

Doris L. Sassower

283 Soundview Avenue
White Plains, New York 10606-3821

Tel: (914) 997-1677
Fax: (914) 684-6554

Elena Ruth Sassower, Paralegal Assistant

BY EXPRESS MAIL: EMO25604705US

July 20, 1998

Seth Waxman, Solicitor General of the United States
Department of Justice, Room 5614
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

RE: Request for Amicus Curiae Support
Sassower v. Mangano, et al., U.S. Supreme Court Docket #98-106

Dear Solicitor General Waxman:

This letter follows up our brief conversation together at the U.S. Supreme Court on June 1st, following your address to the Supreme Court Historical Society, of which I am a member. In that conversation, you informed me of the twin procedures for obtaining the Solicitor General's *amicus* participation at the certiorari stage. Accordingly, enclosed is a copy of the petition for a writ of certiorari in the case of *Doris L. Sassower v. Hon. Guy Mangano, et al.*, docketed on July 20, 1998 under #98-106.

By this letter, *pro se* petitioner Doris L. Sassower respectfully requests your *amicus* support in obtaining certiorari for her eminently certworthy petition. Copies of this letter are also being sent to the Justices of the Supreme Court, with a request that they solicit your views on the petition, in the event you do not affirmatively respond.

The reasons warranting your *amicus* support are the same as warrant Supreme Court review. These are summarized by the petition under "*Reasons for Granting the Writ*" (pp. 21-30). The "*Statement of the Case*" (pp. 2-20) details what is at issue: criminally corrupt conduct by federal judges, who obliterated *all* cognizable adjudicatory standards and rendered fraudulent decisions to "throw" a politically-explosive case in which high-ranking state defendants -- New York State judges and the New York State Attorney General -- were sued for corruption and civil rights violations under 42 U.S.C. §1983. Completely eviscerated was the judicial process by a district judge of the Southern District of New York, the appellate process by judges of the Second Circuit, *and* the federal judicial disciplinary process by the Second Circuit's Chief Judge and its Judicial Council. This was accomplished by the Second Circuit's subversion of the very statutes intended by Congress to

safeguard the integrity of the federal judiciary -- 28 U.S.C. §§144 and 455, the statutes governing federal judicial disqualification, and 28 U.S.C §372(c), the statute governing federal judicial discipline. Consequently, this case not only involves issues of governmental integrity, necessarily concerning and affecting every American, but mandates the Supreme Court's power of supervision under its Rule 10.1. This is delineated at Point I of the petition (pp. 24-25) and reflected by the first "Question Presented". Point I and the first Question also highlight that even were the Court not to grant the petition, it would still have a duty under ethical codes to make disciplinary and criminal referrals of the subject federal judges, as well as of respondents' counsel, the New York State Attorney General, himself a co-respondent, all of whom engaged in fraud, collusion, and conspiracy (pp. 25-26). As noted, referrals of the federal judges involved would have to be to the Public Integrity Section of the Justice Department and to the House Judiciary Committee -- since the record shows that the lower federal judiciary is totally unwilling to "police itself".

As you know, you, too, are bound by ethical codes¹ and also have a duty to make disciplinary and criminal referrals -- separate and apart from your duty to support Supreme Court review of significant petitions, as this petition unquestionably is.

As set forth in the petition (at p. 24), the record in *Sassower v. Mangano* was long ago provided to the Administrative Office of the United States Courts for referral to the Judicial Conference, as well as to the House Judiciary Committee, so that they could take remedial steps to protect the public from the wholesale corruption of the judicial/appellate/disciplinary processes, which the record incontrovertibly documents. The petition describes the non-response of the Administrative Office and Judicial Conference, with substantiating materials included in the Appendix [A-308-310]. The House Judiciary's non-response is not part of the petition, but is highly relevant to the responsibility of your office -- representing the Executive Branch -- to act on behalf of the otherwise unprotected public. The facts concerning that non-response are chronicled by the written statement submitted by the Center for Judicial Accountability, Inc. (CJA)² for inclusion in the record of the House Judiciary Committee's June 11, 1998 "oversight hearing of the administration and operation of the federal judiciary". A copy is enclosed, as is CJA's substantiating evidentiary compendium.

¹ See ABA Model Rules of Professional Conduct, Rule 8.2 "Reporting Professional Misconduct".

² In the course of our June 1st conversation together, I provided you with a copy of CJA's informational brochure, as well as a copy of my published article "*Without Merit: The Empty Promise of Judicial Discipline*", The Long Term View (Massachusetts School of Law), Vol. 4, No. 1 (summer 1997). The published article was part of the record before the Second Circuit in *Sassower v. Mangano* and appears at A-207-220 of the cert petition. An additional copy of CJA's informational brochure is enclosed for your convenience.

So that the Supreme Court's consideration of the *Sassower v. Mangano* petition may be fully informed not only as to the non-response of the Judicial and Legislative Branches, but as to the Executive Branch's response (assuming there is one) to petitioner's request for *amicus* support, as well as for criminal investigation and prosecution of the federal judges, *et al.*, a copy of this letter, the cert petition, and CJA's aforesaid testimony is being sent to the Justice Department's Public Integrity Section. Such transmittal follows up my telephone conversation on Friday, July 17th, with the office of Lee Radek, Chief of the Public Integrity Section (202-514-1412). To enable Mr. Radek to verify -- *readily* -- the outright fraud committed by the judges of the Second Circuit, the dishonesty of whose decisions is particularized by documents reproduced in the petition's appendix [A-177-186; A-221-241; A-282-292], a copy of the full record in *Sassower v. Mangano* is being transmitted to the Public Integrity Section -- identical to that previously provided to the Administrative Office and the House Judiciary Committee³. Needless to say, investigation and prosecution by the Public Integrity Section is even more compelled, if -- as suggested by petitioner's Second Circuit Petition for Rehearing with Suggestion for Rehearing *in banc* [at A-204]-- "there is a regular practice and course of conduct in [the Second] Circuit to 'throw' cases involving state court judges sued for corruption, with whom [the] Circuit, no doubt, has long-standing professional and personal ties".

According to the article, "*Riding the Coattails of the Solicitor General*" (Legal Times, March 29, 1993), by John G. Roberts, Jr., principal deputy solicitor from 1989 to 1993, the Solicitor General "give[s] great weight to the considered views of the affected division or agency" at the Justice Department -- which in this case is the Public Integrity Section. Consequently, our transmittal to the Public Integrity Section should additionally serve to secure its endorsement of your *amicus* support for Supreme Court review of the *Sassower v. Mangano* petition.

Based on the transmitted record in *Sassower v. Mangano*, if the Public Integrity Section does not endorse your *amicus* support of the petition and does not, on its own, commence a criminal investigation -- without necessity of Supreme Court referral, as identified by the cert petition (at p. 25) -- petitioner requests that it identify the branch of government responsible for investigating the corruption of the federal judicial/appellate/disciplinary processes, established by the transmitted record, and that it make the appropriate referral. Such identification and referral would be in keeping with various representations and recommendations in the 1993 Report of the National Commission

³ As identified by the cert petition (p. 24, fn. 10), a copy of the record in *Sassower v. Mangano* was also provided to the Commission on Structural Alternatives for the Federal Courts of Appeals. A copy of CJA's April 24, 1998 testimony before the Commission is included at A-42 of the compendium accompanying its written statement to the House Judiciary Committee. The testimony is also accessible from CJA's website: www.judgewatch.org.

on Judicial Discipline and Removal⁴ -- a report to which all three branches contributed, including the Justice Department and Public Integrity Section on behalf of the Executive Branch.


Thank you for your prompt attention and hoped-for favorable consideration.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Paralegal Assistant

Letter Read and Approved by:



DORIS L. SASSOWER

Petitioner *Pro Se*, *Sassower v. Mangano, et al.*

- Enclosures:
- (1) *Sassower v. Mangano* cert petition, #98-106
 - (2) CJA's written statement and substantiating compendium for inclusion in the record of the House Judiciary's Committee's 6/11/98 "oversight" hearing
 - (3) CJA's informational brochure, with enclosed public interest ads, "*Where Do You Go When Judges Break the Law?*" (NYT, Op-Ed page, 10/26/94) and "*Restraining 'Liars in the Courtroom' and on the Public Payroll*" (NYLJ, pp. 3-4, 8/27/97)

cc: The Justices of the U.S. Supreme Court
Lee Radek, Chief, Public Integrity Section, U.S. Department of Justice
House Judiciary Committee: Subcommittee on Courts and Intellectual Property
Att: Mitch Glazier, Chief Counsel
Att: Robert Raben, Minority Counsel
Judicial Conference of the United States
c/o Administrative Office of the United States Courts
Att: William Burchill, Jr., General Counsel
Jeffrey Barr, Assistant General Counsel
Commission on Structural Alternatives for the Federal Courts of Appeals
Att: Byron White, Chairman
New York State Attorney General Dennis Vacco,
Counsel for *Mangano, et al.* respondents

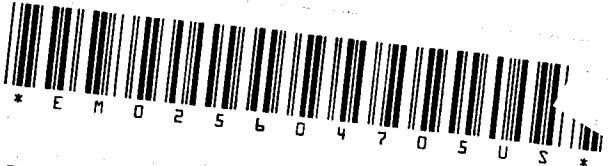
⁴ See, *inter alia*, National Commission's Report, pp. 66-67, 70-72, 79-81.

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Seth Waxman, Solicitor General
US Dept of Justice
Room 5614
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