Response to Show Cause Directive
of September 27, 1993 by
Chief U.S. Circuit Court Judge JON O. NEWMAN
(Docket Nos. 93-8528 and 93-8529)

1a. This is not a Petition for Review of Docket Nos. 93-8528/8529, but a response to the show cause direction contained in that decision, by Chief U.S. Circuit Court Judge JON O. NEWMAN ["Newman"].

b. My Petition for Review of the determination made in 93-8528/8529 will follow, in accordance with the time limits provided.

2a. Congress enacted 28 U.S.C. 372(c) as a legitimate means of vindicating First Amendment rights, and thus placed it beyond the power of the Chief Judge, this Court or the Judicial Council to curtail, except possibly for extreme and compelling police power reasons, here absent.

b. Thus, your right to prevent, limit, or obstruct my filings, must be first addressed.

c. In seven years, I filed complaints against less than a dozen judges, which because of consolidation, resulted in about one-half dozen opinions. Such minimal number of decisions-- less than one a year -- cannot be considered an undue burden on the court.

3a. This show cause directive follows a decision on a 28 U.S.C. §372[c] complaint against Chief Judge Newman, several personal capacity actions and applications, and the expressed statement in my §372[c] complaint, that it was being bifurcated, and that another complaint against Chief Judge Newman would follow.

b. The decision of Acting Chief Judge RALPH K. WINTER ["Winter"] and other events, makes ripe my second complaint against Chief Judge Newman, which will follow shortly.

4a. Nevertheless, the actions, conduct and words of Chief Judge Newman, and others, only serves to emphasize the attempt to criminally conceal egregious judicial misconduct.

b. The judiciary, with all its power, cannot conceal the larceny of all the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], the larceny and plundering of all the judicial trust assets of the ESTATE OF EUGENE PAUL KELLY ["Kelly Estate"], the diversion of monies payable "to the federal court" to private pockets, the extortion of "millions of dollars" from HYMAN RAFFE ["Raffe"] to avoid incarceration, the incarceration of DENNIS F. VILELLA ["Vilella"] for crimes never committed by anyone, and the fraud being perpetrated upon the federal purse, by federal judges and officials.

c. Chief Judge Newman is involved in all of the aforementioned.

5a. Annexed is Exhibit "A" which contains the complete testimony of alleged victim of the Vilella vicious and repeated, "tire iron" assault.

b. In view of the negative x-ray and cat scan reports, also annexed to said exhibit, can anyone deny that such "tire iron assault" did not occur.

6. Nevertheless, in this document, I limit myself to the fraud being perpetrated by the federal judiciary, on the federal purse, and related matters.

7a. The only reasonable construction that can be placed on the decision of Acting Chief Judge Winter is that Chief Judge Newman is, inter alia, defrauding the federal treasury by dragooning and/or accepting federal representation, at federal cost and expense without any extant 28 U.S.C. §2679[d] "scope" certification or adjudication.

b. Thus, because Chief Judge Newman is defrauding the federal purse, and committing other violations against the criminal and revenue code, he desires to curtail my right to employ 28 U.S.C. §372[c] procedures against judicial transgressors, including himself.

c. Incorporated herein by reference, as if made an in haec verba part hereof, is my petition for review by the Judicial Council, dated October 5, 1993 (Docket No. 93-8527).

d. If Acting Chief Judge Winter believed that Chief Judge Newman was not defrauding the federal government by federal representation, at federal cost and expense, without a 28 U.S.C. §2679[d] "certification" or "adjudication", he could have clearly so stated. -- Acting Chief Judge Winter intentionally avoided responding to the ultimate issue presented.

8. In an application for a Preliminary Injunction at the U.S. District Court for the District of Massachusetts, (Sassower v. Fidelity & Deposit, Docket No. 93-93-11335-Y), dated October 4, 1993), a copy of which was served upon Chief Judge Newman and was included as part of my motion to the U.S. Circuit Court of Appeals, Second Circuit, dated October 4, 1993 (Sassower v. Abrams, Docket No. 93-), which as of this date is unopposed, it reads, in part, as follows:

> "plaintiff commenced various actions in the Supreme Court of the State of New York, County of Westchester, against which an Assistant U.S. Attorney for the Southern District of New York filed similar Notices of Removal, the first of which being on or about November 20, 1992 (Sassower v. Abrams, Docket No. 92-08515) reading, in essential part, as follows:
>
> > `defendants Hon. Charles L. Brieant, Chief Judge of the United States District Court for the Southern District of New York and Hon. James L. Oakes, Judge of the United States Court of Appeals for the Second Circuit, hereby remove this action to the United States District Court ... Chief Judge Brieant and Judge Oakes are officers of the courts of the United States of America. Pursuant to 28 U.S.C. §§1441(a) and (b), and 1442(a)(3), this action may properly be removed to this Court.'; and it further appears
>
> that the plaintiff's complaint in essential part reads as follows:
>
> > ` 2a. This action against the defendants, ... CHARLES L. BRIEANT [`Brieant'] and JAMES L. OAKES [`Oakes'] are in their private, personal, not official, capacities (Hafer v. Melo, U.S. , 112 S.Ct. 358 [1991]).
> >
> > b. There is no claim here made, directly or indirectly, against the United States, the State of New York, or any governmental authority, nor is it intended to impose any financial burden upon the United States or State of New York, directly or indirectly, including in the form of legal expenses or disbursements (Kentucky v. Graham, 473 U.S. 159 [1985]).

3a. For related activities, the defendants Brieant and Oakes have never claimed that their actions or conduct have been 'within the scope of their office', they have never claimed that they were or are entitled to 'scope' certification (28 U.S.C. §2679[d]), and/or 'scope' certification has been denied by the Attorney General of the United States and/or the various U.S. attorneys (28 CFR §15.3), nor have they ever claimed that there should be a United States substitution (Kelley v. United States, 568 F.2d 259, 264-265 n. 4 [2nd Cir.-1978] cert. denied 439 U.S. 830 [1978]; Brennan v. Fatata, 78 Misc.2d 966, 359 N.Y.S.2d 91).

b. Furthermore, the actions and conduct of Oakes and Brieant herein are for constitutional transgressions, for which there is no United States or sovereign liability (Lundstrum v. Lyng, 954 F.2d 1142 [6th Cir.-1991]; Rivera v. U.S., 928 F.2d 592 [2nd Cir.-1991]; 28 U.S.C. §2679[b][2][A]).

c. In short, any attempt to defend Oakes and Brieant at federal cost and expense, would be a manifest criminal fraud upon the federal purse which no court has the power to tolerate.'; and it further appears that

plaintiff promptly moved the federal court for an order requesting, inter alia:

'a 28 U.S.C. §1441[c] severance and remand to the state court; ... vacating, as unauthorized, the Notice of Removal by U.S. Attorney OTTO G. OBERMAIER, dated November 23, 1992, with sanctions, monetary and otherwise; (b) prohibiting any federal attorney from representing, in this litigation, the defendants, JAMES L. OAKES and CHARLES L. BRIEANT, at federal cost and expense, and compelling JAMES L. OAKES, CHARLES L. BRIEANT and U.S. Attorney OTTO G. OBERMAIER to reimburse the United States agencies of the United States for any and all costs and expenses incurred by such unauthorized representation; (c) disqualifying U.S. Attorney OTTO G. OBERMAIER

and his office from representing JAMES L. OAKES and CHARLES L. BRIEANT ...'; and it further appears [emphasis supplied]

that the aforementioned motion remained unopposed and, sub judice, fallow for approximately ten (10) months; and it further appears that at no time was a 28 U.S.C. §2679[d] 'scope' certificate for the aforementioned federal judicial defendants issued by the Attorney General of the United States or any of his/her authorized representatives (28 CFR §15.3), nor was a 'scope' adjudication requested by any of the federal defendants; and it further appears that neither in the Removal Notice or Petition was a federal defense alleged or shown to exist" [emphasis supplied]

9. Thus it is clear that Circuit Court Oakes, [then] Chief Judge Brieant, Chief Judge Newman, corrupted the U.S. Attorney to file Notices of Removal, in matters where there was no complete diversity or a federal issue presented, all at federal cost and expense.

10. In the Second Circuit, and by the corrupt activities of Second Circuit jurists, NY State Attorney General ROBERT ABRAMS appears in the federal courts, at state cost and expense, in money damage tort actions, the XI Amendment notwithstanding.

11. Furthermore, as admitted by Raffe, in an unsolicited affidavit in Sassower v. Abrams (supra) his payments to the "bag-men" of the judiciary, now "exceeds $2,000,000."

12a. As against 800 Article III jurists, there are 250,000,000 Americans who would relish the knowledge that federal jurists are defrauding the federal government.

b. Your power, and its abuse, is your weakness. My integrity is my strength.

Dated: October 14, 1993

GEORGE SASSOWER

In full, [the victim's] trial testimony, concerning the alleged assault, is as follows: Direct:

"Q What did he hit you with?
A A tire iron
Q How many times did he hit you?
A About eight or twelve.
Q What parts of your body did the blows land?
A My head and my hands, protecting myself. [SM-91] ...
Q Please continue.
A And then he hit me some more.
Q What did he hit you with?
A The tire iron.
Q Back in the van again?
A Yes.
Q How many times did he hit you the second time?
A About six or seven. [SM-92]
Q What were your injuries?
A I sustained six skull fractures. ..." [SM-93]

Ms. testimony of the event, in full, on cross-examination, conducted by Vilella, a pro se defendant, reads as follows:

"Q Mrs. , you testified that I hit you in the van approximately eight to ten times or six to ten times?
A About that. [SM-98] ...
Q Mrs. , you were hit, you said, again six to ten times in the van?
A I said anywhere from eight to twelve times.
Q Eight to twelve times in the van? you opened the door and ran out? ... [Y]ou came behind me and dragged me back in the van.
Q Would you say you're a strong person?
A I do, but not when you're hit twelve times in the head with a tire iron when you're not expecting it. [SM-101]
Q ... You say somewhere in the Grand [Jury] Minutes I covered your mouth.
A You hit me from behind in the van and you kept hitting me and hitting me and then I somehow got out of the van and I screamed, and I couldn't do anything. You came behind me and dragged me back. I couldn't fight you. I wasn't expecting you to him me. ... When you're hit like that and you don't know what's coming, you can't do anything. You don't have the strength to do anything, not the way you were hitting me.
Q Would you describe to the Court how it was that I was hitting you?
A Violently with everything you had to hit me.
Q Could you show us, please? [SM-103]
A Show you? You took the thing and hit me.
Q Which way? Just go through the motions.
A I didn't see the first hit because I was under the blanket, but I saw afterwards because I protected myself from it.
Q Show us the second hit.
A You stood over me and hit me like this (Indicating)
Q With the tire iron?
A With the tire iron that looks similar to that.

THE COURT: For the purpose of the record, did he raise his hand up over his head with the tire iron?

THE WITNESS: No, not all the way down over his head. ...

THE COURT: ... So he raised his hand halfway up to the head and struck down with the tire iron?

THE WITNESS: Right. ...

Q Were they tapping motions or you say violent?
A Violent." [SM-103-4]

HOSPITAL

[redacted] 7/27/86 ER5011466 9
Skull #096008

Skull shows no evidence of fracture. Sutures and vascular markings are normal. Sella turcica is regular in appearance. Petrous pyramids and sphenoid wings are intact.

IMPRESSION: Normal examination of the skull.

L. Tirol, MD

[redacted] 7/27/86 ER5011466
CAT scan brain #096008

CT scan non-contrast of the brain was performed.

No shift of midline structures is seen. No subdural collection is identif
No blood in the white or grey matter is seen. Soft tissues of the brain
fail to demonstrate any gross soft tissue swelling.

IMPRESSION: See above report.

L. Tirol, MD

Exhibit "A"