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Pro Se Office
U.S. District Court
Southern District of New York,
500 Pearl Street,
New York, New York 10007

Part "I"
USA f/b/o Geo Sassower v. Sapir
87 Civ 7135 [CHS]

For Public Distribution

Dear Sir:

Anyone who attempts to enforce the Order of December 10, 1987 and/or the Judgement of December 21, 1987, based thereon, in the above-entitled action or their injunctive provisions can be made the the subject of a money damage tort action in his "*personal capacity*" (*Supreme Court of Va. v. Consumers Union*, 446 U.S. 719, 736-7 n. 15 [1980]).

Part "A":

1. *Puccini Clothes, Ltd.* – "*The Judicial Fortune Cookie*" –, was involuntarily dissolved on June 4, 1980, on application of *Citibank, N.A.* and *Jerome H. Barr, Esq.* when, in this one instance, the very lucrative, but highly illegal and unethical, "estate chasing racket" of *Citibank, N.A.* went awry.

Immediately, the same day, upon *Puccini Clothes, Ltd.* being dissolved, *Citibank & Barr* and their attorneys, *Kreindler & Relkin, P.C.* ["K&R"] began to engineer the larceny of its judicial trust assets, which served as a "source" of "*bribes*".

Obviously, before *Citibank-K&R* began of to engineer the larceny of the judicial trust assets of *Puccini Clothes, Ltd.*, they knew they could "*fix*", *inter alia*, the New York State Attorney General ["NYSAG"] *Robert Abrams*, the statutory fiduciary of all involuntarily dissolved corporations, and NY State Appellate Division, Presiding Justice *Francis T. Murphy* of the First Judicial Department so that they would: (1) never have to account for the judicial trust assets of *Puccini Clothes, Ltd.*, albeit mandatory; (2) never compelled to provide "*restitution*", although constitutionally compelled, and (3) the attorneys involved, would not be made the subject of professional disciplinary procedures, although disbarment was the inexorable result for the "*impairment*" of trust assets, in the "*Murphy realm*"!

2. Forty-two (42) months after *Puccini Clothes, Ltd.* was involuntarily dissolved, immediately following the decision in *Barr v. Raff*e (97 A.D.2d 696, 468 N.Y.S.2d 332 [1st. Dept.-1983]), came the surfacing of the initial "hard evidence" of the engineered larceny of the judicial trust assets of *Puccini Clothes, Ltd.* by *Citibank, N.A.*, which evidence soon reached avalanche proportions.

Along with such "hard evidence", came the conclusive evidence of the involvement of, *inter alia*, NY State Presiding Justice *Francis T. Murphy* of the First Judicial Department which, for years, he attempted to conceal.

The "hard evidence", as it surfaced, revealed that *Citibank, N.A.*, the financial colossus, was able to "*bribe and bondage*", "*mind, body and soul*" everyone!

3. The agreement reached by Presiding Justice *Francis T. Murphy*, through NY State Supreme Court Administrator *Xavier C. Riccobono* of New York County, with *Citibank, N.A.* was for \$5,000,000 it, its attorneys and co-conspirators, would be provided with "*total civil, criminal & disciplinary immunity*"!

To conceal its own larceny of the judicial trust assets of *Puccini Clothes, Ltd.*, it conditioned the payment of \$4,200,000 from its own assets, on the transmission of the remaining cash

assets in *Puccini Clothes, Ltd.*, in the amount of \$800,000 to members of the judiciary (“*The Citibank Bribes for Total Immunity Agreement*” [“*The Agreement*”]).

No judge will order an “*accounting*”, even when mandatory, *Citibank, N.A.* and its attorneys openly asserted, if it would reveal the involvement of members of the judiciary!

4. *Hyman Raffé* and I had contractually based, constitutionally protected, liquid assets in *Puccini Clothes, Ltd.*, in excess of \$800,000, 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*).

Thus, there was nothing left as and for “*bribes*” from the judicial trust assets of *Puccini Clothes, Ltd.*!

Therefore, the \$4,200,000 in “*bribes*” from the assets of *Citibank, N.A.* was not due or payable!

5. In view of the aforementioned, in order to consummate the transmission of the \$800,000 in “*bribes*” from the judicial trust assets of *Puccini Clothes, Ltd.*, Administrator *Xavier C. Riccobono*, a product of the *Tamawa Club* when it was controlled by *Frank Costello* and *Thomas Luchese*, recognized mobsters, who headed “*mafia crime families*” (see, *Costello v. U.S.* 350 U.S. 359 [1956]), acting on behalf of himself and Presiding Justice *Francis T. Murphy*, *sua sponte* and *ex parte*, designated NY Special Referee *Donald Diamond*, an at-will official, with practically no judicial power, even had he been legally designated (NY CPLR §4317[b]). and he was not, who imposed a “*Reign of Judicial Terror*” on *Raffé-Sassower*.

6. In order to “*preserve*” the remaining judicial trust cash assets of \$800,000 in *Puccini Clothes, Ltd.*, as “*bribes*” for judges and to “*provide immunity*” for *Citibank, N.A.* and its “*bribed*” entourage, “*without jurisdiction*” or “*due process*”, “*The Megalomaniac*”, NY Supreme Court Justice *Ira Gammerman* of New York County issued a “*bribe motivated*” “*transparently invalid*”, Order which, as reported by U.S. Magistrate-Judge, now U.S. District Court Judge, *Nina Gershon* reads as follows (*Geo. Sassower v. Sheriff of Westchester County*, 651 F. Supp. 128, 131 [SDNY-1986]) [emphasis supplied]:

“Justice *Ira Gammerman* issued an Order on January 23, 1985, permanently enjoining petitioner [*Geo. Sassower*] and *Hyman Raffé* from ‘filing or serving, or attempting to intervene in or initiate, in any court, tribunal, agency or other forum of this State, any lawsuit, proceeding, investigation or other adversary matter, and from making or filing a complaint, grievance or correspondence with a professional disciplinary or grievance committee the subject matter of which arises out of or relates to’ nine categories enumerated by Justice *Gammerman* which collectively covered all parties, entities and litigants involved in the multitude of actions previously instituted by either petitioner [*Geo. Sassower*] or *Hyman Raffé*”.

7. Since Mr. Justice *Ira Gammerman* enjoined “*access*” to all NY State courts, U.S. District Court Judge *William C. Conner* in *Raffé v. Doe* (619 F. Supp. 891 [SDNY 1985]) enjoined “*access*” all Federal courts. In *Raffé v. Doe* (*supra*), Judge *William C. Conner* he provided [with emphasis supplied]:

“ORDERED, that *Hyman Raffé*, *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: (a) *Lee Feltman*, individually or as Receiver for *Puccini Clothes, Ltd.*, or (b) *Feltman, Karesh & Major*, or (c) *Citibank, N.A.* and *Jerome H. Barr*, individually or as executors of the Estate of *Milton Kaufman*, or (d) *Kreindler & Relkin, P.C.*, or (e) *Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.*, or (f) any representative, member, employee, associate, or affiliate of any of the

above parties, the subject matter of which arises out of or relates to: (1) the actions or conduct of Puccini Clothes, Ltd., or its shareholders, officers, directors, or employees, or (2) the judicial dissolution or the receivership of Puccini Clothes, Ltd., or (3) the conduct of the Receiver for Puccini Clothes, Ltd., or the representation of the Receiver by Feltman, Karesh & Major, or (4) the litigations related to or arising out of any of the matters set forth in subparagraphs (1) through (3) herein, including, but not limited to any litigation arising out of or relating to the right of the Estate of Milton Kaufman to enforce any aspect of the guarantees executed by Hyman Raffé, or (5) the acts of any litigant or the attorneys for any litigant in connection with any of the foregoing; it is further

Assuming *arguendo* that Mr. Justice *Ira Gammerman* had “jurisdiction”, although he did, and that afforded that “due process” was afforded, and it was not, does anyone believe he had the “legal power” to enjoin “access” to disciplinary authorities where the *undenied* evidence was that “bribe” payments were being made to judges???

Assuming *arguendo* that Mr. Justice *Ira Gammerman* & Judge *William C. Conner* had “jurisdiction” and afforded “due process” although they did not, does anyone believe they had the “legal power” to “impair” private contractual obligations when the *Constitution of the United States* provides otherwise???

8. Associate Justice *Felix Frankfurter* in *United States v. United Mine Workers* (330 U.S. 258; 309-310 [1947]) stated:

“when a court is so obviously traveling outside its orbit as to be merely usurping judicial forms and facilities, ... an order issued by a court [may] be disobeyed and treated as though it were a letter to a newspaper.”

Part “B”:

1. For almost three (3) frustrating years *Murphy-Brieant* and those who were to share in this \$5,000,000 “bribe”, made several attempts to consummate the transmission of the remaining \$800,000 cash in *Puccini Clothes, Ltd.*, each time without success.

Then, in September of 1986, U.S. District Court Judge *Charles L. Brieant*, anticipating his elevation, on October 1, 1986, to be Chief U.S. District Court Judge for the Southern District of New York, with NY State Appellate Division Presiding Justice *Francis T. Murphy* of the First Judicial Department, concocted a base criminal scheme for the transmission of the remaining judicial trust assets in *Puccini Clothes, Ltd.* in the amount of \$800,000 to serve as “bribes” for judges.

The scheme involved the publication in the New York Times & New York Law Journal of fraudulent “legal notices” to the effect that a “final accounting” for the judicial trust assets of *Puccini Clothes, Ltd.* was to take place before Referee *Donald Diamond* for “settlement” on October 30, 1986, which was “legally impossible”.

Referee *Donald Diamond*, an at-will employee, had no such authority and there could be no such “final accounting” without *Citibank-K&R* providing “restitution” for the assets made the subject of larceny.

Although both the New York Times & New York Law Journal independently confirmed that the “legal notices” were “*fraudulent*” they refused to publish such fact, absent a court Order.

2. Consequently, on October 28, 1986, although my assets were very substantial and my liabilities minimal, in order to abort this *Brieant-Murphy* “bribe” transmission, I filed a Chapter 7 Petition in Bankruptcy which vested my assets, including my money judgement, in the U.S. District Court (28 U.S.C. §1334) & “*stayed*” all proceedings affecting same (11 U.S.C. §362), including the transmission of the remaining judicial trust cash assets in *Puccini Clothes, Ltd.*

Brieant-Murphy & their prime confederates exploded in uncontrollable *frustration & rage*” when advised of such bankruptcy filing!

3. U.S. Bankruptcy Judge *Howard Schwartzberg* “stood fast” and correctly held that *Conner-Gammerman* Orders could not enjoin such bankruptcy filing (*In re: Geo. Sassower*, 86 B 2500 [HS]).

4. The obligations of *Jeffrey L. Sapir*, Esq., the trustee in bankruptcy, and his personal interests, were the same.

Jeffrey L. Sapir, Esq. was obligated to: (1) liquidate my substantial assets, including those in *Puccini Clothes, Ltd.*; (2) satisfy my minimal liabilities; (3) deduct his substantial commissions, and (4) turn over the balance to me.

The inexorable consequence was the end of the \$5,000,000 in “*bribes*”!

5. Thereupon, Chief Judge *Charles L. Brieant* began to threaten *Jeffrey L. Sapir*, Esq. with draconian consequences if he attempted to liquidate my assets, which included threats included his removal from the “panel of trustees”.

Sapir succumbed and abandoned all his trust obligations!

6. *Citibank, N.A.* & its entourage inundated the bankruptcy, which U.S. Bankruptcy Judge *Howard Schwartzberg* reluctantly tolerated because of the “*fixing*” activities of Chief Judge *Charles L. Brieant*.

Part “C”:

1. On October 5, 1987, *U.S.A. for the benefit of Geo. Sassower v. Sapir* (87 Civ 7135 [SDNY-1987]) was filed, based upon the “bankruptcy fraud” being perpetrated by the entourage of *Citibank, N.A.* before U.S. Bankruptcy Judge *Howard Schwartzberg*.

Geo. Sassower v. Sapir (*supra*) was, by the mandatory random selection process, assigned to U.S. District Court Judge *Charles S. Haight*, then of the Southern District of New York, now of the District of Connecticut.

This action, was *never* before any judge for a decision, except for U.S. District Court Judge *Charles S. Haight*, including on December 10, 1987 which, “on its face”, revealed that it was still before Judge *Charles S. Haight* on that date!

On the judgement of December 21, 1987 everything that appeared on the “title” revealed it was still before Judge *Charles S. Haight*!

2 In a twenty (20) page documented complaint, the first cause of action requested that U.S. Bankruptcy Judge *Howard Schwartzberg* & U.S. Attorney *Rudolph W. Giuliani* obey the mandate contained in 18 U.S.C. §3057, which was & is:

“(a) Any judge, receiver, or trustee having reasonable grounds for believing that any violation under chapter 9 of this title or other laws of the United States relating to insolvent debtors, receiverships or reorganization plans has been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed. ...

(b) The United States attorney thereupon shall inquire into the facts and report thereon to the judge, and if it appears probable that any such offenses has been committed, shall without delay, present the matter to the grand jury, unless upon inquiry

and examination he decides that the ends of public justice do not require investigation or prosecution, in which he shall report the facts to the Attorney General for his direction.”

3. On November 18, 1985, or six (6) weeks after the complaint had been filed, U.S. District Court Judge *Charles S. Haight, sua sponte*, issued an Order to Show Cause, which was obviously the product of a “fix”.

Investigation revealed that this suspect Order to Show Cause was preceded by an *ex parte* “fixing memorandum” from “Bill” [U.S. District Court Judge *William C. Conner*] to “Sandy” [U.S. District Court Judge *Charles S. Haight*], which “fixing memorandum”, “on its face” revealed that copies were sent to several others, including to Chief U.S. District Court Judge *Charles L. Brieant*.

U.S. District Court Judge *William C. Conner*, was the author of the patently invalid *Raffe v. Doe* (*supra*), and was also a money damage tort defendant sued & defended by a federal attorney at *unauthorized* federal cost & expense in his “personal capacity” in *Vilella v. Santagata* (87 Civ 1450 [SDNY-GLG]).

U.S. District Court Judge *William C. Conner* and Chief Judge *Charles L. Brieant* were active participants in *The Enterprise*.

4. Consequently, upon the surfacing of this “Bill to Sandy” “fixing memorandum”, as a matter of course, plaintiff amended his complaint and added *William C. Conner* as a *Dennis v. Sparks* (449 U.S. 24 [1980]) money damage “fixing” co-defendant, as confirmed by the title of the December 10, 1987 “diatribe”.

In *Dennis v. Sparks* (*supra*) the Court held that the “fixor”, such as U.S. District Court Judge *William C. Conner*, is liable in money damages, but not the “fixee”, such as U.S. District Court Judge *Charles S. Haight*.

While plaintiff amended the complaint to add *William C. Conner*, as a money damage co-defendant, he also, by motion, dated December 1, 1987, requested the “recusal” of U.S. District Court Judge *Charles S. Haight*, as his motion concluded as follows:

“WHEREFORE, it is respectfully asserted that Hon. CHARLES S. HAIGHT, JR., by reason of this ‘Conner-fix’ is disqualified to sit as a judicial official in this and related matters.”

5. Under the caption of the Amended Complaint, which reveals *William C. Conner* as a co-defendant *not* *Charles S. Haight*, the December 10, 1987 “diatribe” of Chief U.S. District Court Judge *Charles L. Brieant*, *falsely & deceptively*, opened as follows [with emphasis added]:

“The Honorable Charles S. Haight, Jr., a Judge of this Court, *has applied to me* in my capacity as Chief Judge and Chairman of the Assignment Committee of the Court, charged with the administration of the Rules of the Court for the Division of Business, *for reassignment of the above entitled action* on the ground of his judicial disqualification. Such disqualification is based on the fact that by an amended complaint docketed in the action on December 2, 1987, *Judge Haight himself has been added to the case as a defendant*, along with Judge Conner of this Court. The amended complaint seeks to recover money damages from all the defendants.”

6. The mere fact, as asserted by Chief Judge *Charles L. Brieant*, that U.S. District Court Judge *Charles S. Haight* made this application, without notice or due process to plaintiff, made the *merit* disposition made by Chief Judge *Charles L. Brieant* to be “null & void” (*Windsor v. McVeigh*, 93 U.S. 274 [1876]).

Assuming, *arguendo*, U.S. District Court Judge *Charles S. Haight* requested that Chief Judge *Charles L. Brieant*, as he asserted, “for reassignment”, and further assuming, *arguendo*, that

request was appropriate, and it was not, the authority of the Chief Judge was to make a “reassignment”, not to make a merit determination.

7. Based on the patently false statement that plaintiff had added *Charles S. Haight*, as a party defendant, when he did not and legally could not (*Dennis v. Sparks, supra*), the “*Brieant diatribe*” stated [with emphasis supplied]:

“It is quite clear to me that the amended complaint, which added Judge Haight as a party defendant, was served after Judge Haight had, by a memorandum and order dated November 19, 1987, filed herein, determined that all motions of plaintiff in this action should be held in abeyance, and no more should be filed, until Judge Haight decided a motion by defendants to dismiss the action as violative of an injunction issued in this Court against the plaintiff Mr. Sassower, *sub nom Raffe v. Doe*, 691 F. Supp 898 (SDNY - 1985), and it is also clear that inclusion of the assigned judge as an additional defendant had the effect, and probably the purpose of disrupting the orderly judicial decisional process of this district court insofar as concerns the motion to dismiss. Plaintiff must be deemed to recognize that the Amended Complaint violates the 1985 injunction, and also that Judge Haight, and for that matter Judge Conner also, are immune from this sort of litigation.”

8. To repeat, once again, plaintiff did not and legally could not, add *Charles S. Haight*, as a money damage defendant! Plaintiff moved to disqualify U.S. District Court Judge *Charles S. Haight* as having been “fixed” by Judge *William C. Conner* which was appropriate relief.

There was no valid injunction which prohibited plaintiff’s action against any defendant!

“On its face”, *Raffe v. Doe (supra)* suffers from a “subject matter jurisdictional” lethal infirmity rendering the merit dispositions to be “null & void” (*Pennhurst v. Halderman*, 465 U.S. 89, 121 [1984])!

9. U.S. District Court Judge *William C. Conner* also did not have “personal jurisdiction” over plaintiff in *Raffe v. Doe (supra)*.

10. *Raffe v. Doe (supra)* was, “on its face” “transparently invalid” and its injunction could be ignored with impunity (*United States v. United Mine Workers, supra*).

11. *William C. Conner* has been sued many times in tort for money damages & it was never held that he had judicial immunity, albeit a federal judge!

Besides his *knowing* that he lacked “jurisdiction” and there were other lethal infirmities, U.S. District Court Judge *William C. Conner* issued *Raffe v. Doe (supra)*!

Part “D”:

1. Assuming, *arguendo*, I added *Charles S. Haight*, as a co-defendant in *Geo. Sassower v. Sapir (supra)*, although I did not, and further assuming, *arguendo*, that Chief U.S. District Court Judge *Charles L. Brieant* had the “legal power” to direct:

“The Clerk of this Court is hereby ORDERED not to accept for filing any paper or proceeding or motion or new case of any kind presented by Mr. George Sassower or naming him as a party plaintiff or petitioner, without leave in writing first obtained from a judge or magistrate of this Court who shall have examined such paper to assure that it is not in violation of the 1985 injunction ...”

2. In *Cohens v. Virginia* (19 U.S. 264, 404 [1821, Chief Justice *John Marshall* speaking for the Court stated (at 404):

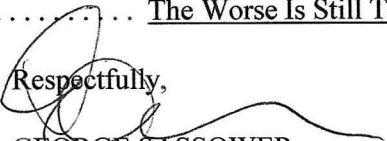
“It is most true that this Court will not take jurisdiction if it should not; but it is equally true, that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case must be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. Questions may occur which we would gladly avoid; but we cannot avoid them. All we can do is, to exercise our best judgment, and conscientiously to perform our duty.”

The *Constitution of the United States* provides that anyone having a federal “case or controversy can file for relief. It would be “Treason to the Constitution” for a judge not to determine the matter!

3. No judge has the “power” to enjoin “access to the courts”, even when not “*bribe*” motivated!

..... The Worse Is Still To Come!

Respectfully,


GEORGE SASSOWER

cc: U.S. District Court Judge Charles S. Haight
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