

"Smoking Guns"
The Greatest Hoax Ever Perpetrated on the American Public

By The
Judiciary Committee of the U.S. Senate
American Bar Association
Article III Federal Jurists of the United States
United States Attorneys
Print, Radio & Television Media
[First Abridged Edition]

It was impossible for *Samuel A. Alito* to be confirmed as an Associate Justice of the Supreme Court of the United States, since *every* nominee *must* "Answer" the "Questionnaire" of the *Judiciary Committee* of the *United States Senate*, which requires him/her to "describe in detail" *all* "lawsuits in which [the nominee] was named in [his/her] personal capacity" (see, Exhibit "A1A").

Smoking Guns I

1. To conceal inquiry into his activities as the United States Attorney for the District of New Jersey which, if disclosed would have "doomed" his confirmation for any federal position, *Samuel A. Alito* labeled *Geo. Sassower v. Sisk* (Eastern District of Pa., #2:91-civ-4097 - JTG), a money damage tort action, as "official capacity" (see, Exhibit "A1A"), which was legally "impossible", and therefore "perjurious"!

Since July 4, 1776, because of the doctrine of "sovereign immunity", a federal judge, official or employee cannot be "sued" in a common law tort action for money damages when acting in his "official capacity". It was and still is "impossible"!

When Congress enacted a limited waiver of "sovereign immunity", in a money damage tort action, it provided that the United States was to be the "exclusive" defendant (28 U.S.C. §2679).

Thus, a basic dumb computer could be easily programmed to read or say "impossible" whenever it "scans" a decision in a money damage, common law tort action, where a federal judge, official or employee was "sued" in his/her "official capacity", and it would be correct each and every time!

2. In my extensively distributed publication of July 28, 2008, whose recipients included Associate Supreme Court Justice *Samuel A. Alito*, Chief U.S. Third Circuit Court Judge *Anthony J. Scirica* and Chairman *Stephen L. Tober*, Esq. of the *Standing Committee* of the *American Bar Association* ["ABA"] it states:

"*Samuel A. Alito*, is here openly challenged, to produce one (1) single Article III jurist who would 'swear under oath' or 'affirm under penalty of perjury', that *Geo. Sassower v. Sisk* (*supra*) was an 'official capacity' action, and that he was being *sued* in his 'official capacity'! Only one jurist! He cannot!"

In the one (1) year that has elapsed since such challenge was made, neither the perjurer, *Samuel A. Alito*, nor anyone else, has been able to produce a single Article III federal jurist who was willing to swear or affirm that *Geo. Sassower v. Sisk* (*supra*) was an "official capacity" action, and that *Samuel A. Alito* was being *sued* in his "official capacity"!

3. Had one single U.S. Senator on the Judiciary Committee, only one, before the televised audience, confronted the nominee, *Samuel A. Alito*, with the fact that it was "impossible" that he was sued in *Geo. Sassower v. Sisk* (*supra*) in his "official capacity" and read some of the allegations in such complaint, today *Samuel A. Alito* would probably be an inmate in a penal institution!

GEORGE SASSOWER, Esq.
Member of NY State & Federal Bars, 1949 to Date.
A Flawless Publication

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4. Where was Chief Justice of the United States, *John G. Roberts*, who knew since 1989, when he was Principal Assistant Solicitor General of the United States, that U.S. Attorney *Samuel A. Alito* was a corrupt federal official, whose criminal activities included defrauding his client, the United States, while this hoax was being perpetrated upon the American Public???

Where were the Article III federal jurists and the United State Attorneys, throughout the United States, each of them knew a federal official and jurist, and *Samuel A. Alito* was both, could not be "sued" in his "official capacity" in a money damage tort action, and who were under a legal and professional obligation to expose such hoax (18 U.S.C. §4; *Code of Judicial Conduct*, Canon 3B3; *Code of Professional Responsibility* DR 1-103).

5. From the brief description given by *Samuel A. Alito* in his "*Perjurious Answer*" (Exhibit "A1A") most, if not all, of the other ten (10) actions which he described as "official capacity", also seem to be common law tort, money damage, actions and therefore also present a legally "impossible" scenario!

6. In his "*Perjurious Answer*" (Exhibit "A1A") of *Samuel A. Alito*, as an "official capacity" action, it states:

"In *Dinorsio, et al. V. Greenlish*, et al. (District of New Jersey, Case No. 2:91 cv 00667 [WB], in my capacity as U.S. Attorney, I was one of more than 20 defendants ..."

Since *Samuel A. Alito* was elevated to a U.S. Circuit Court Judge in 1990, how could he have been sued in his "official capacity", as a U.S. Attorney in 1991, as the docket number (91 cv 00667) reveals???

As every judge knows, and every lawyer and law student should know, it is "impossible" to sue a judge or official in his/her "official capacity" in a position he/she no longer occupies???

7. A reading of the complaint in *Geo. Sassower v. Sisk* (*supra*), which was dated June 14, 1991, and also had a 1991 docket number, reveals that all acts of misconduct alleged against *Samuel A. Alito* was as a United States Attorney.

To repeat: It was and is "impossible" to sue a federal, state, city, town or other local judge, official or employee in an "official capacity" where he/she no longer occupies that office or position!!!

8. Although the "*Answer*" of *Samuel A. Alito* (Exhibit "A1A") was inundated with suspect clearly perjurious material, not a single question was posed to the nominee by any U.S. Senator!

Smoking Guns II

1.. *Samuel A. Alito* was nominated to be an Associate Justice of the Supreme Court of the United States on October 31, 2005.

A "*Westlaw*" search, as of that date (Exhibit "A1B"), reveals that *Samuel A. Alito* was sued, in his "personal capacity", six (6) times.

In three (3) of these six (6) actions, the plaintiff was *Geo. Sassower*. They were: (1) *Geo. Sassower v. Feltman* (941 F.2d 1203, 1991 WL 167241 [3rd Cir.-1991]); (2) *Geo. Sassower v. Sansverie* (885 F.2d 9 [2nd Cir.-1989]), and (3) *Geo. Sassower v. Carlson* (930 F.2d 583 [8th Cir.-1991]).

Although, not on such list, but easily discoverable, was: (4) *Geo. Sassower v. Thornburgh* (DDC 89Civ2214 [NHJ]), where the money damage tort defendants included *Susan C. Cassell*, a subordinate of U.S. Attorney *Samuel A. Alito*, and where he was initially listed as her attorney.

Since *Samuel A. Alito*, as a U.S. Attorney and Associate Judge on the U.S. Third Circuit Court of Appeals, as well as his subordinate, Assistant U.S. Attorney *Susan C. Cassell*, had "*suit immunity*" in his/her "official capacity", these four (4) money damage tort actions, could only be "personal capacity"!

2. "On their face", these four (4) "personal capacity" actions, reveal that *Samuel A. Alito* is a "serial felon", whose victim was his client, the United States!

A. In a money damage tort action, where the judge, official and/or employee was “acting within the scope of his office/employment” [or an “*official capacity*” action], the “exclusive” defendant is the United States, and a Federal attorney defends the United States, at federal cost and expense, and the United States satisfies any judgment recovered.

B. In a money damage tort action, where the judge, official and/or employee was not “acting within the scope of his office/employment” [or a “*personal capacity*” action], the federal judge, official and/or employee defends such action by a non-federal attorney, at non-federal cost and expense, and the United States cannot satisfy any judgment recovered (*Reeside v. Walker*, 52 U.S. 272 [1851])!

3. In the aforementioned four (4) actions *Samuel A. Alito* and/or *Susan C. Cassell* were being defended in their “*personal capacities*” by federal attorneys, at *unauthorized* federal cost and expense, defrauding the United States thereby, a felony, punishable by a fine and term of incarceration (31 U.S.C. §§ 1342, 1350).

Article 1 §9[7] of the *Constitution of the United States*, provides [emphasis supplied]:

“A regular Statement and Account of the *Receipts and Expenditures of all* public Money shall be published [by Congress] from time to time”.

Obviously, as *Freedom of Information Act* [“FOIA”] requests confirms, the federal attorneys involved, including U.S. Attorney *Samuel A. Alito*, were “cooking” their federal books to conceal the *unauthorized* expenditures from Congress, which is also a *felony* (18 U.S.C. §1001).

4. The Report of the *Standing Committee* of the *ABA* stated it “began its evaluation the next day, November 1, 2005, the day after the nomination, and it continued its work over the course of the next several weeks”, and:

“members of the Standing Committee reached out to well over 2000 individuals across the nation through written correspondence, phone calls, and personal contact.”

Particularly since and until *Samuel A. Alito* submitted his “*Answer*” to the “*Questionnaire*” of the *Judiciary Committee*, which was one month later, the *Standing Committee* had little that it could concretely investigate, common sense dictated that it would have commenced its investigation by communicating with *Geo. Sassower* and/or investigating the four (4) “*personal capacity*” actions that he instituted against *Samuel A. Alito* and/or his assistant, *Susan C. Cassell*!

However, *Geo. Sassower* was not one of the “over 2000 individuals across the nation” that the *Standing Committee* of the *ABA* communicated with.

As the evidence developed, there appeared a deliberate attempt by the *Standing Committee* to avoid hearing or seeing any derogatory evidence or information about the nominee!

5. The January 9, 2006 Report of the *Standing Committee* of the *ABA* to the *Judiciary Committee* of the *U.S. Senate*, in which it represented that it “used well-established, well-defined objective standards”, in determining the “integrity” and other qualifications of *Samuel A. Alito* was obviously *perjurious*, as other evidence conclusively confirmed!

Smoking Guns III

1. About November 30, 2005, or one month after *Samuel A. Alito* was nominated, he filed his “*Answer*” to the “*Questionnaire*” of the *Judiciary Committee* of the *United States Senate* (Exhibit “A1A”), and none of these four (4) actions were included in his “*Answer*” which, in and of itself, was sufficient to reject the nomination.

Samuel A. Alito also concealed from the *Judiciary Committee* of the *U.S. Senate*: (5) *Geo. Sassower v. Abrams/Feltman* (NJ 88 Cv 1012/1562 [NHP]); (6) *Geo. Sassower v. Abrams/Feltman* (1992 U.S. App. Lexis 38245 [3rd Cir.-1992]); (7) *Geo. Sassower v. Stiles* (ED Pa #96-7588[WHY]), and (8) *Geo. Sassower v. Alito* (SDNY- 05-Bk-23120 [ASH Docket No. 05-Adv-8730]).

2. Nevertheless these omissions, deliberately omitted, were not noted in the Report of the *Standing Committee* or in its oral testimony before the *Judiciary Committee*!
3. Fraud and deceit includes concealing what is true, as well as uttering that which is false, and was the basis of condemnation by every jurist on the Supreme Court of the United States in *Hazel-Atlas v. Hartford* (322 U.S. 238)[1944]), who imposed draconian consequences.

Smoking Guns IV

1. From the statements being issued, it was obvious that *Samuel A. Alito* was deceiving the various U.S. Senators who were privately interviewing him.

Consequently, on December 13, 2005, one month *before* the confirmation hearing for *Samuel A. Alito* to be an Associate Justice of the Supreme Court of the United States, was to begin, two (2) motions were made by the undersigned.

The allegations in these two (2) motions were *undenied, uncontroverted* and the relief requested was *unopposed*.

However, to grant the relief requested in these two (2) *undenied, uncontroverted* and *unopposed* motions or expose their contents would have "*doomed*" the nomination!

Consequently, Chief Judge *Anthony J. Scirica* of the Third Circuit Court of Appeals, now also Chairman of the Executive Committee of the *Judicial Council of the United States*, "*hijacked*" and "*waylaid*" these two (2) motions and today, more than forty-two (42) months later, they still have not been found or determined!

2. One of these two (2) *undenied, uncontroverted* and *unopposed* motions opens as follows:

"U.S. CIRCUIT COURT OF APPEALS
FOR THE THIRD CIRCUIT

-----X
GEORGE SASSOWER,

Plaintiff-Appellant,

-against-

ROBERT ABRAMS; et. el.,

Defendants-Appellees.

Docket Nos. CCA3 #90-5147 & #91-8063
USDC - 88Civ1012 [NHP]
Action #1

-----X
GEORGE SASSOWER, individually and
as a Chapter 13 debtor, and on
behalf of PUCCINI CLOTHES,

Petitioners-Appellants,

-against-

LEE FELTMAN; et. el.,

Respondents-Appellees.

Action #2
USDC - 88Civ1562[NHP]

-----X
GEORGE SASSOWER, Esq., an attorney,

....in support of the relief requested, affirms

This motion, on notice to, *inter alia*, [former] U.S. Attorney *Samuel A. Alito*, [former] New York State Attorney General ["NYSAG"] *Robert Abrams* and [former] Chief U.S. District Court Judge *Charles L. Brieant* for the Southern District of New York ["SDNY"], is made: (1) to recall and vacate the dispositions of this Court, as well as the Court below, as *inter alia*, "jurisdictionally infirm" (*FRCivP* Rule 60[b][4]) and as being the product of judicial corruption (*FRCivP* Rule 60[b][6]); (2) requesting that the relevant files, or certified copies, be forwarded to the *Judiciary Committee of the United States Senate*, (3) and related relief, including directing "restitution" to the victims, including to affirmant and the United States.

3. The failure of Chief Judge *Anthony J. Scirica* to forward “the relevant files, or certified copies, to the *Judiciary Committee of the United States Senate*”, as requested, was nothing less than a “*fraud upon the U.S. Senate*” and “*The American Public*”, particularly since Chief Judge *Anthony J. Scirica*, other members of the *U.S. Third Circuit Court of Appeals* and *Stephen L. Tober*, Esq. of the *Standing Committee* of the *ABA* testified in significant variance with the documentary evidence.

4. *Before* the federal expenditures “went through the roof”, they were described by a federal official as “*staggering*” (*New Jersey Law Journal*, July 13, 1989), which estimate is confirmed by court files in the U.S. District Court of New Jersey and the Third Circuit Court of Appeals.

In *Geo. Sassower v. Abrams/Feltman* ([NJ] *supra*), U.S. Attorney *Samuel A. Alito* was both expending and receiving *unauthorized* federal monies and services, both *felonies*, punishable by terms of incarceration and fines (31 U.S.C. §§ 1341, 1342, 1350).

5. As the *undenied, uncontroverted* allegations in the *unopposed* motion of December 13, 2005 stated:

“The *unauthorized* expenditures being made by U.S. Attorney *Samuel A. Alito*, being a crime, punishable by a fine and term of imprisonment, were made more egregious, and independently criminal, by his ‘cooking’ of federal books, in an attempt to conceal such expenditures from the Article I Congress, as confirmed by Exhibit ‘A-4’, which is a response by the *United States Department of Justice* [‘USDJ’] from a *Freedom of Information Act* [‘FOIA’] request (Request #96-2976).

Such exhibit with respect to “*Sassower Abrams/Feltman*” (88Cv1012-1562 [NHP])” states:

A search for records located in the United States Attorney’s Office(s) for the District of New Jersey revealed *nothing* pertaining to this matter” [emphasis supplied].

6. Distinguishable are expenditures of monies and/or services as a result of “*pork*” or “*ear-mark*” legislation which, even when unwarranted and exorbitant, are “*legal*” since they have been authorized by Congress, which has constitutional control of the federal purse.

7. Would *any* U.S. Senator voted to confirm *Samuel A. Alito* for *any* federal position if, before a televised audience, it was revealed that not only was this “*felon*” disbursing and receiving monies and services not authorized by Congress, but also “cooking” his federal books in order to conceal such *unauthorized* expenditures, which is also a felony (18 U.S.C. §1001)???

Smoking Guns VI

1.. Two weeks later, on December 27, 2005, and almost two (2) weeks *before* the confirmation hearings were to commence, a federal money damage tort complaint was filed (*Geo. Sassower v. Alito* (*supra*)) and the federal defendants included: *Samuel A. Alito; Nicholas H. Politan; Anthony J. Scirica; Charles L. Brieant; William C. Conner; Wilfred Feinberg, and Alberto R. Gonzales.*

2. The opening paragraphs of the complaint read:

“ 1. The defendants, insofar as they are or were judges or officials of the United States or State of New York, are being sued in their “personal” capacities for “personal” misconduct.

2. There is nothing in this complaint which seeks to obtain any money damages, compensatory or punitive, against the United States or State of New York, or seeks to impose the cost of any defense representation on the United States or State of New York.

A. Any federal defense expenditures for any defense representation would have criminal consequences (31 U.S.C. §1350).

B. Any NY State representation or representation at NY State cost expense, would be in violation of Amendment XI of the *Constitution of the United States* (*Hans v. Louisiana*, 134 U.S. 1 [1890]).”

The aforementioned notwithstanding, the federal defendants appeared and were defended in their “personal capacities” and where there were no 28 U.S.C. §2675 “notice of claim” by U.S. Attorney *Michael J. Garcia*, at *unauthorized* federal cost and expense, while the New York State defendants, were defended by the NY State Attorney General, at *unconstitutional* NY State cost and expense.

Unquestionably, the merit dispositions rendered were “null and void” since, in multiple respects, there were “subject matter jurisdictional” and other lethal infirmities.

3. Only the “First” and part of the “Second” of eight causes of action are here set forth in this abridged addition, although they all reveal that the Second and Third federal circuits are cesspools of judicial corruption.

“AS AND FOR A FIRST CAUSE OF ACTION

3. Plaintiff is a born American citizen, a battle-starred veteran of World War II, is entitled to all the rights, privileges and immunities provided in the Constitution and Laws of the United States, including “access to the federal courts” in order to, *inter alia*, liquidate his extensive assets, contractual and otherwise.

4A. On February 29, 1988, *Geo. Sassower v. Abrams* (88Civ1012 [NHP]) was filed in the U.S. District Court for the District of New Jersey, which was followed on April 4, 1988 by the filing in the same court of *Geo. Sassower v. Feltman*, (88Civ1562[NHP]).

B. There was never any question that “jurisdiction” and “venue” were appropriate.

5. The defendants in *Geo. Sassower v. Abrams/Feltman* (*supra*), insofar as they were federal or New York State judges or officials were being sued in their “personal” capacities, for activities which, in most instances, were adverse to legitimate sovereign interests, such as “diverting” federal and state monies to private coffers, as a “source” of “bribes”, which diversion of federal and state monies, included those of plaintiff.

6A. The defendants, *Samuel A. Alito*, *Nicholas H. Politan* and *Anthony J. Scirica*, as well as the federal defendants in *Geo. Sassower v. Abrams/Feltman* (*supra*), and the defendants in this action, such as *Wilfred Feinberg*, *Charles L. Brieant* and *William C. Conner* all knew and know that in a money damage tort action, a United States attorney, such as Alito, can only defend the United States, never any “person”, and never anyone, even the United States, unless a 28 U.S.C. §2675 “notice of claim” has been filed.

There is the irrelevant exception for revenue and custom officials, who may be sued in their own names under special circumstances and be defended by a federal attorney (28 U.S.C. §547[3]).

B. Nevertheless, with actual knowledge that the expenditures he was making were *unauthorized* by Congress, triggering a “subject matter jurisdictional” infirmity, rendering all merit dispositions made to be null and void, U.S. Attorney Alito appeared for some of the defendants in *Geo. Sassower v. Abrams/Feltman* (*supra*) in their own names and where no 28 U.S.C. §2675 “notice of claim” existed.

C. To conceal from the Article I Congress the unauthorized federal expenditures made which, according to a named federal official were “staggering” (*New Jersey Law Journal*, July 13, 1989), U.S. Attorney Alito “cooked” his federal books, as Exhibit “A”, confirms.

Exhibit “A” is a response from the *United States Department of Justice* [“USDJ”] to a *Freedom of Information Act* [“FOIA”] request and states that it has no record of such litigation.

7A. The defendants in the aforementioned action and in this action, *Robert Abrams* and *Francis T. Murphy* knew they could not be defended by a New York State attorney or at NY State cost and expense as violative of Amendment XI/Hans, triggering a "subject matter jurisdictional" infirmity and rendered all merit dispositions made to be null and void.

B. However, after being advised by Chief Judge Brieant of New York that Judge Politan of New Jersey had been "fixed" and would not address the "subject matter jurisdictional" and other lethal infirmities, albeit mandatory, New York State Attorney General ["NYSAG"] Abrams appeared for himself and others sued in their personal capacities at unconstitutional New York State cost and expense.

8A. Since the proceedings in the District Court of New Jersey were inundated with lethal "subject matter jurisdictional" infirmities, obviously Alito, Politan and Abrams knew beforehand that the Third Circuit Court of Appeals ["CCA3"] had been "fixed" and would not make a *United States v. Corrick* (298 U.S. 435, 440 [1936]) disposition, albeit mandatory.

B. While Chief U.S. District Court Judge Brieant was the prime "fixer" on behalf of *Citibank, N.A.* at the New Jersey District Court level, it was Chief U.S. Circuit Court Judge *Wilfred Feinberg* for the Second Circuit who was the "fixer" at CCA3.

9. By reason of the aforementioned *unauthorized* sovereign representations, the plaintiff was deprived of merit dispositions, which caused him substantial damages, for which he requests substantial monetary and punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION

10A. The defendant, *Alberto R. Gonzales*, the Attorney General of the United States, knows that U.S. Attorney Alito had expended substantial federal monies, not authorized by Congress and, by statute, was obligated to "immediately report to the President and Congress all relevant facts and a statement of actions taken. (31 U.S.C. §1351) but has wilfully failed give obedience to such mandate, causing plaintiff damages."

Thus, while they were testifying before the *Judiciary Committee* of the *United States Senate* and a nationwide televised audience, *Samuel A. Alito* and Chief U.S. Third Circuit Court of Appeals Judge *Anthony J. Scirica*, were committing a *felony* by being defended in their "*personal capacities*" by a U.S. Attorney, at *unauthorized* federal cost and expense, in a money damage tort action, and where there was no 28 U.S.C. §2576 "notice of claim"!

Smoking Guns VII

1. Defrauding the United States, when in the form of *unauthorized* federal defense representation, results in a "*subject matter jurisdiction*" lethal infirmity, rendering the merit dispositions made to be "null and void"!

2. A judgment, order, decision or opinion rendered without "*subject matter jurisdiction*" is like counterfeit currency which, despite the lapse of time, never can become valid.

Indeed, they are both based on the same legal concept. Neither the issuance of counterfeit currency, nor decisions that lack "subject matter jurisdiction" have been authorized by the *Constitution of the United States* or Congress, and therefore lack validity.

However, while the Treasury Department will dispatch battalions of its agents to terminate any counterfeiting operation, the Department of Justice does nothing, indeed cooperates with the rogue jurists involved in issuing decisions which lack "subject matter jurisdiction", even when criminally motivated.

3. In addition to the lack of Congressional authorization for federal attorneys to defend those judges, officials and employees, at federal cost and expense, who were not acting within the "scope of his/her office/employment", federal attorneys cannot defend anyone, including the United States, unless a 28 U.S.C.

§2675 “notice of claim” had been filed, and its administrative requirements exhausted (*McNeil v. U.S.*, 508 U.S. 106 [1993]; 13 *ALR Fed.* 762, 768 n.8).

4. Thus, anything stated, written or asserted by anyone, express or implied, notwithstanding, those decisions involving federal jurists or officials, who were sued in their “*personal capacities*”, and where there has been no 28 U.S.C. §2675 “notice of claim” but who were defended by federal attorneys, such as U.S. Attorney *Samuel A. Alito*, were, are and forever will be “*null and void*”!

Smoking Guns VIII

1. After the expenditure of a “*staggering*” sum of federal monies, not authorized by Congress, for which U.S. Attorney *Samuel A. Alito* “cooked” his official books, he expended a monumental sum of federal monies in order to consummate the transmission of the remaining cash assets, in the approximate amount of \$800,000, in the judicial trust account of *Puccini Clothes, Ltd.*, an involuntarily dissolved corporation, to serve, after “*laundering*”, as “*bribes*” for judges and judicial officials.

The transmission of the remaining cash assets in *Puccini Clothes, Ltd.* “*The Judicial Fortune Cookie*”, was an express pre-condition by *Citibank, N.A.* for an additional “*bribe*” payment of \$4,200,000!

Thus from this “*bribe*” transaction with *Citibank, N.A.*, and there were several, the “*bribe*” involved was \$5,000,000!

2. In every court, in every jurisdiction, state and federal, trial and appellate, where a judicial trust or a court-appointed receiver is involved, a “*public accounting*” is “*mandatory*” (75 *C.J.S. Receivers* §448, p. 617; 65 *AmJur2d Receivers*, §278, p. 861), since the “*public*” is entitled to know if its judges and/or their appointees are “*crooks*”.

In New York, although a court-appointed receiver, such as *Lee Feltman, Esq.*, must file an “*accounting*” “at least once a year” (22 *NYCRR* §202.52[e]), not a single accounting has been filed.

Lee Feltman, Esq., was appointed as the successor receiver for *Puccini Clothes, Ltd.*, approximately twenty (20) months after it was involuntarily dissolved, with the understanding that he would: (1) conceal the engineered larceny of its judicial trust assets by *Citibank, N.A.*, and its “*estate chasing attorneys, Kreindler & Relkin, P.C.* [“*K&R*”], which commenced the same day that it was involuntarily dissolved, (2) “*launder*” “*bribe*” monies from its assets to judges and officials.

Since an “*accounting*” for the judicial trust assets of *Puccini Clothes, Ltd.* would reveal, *inter alia*, the transmission of approximately \$800,000 by U.S. Atty *Samuel A. Alito*, at monumental federal cost and expense, which \$800,000 were dissipated as “*bribes*”, compelling “*restitution*”, there have been no “*accounting*” filed by *Lee Feltman, Esq*

3. In New York, since the incarceration and 1878 death of *William Marcy [Boss] Tweed*, the Grand Sachem of Tammany Hall, the New York State Attorney General is the statutory fiduciary of all involuntarily dissolved corporations, with almost unlimited discretionary powers to be exercised on behalf of those who have a legitimate interest in its judicial trust assets (*NY Business Corp. Law* §1214), and some mandatory, non-discretionary “*duties*”, such as to make application to compel a court-appointed receiver to “*account and distribute*” after the expiration of eighteen (18) months (*NY Business Corp. Law* §1216), at pains of criminal liability if he fails (*e.g. NY Penal Law* §195.00).

Nevertheless, since *Puccini Clothes, Ltd.*, was involuntarily dissolved more than twenty-nine (29) years ago, the New York State Attorney General, the statutory fiduciary, has never exercise any of his extensive discretionary authority on behalf of his judicial trust or those having a legitimate interests in its assets.

Nor has he made any of the mandatory applications to compel an “*accounting and distribution*”, albeit mandatory.

4. Judicial trusts, like corporations, are “persons”, within the meaning of Amendments V & XIV of the *Constitution of the United States*, and court appointees act under “color of law”, within the meaning of Federal Civil Rights statutes (18 U.S.C. §242, 42 U.S.C. §1983).

Nevertheless, all the efforts of *Samuel A. Alito* was, at federal cost and expense was to violate the interests of *Puccini Clothes, Ltd.* and the *Estate of Eugene Paul Kelly, deceased*.

5. Because they are “persons”, the *American Civil Liberties Union* [“ACLU”] submitted a Brief on behalf of *Twentieth-Century Fox* claiming it was entitled to a jury trial in a non-summary criminal contempt proceeding (*U.S. v. Twentieth-Century Fox*, 882 F.2d 656 [2nd Cir.-1989]).

However, it has never been known to aid judicial trusts, such as *Puccini Clothes, Ltd.* or the *Estate of Eugene Paul Kelly, deceased*, whose assets were all dissipated for the benefit of judges and judicial officials!

Smoking Guns IX

1. As alleged in *Geo. Sassower v. Sisk* (*supra*) and never contradicted by anyone! “SAMUEL A. ALITO, JR., [‘Alito’] is supposedly the highest Article I representative of the United States in the State of New Jersey.

However when U.S. District Judge EUGENE H. NICKERSON, without trial or opportunity for a trial and without any ‘live’ testimony found Raffé and affirrant guilty of non-summary criminal contempt, the order read that the substantial fines imposed were payable ‘to the [federal] court’.

These monies were diverted into the private pockets of K&R and/or its clients, or those which engineered the larceny of Puccini’s judicial trust assets.

When affirrant moved or attempted to move to have such diverted monies turned over to the U.S. Government, Alito’s office opposed.”

Would any U.S. Senator voted to confirm *Samuel A. Alito* for any federal position if, before a televised audience, it was disclosed that as a U.S. Attorney he opposed the recapture of federal monies, in favor of the United States, without ever articulating any justification for his treasonous, perfidious and treacherous behavior!

2. As also alleged in *Geo. Sassower v. Sisk* (*supra*)

Also alleged in *Geo. Sassower v Sisk* (*supra*), a *Racketeer Influenced and Corrupt Organizations* [“RICO”] action, which *Samuel A. Alito* fraudulently listed as an “official” capacity action (Exhibit “A1A”), in order to conceal inquiry into its contents:

“As independently investigated and reported by *United Press International*:

‘By signing three extraordinary agreements in 1985, however, [Hyman] Raffé agreed to foot all legal costs incurred by Feltman’s firm [Feltman, Karesh, Major & Farbman, Esqs.] and Citibank’s lawyers, [Kreindler & Relkin P.C.], for defending against [Geo.] 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. Raffé continues to pay with checks from his *A.R. Fuels Co.* business.’

As long as Raffé keeps paying, and so the written agreements reads, he will not be incarcerated. So Raffé pays, pays and pays, to these ‘judicial indulgence peddlers’, including for litigation in the U.S. Third Circuit, under continuous threats that he will be incarcerated, as was plaintiff (*Geo. Sassower*, Esq., and as was *Sam Polur*, Esq.), if he refuses.

In Raffe's words 'they are bleeding me to death', but Raffe keeps paying because he has been convinced that 'all judges are crooks', and therefore he has no viable alternative."

At no time or place, has anyone ever denied that these "extorted" monies were the property of the *United States* and *State of New York*, since they were imposed as a result of non-summary criminal contempt proceedings, Federal and NY State (*Gompers v. Bucks Stove*, 221 U.S. 418, 447; 17 *C.J.S.*, *Contempt* §92, at p. 268; 21 *NY Jur 2d.*, *Contempt*, §185, at p.568-569).

At no time or place, has anyone ever denied that these agreements whereby *Hyman Raffe* made payments in the "millions of dollars" to avoid incarceration, while those who refused to pay, were incarcerated were illegal (*Town of Newton v. Rumery*, 480 U.S. 386 [1987])!

Nevertheless, as also shown in *Geo. Sassower v. Sisk* (*supra*), aided and abetted by U.S. Attorney *Samuel A. Alito*, Assistant U.S. Attorney *Susan C. Cassell* and NYSAG *Robert Abrams* some of these Federal and NY State monies were "diverted" to the New Jersey law firms of *Clapp & Eisenberg, P.C.* and *Rothbard, Rothbard & Kohn*, Esqs., who were also money damage tort defendants in *Geo. Sassower v. Sisk* (*supra*) for litigation which was adverse to the interests of *Hyman Raffe*!

Since the amounts of Federal & NY State monies "extorted" from my client, *Hyman Raffe* is determined by my "legal" activities, including in New Jersey, I had "standing" on the issue, which no one, has also never disputed.

Consequently, at "monumental" federal cost and expense, U.S. Attorney *Samuel A. Alito* and U.S. District Court Judge *Nicholas H. Politan* prevented me from aborting this "diversion" of Federal and NY State monies or compelling *restitution* in favor of the *United States* and *State of New York* (see, *U.S. v. Geo. Sassower*, 3rd Cir.-#89-5810)!

No member of the *U.S. Senate*, would have voted for the confirmation of *Samuel A. Alito* if he saw the scenario employed by U.S. Attorney *Samuel A. Alito* and U.S. District Court Judge *Nicholas H. Politan*!

Thus, although requested, Chief U.S. Circuit Court Judge *Anthony J. Scirica* and his Court concealed such information and documents during the confirmation hearings!

Smoking Guns X

1. In every instance and every circumstance, in matters revolving around "*The Citibank Bribes for Total Immunity Criminal Enterprise*", although in each instance they were adverse to the interests, financial and otherwise, to the interests of his client, the *United States*!

2. History condemns *Judas* and *Benedict Arnold*, who committed a single act of betrayal! The conduct of U.S. Attorney *Samuel A. Alito*, was one of repeated acts of betrayal!

Smoking Guns XI

1. The Report of the *Standing Committee* of the *ABA*, dated January 9, 2006 states:

"Over the course of the last several weeks, the members of the Standing Committee reached out to over 2,000 individuals across the nation through written correspondence, phone calls and personal contact. These contacts cut across virtually every demographic consideration, including individuals from varying and different political, racial, ethnic and gender backgrounds. Judges, lawyers, legal scholars, Bar leaders (both traditional and non-traditional) community leaders and citizens were contacted, all in an effort to identify and interview as many individuals as possible with personal knowledge of Judge Alito. As a result, 13 members of the Standing Committee subsequently interviewed more than 300 people from all Federal circuits who knew, worked with or had substantial

knowledge of the nominee. Of that number over 130 were federal judges, including all members of the Supreme Court of the United States, members of the U.S. Circuit Court of Appeals (The Standing Committee's investigation included interviews with virtually of Judge's Alito's colleagues on the U.S. Court of Appeals for the Third Circuit), members of the U.S. District Courts, United States Magistrate Judges and United States Bankruptcy Judges."

Since, in addition to Chief Judge *John G. Roberts*, at least two (2) other Supreme Court justices and every member of the Third Circuit Court of Appeals, with the possible exception of one member, knew of the criminally corrupt activities of *Samuel A. Alito*, including those who testified on his behalf, the fraud was of herculean proportions!

Smoking Guns XII

1. An essential participant in this fraud was the participation of NYSAG *Robert Abrams*, who was defrauding the *State of New York*, while U.S. Attorney *Samuel A. Alito* was defrauding the *United States*, and who was also "cooking" his "books and records, as a *Freedom of Information Law* request confirms ["FOIL 03-540"] confirms.

2. NYSAG *Robert Abrams* was the statutory fiduciary for *Puccini Clothes, Ltd.* and cooperated with U.S. Attorney *Samuel A. Alito* in transmitting the approximate sum of \$800,000 of its judicial trust cash assets as "bribes" for judges and officials. He is a moral, ethical and legal degenerate!

3. NYSAG *Robert Abrams*, on behalf of the *State of New York* is the *parens patriae* of all children, including for the three (3) motherless infants, the prime beneficiaries, of the predeceased daughter of the testator, *Eugene Paul Kelly*, a born American citizen and veteran of World War II.

The Long Island, New York, Surrogate Judge, the bailiwick of *Bill O'Reilly* believed that the assets in the *Estate of Eugene Paul Kelly, deceased* and other estates in his Court should be used to underwrite his personal obligations resulting from an extramarital affair.

Consequently, aided and abetted by NYSAG *Robert Abrams* and U.S. Attorney *Samuel A. Alito*, the Surrogate-Judge and his appointee dissipated all its disposable assets in the *Estate of Eugene Paul Kelly, deceased*, leaving nothing for any beneficiary, including the three (3) motherless infants.

Smoking Guns XIII

1. In my personal view, the obligation of every media representative, includes inquiring of every U.S. Senator on the Judiciary Committee, learn and publish answers as to why they did not surface the obvious hoax that was perpetrated:

2. Those Senators are: U.S. Senators Arlen Specter (Pa), Orrin G. Hatch (Ut), Charles E. Grassley (Ia), Jon Kyl (Az), Mike Dewine (Oh), Jeff Sessions (Al), Lindsey O. Graham (Sc), John Cornyn (Tx), Sam Brownback (Ks), Tom Coburn (Ok), Patrick J. Leahy (Vt), Edward M. Kennedy (Ma), Joseph R. Biden Jr. (De), Herbert Kohl (Wi), Dianne Feinstein (Ca), Russell D. Feingold (Wi), Charles E. Schumer (Ny) and Richard J. Durbin (D-II).

Smoking Guns XIV

1. Since neither Attorney General of the United States, *Eric Holder*, nor NYSAG *Andrew M. Cuomo*, in recovering the millions of dollars due and owing their clients, the *United States* or the *State of New York*, by a Proposed Order, the undersigned has suggested that *Bill O'Reilly* of *Fox News*, be appointed Special Attorney General of the United States and Special NYSAG for the purpose of making recovery in

favor of the *United States, State of New York, Puccini Clothes, Ltd. and Estate of Eugene Paul Kelly, deceased.*

2. One does not have to agree with the views or opinions of *Bill O'Reilly*, to be reasonably convinced he can do, what should be done!

3. The application, was made July 6, 2009, is returnable July 23, 2009, before U.S. District Court Judge *William J. Martini* of the District of New Jersey (*Geo. Sassower v. Abrams/Feltman*, 88Cv1012/1562 [WJM]).

Dated: White Plains, NY
July 22, 2009

cases in which I was named in my official capacity:

Simmons et al. v. Allen et al. (District of New Jersey, Case No. 2:02-cv-84594-TW), I was named along with two other Third Circuit judges in a pro se civil complaint alleging civil rights violations. The action was dismissed on defendants' motion on May 13, 2003.

DiMartino et al. v. Giuliani et al. (District of New Jersey, Case No. 2:91-cv-00667-R), in my capacity as United States Attorney I was one of more than 20 defendants, and in a pro se civil rights complaint. The action was dismissed on September 12, 1991.

Nelson v. Baker et al. (District of New Jersey, Case No. 2:88-cv-62899-JPG), in my capacity as United States Attorney I was one of 10 named defendants. The action was dismissed on March 13, 1990.

Dwyer v. Kuntz et al. (District of Delaware, Case No. 1:99-cv-00921-QMS), I was one of approximately 70 named defendants, including 17 other current and former Third Circuit judges, in a civil rights suit brought by a pro se frequent litigant. The district court dismissed the action and denied plaintiff's subsequent motions. The Court of Appeals affirmed on July 29, 2002.

Isola v. Becker et al. (District of Delaware, Case No. 1:83-cv-00906-KAJ), I was one of nearly 100 named defendants, including dozens of current and former federal judges sitting within the Third Circuit, in a pro se suit brought by the same individual who brought *Geyer v. Kuntz et al.*, listed above. The action was dismissed as frivolous on May 13, 2004.

Blackstone v. Becker et al. (Eastern District of Pennsylvania, Case No. 2:94-cv-10-17), I was one of 17 named defendants, including five other Third Circuit judges, one court judge, and a magistrate judge, in a pro se civil rights suit. The complaint

was dismissed as frivolous on July 7, 1994, and the Court of Appeals dismissed the appeal as frivolous on January 31, 1995.

Johnson v. United States et al. (Eastern District of Pennsylvania, Case No. 2:97-cv-1-LR), I was one of 18 named defendants, including 11 other Third Circuit judges, in a civil rights action. The complaint was dismissed on defendants' motion on May 8, 1998, and plaintiff's appeal was dismissed for lack of legal merit on May 8, 1999.

Johnson v. Kramer et al. (Eastern District of Pennsylvania, Case No. 2:95-cv-1-SC), I was one of more than 30 named defendants, including 12 other Third Circuit judges, in a pro se civil rights action. On January 7, 1997, the court ordered that findings and other papers filed after August 31, 1994 (encompassing all filings in suit) by the plaintiffs that name any federal judge, employee of the federal judiciary, or body, federal government employee, or agency, be stricken.

Johnson v. Sink et al. (Eastern District of Pennsylvania, Case No. 2:91-cv-04047-SC), I was one of 22 named defendants in a pro se civil rights suit. The district court granted the plaintiff's motion to proceed in forma pauperis and placed the case on July 3, 1991. The Court of Appeals dismissed the plaintiff's appeal on September 23, 1991.

Clark v. Shanklin et al. (Eastern District of Pennsylvania, Case No. 2:93-cv-00608-SC), I was one of five named defendants in a pro se civil rights suit. The complaint was dismissed as frivolous on May 12, 1993.

Isola v. Elman et al. (Western District of Pennsylvania, Case No. 00-CV-437), I was one of 23 named defendants, including 18 other current and former Third Circuit judges, in this pro se civil suit. The district court dismissed the complaint on defendants' motion on March 30, 2001; the Court of Appeals affirmed on September 17, 2001; and the Supreme Court denied certiorari on January 7, 2002.

Noble v. Becker, Not Reported in F.Supp.2d, 2004 WL 96744, D.Del., January 15, 2004 (NO. Civ.A. 03-906-KAL)

...*Wells, Theodore McKee, Max Roemer, Samuel Alito, Timothy Lewis, Richard Nygaard, Robert...*

Geudell v. Elman, 265 F.2d 1045 (Table), 2001 WL 899564, C.A.3 (Pa.), July 26, 2001 (NO. 01-1926)

...*M. Pesto, Edward R. Becker, Samuel A. Alito, Jr., Thomas L. Ambro, Maryanne...*
Sassower v. Feltman, 941 F.2d 1203 (Table), 1991 WL 16741, C.A.3 (N.J.), July 29, 1991 (NO. 90-5147)

...*Robbert, Robbert & Kohn, Scum (John), Alito (Samuel, Jr.), Leonard (Hugh), Silla, Cume...*
Sassower v. Cardozo, 930 F.2d 583, 1991 WL 51174, C.A.3 (Del.), March 15, 1991 (Nos. 90-5474, 90-5301.)

...*Eugene H. Nicholas, Alynna Rose, Samuel A. Alito, Jr., Susan C. Cassell, Michael...*
Sassower v. Saverio, 885 F.2d 9, 1989 WL 106694, C.A.3 (N.Y.), September 15, 1989 (No. 21, Declet 89-7951.)

...*Freemant, P.C., Robbert, Robbert & Kohn, Samuel A. Alito, Jr., Hugh Leonard, Silla, Cume...*
Walton v. U.S., 887 F.2d 264 (Table), 1989 WL 116923, C.A.3 (N.J.), September 15, 1989 (NO. 89-5410)

...*James A. III, Mease (Edwin), Alito (Samuel A. Jr.)*

Exhibit "NB"