

In The  
SUPREME COURT OF THE UNITED STATES  
October Term, 1991  
No. 91-

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In the Matter of the Disbarment and/or  
Disciplinary Action against:

WILLIAM P. BARR  
Attorney General of the United States  
and  
KENNETH W. STARR  
Solicitor General of the United States.  
-----X

X-----X  
PETITION IN SUPPORT OF AN ORDER TO SHOW CAUSE  
(Rule 8.2, Rules of the U.S. Supreme Court)  
X-----X

X-----X  
PETITION  
X-----X

Petitioner, GEORGE SASSOWER, as and for his application requesting the issuance by this Court of an Order to Show Cause why disciplinary action should not be taken against Attorney General of the United States, WILLIAM P. BARR ["Barr"] and Solicitor General of the United States, KENNETH W. STARR ["Starr"], who practice before this Court, for misconduct, of criminal magnitude, unbecoming a member of the Bar.

The charges against Attorney General Barr and Solicitor General Starr, the highest law enforcement officers in the United States, are that they: (I) have, and continue to, defraud the treasury of the United States; (II) have, and continue to, betray the legal interests of their only client, the United States; (III) have, and continue to, disregard the mandatory remedial provisions contained in the Independent Counsel Act, enacted to remedy any misconduct of, inter alia, the Attorney General and Solicitor General of the United States; (IV)

have, and continue to, violate the clear constitutional scheme of "checks" between the various branches of government; (V) have, and continue to, involve themselves in egregious judicial corruption; (VI) have, and continue to, violate the criminal laws of the United States.

I. DEFRAUDING THE FEDERAL TREASURY:

1a. In civil tort litigation, the Department of Justice and its officers can only represent the United States, not individuals, except in a situation here not relevant (28 U.S.C. §547[3]).

b. In civil tort litigation, when an official or employee is sued in his own name, upon the execution of an Attorney General's certification that the official or employee:

"was acting within the scope of his office or employment at the time of the incident out of which the claim arose ... shall be deemed an action against the United States .... and the United States shall be substituted as the party defendant." (28 U.S.C. §2679[d]) [emphasis supplied].

c. Attorney General Barr and Solicitor General Starr actually know that neither they, nor any of their subordinates, can lawfully defend any person in their individual names in tort litigation, and that such representation, at federal cost and expense, constitutes a fraud upon the federal purse.

d. Notwithstanding the aforementioned statutory limitation of authority, both Attorney General Barr and Solicitor General Starr have represented individuals, and/or authorized such unauthorized representation, including before this Court, at federal cost and expense, with actual knowledge that such

representation was unauthorized and a fraudulent expenditure of federal monies.

II. BETRAYAL OF THEIR CLIENT, THE UNITED STATES.

1a. Absent an Attorney General's 28 U.S.C. §2679 "scope" certification or adjudication, the official or employee defends the tort action in his own name, at his own cost and expense, and the federal government, is not liable for any judgment that might be recovered.

b. Obviously, judges and officials who are engaged in criminal racketeering activities, including the diversion of monies payable "to the federal court" to their cronies, cannot obtain an Attorney General's "scope" certificate, and under the circumstances, such perfidious judges and officials have not even attempted to obtain an Attorney General's "scope" certification.

c. Nevertheless, for conduct contrary to legitimate governmental interests, the Attorney General Barr and/or Solicitor General Starr have defended and are defending, including before this Court, at governmental cost and expense, these perfidious judges and officials, sued in their personal capacities, for which there is no liability by the United States.

d. At no time or place, in or out of the judicial forum, including in this Court, has Attorney General Barr, Solicitor General Starr, or any of their subordinates, attempted to justify their unauthorized and lawless representation, and this fraud upon the governmental purse.

e. As part of such unauthorized and lawless representation, neither Attorney General Barr, nor Solicitor General Starr, nor any of their subordinates, have ever made any attempt to recover monies payable "to the federal court", which were diverted to private pockets.

f(1) Indeed, when petitioner moves to recover such monies in favor of the federal government, including in this Court, Attorney General Barr, Solicitor General Starr, and/or their subordinates, either oppose such motion or do not support same.

(2) Thus, as one of numerous examples, in Sassower v. Higgins et al. (Docket No. 91-8121), petitioner stated in his "stay" application:

"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"].

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].

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]).

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.

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.

Thus affirmant is still indebted to the United States or 'the federal court' for monies already paid.

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].

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.

Here again, neither Attorney General Barr, Solicitor General Starr, nor any of their subordinates, at any time or place, have attempted to justify the lawfulness of their conduct or that of their subordinates."

(3) Notwithstanding the aforementioned, which is and has never been controverted, law or fact, Attorney General Barr nor Solicitor General Starr, have continued on their charted of course of misconduct, contrary to the legitimate interests of their client, the United States.

g. Attorney General Barr and Solicitor General Starr have only the United States as their client, owe that client "undivided loyalty", and even in the absence of statutory prohibition, as aforementioned, cannot align themselves in activities which are clearly contrary to the interests of the federal government, civil or criminal.

h. Unlike their discretionary prosecutorial authority, neither Attorney General Barr, nor Solicitor General Starr, nor any of their subordinates, have the authority, statutory or otherwise, to consent, express or implied, to the diversion of monies payable, in haec verba, "to the federal court" to private pockets.

i. The basic legal and ethical precept of "zealous" representation and "undivided loyalty" is the quintessential principle of the legal system, which is being intentionally and continuously violated by Attorney General Barr and Solicitor General Starr of which the above is but one example.

III. THE INDEPENDENT COUNSEL ACT:

1a. Under 28 U.S.C. §591-§599 Attorney General Barr, as a matter of ministerial compulsion, permitting no discretion whatsoever, must act within a fifteen (15) day period after receipt of a complaint.

b. 28 U.S.C. §591-§599 was enacted to provide a remedy against the unethical and/or criminal conduct of high echelon Article II officials, including the Attorney General and Solicitor General of the United States.

c. Although petitioner filed proper statutory complaints in August and September of 1991, with personal notice directed to Attorney General Barr and Solicitor General Starr, and despite the lack of discretion, Attorney General Barr has disregarded the plain and clear statutory mandate, and failed and refused to act.

d. The relevant statutes, or parts thereof, which mandate action, as a matter of ministerial compulsion, permitting no discretion whatsoever, within a fifteen (15) day period, are as follows:

28 U.S.C. §591[d][2] provides:

"The Attorney General shall determine whether grounds to investigate exist not later than 15 days after the information is first received. ... If within that 15-day period the Attorney General determines that the information is specific and from a credible source, the Attorney General shall upon making that determination, commence a preliminary investigation with respect to that information. If the Attorney General is unable to determine, within that 15-day period, whether the information is specific and from a credible source, the Attorney General shall, at the end of that 15-day period, commence a preliminary investigation with respect to that information."  
[emphasis supplied]

28 U.S.C. §591[e] provides:

"(1) When recusal is required. If information received under this chapter involves the Attorney General or a person with whom the Attorney General has a current or recent personal or financial relationship, the Attorney General shall recuse himself ...

(2) Requirements for recusal determination. The Attorney General shall, before personally making any other determination under this chapter with respect to information received under this chapter, determine under paragraph (1) whether to recuse himself or herself with respect to that information. A determination to recuse shall be in writing ... . The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to the information involved."  
[emphasis supplied]

e. Attorney General Barr, obviously aware of his own misconduct, and that of Solicitor General Starr, has failed and refused to obey the aforementioned statutory mandate, and other mandatory provisions of the Act.

IV. VIOLATION OF THE CONSTITUTIONAL SCHEME:

1a. The constitutional scheme is one of "checks" between the various branches of government including the Article II members of the Executive, and Article III members of the Judiciary.

b. Attorney General Barr and Solicitor General Starr, Article II officials, are supposed to serve as "checks" on the other branches of government, including Article III members of the judiciary, and prosecute them, if warranted, for their criminal transgressions, not conspire and cooperate in their racketeering adventures, as they have.

c. The documented, uncontroverted evidence, all of which, to the extent that independent media representatives have investigated the matter, has confirmed that high-echelon members of the judiciary, are involved in egregious criminal racketeering adventures.

d. Notwithstanding knowledge of the aforementioned allegations and evidence, Attorney General Barr, Solicitor General Starr, and their subordinates have, at great cost and expense, pursued those who have resisted and exposed such criminal activities by members of the judiciary, as is their obligation (18 U.S.C. §4).

2a. Of particular importance in this judicial-prosecutorial unholy criminal alliance is the consistent posture of Attorney General Barr, Solicitor General Starr, and their subordinates, in obstructing petitioner's constitutional and statutory right to access to the grand jury, a pre-constitutional



independent body, whose "duty" is to inquire into all criminal activity.

b. By express statutory mandate, every United States attorney must, upon demand, convey to the grand jury information concerning criminal activity, whose "duty" is then to investigate same.

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. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such 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." [emphasis supplied]

d. The consistent conduct of Attorney General Barr, Solicitor General Starr, and their subordinates, including in this Court, without exception, has been one of obstructing knowledge by the grand jury of egregious criminal racketeering activity, although they are aware that the grand jury is an essentially independent branch of government, and they are thus preventing that independent branch of government from performing its "duty".

V. INVOLVEMENT IN JUDICIAL CORRUPTION:

1a. In order to aid, abet, and facilitate the criminal racketeering activities, federal and state, some of which are described herein, Attorney General Barr, Solicitor General Starr,

and their subordinates, have affirmatively acted to corrupt still other members of the judiciary.

b. In addition thereto, Attorney General Barr, Solicitor General Starr, and their subordinates, at federal cost and expense, have aided the lay cronies, attempting to bestow upon them liability immunity, notwithstanding Dennis v. Sparks (449 U.S. 24 [1980]).

VI. THE MECHANICS OF JUDICIAL CORRUPTION:

1a. The following recitation limits itself to the events involving or revolving around the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], although substantially similar situations exist.

b. Puccini was involuntarily dissolved on June 4, 1980 by the New York State Supreme Court, County of New York, its assets becoming custodia legis held under "color [pretense] of law", within the meaning of 42 U.S.C. §1983.

c. Albeit involuntarily dissolved and helpless, Puccini remained a "person" within the meaning of Amendment V and XIV of the U.S. Constitution.

d(1) The court-appointed receiver is LEE FELTMAN, Esq. ["Feltman"] and the statutory fiduciary was and is New York State Attorney General was and is ROBERT ABRAMS, Esq. ["Abrams"].

(2) Feltman's surety is FIDELITY & DEPOSIT COMPANY OF MARYLAND ["F&D"].

e(1) In every American jurisdiction the court-appointed receiver, an arm of the court, must render a public accounting for his stewardship.

(2) In New York, by virtue of judicially enacted law, the court-appointed receiver must file an accounting "at least once a year" (22 NYCRR §202.52[e]).

(3) In New York, by statutory mandate, unless the court-appointed receiver files a final accounting within eighteen (18) months, the N.Y. State Attorney General, the statutory fiduciary, must as a mandatory "duty", make application to compel the receiver to account.

(4) Notwithstanding the expiration of almost one hundred and forty-four (144) months, not a single accounting has been filed, and Abrams, despite the mandatory "duty" imposed upon him has not made a single application to compel such accounting.

f(1) All of the judicial trust assets of Puccini were made the subject of larceny by KREINDLER & RELKIN, P.C. ["K&R"], FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], and their entourage, leaving nothing for its nationwide creditors.

(2) N.Y. Supreme Court Referee DONALD DIAMOND ["Diamond"], albeit the lack of subject matter authority (NY CPLR §4317[b]) "approved" a non-existent and phantom "accounting" of Feltman, in a fraudulent transactions, in which Abrams, the statutory fiduciary, and F&D, the surety, were participants.

g. Petitioner, a contractually based judgment creditor, who had previously aborted one such fraudulent "approval" procedure, was charged with a single count of non-summary criminal contempt, held without bail in federal

facilities, at federal cost and expense, while such "approval" of a "phantom accounting" was engineered.

2a. The recent suspension from the practice of law of SAM POLUR, Esq. (Matter of Polur, 173 A.D.2d 82, 579 N.Y.S.2d 3 [1st Dept.-1992]), discloses the modus operandi of this criminal racketeering adventure, whose "core" judicial participants are New York State Appellate Division Presiding Justice FRANCIS T. MURPHY ["Murphy"], U.S. Chief Circuit Court Judge JAMES L. OAKES ["Oakes"] and U.S. Chief District Court Judge CHARLES L. BRIEANT ["Brieant"] of the Southern District of New York.

b(1) In view of the larceny of Puccini's trust assets, Feltman could not render an accounting, consequently Feltman, FKM&F, K&R and Abrams obtained an Order from N.Y. State Supreme Court Justice IRA GAMMERMAN ["Gammerman"] enjoining any action or proceeding against them, including the compelling of an "accounting".

(2) A mirrored injunctive Order was obtained by the same parties in the federal court.

(3) Both orders lacked subject matter and personal jurisdiction, were rendered without due process and inundated with fraud and corruption.

c(1) U.S. District Court Judge EUGENE H. NICKERSON ["Nickerson"] of the Eastern District of New York, without a trial, without the opportunity for a trial, without any confrontation rights, and without live testimony in support thereof found HYMAN RAFFE ["Raffe"] and petitioner guilty of non-

summary criminal contempt notwithstanding Klapprott v. U.S. (335 U.S. 601 [1949]) and Nye v. U.S. (313 U.S. 33 [1941]).

(2) The substantial fines imposed under the manifestly unconstitutional convictions of Judge Nickerson were payable "to the federal court" (Raffe v. Citibank, [EDNY-84 Civ. 0305-6/7/85]).

(3) All these substantial fine monies went into the pockets of K&R and its client, and the federal court received nothing, all of which are confirmed by documented court-records.

(4) Petitioner's herculian efforts to have those diverted monies recovered by the federal government have not been supported by Attorney General Barr, Solicitor General Starr and/or various U.S. attorneys, within and without the Second Circuit.

d(1) Simultaneously, in tandem with the Judge Nickerson trialess non-summary contempt order, non-summary criminal contempt orders were issued by the state court, with terms of incarceration imposed, all without a trial, without the opportunity for a trial, without any confrontation rights, and without any live testimony in support thereof, notwithstanding Bloom v. Illinois (391 U.S. 194 [1968]), all purportedly for violating the Gammerman injunction.

(2) The trialess convictions by N.Y. State Supreme Court Justice ALVIN F. KLEIN ["Klein"] of petitioner, Polur and Raffe, all in one document, with like terms of incarceration, is of operative importance herein.

Petitioner, after serving his term of incarceration, continued to resist involvement in any judicial corruption, or remain silent respecting same, whereupon these trialess convictions, at best "offenses" (Cheff v. Schnackenberg, 384 U.S. 373 [1966]), were escalated to "serious crimes" and he was disbarred (cf. Blanton v. City of No. Las Vegas, 489 U.S. 538 [1989]).

Polur, after serving his term of incarceration, left the Puccini scene and no disciplinary action was taken against him. Years later, when Polur began to expose judicial corruption, disciplinary action was instituted against him, based upon such trialess conviction and he was suspended from the practice of law (Matter of Polur, supra).

Raffe, "paid-off" K&R-FKM&F entourage, and was never incarcerated.

As independently investigated and reported by JONATHAN FERZIGER ["Ferziger"] of UNITED PRESS INTERNATIONAL ["UPI"]:

"By signing three extraordinary agreements in 1985, however, Raffe agreed to foot all legal costs incurred by Feltman's firm and Citibank's lawyers, Kreindler & Relkin, for defending against Sassower. In exchange, the court agreed to let him go free. The tab so far has come to more than \$2.5 million, paid to both the Feltman and Kreindler firms. Raffe continues to pay with checks from his A.R. Fuels Co. business. ... Attorney General Abrams ... saw copies of the checks. Abrams is the statutory watchdog over court-appointed receivers like Feltman."

As long as Raffe keeps making extortion payments, and so the written agreement reads, including for legal efforts

in the federal courts contrary to his interests, he will not be incarcerated.

e. All efforts to advance this criminal racketeering judicial adventure, has the overt and active cooperation of Attorney General Barr, Solicitor General Starr and their subordinates, and in particular Assistant Attorney General BARBARA L. HERWIG ["Herwig"], as separate document will reveal.

3a. Chief Judge Oakes and Chief Judge Brieant, directly and/or through the cooperative efforts of the various U.S. attorneys, "fix" federal judges in other circuits and other districts.

b. These "fixes" by Chief Judge Oakes and Chief Judge Brieant, are not only on behalf of themselves and other corrupt members of the federal judiciary, but also on behalf of state officials and the K&R-FKM&F entourage.

c(1) In all these Oakes-Brieant "fixes", one of the common elements is that these other circuits are not to examine the jurisdictional foundations for the New York-Second Circuit decisions and orders.

(2) Consequently, validity is given to non-summary criminal contempt convictions, rendered without a trial, without the opportunity for a trial, without any confrontation rights or live testimony; validity is afforded to orders and decisions which lack subject matter and personal jurisdiction; validity is given to orders and decisions, rendered without due process; and validity is given to orders and decisions which were the product of fraud and corruption.

(3) Thus, without any action or proceeding before Judge Brieant, sua sponte, the Chief Judge issued proclamations that petitioner could not file any legal papers in that court, nor could he physically enter the Federal Building and Courthouse in White Plains, New York, even during criminal proceedings or where his vested interests were being litigated.

d. Petitioner, unable to obtain access to the courts, even physical access, has been unable to nullify, the manifestly invalid orders of the New York-Second Circuit courts, which are causing him constitutional injury.

4a. Consequently, judicial fraud and corruption, which originated in New York and the Second Circuit, with the active participation of Attorney General Barr, Solicitor General Starr, and their subordinates into half of the federal circuits and corrupted those judicial circuits, as well.

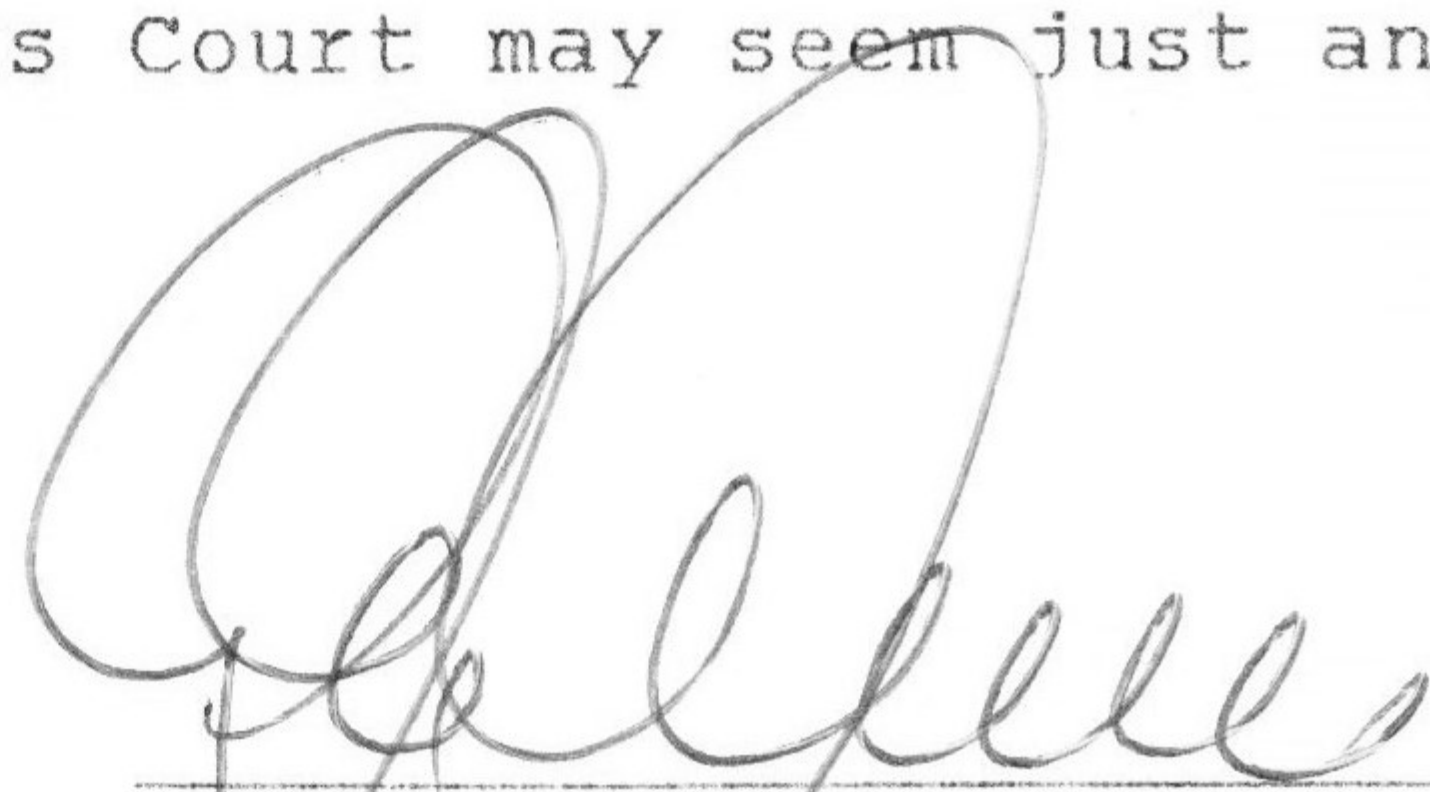
b. If there be any legal justification for their misconduct, as only partially described herein, Attorney General Barr and Solicitor General Starr, have the opportunity of presenting same, sua sponte, or in response to an Order to Show Cause issued by this Court.

c. The United States Constitution, the "rule of law", compels response by Attorney General Barr and Solicitor General Starr, to the serious charges alleged herein, which are matters of congressional and public concern.



WHEREFORE, it is respectfully prayed, that an Order to Show Cause be issued, together with any other, further and/or different relief as to this Court may seem just and proper in the premises.

Dated: May 18, 1992



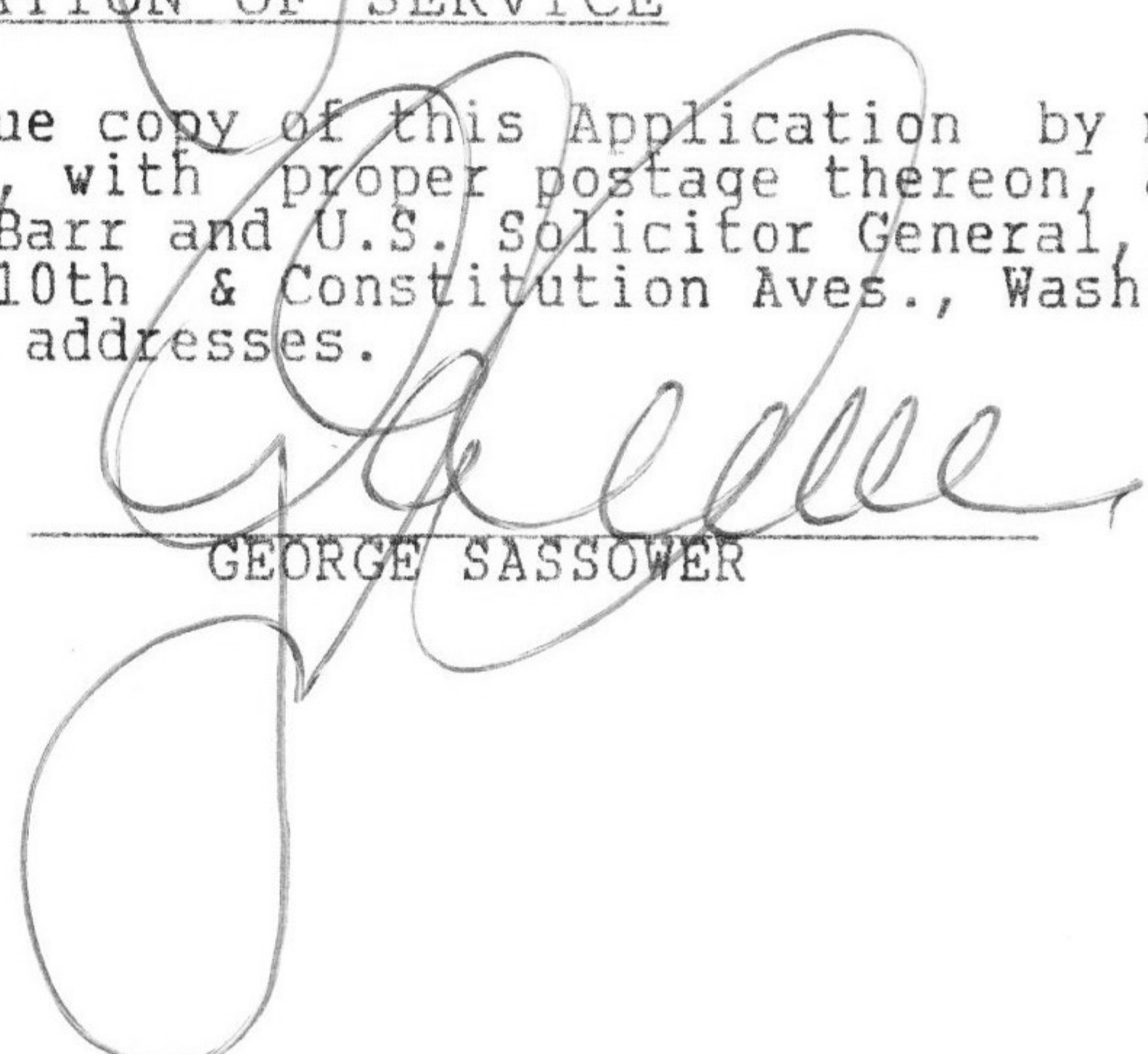
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GEORGE SASSOWER  
Petitioner, pro se  
16 Lake Street,  
White Plains, N.Y. 10603  
(914) 949-2169

CERTIFICATION OF SERVICE

On May 18, 1992 I served a true copy of this Application by mailing same in sealed envelopes, first class, with proper postage thereon, addressed to U.S. Attorney General, William P. Barr and U.S. Solicitor General, Kenneth W. Starr, Department of Justice, 10th & Constitution Aves., Washington, D.C. 20530, that being their last known addresses.

Dated: May 18, 1992



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GEORGE SASSOWER