndicate", which syndicate includes Administrator Riccobono.

b. These private arrangements with the Murphy-Brieant syndicate, included the issuance of, without jurisdiction, without due process, injunctions which denied petitioner access to the courts in order to compel an accounting, a clear statutory right (*NY Bus. Corp. Law* §1216[a]) and to obtain restitution for himself and the victims of this racket.

c. Chief Judge Brieant "fixed" U.S. District Court Judge WILLIAM C. CONNER ["Conner"] to issue such injunction on October 11, 1985 (*Raffe v. Doe*, 619 F. Supp. 891 [SDNY-1985]), although there was no jurisdiction over petitioner, subject matter or personal, as they were aware, in addition to the XI Amendment/Hans subject matter infirmity, and other infirmities.

d. At no time or place has anyone, including Judge Conner, ever denied, that *Raffe v. Doe (supra)* was issued, with knowledge, that there was a clear absence of all jurisdiction over petitioner and his interests, and as a result of fraud and corruption, and that petitioner was not permitted to appeal same.

e. The Conner injunction, even if valid, only included activities prior to August of 1984, for it specifically provided (p. 897):

> "However, these complaints also allege certain improprieties by state court judges in connection with respect to Puccini proceedings <u>after</u> the date of Judge Nickerson's decision .... Since these alleged misdeeds after Judge Nickerson's decision, they were <u>not</u> and could <u>not</u> have been litigated in that action. However, all of these alleged improprieties apparently could have been, and perhaps still can be, reviewed by appeal in the state courts, it would be wholly inappropriate for this Court to consider them here." [emphasis supplied]

f. Based on conduct <u>subsequent</u> to the Judge Conner decision, misconduct in the <u>federal bankruptcy court</u>, petitioner commenced *United States for the Benefit of George Sassower v. Sapir* (87 Civ. 7135[CSH]- SDNY-1987), which was unquestionably not covered by any injunction.

g. Following an *ex parte* meeting by the Feltman firm with Judge Conner, Judge Conner wrote am *ex parte* "fixing memorandum" to U.S. District Court Judge CHARLES S. HAIGHT ["Haight"], the jurist in *Sassower v. Sapir* (*supra*), which petitioner unearthed after a clearly suspect order had been issued by Judge Haight, resulting in the amendment of petitioner's complaint, as of right, which added Judge Conner as a *Dennis v. Sparks* (449 U.S. 24 [1980]) "fixing" co-defendant.

h. Chief Judge Brieant, who had <u>no</u> jurisdiction over *Sassower v. Sapir* (*supra*), upon learning that petitioner had "added" Judge Conner, as a party defendant, without any notice or any due process, dismissed such Judge Haight action, and enjoined petitioner from "filing <u>any</u> action in the United States District Court for the Southern District of New York".

i. Almost two (2) years thereafter, when the media published an article concerning Presiding Justice Murphy, who was being investigated for his interference with the professional disciplinary process, in which petitioner was an obvious source, Chief Judge Brieant, struck again, and without any notice or due process, barred petitioner from physical access to the entire Federal Building and Courthouse in White Plains, even when petitioner's interests were being litigated, which exclusion edict Reno/USDJ enforce.

j. Another two (2) years thereafter, when petitioner commenced, non-federal cases in the Supreme Court of the State of New York, County of Westchester, commencing with *Sassower v. Abrams .... [Brieant]* (833 F. Supp. 253 [SDNY-1993]), Brieant dragooned the services of an assistant U.S. attorney, to *ex parte* dragoon this personal capacity, non-federal case, to the U.S. Southern District of New York, without the execution of any 28 *U.S.C.* §2679[d] "scope" certificate.

(1) The USDJ had no authority to represent Judge Brieant or any other federal judge or official, sued in his personal capacity, without the issuance of a "scope" certificate, which the U.S. Attorney failed and refused to issue.

(2) The USDJ and its federal clients, had no power of removal where, as here, there were no federal causes of action, or any federal defense asserted36.

(3) The United States was not an interested party where there was no 28 *U.S.C.* §2675[a]37 compliance, a subject matter infirmity, if the action was to be construed as an action against the United States, which was not even attempted.

(4) In view of the state co-defendants, creating an XI Amendment/Hans subject matter jurisdictional bar, the power of removal was could not be effectuated38.

k(1) The *Sassower v. Abrams (supra)* attempted to enjoin any inquiry into the criminal racketeering matters of Chief Judge Newman, as petitioner had disclosed them to President Clinton, including that involving DENNIS F. VILELLA ["Vilella"] (Exhibit "A").

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36. 77 *C.J.S., Removal of Causes,* §49, §60, pp. 180, 185.

37. See note 21 *supra.*

38. *Frances J. v. Wright,* 19 F.3d 337 [7th Cir.-1994], cert. denied U.S. [10/3/94]; *McKay v. Boyd,* 769 F.2d 1084 [11th Cir.-1985]; *Robinson v. State of California,* 836 F.Supp. 717 [ND Cal.-1993].

(2) Significantly, to the extent that petitioner did not disclose such Newman criminal racketeering activities in his communication to President Clinton, they were not enjoined.

1(1) As set forth in petitioner's letter to President Clinton:

> "Dennis F. Vilella, a pro se defendant, a born American, a college graduate, married, with two small children, very active in civic and church affairs, and with a clean criminal record, has been incarcerated for six (6) years, for crimes that were <u>never</u> committed by anyone.
>
> The alleged victim, whose testimony was uncorroborated, swore she was struck violently, on the head, about 20 times, with a 'tire iron'. However the prosecutor and judge <u>deliberately concealed</u> from the trial jury the Hospital Records, which showed <u>no</u> skull fractures, a <u>negative</u> CAT Scan, the highest possible non-coma score, and <u>no</u> treatment for skull injuries or brain damage. ...
>
> When Judge Newman, as he has, employs his federal judicial powers to sanction members of my family in an obvious attempt to retaliate against me for resisting any involvement in these criminal judicial racketeering adventures, or exposing them, he has disregarded the fundamental First Amendment right of 'free association', as well as abusing the authority of his office.
>
> Judge Newman, and others, in keeping Vilella incarcerated for crimes never committed, in having Raffe pay millions of dollars in extortion monies, and by their other retaliatory activities, have essentially proclaimed that it is 'open season' against anyone perceived to be associated with me."

(2) Thus, an injunction was issued in *Sassower v. Abrams (supra)* precluding any inquiry into the Vilella matter, where Newman and others attempted to extort petitioner's silence, in exchange for Vilella's freedom. While an extortion attempt involving HAROLD COHEN ["Cohen"] was not enjoined, since he was not specifically mentioned in petitioner's letter of June 1, 1993 (Exhibit "A").

Charge X Obstruction of Criminal Investigations.

1. In order to frustrate any criminal investigation by the grand jury, an essentially independent branch of government, with its own investigative powers, Reno/USDJ has stonewalled all petitioner's attempts to communicate with the grand jury, the congressional mandate to the contrary notwithstanding (18 *U.S.C.* §3332[a])39.

Charge XI Reno's Ratification of USDJ Transgressions.

1. Ms. Reno must accept responsibility of the transgressions of her various U.S. Attorneys, such as U.S. Attorney JAMES B. BURNS ["Burns"], who expressly represented her in a personal capacity, and by stealth represented Second Circuit judges, all at federal cost and expense, in the matters here described

2. Ms. Reno must also accept responsibility of those actions were prior to Ms. Reno's reign, such as Assistant Attorney General Herwig, unless she takes immediate remedial action, which includes reimbursement to the federal government for services and disbursements rendered.

Dated: January 11, 1995

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39. See note #35