

October 20, 1993

Commission on Judicial Conduct
801 Second Avenue,
17th Floor
New York, NY 10017

Re: Chairperson & Chief Judge JUDITH S. KAYE

Gentlemen:

In the U.S. District Court of Massachusetts (Sassower v. Fidelity, Docket No. 93-11335Y), I am suing, in their personal, not official, capacities the following New York State jurists, (1) FRANCIS T. MURPHY; (2) XAVIER C. RICCOBONO; (3) IRA GAMMERMANN; (4) DONALD DIAMOND; (5) GUY J. MANGANO; (6) WILLIAM C. THOMPSON; (7) ERNEST L. SIGNORELLI, and (8) ANGELO J. INGRASSIA.

There is a related proceeding pending in the U.S. Circuit Court of Appeals for the First Circuit (Matter of Sassower, Docket No. 93-8052).

In the above action and proceedings, the aforementioned jurists and others, are represented, at state cost and expense, by Assistant N.Y. State Attorney General RONALD P. YOUNKINS.

All of the above jurists, as well as NY State Attorney General ROBERT ABRAMS, Ass't Atty. General Younkings, and Chairperson of the Administrative Board of the New York State Court, Chief Judge JUDITH S. KAYE, are aware of the following constitutional and legal propositions:

1. In a personal capacity, money damage tort, action, the defendant personally, not the sovereign, bears the cost and expense of the litigation, as well as the burden of satisfying any judgment recovered (Hafer v. Melo, 502 U.S. , 112 S.Ct. 358 [1991]; Kentucky v. Graham, 473 U.S. 159 [1985]).

2. As a XI Amendment constitutional bar, the federal courts do not have subject matter jurisdiction to entertain any money damage tort litigation, where satisfaction of the judgment or the cost of the litigation, is borne by the state sovereign (Puerto Rico v. Metcalf, 506 U.S. , 113 S.Ct. 684 [1993]).

3a. By being defended, at state cost and expense, the above jurists, the Attorney General and Chairperson, are engaged in a financial and criminal fraud upon the state treasury, as well as imposing a constitutional and jurisdictional fraud upon the federal judicial system.

b. In addition to the aforementioned fraud upon the state treasury and federal courts, the reasonable value of such state services is "taxable income" (26 U.S.C. §120[c]), and there is every reason to believe that the aforementioned jurists, are not reporting such income or paying their federal or state taxes, based thereon.

4a. All the above jurists involved in the First U.S. Circuit litigation are directly or indirectly involved in the larceny and plundering of judicial trust assets, wherein Attorney General Abrams is the statutory fiduciary.

b. All of the above jurists, Attorney General Abrams, Assistant Attorney General Younkins, and Chief Judge Kaye, are aware that no court can tolerate a situation where an active and viable defendant, in the same litigation: (1) represents himself, as well as other defendants, or (2) a fiduciary, such as Attorney General Abrams and/or members of his office, represents those who are unlawfully raping and ravishing the assets of his trust.

Even when not raised by the parties, the courts are bound to sua sponte inquire and reject such egregious and unlawful representation (Wood v Georgia, 450 U.S. 261, 265 n. 5 [1981]).

5. As Judge Cardozo, for Chief Judge Kaye's court held, criminal liability can be imposed by suffering an illegal condition to continue to exist (Peo. ex rel Price v. Sheffield Farms, 225 N.Y. 25, 121 N.E. 474 [1918]).

6. It was and is Chief Judge Kaye's administrative obligation as, inter alia, Chairman of the Administrative Board, to enjoin such unlawful conduct, rather than impose such obligation upon Chief U.S. Circuit Court Judge STEVEN G. BREYER and/or his Court.

Respectfully,

GEORGE SASSOWER

cc: Chairperson, Judith S. Kaye
Attorney General Robert Abrams
Assistant Attorney General Ronald P. Younkins
Chief U.S. Circuit Court Judge Steven G. Breyer
First Circuit Executive Vincent Flanagan, Esq.
First U.S. Circuit Court of Appeals, (Docket No. 93-8052)