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Sarah Marcus, Esq.
Senate Judiciary Committee
224 Senate Dirksen Office Bldg.
Washington, D.C. 20510

Re: Hon. Clarence Thomas

Dear Ms. Marcus,

1. Enclosed please find copies of (1) Rule 38 Requests for Admissions served upon (a) Judge Clarence Thomas and (b) Assistant U.S. Attorney Barbara L. Herwig; and (2) Rule 31[a] Deposition of the American Bar Association in the action of Sassower v. Stephens [Thomas], Docket No. 91-2276, in the District Court for the District of Columbia, which set forth some, but not all, of the misconduct of Judge Thomas.

Also enclosed is a copy of the Order of the Supreme Court, New York County, dated July 24, 1989--an essential document to establishing the allegations herein set forth.

2. In the aforementioned action, Docket No. 91-2276, I am requesting a grand jury submission pursuant to my First Amendment right to petition and 18 U.S.C. §3332.

Briefly and summarily here are some of my charges against, inter alia, Judge Thomas, all of which have conclusive documentary support:

A. DEFRAUDING THE FEDERAL GOVERNMENT:

3a. Under the uniformly-followed statutory procedure (28 U.S.C. §2679[c][d]), when a federal official or employee is sued for tortious conduct, the Attorney General of the United States or his designee issues a "scope certificate" which automatically causes the substitution of the United States as the defendant for the official or employee. Thereupon the cost of the defense, as well as the satisfaction of any judgment, becomes the responsibility of the government.

b. Contrariwise, if no "scope certificate" is extant, the government is not involved, does not incur any cost or expense of the litigation, and does not pay any judgment that might be recovered.

c. Simply put, the U.S. Attorney does not have the statutory authority to represent federal officials or employees, as distinguished from the United States, in tort litigation (28 U.S.C. §547).

d. Federal attorneys who undertake the representation of federal officials, employees or anyone else, as distinguished from the United States, in tort litigation, are defrauding the federal purse.

4. Nevertheless, as manifest in the Request for Admissions served upon Judge Thomas, as well as the underlying 1990 Court documents, Judge Thomas knew that a criminal fraud on the federal purse was taking place by virtue of unauthorized representation of defendants by federal attorneys, without U.S. substitution.

5. The Requests for Admission, as well as the underlying documentation, confirm the unlawful expenditure of federal time, monies and efforts for purposes which were private and contrary to the legitimate interests of the government, monetarily and otherwise.

6. In view of the penal and ethical mandates contained in 18 U.S.C. §4 and in the Code of Judicial Conduct 3B3, the mere knowledge of the aforementioned, without more, compelled remedial action by Judge Thomas.

7. With Judge Thomas' knowledge, approval, and cooperation, the American taxpayer was compelled to underwrite the expenditure of federal monies to protect and defend a privately motivated criminal racketeering enterprise, whose interests, monetarily and otherwise, were contrary to the those of the government.

B. <u>DIVERSION OF MONIES PAYABLE TO THE FEDERAL GOVERNMENT</u>.

8. Where fine monies are directed in a Court Order, in haec verba, to be made payable "to the [`federal'] court", the Congress and the American taxpaying public are entitled to expect that such monies will be received by the federal government, and not by judicial cronies.

9. The Judge Thomas panel did nothing with respect to my unopposed motion which requested, inter alia, that:

> "monies made payable to the United States, but diverted to the private pockets of KREINDLER & RELKIN, P.C. and CITIBANK, N.A. be deposited with this Court for a proper disposition ..."

C. DIVERSION OF MONIES DUE THE SOVEREIGNS:

10. The law is clear, federal and state, that monies resulting from contempt convictions belong to the sovereign, unless otherwise specified (Gompers v. Buck's Stove, 221 U.S. 418 [1911]; Goodman v. State, 31 N.Y.2d 381, 340 N.Y.S.2d 393, 292 N.E.2d 665 [1972]).

Thus, 80 years ago, the Court to which Judge Thomas aspires to be a member, stated (Gompers v. Buck's Stove, supra at p. 447):

> "for criminal contempt where costs ... are awarded they go to the government for the use of its officers."

11. Nevertheless, the Judge Thomas Panel did nothing with respect to my unopposed motion, dated February 19, 1990, requesting:

> "that other monies and consideration due the United States, the State of New York, and/or the City of New York, but diverted to the private pockets of FELTMAN, KARESH, MAJOR & FARBMAN, Esqs., KREINDLER & RELKIN, P.C., CITIBANK, N.A., and/or their co-conspirators be deposited with this Court for a proper disposition".

D. CRIMINAL EXTORTION:

12. Incarcerating, at sovereign cost and expense, those who fail or refuse to pay "extortion" monies to cronies of the judiciary is the ultimate legal anathema.

13. As independently investigated and reported in, inter alia, the Village Voice (June 6, 1989) by Jonathan Ferziger of United Press International:

> "By signing three extraordinary agreements in 1985 ... the court agreed to let him [Hyman Raffe] go free. The tab so far has come to more than $2.5 million, paid to both the Feltman and Kreindler firms. [Hyman] Raffe continues to pay with checks from his A.R. Fuels Co. business."

Central to the case before the Thomas panel was that Raffe will not be jailed as long as he continues paying extortion monies.

E. LARCENY OF JUDICIAL TRUST ASSETS:

14. Judicial trusts are "persons" within the meaning of Amendments V and XIV of the United States Constitution, and held under color of law by court-appointed receivers for the ultimate benefit of creditors, stockholders, and others legitimately interested in such assets.

15. Puccini Clothes, Ltd. -- "the judicial fortune cookie" -- was involuntarily dissolved on June 4, 1980. By law, the court-appointed receiver must file an accounting "at least once a year" (22 NYCRR §202.52[e]). However, not a single accounting has ever been filed in the more than eleven years that have elapsed since Puccini was involuntarily dissolved.

16. As Judge Thomas was made aware, all Puccini's judicial trust assets were made the subject of larceny and plundering by members of the judiciary and their cronies--leaving nothing for its nationwide legitimate creditors.

17. In every American jurisdiction, before a court-appointed receiver and his surety can be discharged, a "final accounting" must be filed. Such filing cannot be waived, excused or enjoined since the American public, in addition to the legitimate creditors, are entitled to know the manner by which the judiciary disposes of trust assets.

18. Nevertheless, the Judge Thomas panel, with full knowledge of the aforementioned larceny and unlawful plundering, did not grant or dispose of a motion which requested:

> "to compel ... Chairman of the Administrative Board and/or ... Chief Administrator of the Office of Court Administration to cause to be filed with this Court an `accounting' with respect to the stewardship of the judicial trust assets of PUCCINI CLOTHES, LTD. -- `the judicial fortune cookie' ---".

F. THE ACT OF MARCH 2, 1831 - "THE LAST VICTIM":

19. The promise of [then] Chairman of the House Judiciary Committee and thereafter President, James Buchanan, was that Luke Lawless, Esq. would be "the last victim" to be incarcerated without a trial or hearing, under judicial contempt power (Nye v. U.S., 313 U.S. 33, 45-46 [1941]).

20. The Acts of Congress, including the Act of March 2, 1981, are entitled to be constitutionally respected as "the law of the land".

21. Nevertheless, as Judge Thomas was made aware, those who have resisted judicial larceny, diversion of monies payable to the sovereign, extortion and other racketeering crimes are repeatedly convicted, fined and/or incarcerated under

judicial contempt power, at public expense, without an opportunity for a trial or hearing or any live testimony in support thereof.

G. "THE AMERICAN GULAG":

22. In order to discharge the court-appointed receiver and his surety without the filing of a "final accounting", I was arrested, charged with a single-count of non-summary criminal contempt and incarcerated for two months, without bail.

23. As Judge Thomas was made aware, during such two month incarceration, the approval proceeding of a `fictitious' accounting was engineered. Each and every legitimate nationwide creditor of Puccini was deprived of his just claim.

24. Examination of the court file shows that Judge Thomas' in-office judicial conduct facilitated such adventure and other racketeering crimes, including a without bail incarceration.

25. As Judge Thomas was made aware, the Order of July 24, 1989 is a fraud. The "final accounting" which was "approved" simply does not exist.

H. "FIXING" - "THE COINS OF THE JUDICIAL REALM".

26. Judge Thomas was made aware that the aforementioned is only a portion of a "criminal reign of judicial terror" against citizens who have resisted and exposed judicial corruption, state and federal.

27. Those who fixed and corrupted Judge Thomas and his panel are the same jurists and officials who engineered the sham Order of July 24, 1989--with its "phantom" accounting.

Most Respectfully,

GEORGE SASSOWER

Enclosures