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Supreme Court Attorney Discipline Office
4 Chenell Drive, Suite 102
Concord, N.H. 03301

Re: ***Stephen L. Tober*, Esq.**

"No fraud is more odious than an attempt to subvert the administration of justice. The court is unanimous in condemning the transaction disclosed by this record. Our problem is how best the wrong should be righted and the wrongdoers pursued.." (Owen J. Roberts, J. dissenting in ***Hazel-Atlas v. Hartford***, 322 U.S. 238, 251 [1944]).

Gentlemen:

1A. The enclosed "31 ***U.S.C.*** §1351 Demand", dated July 28, 2008, with respect to U.S. Attorney ***Samuel A. Alito***, without more, and there is much more, proves beyond any and all doubt, that his confirmation to be an Associate Justice on the Supreme Court of the United States, was inundated with *perjury*, *fraud* and *deceit*, astronomical leaps more egregious than that which existed in ***Hazel-Atlas v. Hartford*** (*supra*)!

Virtually, the entire televised oral presentation by ***Stephen L. Tober***, Esq., on behalf of the ***American Bar Association***, before the ***Judiciary Committee of the United States Senate,*** was devoted to the thoroughness of the process employed by the Committee he chaired, which included "contact[ing] well over 2,000 individuals".

The oral presentation of Mr. Tober was supplemented by his "written Report" to the ***Senate Judiciary Committee***, dated January 9, 2006, which opened with "***The Process***", and repeats that the "Standing Committee reached out to well over 2,000 individuals" (p.2).

B. The "written Report" acknowledges that the Standing Committee was in possession of the "nominees answers to the 2005 Senate Questionnaire" (p.7).

The initial question which Mr. Tober must publicly answer is, whether the "nominees answers" which the Standing Committee had, was the same which were distributed for "public consumption" (see Exhibit "A1A"), or were they more extensive non-public version?

In any event, the presentation of ***Stephen L. Tober***, Esq., oral and written, should have included, *inter alia,* the statement that a 2005 "Westlaw or Lexis Search" revealed that "***Samuel A. Alito***" was a defendant in three (3) actions by ***Geo. Sassower*** (Exhibit "A"), *none* of which were mentioned in the "answer" of ***Samuel A. Alito*** to the 2005 Senate Questionnaire, as publicly distributed!

From the aforementioned omission alone, one could reasonably conclude that, absent an explanation, the public presentation of ***Stephen L. Tober***, Esq. was *fraudulent* and *deceptive*!

2. The presentation by ***Stephen L. Tober***, Esq., should have included a statement that he did or did not inquire of the nominee, ***Samuel A. Alito,*** about this omission, and that he was informed or believes it to have been intentional, since disclosure would have "*doomed*" the nomination!

The *immediate* obligation of Mr. Tober is to publicly advise the ***Senate Judiciary Committee*** that he wishes to correct or supplement his presentation of January 2006, after affording ***Samuel A. Alito***, with the opportunity to deny. controvert and/or explain the accusations made in the "31 ***U.S.C.*** §1351 Demand" *and* in this complaint!

3. These three (3) actions by ***Geo. Sassower*** which were concealed by ***Samuel A. Alito***, were *all* money damage tort actions wherein he was sued in his "*personal*" capacity, were *all unlawfully* defended by Federal attorneys at *unauthorized* Federal cost and expense, triggering "subject matter.

jurisdictional" and other lethal infirmities, rendering the merit dispositions made to be "null and void", which conclusion no one, including ***Samuel A. Alito***, ever denied!

In these three (3) actions by ***Geo. Sassower***, all "revolving around" "***The Citibank Bribes for Total Immunity Criminal Enterprise***", not a single authorized official in the U.S. Department of Justice or jurist "certified" that ***Samuel A. Alito*** was acting "within the scope of his office", for any of his activities, which "certification" had it been issued, would have "*immunized*" him from "*suit*" for those activities "scope certified, by substituting the ***United States*** as the exclusive defendant (28 ***U.S.C.*** §2679[d]).

Samuel A. Alito, by accepting, as well as providing, federal defense representations in "*personal*" capacity actions, was a "*serial felon*", whose victims included the ***United States***.

How, Mr. Tober can you and your committee, justify "*unanimously*" describing the "*integrity*" of ***Samuel A. Alito*** to be of the "*highest standard*" when he was, in fact, a "*serial felon*"?

4. A reasonable "investigation" of the activities of U.S. Attorney ***Samuel A. Alito*** "revolving around" "***The Citibank Bribes for Total Immunity Criminal Enterprise***" would have revealed that at all times, in every instance, where a "choice" existed (the physical power, not the legal right) of either defrauding his client, the ***United States***, or *divesting* ***Citibank, N.A.*** of any of its illicit "loot", U.S. Attorney ***Samuel A. Alito***, always, without exception, during an approximate thirty (30) month period, opted to defraud the ***United States***!

An attorney, such as U.S. Attorney ***Samuel A. Alito***, who repeatedly and consistently, *betrays* his/her client, such as the ***United States***, commits the "***Ultimate Legal Abomination***" and must be *disbarred*, not confirmed for a seat on *any* federal court!

5. Once again, the courts have reminded us that (***Osborne v. Haley***, U.S. , 127 S.Ct. 881, 892-893 [2007]) [underlining added]:

> "the protection afforded by the *Westfall Act* (28 ***U.S.C.*** §2679). A measure designed to immunized covered federal employees not simply from liability, but from suit. ....[O]nce the U.S. Attorney certifies that the federal employee acted within the scope of [his] employment, the plaintiff can proceed only against the United States as defendant. and the federal employee remains immune from suit."

Every jurist on the Supreme Court of the United States, including Associate Justice ***Samuel A. Alito,*** agreed with the aforementioned statement.

Since as a U.S. Attorney and U.S. Federal Judge, ***Samuel A. Alito*** had "*suit immunity*", when "acting within the "scope of his office/employment", it was "*impossible*" for me or anyone else to sue him in tort, for money damages and be defended by a federal attorney!

Nevertheless, in his "answer" to the "Senate questionnaire", as publicly distributed, ***Samuel A. Alito*** lists eleven (11) actions, including ***Geo. Sassower v. Sisk***, where he was "*sued*" in his "*personal*" capacity which, to repeat is impossible since they all seem to be money damage tort actions, unless he was not acting "within the scope of his office"!

6. Since no authorized official or jurist would "scope certify" ***Samuel A. Alito*** for any of his activities "revolving around" "***The Citibank Bribes for Total Immunity Criminal Enterprise***", a Third Circuit panel, which included [now] Chief U.S. Circuit Court Judge ***Anthony J. Scirica*** gave him "*immunity*" in his "*personal*" capacity, although such authority was .specifically not authorized by Congress, as his Court held (***Melo v. Hafer***, 13 F.3d 736 [3rd Cir.-1994]).

Today, almost five hundred (500) years after the death of the "indulgence peddler", Friar ***Johan Tetzel***, he has been reincarnated in the form of Chief Judge of the Third Circuit Court of Appeals!

7. The Senate Judiciary Committee and the American Public were entitled to "the punctilio of honesty and candor" from Mr. Tober, as the representative of the ***American Bar Association***.

The statements by Mr. Tober that "well over 2,000 individuals" were contacted by the Standing Committee was *fraudulent* and *deceitful*, since it did not state that ***Geo. Sassower***, who commenced several actions against ***Samuel A. Alito***, as he knew!

The conclusion is compelled, that in not communicating with me, Mr. Tober and his committee were not interested in surfacing any negative evidence to the nomination.

That is not "*integrity*", but a conscious "*fraud*", perpetrated on the ***American Public*** by Mr. Tober and the ***American Bar Association,*** which requires *immediate* and public correction!

8A. Mr. Tober testified that since the Third Circuit representative recused herself, he did most of the interviewing of judges in that Circuit, which included the Districts of New Jersey and Pennsylvania.

Any inquiry into ***Geo. Sassower v. Feltman*** (Exhibit "A"), even the most minimal, either in the District of New Jersey or at the Third Circuit Court of Appeals, would have produced a cornucopia amount of evidence of criminal fraud and corruption by U.S. Attorney ***Samuel A. Alito***!

Consequently, neither ***Samuel A. Alito*** nor Chief U.S. Circuit Court Judge ***Anthony J. Scirica*** informed Mr. Tober of the *undenied, uncontroverted* and *unopposed* motion of December 13, 2005 or of its contents!

B. Apparently, the representative of the Standing Committee from the Second Circuit, intentionally did not interview any of the jurists involved in ***Geo. Sassower v. Sansverie***, an action where ***Samuel A. Alito*** was a money damage tort defendant, sued in his "*personal*" capacity!

C. Nor, apparently, did the Eighth Circuit representative of the Standing Committee interview any of the judges involved in ***Geo. Sassower v. Carlson***, where ***Samuel A. Alito*** was also a money damage tort defendant in his "*personal*" capacity!

D. Had anyone on behalf of the Standing Committee communicated with ***Geo. Sassower***, he/she would have been told about ***Geo. Sassower v. Thornburgh*** (DC 89Civ2214 [NHJ]); a money damage tort action, arising out of litigation exclusively in New Jersey, which had, as a party defendant, ***Susan C. Cassell***, an Assistant U. S. Attorney in the office of U.S. Attorney ***Samuel A. Alito***, where he was a "*real party in interest*", and which he also failed to list in his "answer" to the U.S. Senate!

Although ***Geo. Sassower v. Thornburgh*** (*supra*) was a 1989 action, and did not include later events, public knowledge of its contents would have "*doomed*" the nomination!

9. ***Samuel A. Alito's*** response to the "Questionnaire" by the ***Senate Judiciary Committee*** stated that in 1991, in ***Geo. Sassower v. Sisk***, he was sued, in his "*official capacity*" for his conduct as a U.S. Attorney, which is, "on its face", both *perjurious* and *asinine*.

One cannot be sued in his "*official capacity*" when he/she no longer holds that "office", which every lawyer, including Mr. Tober and all the members of the Standing Committee, should know!

Geo. Sassower v. Sisk, was an action brought pursuant to the ***Racketeer Influenced and Corrupt Organizations*** Act (18 ***U.S.C.*** §1961), wherein ***Samuel A. Alito*** was sued in his "*personal*" capacity, as a "*criminal racketeer*", for activities which included "*diverting*" Federal and NY State monies to New Jersey law firms, and opposing the recapture of Federal monies in favor of the ***United States***, his client!

I challenge ***Samuel A. Alito*** and ***Stephen L. Tober***, Esq. to produce one single Article III jurist who would "swear under oath" or "affirm under penalty of perjury" that ***Geo. Sassower v. Sisk*** was an "*official capacity*" action? They will not, because they cannot!

Mr. Tober, what did ***Samuel A. Alito***, U.S. District Court Judge ***James T. Giles*** and others tell you about ***Geo. Sassower v. Sisk***, when you interviewed them?

Nevertheless, Mr. Tober and his colleagues, in order to conceal this obviously *perjurious* and *fraudulent* response, apparently never asked ***Samuel A. Alito*** or anyone else about this action, whose contents mandated his *disbarment*, not a seat on any federal court???

10. At the time that Mr. Tober was interviewing ***Samuel A. Alito*** and ***Anthony J. Scirica***, they, ***Wilfred Feinberg***, ***Charles L. Brieant***, ***Nicholas L. Brieant*** and other Article III federal jurists and Federal officials were being sued in their "*personal*" capacities in ***Geo. Sassower adv. Samuel A. Alito*** in the Southern District of New York, at White Plains (#05-8730), unlawfully defendant by a U.S. Attorney, but apparently no inquiry was made about the nature of such action, because it would have also been a lethal blow to the nomination!

11A(1) In twenty (20) years, no federal jurist, including ***Samuel A. Alito*** or ***Anthony J. Scirica***, has ever asserted that ***Geo. Sassower Abrams/Feltman***" (NJ 88Cv1012-1562 [NHP]) has <u>any</u> validity!

Nevertheless, these actions were affirmed on appeal by the *Third Circuit Court of Appeals*, because no jurist has been willing to declare these actions, null and void as lacking, in multiple respects, "subject matter jurisdiction" and other lethal infirmities, since it would expose the criminal activities of, *inter alia*, ***Samuel A. Alito***!

(2) ***U.S. v. Geo. Sassower*** (NJ 89 Crim 103, 3rd Cir. #89-5810) was commenced nineteen (19) years ago by U.S. District Court Judge ***Nicholas H. Politan*** and U.S. Attorney ***Samuel A. Alito***, but it still pends, awaiting final disposition!

No U.S. Senator, not one, would have voted to confirm ***Samuel A. Alito*** as a Federal jurist for <u>any</u> Federal court, had Mr. Tober testified as to the facts in that criminal proceeding before a televised audience!!!

B. Despite the dispositions made by the ***Third Circuit Court of Appeals***, unless by August 25, 2008, both ***Samuel A. Alito*** and ***Anthony J. Scirica*** "swear under oath" or "affirm under penalty of perjury that ***Geo. Sassower Abrams/Feltman***" (*supra*) and ***U.S. v. Geo. Sassower*** (*supra*) are valid, they should be removed from office!

12A. When the U.S. Attorney for the District of Minnesota was unwilling to defend ***Samuel A. Alito*** and other federal defendants in their "*personal capacities*", the services of Assistant U.S. Attorney General ***Barbara L. Herwig*** were dragooned, although everyone, including the Court <u>knew</u> a fraud was being perpetrated, and that the merit dispositions being made were null and void (***Geo. Sassower v. Carlson***, 930 F2d 583 [8th Cir.-1991]).

When I made a motion in that action to re-capture Federal monies, which included my monies, which had been "*diverted*" to ***Citibank, N.A.***, in favor of the ***United States***, it was not supported by Assistant U.S. Attorney General ***Barbara L. Herwig***, acting on behalf of ***Samuel A. Alito*** and other federal defendants in their "*personal*" capacities!

B. In ***Osbone v. Haley*** (*supra*), Assistant U.S. Attorney General ***Barbara L. Herwig*** was one of the attorneys for the ***United States.***

Absent a voluntary recusal, unquestionably, Associate Supreme Court Justice ***Samuel A. Alito*** and Assistant U.S. Attorney General ***Barbara L. Herwig*** had the obligation to advise the other participants in this proceeding of their past *unlawful* relationship in a common criminal adventure, but apparently they did not!

13. The deficiencies in the procedures employed by the ***American Bar Association*** is dramatically evidenced by the statement by Mr. Tober that the Standing Committee in 1990 "*unanimously*" found ***Samuel A. Alito*** "well qualified" to be a Circuit Court judge, and that his Committee "had the benefit of their finding and insight"!

In 1990, *every* federal jurist in Newark and at the Third Circuit Court of Appeals was aware that ***Samuel A. Alito*** was inextricably involved in criminal activities, which were also adverse to legitimate federal concerns, as confirmed by the fact that no authorized official or judge would "scope certify" his activities as being within the "scope of his office" as a U.S. Attorney.

In 1990, *all* federal jurist obviously attempted to conceal his *unlawful* activities, as a U.S. Attorney, from the Standing Committee, who *unanimously* found him to be "well-qualified"!

14. Unless ***Stephen L. Tober***, Esq. *immediately* states that he is prepared to "right the wrong", which includes a request that the ***American Bar Association*** to "re-investigate" the qualifications of ***Samuel A. Alito***, both in 1990 and 2006, and issue a Report thereon, my request is that Mr. Tober be appropriately and publicly sanctioned!

Respectfully,

GEORGE SASSOWER

cc: Stephen L. Tober, Esq.
Samuel A. Alito
Chief Judge Anthony J. Scirica

Westlaw.

Exhibit A

QUERY - TI(SAMUEL /2 ALITO) & DA(BEF 2006)

DATABASES(S) - ALLCASES

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

   ...Weis, Theodore McKee, Max Rosenn, **Samuel Alito**, Timothy Lewis, Richard Nygarrd, Robert...

2. H Gaudelli v. Eisner, 265 F.3d 1055 (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...

3. C Sassower v. Feltman, 941 F.2d 1203 (Table), 1991 WL 167241, , C.A.3 (N.J.), July 29, 1991(NO. 90-5147)

   ...Rothbart, Rothbart & Kohn, Scura (John), **Alito** (**Samuel**, Jr.), Leonard (Hugh), Sills, Cumis...

4. H Sassower v. Carlson, 930 F.2d 583, 1991 WL 51374, , C.A.8 (Minn.), March 15, 1991(Nos. 90-5474, 90-5501.)

   ...Eugene H. Nickerson, Allyne Ross, **Samuel** A. **Alito**, Jr., Susan C. Cassell, Michael...

5. C Sassower v. Sansverie, 885 F.2d 9, 1989 WL 106694, , C.A.2 (N.Y.), September 15, 1989(No. 21, Docket 89-7051.)

   ...Eisenber, P.C., Rothbart, Rothbart & Kohn, **Samuel** A. **Alito**, Jr., Hugh Leonard, Sills, Cumis...

6. H Watson v. U.S., 887 F.2d 264 (Table), 1989 WL 116925, , C.A.3 (N.J.), September 15, 1989(NO. 89-5410)

   ...James A., III), Meese (Edwin), **Alito** (**Samuel** A., Jr.), Merin (Jerome), Ackerman...