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February 25, 2009

Hon. John G. Roberts
Chief Justice of the United States
1 First Street, N.E.
Washington, D.C. 20543

An Open Letter

Mr. Chief Justice:

1. For twenty (20) years, or since you were Chief Assistant Solicitor General of the United States, you have *known* that Article III federal jurists when sued in their "*personal*" capacities, were defended in such "*personal*" capacities at federal cost and expense, albeit *unauthorized*.

Unlike expenditures made pursuant to "*pork barrel*", "*ear-mark*" and/or "*Christmas Tree*" legislation, even when "*inappropriate*" and "*extravagant*" are "*legal*", since they have been "*authorized* by Congress, which has control of the federal purse. However, the payment and/or receipt of "*unauthorized*" monies and/or services are "*felonies*", punishable by fines and terms of incarceration (31 ***U.S.C.*** §§1941, 1942, 1950), and even in the best of times, these practice cannot be tolerated.

Consequently, Your Honor cannot avoid prohibiting *all* members of the Federal Judiciary from dragooning or accepting federal defense representation, when sued and defended in their "*personal*" capacities, and directing *all* federal jurists who have heretofore dragooned or accepted federal defense representation, at federal cost and expense, when sued and defended in their "*personal capacities*", to promptly "*reimburse*" the ***United States*** for the *unauthorized* expenditures made on their behalf.

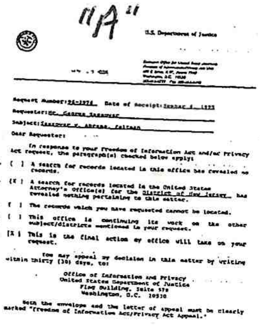
2. The fraud being committed by Article III Federal jurists in dragooning and/or accepting federal defense representation, at *unauthorized* federal cost and expense, when sued and defended in their "*personal capacities*" is substantial both in numbers of jurists involved and the amounts expended.

Commencing with U.S. Circuit Court Judge ***Wilfred Feinberg***, U.S. District Court Judges ***Eugene H. Nickerson*** and ***William C. Conner***, I shall publish and distribute each week a description of some of the activities of these rogue federal jurists, which include, in most instances, dragooning federal defense representation, when they were sued and defended in their "*personal capacities*".

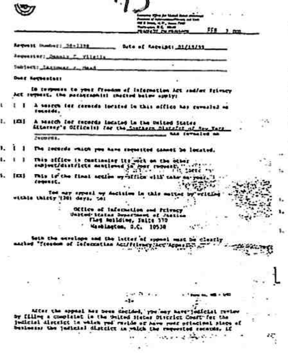
3. In dragooning federal defense representation, at *unauthorized* federal cost and expense, when sued in their "*personal capacities,* neither ***Wilfred Feinberg***, ***Eugene H. Nickerson*** nor ***William C. Conner*** ever claimed that they were "acting within the scope of their offices", which would have provided them with "*suit immunity*" (28 ***U.S.C.*** §2679[d])!

Consequently, the U.S. Attorney involved had to "cook" his federal official books, in order to conceal such *unauthorized* federal expenditures from federal fiscal authorities (see, *e.g.*, Exhibits "A". "B". "C" & "D"), which is also a felony (18 ***U.S.C.*** §1001).

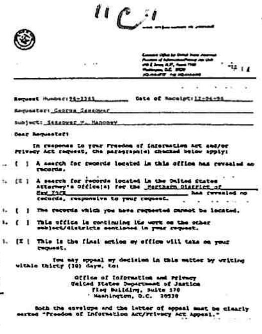
"A"



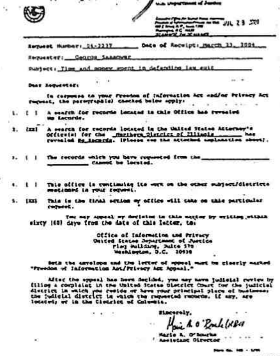
"B"



"C"



"D"



Part "A":

1. In a common law, money damage, tort action, one can sue the principal and agent, master and servant, employer and employee, and usually obtain a judgment against both, as their liability is joint and several.

However, when the ***United States*** is involved, when a federal judge, official, employee or person in the military, all defined as "employees" of the ***United States*** (28 ***U.S.C.*** §2671), is involved, for a particular act or event, it is one or the other that can be sued, not both!

2. If the federal judge, official, employee or person in the military, was "acting within the scope of his/her office/employment/line of duty", at the time of the incident, *only* the United States can be sued, and a federal attorney defends the United States, at federal cost and expense.

If he/she was *not* acting "within the scope of his/her office/employment/line of duty", the federal judge, official, employee or person in the military is the *only* proper defendant, and he/she can *only* be defended by a non-federal attorney, at non-federal cost and expense, since Congress has not authorized any expenditures to be made in such "*personal capacity*" action (28 ***U.S.C.*** §547).

3. Should a federal judge, official, employee or person in the military be sued in his/her "*personal*" capacity, upon "certification" by the Attorney General of the United States, or any of his/her authorized subordinates (28 ***CFR*** §15.3) or jurist that he/she was acting within the "scope" of his/her office/employment at the time of the incident, the ***United States*** is automatically "*substituted*" as the defendant. *In haec verba*, 28 ***U.S.C.*** §2679[d] reads [emphasis supplied]:

> "*Upon certification* by the Attorney General [or his/her authorized subordinates or judge] 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 ... 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."

With the ***United States*** as the "*substituted*" defendant, a federal attorney defends it, at federal cost and expense, ***not*** the substituted federal judge, official, employee or person in the military, who is no longer a party to the action.

4. If there are multiple federal defendants, and only some were found to have been acting "within the scope of his/her office/employment, then it *only* those who were "scope certified", for whom there is an automatic United States "*substitution*", not the others and they can *only* be defended by a non-federal attorney, at non-federal cost and expense (***Woods v. McGuire***, 954 F.2d 388 [6th Cir. - 1992]).

If multiple acts are involved, the ***United States*** is "*substituted*" *only* for those acts which were "scope certified", and a non-federal attorney defends those acts which were *not* committed "within the scope of his/her office/employment" (***Lyons v. Brown***, 158 F.3d 605 [1st Cir. - 1998]).

5. Federal defense representation, at federal cost and expense, for "*persons*" and/or for "*personal*" activities, results in a "*subject matter jurisdictional*" infirmity, rendering all merit dispositions made to be "*null* and *void*"!

6. For historical reasons, there is an exception for revenue and custom officials and/or employees who can be sued in their own names, for conduct within the "scope of his/her

office/employment, and be defended by a U.S. Attorney, at federal cost and expense (28 *U.S.C.*§547[3]), but this exception does not here exist and can be ignored.

Part "B":

1. Forty-five (45) years ago, ***Wilfred Feinberg***, as a U.S. District Court Judge, "dismissed" the action against ***Thomas Jones*** because, as a federal employee, in a money damage tort action, he had "*suit immunity*" while acting "in the course of his employment" (***Perez v. United States***, 218 F. Supp. 571 [SDNY-1963])!

Perez v. United States (*supra*) was a case of "first impression", and has been followed by *every* court, federal and state, for more than forty-five (45) years, when confronted by the same issue, except in actions revolving around the "***Citibank Bribes for Total Immunity Criminal Enterprise***"!

2. Then, almost thirty-five (35) years ago, in ***Myers v. United States Postal Service*** (527 F.2d 1252 [2nd Cir.-1975]), where U.S. Circuit Court Judge ***Wilfred Feinberg*** was a panel member, the Court stated [emphasis suppled]:

> "We should first note that suit under the ***Federal Tort Claims Act*** ["FTCA"] lies here, if at all, *only* against the United States. Neither the Postal Service nor the Postal Inspection Service, named as defendants, may be sued ... The district court also *lacks jurisdiction* in respect to the two individual Postal Service employees named as defendants in this action. *Only* claims 'against the United States' are included within the Federal Tort Claims Act jurisdiction. ... *Accordingly, as to all defendants except the United States, the dismissal of the complaint must be affirmed for lack of subject matter jurisdiction*."

3. By 1987, it was so well established that the ***United States*** is the *only* defendant that can be sued in a ***Federal Tort Claims Act*** (28 ***U.S.C.*** §2671, *et seq.*) action when the official or employee was acting within the ."scope of his/her office/employment", that in ***K.W. Thompson v. United States*** (656 F. Supp 1077, 1086 [NH-1987]), the Court imposed *FRCivP*, Rule 11 sanctions on the plaintiff's attorneys for including a "*federal agency*" and "*federal persons*" as money damage tort defendants.

Part "B":

1. Thus, by 1987, a basic dumb computer could be programmed to read or say "*impossible*" whenever it "scanned" a decision in a money damage tort action, where a federal judge, official, employee or person in the military was "*sued*" in his/her "*official capacity*", and this dumb computer would be correct each and every time since there are no reported cases where revenue or custom employees was sued in his/her "*official capacity*"!

2. Nevertheless, that same year, 1987, in ***Vilella v. Santagata*** (87-1450 [SDNY-GLG]), when ***Wilfred Feinberg*** was Chief Judge of the Circuit Court of Appeals for the Second Circuit, and when he, ***Eugene H. Nickerson; William C. Conner*** and other Article III jurists, were money damage tort defendants, the initial submission by Assistant U.S. Attorney ***Robert W. Gaffey***, on behalf of U.S. Attorney ***Rudolph W. Giuliani***, read as follows:

> "Respectfully submitted,
> RUDOLPH W. GIULIANI
> United States Attorney for the
> Southern District of New York
> Attorney for Defendants
> *Feinberg, Kaufman, Meskill,*
> *Conner and Nickerson*
> /s/ ROBERT W. GAFFEY
> Assistant United States Attorney

3A. Such personal representation of ***Wilfred Feinberg***, ***Eugene H. Nickerson***, ***William C. Conner*** and other Article III federal judges, by ***Rudolph W. Giuliani*** and ***Robert W. Gaffey*** was made even though they and U.S. District Court Judge ***Gerard L. Goettel***, *all knew* the merit dispositions were "*null* and *void*" as lacking in "*subject matter jurisdiction*" (***Myers v. United States Postal Service*** (*supra*).

B. Then, when ***Wilfred Feinberg*** was Chairman of the Executive Committee of the Judicial Conference of the United States, as well as Chief U.S. Circuit Court Judge for the Second Circuit, in New Jersey, ***Wilfred Feinberg***, ***Eugene H. Nickerson***, ***William C. Conner*** and other Article III federal judges and federal officials, such as ***Robert W. Gaffey***, were defended by U.S. Attorney, ***Samuel A. Alito***, in their "*personal capacities*", before U.S. District Court Judge ***Nicholas H. Politan*** (***Geo. Sassower v. Abrams/Feltman*** [88Civ1012/1562 [NJ-NHP], although they *all* knew such representation was *unlawful* and the merit dispositions made were "*null* and *void*"!

Before these federal expenses, "went through the roof", they were described as "staggering" by a federal official (***New Jersey Law Journal***, July 13, 1989), and the court files supported such "staggering" estimate.

Since these federal expenditures by U.S. Attorney ***Samuel A. Alito*** were *unauthorized*, he had to "*cook*" his official books to conceal such *felonious* behavior (see, Exhibit "A").

C. U.S. Attorney ***Andrew J. Maloney*** defended ***Wilfred Feinberg***, ***William C. Conner*** and other federal Article III jurists and officials, in their "*personal capacities*", before U.S. District Court Judge ***Edward R. Korman*** (***Cohen v. Littman***, 88Civ0621 [EDNY-ERK]), although they *all* knew they were defrauding the ***United States*** thereby and that the merit dispositions made were "*null* and *void*"!

D. Chief Judge & Chairman ***Wilfred Feinberg***, ***Eugene H. Nickerson*** and ***William C. Conner*** dragooned the services of U.S. Attorney, now U.S. District Court Judge ***Frederick J. Scullin, Jr.***, and Assistant U.S. Attorney ***Paul D. Silver***, to defend them in their "*personal capacities*" (***Geo. Sassower v. Mahoney***, 88Civ0563 [NDNY-CGC]).

In a letter by Assistant U.S. Attorney ***Paul D. Silver*** to U.S. District Court Judge ***Con. G. Cholakis***, dated June 10, 1988, he stated [with emphasis supplied]:

> "By this letter, I wish to request an adjournment of plaintiff's various motions ......
>
> The basis for this request is that I have had insufficient time to respond to plaintiff's motions. The complaint and moving papers in this matter were received in the chambers of Chief Judge Wilfred Feinberg on May 27, 1988. *Judge Feinberg promptly requested representation from my office* ......

Here also, since U.S. Attorney ***Frederick J. Scullin, Jr.***, and Assistant U.S. Attorney ***Paul D. Silver***, as did their rogue clients, *knew* they were defrauding the ***United States***, official books were "*cooked*" in order to conceal such financial fraud upon the ***United States*** (Exhibit "B").

E. Thereafter, in and out of the Second Circuit, Second Circuit jurists were being in their "*personal capacities*", in their own names, in money damage tort action and "cooking" their books to conceal such *unauthorized* federal expenditures (*e.g.*, Exhibits "C" & "D").

F. A recitation of those many other actions wherein federal attorneys defended Article III jurists, in their "*personal*" capacities, would be supererogatory.

Part "C":

1. Independently of 28 ***U.S.C.*** §2679, a federal attorney cannot defend anyone, including the ***United States***, in a money damage tort action, unless a 28 ***U.S.C.*** §2675 "notice of claim" has been filed (***McNeil v. U.S.***, 508 U.S. 106 [1993]; 13 ***ALR Fed.*** 762, 768 n.8).

2. Federal defense representation of _anyone_ where no 28 ***U.S.C.*** §2675 "notice of claim" exists is _also_ a "*subject matter jurisdictional*" infirmity, and _also_ renders _all_ merit dispositions made to be "*null* and *void*!

3. In _all_ actions revolving around the "***Citibank Bribes for Total Immunity Criminal Enterprise***", which includes _all_ of the aforementioned actions, federal attorneys defended federal judges and officials, in their "*personal capacities*", at federal cost and expense, and there was _no_ 28 ***U.S.C.*** §2675 "notice of claim in any of these actions!

Everyone involved in the aforementioned actions, particularly the trial federal judge, the federal defendants and the U.S. Attorneys, commencing with ***Vilella v. Santagata*** (*supra*), *knew* the action was infected with a "*subject matter infirmity*" by reason of the absence of a 28 ***U.S.C.*** §2675 "notice of claim", that the ***United States*** was being defrauded and that the merit dispositions were "*null* and *void*" thereby!

In all these actions, the U.S. Attorneys involved had to "cook" his official records in order to conceal these *unlawful* expenditures (_see_, *e.g.*, Exhibit "C" & "D").

For example, in ***Geo. Sassower v. American Bar Association*** (ND Ill 93CV7427[WTH], opening allegations in the complaint read [emphasis in the original]:

> "This is a personal capacity action against, _inter alia_, federal officials, who are intentionally acting contrary to legitimate federal interests to satisfy personal interests, and clearly not in the "scope" of their offices.
>
> This is _not_ an action against the federal government, or any of its officers in their official capacities; _no_ allegation is being made that any 28 ***U.S.C.*** §2675 notice of claim has been filed for the causes of action alleged herein; _no_ judgment is sought by plaintiff against the United States, _nor_ does plaintiff seek to impose any financial burden upon the United States for any defense representation."

Although the complaint specifically alleged that no 28 ***U.S.C.*** §2675 notice of claim has been filed and that " _no_ judgment is sought by plaintiff against the United States, _nor_ does plaintiff seek to impose any financial burden upon the United States for any defense representation", U.S. Attorney ***James B. Burns***, appeared by Assistant U.S. Attorney ***Charles E. Ex*** for the federal judges and officials.

Part "D":

1. Where there is no 28 ***U.S.C.*** §2675 "notice of claim" or where the United States has not waived its "sovereign immunity" (28 ***U.S.C.*** §2680 "), a 28 ***U.S.C.*** §2679 "scope certification are routinely issued, since after a ***United States*** "substitution" for the federal judge, official, employee or person in the military, the action is then dismissed against the ***United States***, as well, for failure to file a 28 ***U.S.C.*** §2675 "notice of claim" and/or the ***United States*** has not waived its "sovereign immunity".

Nevertheless, in _all_ actions revolving around the "***Citibank Bribes for Total Immunity Criminal Enterprise***", including ***Vilella v. Santagata*** (*supra*) and those actions represented by Exhibits "A", "B", "C" & "D", neither ***Wilfred Feinberg, Eugene H. Nickerson, William C. Conner***, nor anyone else involved in the "***Citibank Bribes For Total Immunity Criminal Enterprise***" has ever claimed that they were acting within the "scope of their office/employment" since "scope certification" would have afforded the plaintiff of the opportunity to contest the propriety of such certification (***McHugh v. University of Vermont***, 966 F2d 67 [2nd Cir.-1992]).

A "scope" inquiry as to the activities of ***Wilfred Feinberg, Eugene H. Nickerson*** and ***William C. Conner*** would have exposed their activities on behalf of ***Citibank, N.A.*** and certain "de-certification" (***McHugh v. University of Vermont***, *supra*).

Part "E":

1. In an action where a monetary recovery was compelled (***Raffe v. Citibank***, 84-0305 [EDNY-EHN]), U.S. District Court Judge ***Eugene H. Nickerson***, without a trial, hearing or pre-trial disclosure, dismissed the action and imposed herculean monetary sanctions on the plaintiff, ***Hyman Raffe***, and his attorney, ***Geo. Sassower***, Esq., which disposition was affirmed on appeal by a panel which included Chief U.S. Circuit Court Judge ***Wilfred Feinberg***, who authored the manifestly suspect opinion (CCA2d-#84-7737).

Even before this action was heard on appeal, the evidence began to surface that the suspect disposition by Judge ***Eugene H. Nickerson***, was motivated by "*bribes*" from ***Citibank, N.A.*** and its "estate chasing attorneys, ***Kreindler & Relkin, P.C.*** ["K&R"].

2. Thus, almost immediately after the disposition by the Second Circuit Court of Appeals of the "*impossible*" by U.S. District Court Judge ***Eugene H. Nickerson***, ***Citibank-K&R***, as self-anointed "public prosecutors, in the original civil proceeding, without a trial or hearing, *in absentia*, they had Judge ***Eugene H. Nickerson*** find ***Hyman Raffe*** and his attorney, ***George Sassower***, Esq. to be in non-summary criminal contempt and imposed herculean fines, which proceeding confirmed the "*bribery*" involved.

Such manifestly unlawful contempt scenario was affirmed by a panel in which Chief Judge ***Wilfred Feinberg*** was again the Presiding Judge and who wrote the Court's opinion (CCA2d-[85] 7251-7471).

In such September 13, 1985 opinion by Chief Judge ***Wilfred Feinberg***, he wrote:

> "We find Judge Nickerson' s contempt order appropriate under the circumstances. We have reviewed appellants' claim that criminal contempt entitles them to a hearing and find no merit to appellants' procedural objections ...
>
> We have considered all of appellants' arguments and find them to be without merit."

3. The fine monies imposed by U.S. District Court Judge ***Eugene H. Nickerson*** were properly made payable "to the federal court".

However, these federal monies, were *all* "*diverted*" to Citibank-K&R to serve, after "*laundering*", as an additional source of "*bribes*" *and* the "federal court" and/or the ***United States*** received *none* of these monies.

Since these "*diverted*" federal monies included monies paid on my behalf, I had "standing" on the issue, which no one ever denied, disputed or controverted.

In *all* subsequent litigation, commencing with ***Vilella v. Santagata*** (*supra*), whenever a motion was made to recapture these federal monies from ***Citibank-K&R*** in favor of the ***United States***, these U.S. Attorneys who were defending ***Wilfred Feinberg***, ***Eugene H. Nickerson***, ***William C. Conner*** and/or other federal judges and/or officials in their "*personal capacities*", the U.S. Attorney involved, *never* supported these motions and *never* articulated any justification for their treasonous, perfidious and treacherous behavior.

Thus, today, twenty-five (25) years *after* these federal monies were "*diverted*" to ***Citibank-K&R***, they and those they "*bribed*" with such monies, have it *all*, and the federal courts and/or ***United States*** has *none* of such federal monies!

4. At no time or place has U.S. District Court Judge ***Eugene H. Nickerson***, now deceased, Chief U.S. Circuit Court Judge ***Wilfred Feinberg***, U.S. Circuit Court Judge ***Irving R. Kaufman***, now deceased, U.S. Circuit Court Judge ***Thomas J. Meskill***, or *any* Article III federal jurist ever been willing "to swear under oath" or "affirm under penalty of perjury" has *any* merit validity!

5A. Almost 100 years ago, in ***Gompers v. Bucks Stove*** (221 U.S. 418, 444-445, 451 [1911]), the Supreme Court of the United States stated [with emphasis supplied]:

> "proceedings at law for criminal contempt are between the public and the defendant ... to vindicate the authority of the court, with the public [on] one side and the defendants on the other ...it is .a *separate* and *independent* proceeding.."

This and similar statements have been repeated, *ad nauseam*, by the Supreme Court, other Federal courts and authorities (***Cooter & Gell v. Hartmarx***, 496 U.S. 384 [1990]; ***Latrobe Steel v. United Steelworkers***, 545 F.2d 1336 [3rd Cir.-1976]; ***Paula] Jones*** v. [***William J.***] ***Clinton*** 206 F.3d 811, 812 [8th Cir.-2000]; 17 ***CJS*** Contempt §67[b] §68, p. 128-130; 17 ***Am Jur 2d*** §151, p. 522).

Nevertheless, "on the face" of ***Raffe v. Citibank*** (*supra*), both at the District and Circuit Court levels, they reveal that these criminal contempt proceedings, were brought in the original civil proceeding, with ***Citibank-K&R***, not the ***United States***, as the prosecutor and the patently "*corrupt*" and "*bribed*" ***Eugene H. Nickerson***, as the jurist.

As a "separate and independent" proceeding, a new jurist would have been assigned, not the patently corrupt U.S. District Court Judge ***Eugene H. Nickerson*** who, in any event, was disqualified since he was openly accused to be a "*corrupted*" jurist!

B Since ***Citibank-K&R*** had a substantial monetary interest in the outcome of the contempt proceeding, they were disqualified to serve as the criminal prosecutor (***Polo v. Stock***, 760 F2d 698, 703 [6th Cir.-1985], *cert* denied 483 U.S. 905 [1987]).

Citibank-K&R, were not appointed to serve as the proseeutors, but were self-anointed!

C. Since ***Citibank-K&R*** could not prove that any contempt had been committed, even on an *ex parte*, *in absentia*, basis, there was no oral evidence in support of such convictions.

6. Then, this contempt conviction, which *only* had the value as an "*offense*", was elevated to an "*infamous*" crime, and with similar contempt convictions, was made the subject of a "*disbarment order*", having also had no validity!

7. Obviously, neither ***Eugene J. Nickerson*** or ***Wilfred Feinberg*** could survive a "*scope*", hearing, even on a non-jury basis before an Article III jurist!

Part "F":

1. In ***Raffe v. Doe*** (619 F. Supp. 891 [SDNY-1985]), U.S. District Court Judge ***William C. Conner*** was openly "flaunting" that he was a "*corrupt*" federal jurist.

2. On its face, ***Raffe v. Doe*** (*supra*) reveals an Amendment XI of the ***Constitution of the United States*** (***Hans v. Louisiana***, 134 U.S. 1 [1890]), "*subject matter jurisdictional*" infirmity which rendered the merit dispositions made to be "*null* and *void*"!

In addition, U.S. District Court Judge ***William C. Conner*** did not have "*jurisdiction*" over the person or property of ***Geo. Sassower***, Esq., who was not a party to such action, which had been discontinued by ***Hyman Raffe***, before such decision had been rendered (see, ***Raffe v. Abrams***, 114 AD2d 443, 495 NYS2d 140 [1st Dept.-1985]), and was inundated with other lethal infirmities, including that "bribery.

3. To preserve the remaining judicial trust cash assets of ***Puccini Clothes, Ltd.***, an involuntarily dissolved corporations, in the approximate amount of $800,000, as a "*source*" of "*bribes*" for judges and officials, the ***megalomaniac***, U.S. District Court Judge ***William C. Conner*** in ***Raffe v. Doe*** (*supra*, p. 898) [emphasis supplied]:

> "ORDERED, that Hyman Raffe, George Sassower, Esq., and all those acting in concert or cooperation with either of them, are permanently enjoined and

restrained from filing or serving, or attempting to intervene in or initiate _any_ action or proceeding in _any_ federal court or tribunal against: "

The transmission of the $800,000 remaining in the judicial trust cash assets to judges and officials, was a pre-condition to an additional "*bribes*" by ***Citibank, N.A.***

4. However, ***Hyman Raffe*** and ***Geo. Sassower*** had contractually based, constitutionally protected obligations, including money judgments, of ***Puccini Clothes, Ltd.***, which could not be "*impaired*" by any State or Federal judge, official or employee (Article 1 §10[1] & Amendment V of the ***Constitution of the United States; Continental-Illinois v. Chicago Rock***. 294 U.S. 648 [1935]).

5. In almost twenty-five (25) years, U.S. District Court Judge ***William C. Conner*** has _repeatedly_ been challenged to "swear under oath" or "affirm under penalty of perjury" that ***Raffe v. Doe*** (*supra*) has _any_ merit validity! He has _repeatedly_ refused!

GEORGE SASSOWER

cc: Hon. Eric Holder
Public Integrity Section, Department of Justice
Chairman, Anthony J. Scirica
Wilfred Feinberg
Thomas J. Meskill
William C. Conner
Rudolph W. Giuliani, Esq.
Robert W. Gaffey, Esq.