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July 1, 1992

Foreperson, U.S. Grand Jury
Southern District of New York
101 East Post Road,
White Plains, N.Y. 10601

Dear Sir:

I solicit your invitation to give my sworn testimony before your body, which will be supported by my extensive documentary evidence, of the criminal racketeering activities of Chief U.S. District Judge CHARLES L. BRIEANT of the Southern District of New York and Presiding Justice FRANCIS T. MURPHY of the N.Y. State Appellate Division, both residents of Westchester County, which is here set forth in partial summarized fashion.

Such criminal racketeering activities include defrauding the federal and state treasury and taxpayer.

1a. Initially I call your attention to the fact that in May 1992, the Supreme Court of the United States repeated, once again, the fact that the Grand Jury is "a constitutional fixture in its own right", "functionally independent" of the judiciary and executive branches of government (U.S. v. Williams, U.S. , 112 S.Ct. 1735 [1992]).

b. Since U.S. Attorney's Office, at the instance of Judge Brieant, has repeatedly prevented my prior communications from coming to your attention, it would serve a salutary purpose to quote the following from the aforementioned recent decision, particularly since this document will be publicly distributed:

> "In fact the whole theory of its [grand jury] function is that it belongs to no branch of institutional government, serving as a kind of buffer or referee between the Government and the people. ... The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. 'Unlike a court, whose jurisdiction is predicated upon a specific case or controversy, the grand jury can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not' ... The grand jury requires no authorization from its constituting court to initiate an investigation."

Exhibit "A"

2. Beyond any doubt, as will hereinafter be partially demonstrated, Chief Judge Brieant and Presiding Justice Murphy are actively engaged in the larceny of judicial trust assets, diversion of monies payable "to the federal court" to private pockets, diverting other monies belonging to the state and city, extortion, and other racketeering activities.

a. By law, if a federal official or employee is sued (28 U.S.C. §2679[d]):

> "Upon certification by the Attorney General [or designee] 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."

b. In other words, if the conduct charged was "within the scope of his office or employment", the United States is substituted as the defendant, the U.S. attorney defends, at federal cost and expense, and the government pays any judgment recovered.

c. If no "scope" certificate is issued, the official or employee has his own attorney defend the case, at personal cost and expense, and satisfies any judgment recovered. Without a "scope" certificate, the federal government incurs no expense, nor is it liable for any judgment recovered.

d. Thus the courts have held that federal custom agents who rob (Attallah v. U.S., 955 F.2d 776 [1st Cir.-1992]), Army officers who sexually harass (Wood v. United States, 956 F.2d 7 [1st Cir.-1992]), and a Naval Commander who berate civilian law enforcement officials (Johnson v. Carter, 939 F.2d 180 [4th Cir.-1991]), are not entitled to "scope certifications".

e. Given the criminal racketeering activities in which Judge Brieant has involved himself, including diverting monies payable "to the federal court" to the pockets of his cronies or ratifying such misconduct, no U.S. attorney, from New York to California, has been willing to execute a "scope certificate" for him or his co-conspirators on the federal bench.

d(1) Nevertheless, through unauthorized and illegal, employing the "clout" of his office, Judge Brieant has been able to obtain the services of various U.S. attorneys to defend him, in his own name, for his privately motivated criminal activities, at federal cost and expense.

(2) U.S. attorneys have a single client, the United States, who are not permitted to represent anyone, in their personal name, for privately motivated activities (28 U.S.C. §547).

(3) In short, Chief Judge Brieant is defrauding the federal purse and American taxpayer by such unauthorized representation, at federal cost and expense.

e. Through a similar fraud, Presiding Justice Murphy is defended for his criminal adventures, at state cost and expense.

3a. Such legal services rendered to Chief Judge Brieant and Presiding Justice Murphy by the various U.S. attorneys and N.Y. State Attorney General, when sued in their own name, for privately motivated activities, is considered "taxable income" to Chief Judge Brieant and Presiding Justice Murphy, for which taxes are due and payable.

b. Every indication is that Chief Judge Brieant and Presiding Justice Murphy are neither reporting such "taxable income", nor paying taxes thereon.

c. In the Brieant-Murphy view only those who are not judges should pay their proper taxes or go to jail.

4a. By simply writing or telephoning the Clerk of the U.S. District Court in Brooklyn, a court controlled by Chief Judge Brieant's former law partner, Chief Judge Thomas C. Platt, you will learn that monies payable "to the federal court" under an Order dated June 7, 1985 (Raffe v. Citibank, 0305 Civ. 1984 [EHN]) was never received by the Court. These monies, as cancelled checks confirm, were diverted to the private pockets of the Brieant-Murphy cronies.

b. Because of the clout of Chief Judge Brieant, no attempt has ever been made by the U.S. attorney to recover such diverted monies for the benefit of the United States. Indeed, every time I make a motion or attempt to recover such monies for the benefit of the United States, which include monies paid on my behalf, the U.S. attorneys either do not support my motion or opposed same.

5a. Puccini Clothes, Ltd. -- "The Brieant-Murphy Fortune Cookie" -- was involuntarily dissolved on June 4, 1980, its assets vesting in the Court for the benefit of its legitimate creditors.

b. By law, an "accounting" must be filed "at least once a year" (22 NYCRR §202.52[e]). However, in the more than 12 years since Puccini was involuntarily dissolved, not a single accounting has been filed by the "court-appointed receiver".

c. All Puccini's judicial trust assets were made the subject of larceny by the "Brieant-Murphy cronies", leaving nothing for the legitimate creditors, and no accounting can be rendered without clearly disclosing the criminal racketeering activities of Brieant, Murphy and their cronies.

d. Since neither a court-appointed receiver nor his bonding company can be discharged without the "approval" of a "final accounting" by the court-appointed receiver, they simply had N.Y. State Referee Donald Diamond "approve" a non-existent, phantom, "final accounting" for the receiver.

e. Mr. Foreperson, ask or demand that Chief Judge Brieant, Presiding Justice Murphy, or the court-appointed receiver for a copy of such "final accounting" which was "approved" for the court-appointed receiver, and you will find it does not exist -- It is "phantom".

f. As you must be aware, since the double-entry system was developed about 400 hundred years ago, a true accounting for Puccini must show "Assets as of June 4, 1980", "All Income", "All Disbursements" and "Balance Remaining on Hand". Because of the larceny involved, any true accounting will confirm the manner whereby Brieant and Murphy dispose of judicial trust assets for their own personal benefit.

6a. In a further attempt to satisfy their insatiable monetary appetites by plundering all of Puccini's judicial trust assets, diverting monies payable "to the federal court" to the pockets of their cronies, the "Brieant-Murphy" entourage went into the "extortion racket".

b. The "Brieant-Murphy cronies" would obtain criminal convictions without a trial, without the opportunity for a trial, without any confrontation rights, and without any live testimony in support thereof, imposing fines and terms of incarcerations thereon, notwithstanding the manifestly unconstitutionality of same.

(1) Those who "paid-off" and keep paying the "Brieant-Murphy cronies" did not and will not have to serve jail time.

(2) Those who do not pay or remain silent about this racket, are incarcerated, at governmental cost and expense.

(3) According to the independently investigated report of Jonathan Ferziger of United Press International, such "extortion" payments from Hyman Raffe, in exchange for not being incarcerated, have exceeded \$2,500,000 and recently the "Brieant-Murphy" cronies, have admitted such payments to have exceeded \$1,000,000.

(4) It's a great racket. If you do not `pay-off' the Brieant-Murphy judiciary and their cronies, you are incarcerated at sovereign expense. 100% profit - no expenses!

(5) Instructively, these extorted monies also belong to the federal and state government, not to Brieant, Murphy or their cronies (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]).

7a. I will, without hesitation, testify under oath, with documentary support.

b. You have the right and "duty" to inquire into these charges, which includes your right to subpoena Chief Judge Brieant and Presiding Justice Murphy, for their sworn testimony.

c. 18 U.S.C. §3332[a], provides:

> "It shall be the duty of each grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district." [emphasis supplied].

d(1) The aforementioned section of the criminal code further provides:

> "Any such [U.S. or Assistant attorney] receiving information concerning such an offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation."

(2) As aforementioned, notwithstanding the mandatory "duty" of the U.S. Attorney and his assistants to convey my information of criminal racketeering conduct by Chief Judge Brieant, as aforementioned, and much more, the U.S. Attorney has failed and refused to obey the mandate of the statute.

8a. You may be aware, as is Chief Judge Brieant, that recently Chief U.S. District Court Judge Walter L. Nixon was sentenced to five (5) years of incarceration for committing perjury before a Grand Jury concerning a "pay-off" to him.

b(1) Likewise, Chief U.S. Circuit Court Judge Martin T. Manton of the Second Circuit [New York, Connecticut and Vermont] was fined and incarcerated for extorting monies from litigants in exchange for favorable decisions.

(2) Upon his conviction, The New York Times editorialized (June 6, 1939):

" JUSTICE FOR SALE.

The finding of guilt in the case of Judge Manton will come as a profound shock to the whole country. As the senior judge of the United States Circuit Court of Appeals, after twenty-three years of service on the bench, he was outranked only by the nine justices of the United States Supreme Court. Though for some time his decisions and acts have placed him under the cloud of suspicion, it is not difficult to understand the reluctance of most citizens to accept his guilt as a fact. It is not reassuring to learn that judicial corruption can reach so high ... selling justice or even charged with such a crime, its existence, is deeply disturbing. The methods Judge Manton was charged with using some almost incredibly brazen. His prosecutor, while not excusing the litigants who made payments to him pointed out that many of them were themselves the victims of blackmail. They were told they would have to pay or, if they did not, collections would be made from the other side. 'Blackmail was emanating from the Federal court house.' Though the highest and most flagrant, Judge Manton's is unfortunately not the only case of judicial corruption uncovered in the past year. ... Nothing could strike a more deadly blow at the foundations of our democracy than the evidence, or the mere suspicion, that justice is subject to purchase and sale that any litigant has an 'inside track,' that all men do not come into court on the basis of equality."

c. Mr. Foreperson, when you see my documented evidence, you will find that Chief Judge Brieant and Presiding Justice Murphy have committed criminal acts quantum leaps above that of Chief Judge Manton, or any other corrupt jurist in Anglo-American history.

Most Respectfully,

GEORGE SASSOWER

cc: Chief Judge Charles L. Brieant
Presiding Justice Francis T. Murphy