

In The  
SUPREME COURT OF THE UNITED STATES  
October Term, 1992  
No. 92-

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GEORGE SASSOWER,  
    Petitioner-Appellant,  
-against-  
STEPHEN B. HIGGINS, et al.,  
    Respondent-Respondent.  
-----x

x-----x  
          PETITION FOR A WRIT OF CERTIORARI  
TO THE CIRCUIT COURT OF APPEALS FOR THE  
          EIGHTH CIRCUIT  
x-----x

          x-----x  
          RULE 23 STAY APPLICATION  
          x-----x

1a.       This affirmation, made under penalty of perjury,  
is in support of an application (1) to stay the [non-summary  
criminal] contempt proceedings against affirmant; (2)  
alternatively, staying the prosecution thereof by "United States  
Attorney for the District of Minnesota" (Exhibit "A"); and (3)  
for the appointment of an attorney to represent the rights and  
interests of (a) the Grand Jury, and (b) the United States.

b.       While affirmant denies he violated anything, for  
the purpose of this application only, this Court can assume that  
affirmant violated some order.

c(1)     While this Court, for the purpose of this  
application can assume affirmant violated some order, affirmant's  
criminal act(s) could have only occurred in the Southern District  
of New York or, arguably, in the Eastern District of Missouri.

(2) A criminal proceeding by the U.S. Attorney for the District of Minnesota is proscribed by Amendment VI of the U.S. Constitution, since nothing occurred in that state.

2a. This stay application does not seek relief from the punishment already imposed by the Circuit Court of Appeals for affirmant's alleged transgressions which were, as follows:

b. Without any due process procedures whatsoever, the Circuit Court (1) sua sponte enlarged its injunction to include "any court in [the Eighth] circuit (Exhibit "A"), and (2) physically returned affirmant's timely and properly prepared and served Appellant's Brief (Exhibit "B").

3a. Affirmant asserts that non-summary criminal contempt is not a judicial remedy where affirmant (1) attempted to transmit to the Grand Jury, through the offices of the U.S. Attorney, his allegations and evidence of criminal conduct, and (2) for commencing a mandamus proceeding against the U.S. Attorney when, without reason, the U.S. Attorney failed and/or refused to transmit same.

b. Non-summary criminal contempt is not a judicial remedy when affirmant employed the least intrusive means for the exercise of his First Amendment rights (Bloom v. Illinois, 391 U.S. 194, 206 [1968]; Wood v. Georgia, 370 U.S. 375 [1962]; Thomas v. Crevasse, 415 F.2d 550 [5th Cir.-1969], cert. denied 397 U.S. 909 [1970]) and/or societal obligation (Holt v Virginia, 381 U.S. 131 [1965]; 28 U.S.C. §4).

4. As briefly demonstrated herein, as part of this application, the rights of the Grand Jury and the federal purse need protection, and thus the appointment of counsel.

a. On April 12, 1991 affirmant mailed to appellee, U.S. Attorney STEPHEN B. HIGGINS ["Higgins"] of the Eastern District of Missouri, his communication reading as follows:

"Kindly submit the enclosed 18 U.S.C. §1504 communication to the Foreperson of the Grand Jury, with expedition, and acknowledge such transmission. ...

Also advise me in whose attention I should direct my 18 U.S.C. §3332[a] evidence and documents for a mandatory grand jury presentation (In re Grand Jury, 617 F. Supp. 199 [SDNY-1985])."

b. Copies of such covering letter, along with the letter addressed to the Foreperson, was simultaneously mailed to, inter alia, [then] Chief Circuit Court Judge DONALD P. LAY ["Lay"], [then] Circuit Court Judge RICHARD S. ARNOLD ["Arnold"], Circuit Court Judges ROGER L. WOLLMAN ["Wollman"], and CLARENCE ARLEN BEAM ["Beam"].

c. The letter addressed to the Foreperson, read partially as follows:

"Pursuant to 18 U.S.C. §1504, I respectfully request that the grand jury invite me to testify, so that I can show you my documented evidence of criminal activities which have a center of operations in your judicial district.

A copy of this communication is being sent to Chief Circuit Court Judge Donald P. Lay of the Eighth Circuit, members of that Court, and others, all of whom are subject to your subpoena, who can immediately confirm or easily obtain the information to confirm the essential allegations set forth herein.

...

It is an essential American principle, that no person, no matter how exalted his position, including judges, are above the criminal and ethical laws of our society.

I submit that it is your duty and obligation, as grand jurors, to inquire into criminal activities in your district, including by members of the judiciary and act accordingly.

I suggest that in addition to hearing my testimony and examining my documents, that you request or subpoena, inter alia, U.S. Circuit Judges Richard S. Arnold, Roger L. Wollman and Clarence Arlen Beam, of this Circuit, or inquire of these jurists concerning their actions in the face of knowledge of judicial corruption, of a criminal magnitude.

I submit after reading, inter alia, 18 U.S.C. §241 and 18 U.S.C. §1961 you could reasonably and easily conclude that the aforementioned jurists were and are in violation of the federal criminal code.

I suggest that you inquire of the aforementioned jurists what they believe their obligation was and is when they learned that monies payable 'to the federal court' was diverted to private pockets, and their actions with respect to such information.

I suggest that you inquire of the aforementioned jurists what they believe their obligation was and is when they learned that Raffae avoided incarceration by paying millions of dollars to the judicial cronies.

I suggest that you inquire of the aforementioned jurists what they have done when they learned that prison psychiatric facilities are being employed to conceal judicial corruption."

d. The letter to the Foreperson, with specificity, detailed (1) the larceny of judicial trust assets; (2) the diversion of monies payable "to the federal court" to the pockets of some judicial cronies; (3) the extortion payments of "millions of dollars" to the judicial cronies in order to avoid incarceration under criminal convictions; and (4) the expenditure of sovereign resources to advance and conceal this judicial racket.

e. On May 6, 1991 executed a petition for a Writ of Mandamus, in order to compel the U.S. Attorney to forward affirmant's information and evidence to the Grand Jury, and in such petition and papers that followed set forth additional allegations and evidence of criminal conduct, including the following charges:

5a. Defending federal judges and officials, in civil tort litigation, involved in the aforementioned activities, sued in their personal capacities, has always been the U.S. Attorney or Assistant U.S. Attorney General BARBARA L. HERWIG ["Herwig"].

b(1) In these personal capacity actions there was no Attorney General "scope certification" issued or United States substitution made, as required by 28 U.S.C. §2679[d].

(2) Obviously, federal judges and/or officials involved in diverting monies payable "to the federal court" to the private pockets of their cronies precludes, as a matter of law, any "scope certification" (Wood v. United States, 956 F.2d 7 [1st Cir.-1992]; Johnson v. Carter, 939 F.2d 180 [4th Cir.-1991]).

(3) Thus, perfidious judges and officials are being represented, at federal cost and expense, for their privately motivated activities which are contrary to legitimate sovereign interests.

c(1) Instructively, at no time has any U.S. Attorney or Assistant Attorney General Herwig supported affirmant's efforts to recover such diverted monies payable "to the federal court", which include monies paid on behalf of affirmant.

(2) Thus affirmant is still indebted to the United States or "the federal court" for monies already paid.

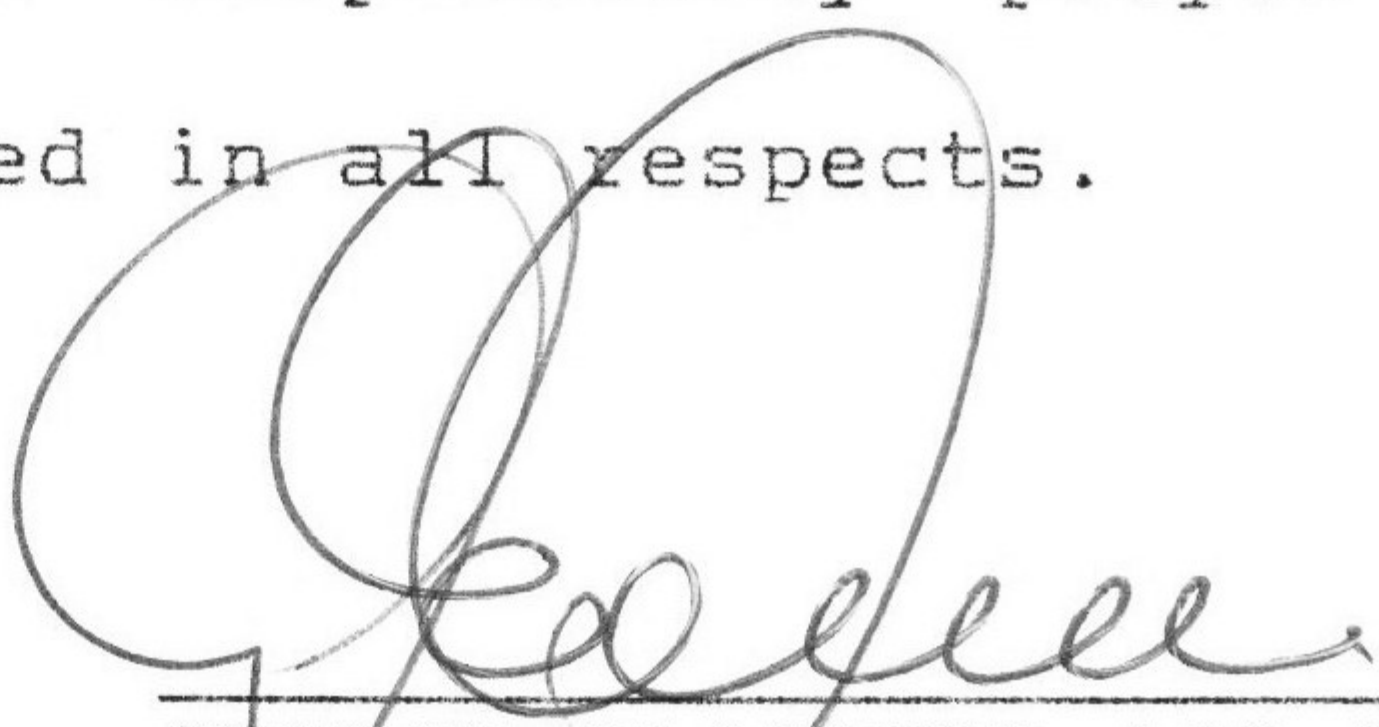
d. Additionally, there is no statutory authority for the representation of federal officials, sued personally, at federal cost and expense, except as specified in 28 U.S.C. §547[3].

e. In short, Article III members of the judiciary and Article II members of the Department of Justice, by their coordinated efforts, are defrauding the federal purse, a matter clearly for grand jury concern.

6. Prior application was made at the Circuit Court of Appeals, and denied (Exhibit "C").

WHEREFORE, it is respectfully prayed that the relief requested herein be granted in all respects.

Dated: April 27, 1992

  
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GEORGE SASSOWER [GS-0521]  
Petitioner pro se  
16 Lake Street,  
White Plains, New York, 10603  
(914) 949-2169

CERTIFICATION OF SERVICE

On April 28, 1992 I served a true copy of this Stay Application by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to U.S. Solicitor General, Kenneth W. Starr, Department of Justice, 10th & Constitution Ave., Washington, D.C. 20530; U.S. Circuit Court of Appeals for the Eighth Circuit and U.S. Attorney, Stephen B. Higgins at U.S. Courthouse, 1114 Market Street, St. Louis, Missouri 63101; and U.S. Attorney Jerome G. Arnold, 234 U.S. Courthouse, Minneapolis, Mn. 55401, that being their last known addresses.

Dated: April 28, 1992

  
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GEORGE SASSOWER [GS-0521]

United States Court of Appeals

FOR THE EIGHTH CIRCUIT

No. 91-3783EMSL

George Sassower,

Appellant,

vs.

Stephen B. Higgins, Donald P. Lay,  
Richard S. Arnold; Roger L.  
Wollman, Clarence Arlen Beam,  
Barbara L. Herwig, Jerome G.  
Arnold, James L. Oakes, Charles  
L. Briant, Samuel A. Alito, Jr.,  
Francis T. Murphy, Robert Abrams,  
Donald Diamond, Feltman, Karesh,  
Major & Farbman, Kreindler &  
Relkin, P.C.; Citibank, N.A.,  
Denis Dillon, Fidelity & Deposit  
Company of Maryland,

Appellees.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri

FILED

FEB 20 1992

U. S. DISTRICT COURT  
E. DISTRICT OF MO.

JUDGMENT

The Petition for a Writ of Prohibition and Mandamus is denied. George Sassower is hereby enjoined from filing any paper with any court of this Circuit without first obtaining leave of that court in accordance with the provisions of this court's order of March 15, 1991, in Nos. 90-5474 and 90-5501 (see 930 F.2d 583, 584-85). The Clerk of Court is hereby directed to refer the file in this matter (No. 91-3783) to the United States Attorney for the District of Minnesota for consideration of whether to commence proceedings to hold George Sassower in contempt of court for violating the above-referenced order of March 15, 1991.

January 30, 1992

Exhibit "A"



A true copy:

ATTEST:

*Michael E. Gans*

Clerk, U.S. Court of Appeals, Eighth Circuit

MANDATE ISSUED, February 21, 1992

United States Court of Appeals  
For the Eighth Circuit  
U.S. Court & Custom House  
1114 Market Street  
St. Louis, Missouri 63101

314-5  
FIS: 2

Michael E. Gans  
Clerk of Court

January 31, 1992

Mr. George Sassower  
16 Lake Street  
White Plains, NY 10603

No. 91-3783 Sassower v. Higgins, et al.

Dear Mr. Sassower:

Per court order we are prohibited from filing anything further in this case. We are returning Appellant's Brief received this date.

Sincerely,

MICHAEL E. GANS, CLERK

*Patty Wakefield*  
By: Patty Wakefield  
Deputy Clerk

MEG/pw

*Exhibit "B"*

# United States Court of Appeals

## FOR THE EIGHTH CIRCUIT

No. 91-3783EM

George Sassower,

Appellant,

vs.

Stephen B. Higgins, et al.,

Appellees.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri

Appellant's motion for stay of mandate has been considered  
by the court and is denied.

April 22, 1992

Order Entered at the Direction of the Court:

*Michael E. Gaus*

Clerk, U.S. Court of Appeals, Eighth Circuit

*Exhib. D "C"*