

ORIGINAL

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1991
No. 91-8121

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GEORGE SASSOWER,
Petitioner-Appellant,
-against-

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. BRIEANT; SAMUEL A. ALITO, JR.; FRANCIS T. MURPHY; ROBERT ABRAMS; DONALD DIAMOND; FELTMAN, KARESH, MAJOR & FARBMAN; KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; DENIS DILLON, and FIDELITY & DEPOSIT COMPANY OF MARYLAND,

Respondents-Appellees.

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

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PETITIONER'S MOTION

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This affirmation, made under penalty of perjury, is in support of an application: (1) to compel Solicitor General KENNETH W. STARR ["Starr"] to take such remedial action as may be necessary to recover monies that were payable, by virtue of a court order, "to the federal court", which monies were diverted to private pockets; (2) to prohibit, as unauthorized, any representation by Solicitor General Starr of persons who have not been "scope" certified (28 U.S.C. §2679(d)), and who are conducting themselves contrary to the interests of the United States.

1a. Solicitor General Starr asserts that he appears for "The Government" and "waives" "response" (Exhibit "A"):

"unless requested to do so by the court."

b. The interests of "the government" in this proceeding is, inter alia, to recapture monies payable "to the federal court", but diverted to private pockets.

c. Neither the Solicitor General, nor any federal official, no matter how exalted his office, can waive, excuse and/or ratify the diversion to private pockets of monies payable or owing the federal government.

d. This Court, to vindicate its own Honor, should direct the Solicitor General "to respond", and "to respond" as a lawful federal official.

2a. In civil tort litigation, the government can only represent and defend, at federal cost and expense, persons who have received 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 ... [whereupon the action] 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].

b. The full title of this proceeding, reproduced herein, does not disclose the United States as an appellee, the jurisdictional pre-condition for federal representation (28 U.S.C. §547), at federal cost and expense.

c. Obviously, federal officials involved in diverting monies payable "to the federal court" to private pockets, or those aiding and abetting such criminal conduct, cannot obtain a "scope" certification or adjudication, and have not.

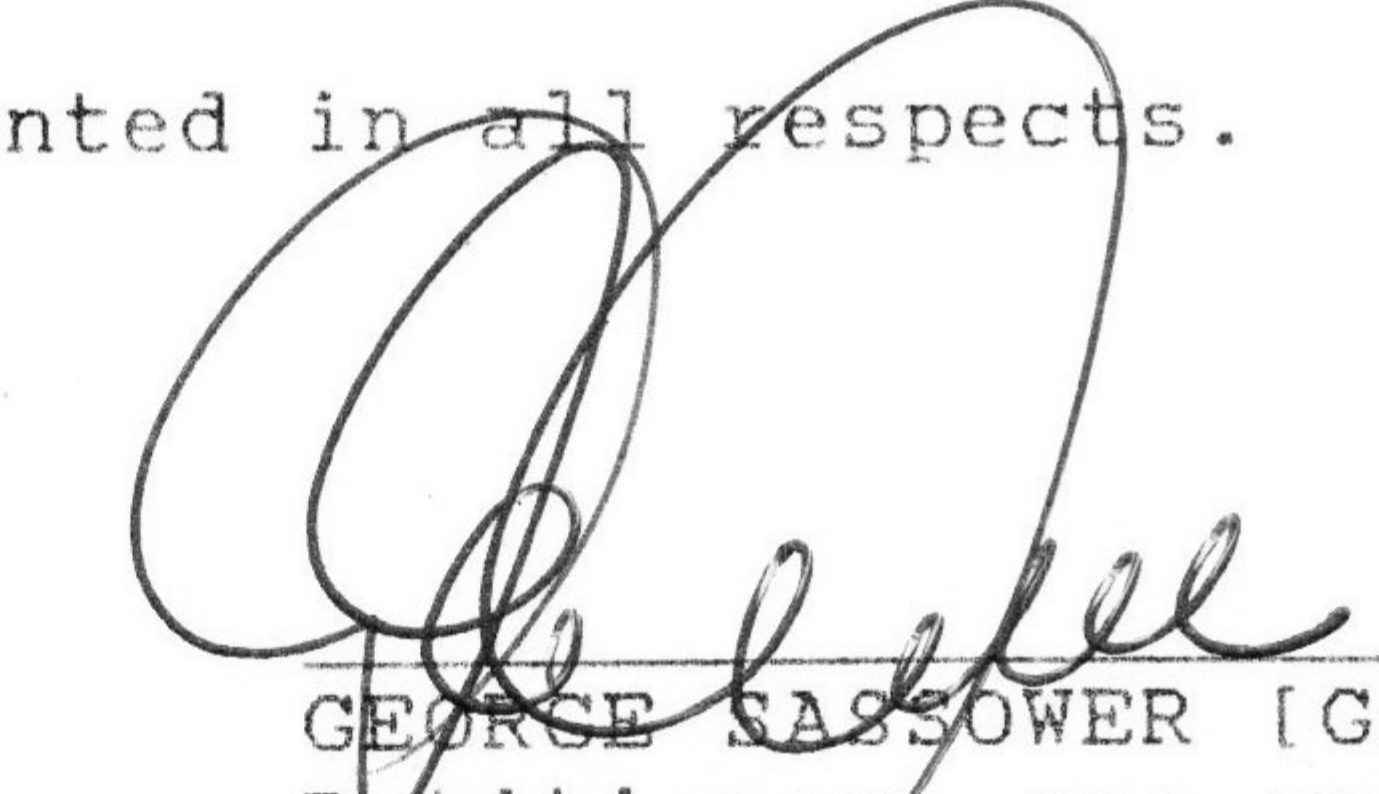
d. Had there been a "scope" certification or adjudication, the United States would have been substituted, in lieu of federal judges and officials, as the appellee in the title of the affirmant's petition to this Court.

e. The representation in the courts below, and in this Court, by the U.S. Attorney and the Solicitor General, was and is unauthorized (28 U.S.C. §547), and a fraud upon the federal purse, a matter which should no longer be tolerated.

3. The matter is more fully treated in affirmant's Rule 8.1 petition to this Court, a copy of which is annexed, which is incorporated herein by reference.

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

Dated: May 18, 1992

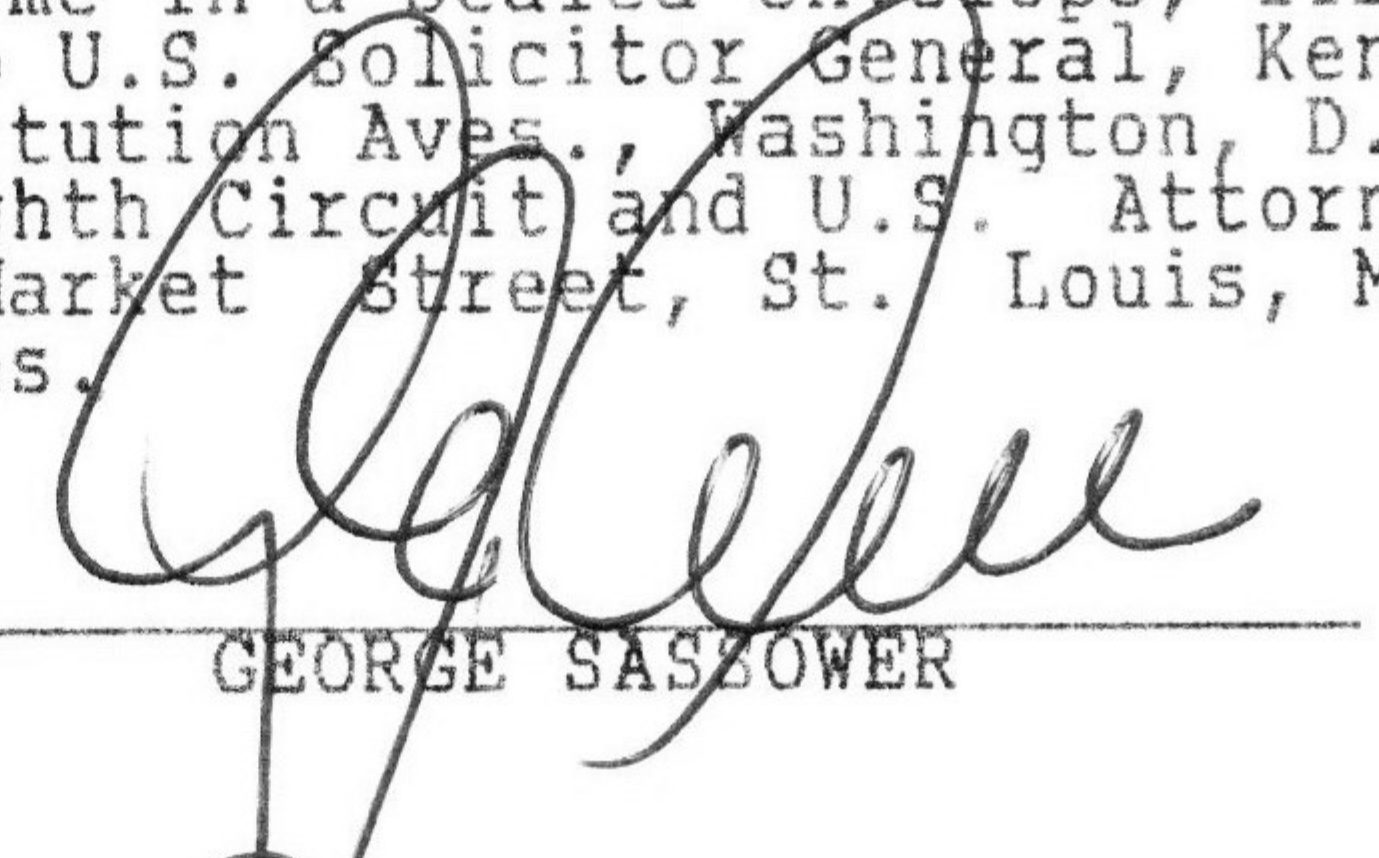


GEORGE SASSOWER [GS-0521]
Petitioner, pro se
16 Lake Street,
White Plains, N.Y. 10603
(914) 949-2169

CERTIFICATION OF SERVICE

On May 18, 1992 I served a true copy of this Motion and Exhibit (with Rule 8.2 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 Aves., 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; that being their last known addresses.

Dated: May 18, 1992



GEORGE SASSOWER

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1991

SASSOWER, GEORGE

vs.

No. 91-8121

STEPHEN B. HIGGINS, ET AL.

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the court.

KENNETH W. STARR
SOLICITOR GENERAL

May 12, 1992

cc:

GEORGE SASSSOWER
16 LAKE STREET
WHITE PLAIN, New York 10603

Exhibit "A"