GEORGE SASSOWER
Attorney-at-Law
10 Stewart Place
White Plains, NY 10603-3856
(914) 681-7196

Committee on Professional Standards
40 Steuben Street,
Suite 502
Albany, New York 12207-2169

May 3, 2012

Re: Frederick J. Scullin, Jr. #1624766
Paul D. Silver #1838481

Sirs:

1. This disciplinary complaint against *Frederick J. Scullin, Jr.* is limited to his conduct as U.S. Attorney for the Northern District of New York solely in the action of *Geo. Sassower v. Mahoney* (88 Civ. O563 [NDNY-CGC]).

His inextricably related misconduct, as a U.S. District Court Judge, is not here discussed, unless this committee requests otherwise.

2. Except for obeying *unlawful* instructions, I have no evidence of any misconduct by Assistant U.S. Attorney *Paul D. Silver*.

However, because of the egregious criminal conduct involved, Assistant U.S. Attorney *Paul D. Silver*, it is asserted, he should have refused to become a participant!

3. On May 23, 1988, the Complaint in *Geo. Sassower v. Mahoney* (*supra*), was executed.

Two (2) days later, on May 25, 1988, plaintiff executed a (1) Notice of Motion, (2) a moving affirmation, (3) a Memorandum of Law and a (4) Proposed Order, all the allegations, fact & law, were *undenied* and *uncontroverted.*

Count I

1. The federal defendants in *Geo. Sassower v. Mahoney* (*supra*) were *Wilfred Feinberg, Eugene H. Nickerson & William C. Conner*, who were federal judges from the Second Circuit, "*sued*" in tort for money damages and who could *only* be "*sued*" in their "*personal capacities*" and could *only* be defended by non-federal attorneys at non-federal cost & expense.

2A. With service on, *inter alia*, U.S. Attorney *Frederick J. Scullin, Jr.*, the Notice of Motion of May 25, 1988 requests an Order:

> "(2) disqualifying the United States Attorney General, any United States Attorney, and/or any member of the Department of Justice, from representing any federal respondents herein"

B. The *undenied & uncontroverted* allegations in the Moving Affirmation, in relevant part, reads:

> "DISQUALIFICATION OF THE DEPARTMENT OF JUSTICE:
>
> 9a. The documentary evidence reveals that U.S. District Judge EUGENE H. NICKERSON [`Nickerson'], Chief Judge WILFRED FEINBERG [`Feinberg'], and other members of the federal judiciary have not only acted improperly and criminally, but that they have aided, abetted, and facilitated the diversion of monies ordered to be paid to the United States Government. ...
>
> 10b. That the United States Attorneys should, at taxpayers expense, defend those, such as Nickerson and Feinberg, who issued an unconstitutional Order, or was on the panel that affirmed same, imposing fines payable to the United States Government, which was then paid to KREINDLER & RELKIN, P.C. [`K&R'], and its clients, including CITIBANK, N.A. [`Citibank'], is an outrage, and information which the public should be made aware.

c. If the U.S. Attorney accepts Nickerson and Feinberg as clients in this related civil proceeding, it would impair them, and/or the Department of Justice from acting as the public prosecutor or initiating criminal procedures against them.

d. Nickerson and Feinberg should be compelled to seek their own private counsel, and leave the United States Attorney's Office free of conflicting involvements."

C. Plaintiff's Memorandum of Law states:

"THE DEPARTMENT OF JUSTICE SHOULD INDICT CHIEF JUDGE WILFRED FEINBERG AND DISTRICT JUDGE EUGENE H. NICKERSON, NOT DEFEND THEM, FOR AIDING, ABETTING, AND FACILITATING THE DIVERSION OF MONIES FROM THE UNITED STATES AND OTHER CRIMINAL ACTIVITIES

1a. The Office of the Attorney General of the United States, the United States Attorneys, and members of their staff, are part of the executive arm of government, primarily concerned with criminal prosecutions.

b. The office of the prosecutor should and must make independent judgment, and not involve himself with conflicting civil representations.

c. The public prosecutor's independence is compromised when he, involves himself in an attorney-client relationship with those who he should criminally prosecute.

2a. The trialess conviction of both petitioner and [Hyman] Raffe of June 7, 1985, by United States District Judge, EUGENE H. NICKERSON, affirmed on September 13, 1985 by the Court of Chief Judge WILFRED FEINBERG ... stated that the fines to be paid were payable to the United States.

b. No monies were received by the United States, but were paid by HYMAN RAFFE [`Raffe'] to KREINDLER & RELKIN, P.C. [`K&R'] -- who openly boast that it, with FELTMAN, KARESH, MAJOR, Esqs. [`FKM&F'] and CITIBANK, N.A. [`Citibank'], `control' the judiciary, state and federal, nisi prius and appellate, including particularly Judge EUGENE H. NICKERSON.

3a. For the United States Department of Justice to defend those, who while on the federal payroll, divert monies from the federal treasury to private pockets, is a matter of public concern, far more egregious than anything which ever occurred in the judicial history of the United States."

3. In "hard published print", one is compelled to conclude that U.S. District Court Judge *William C. Conner* was acting in his "*personal capacity*", on behalf of *Citibank, N.A.* and its entourage (*Raffe v. Doe*, 619 F. Supp. 891 [SDNY-1985]).

4. From, *inter alia*, the above, it was unambiguously clear to U.S. Attorney *Frederick J. Scullin, Jr.* and Assistant U.S. Attorney *Paul D. Silver* that *Wilfred Feinberg*, *William C. Conner* & *Eugene H. Nickerson*, were being "*sued*" in tort, for money damages, compensatory & punitive in their "*personal capacities*".

A. Article III jurists, such as *Wilfred Feinberg*, *William C. Conner* & *Eugene H. Nickerson* in their "*official capacities*, could not & cannot be "*sued*" in tort for money damages, even where the United States has waived "*sovereign immunity*" (*Perez v. United States* (218 F. Supp. 571 [SDNY-1963], per Feinberg, J.).

Perez v. United States (*supra*) was a case of "first impression", and has been followed by every court, federal and state, when confronted by the same issue, except in actions revolving around "*The Citibank Bribes for Total Immunity Criminal Enterprise*" ["*The Enterprise*"]!

Where the United States has waived "*sovereign immunity*", the *Federal Tort Claims Act* ["FTCA"] is the "*exclusive*" remedy and the United States is the "*exclusive*" defendant (28 *U.S.C.* §2679).

For historical reasons, under certain circumstances, revenue & custom officials may be sued in their own names and be defended by a federal attorney (26 *U.S.C.* §547[3]), but that rare exception is not here present.

B. In their "*personal capacities*", *Wilfred Feinberg, William C. Conner & Eugene H. Nickerson*, like anyone else, could be sued in tort and money damages recovered, but in that capacity, they could *only* be defended by non-federal attorneys, at non-federal cost & expense.

5. Furthermore, since 1966, federal attorneys could not defend anyone, not even the United States, unless a 28 *U.S.C.* §2675 "notice of claim" had been filed and its administrative requirements exhausted!

6. The *unauthorized* expenditure or receipt of federal monies or services are felonies, punishable by fines & terms of incarceration (31 *U.S.C.* §§1341, 1342, 1350) and obligated them to "*reimburse*" the United States for the expenditures made.

Neither *Frederick J. Scullin, Jr., Wilfred Feinberg, William C. Conner* nor *Eugene H. Nickerson* have reimbursed the United States for the *unauthorized* expenditures made.

Count II

1. Since the federal expenditures made by U.S. Attorney *Frederick J. Scullin, Jr.* were *unauthorized*, he "cooked his books" to conceal such transaction from Congress & the public, as a response from a *Freedom of Information Act*, ["FOIA"] request confirmed (FOIA #96-2365).

2. The "cooking of federal books" to conceal these expenditures from Congress, as here existed, is also a felony (18 *U.S.C.* §1001).

Count III

1. In *Myers v. United States Postal Service* (527 F.2d 1252 [2nd Cir.-1975]), where U.S. Circuit Court Judge *Wilfred Feinberg* was a panel member, the Court stated [emphasis suppled]:

> "We should first note that suit under the *Federal Tort Claims Act* ["FTCA"] lies here, if at all, *only* against the United States. Neither the Postal Service nor the Postal Inspection Service, named as defendants, may be sued ... The district court also *lacks jurisdiction* in respect to the two individual Postal Service employees named as defendants in this action. *Only* claims `against the United States' are included within the Federal Tort Claims Act jurisdiction. ... *Accordingly, as to all defendants except the United States, the dismissal of the complaint must be affirmed for lack of subject matter jurisdiction*."

2. Like *Perez v. United States* (*supra*), *Myers v. United States Postal Service* (*supra*) has been followed by *every* court & judge when confronted by the same issue!

By 1987" the aforementioned principle was so clearly established that the Court imposed *FRCivP*, Rule 11 sanctions on the plaintiff's attorneys for including a "*federal agency*" and "*federal persons*" as money damage tort defendants was instituted, in *K.W. Thompson v. United States* (656 F. Supp 1077, 1086 [NH-1987]), holding that it was well-established that the *United States* is the *only* defendant that can be sued in a *Federal Tort Claims Act* (28 *U.S.C.* §2671, *et seq.*) action when the official or employee was acting within the ."scope of his/her office/employment"!

3. Thus, in addition to the absence of any 28 *U.S.C.* §2675 "notice of claim", the dispositions made in *Geo. Sassower v. Mahoney* (*supra*) were & are "*null & void*", as lacking in "*subject matter jurisdiction*" (*McNeil v. U.S.* (508 U.S. 106 [1993]), as U.S. Attorney *Frederick J. Scullin, Jr.* and Assistant U.S. Attorney *Paul D. Silver* were aware.

Count IV

1. At *all* times, under *every* circumstance, U.S. Attorney *Frederick J. Scullin, Jr.* and Assistant U.S. Attorney *Paul D. Silver* comported themselves as desired by the three (3) aforementioned individuals, sued & defended in their "*personal capacities*", although invariably adverse to the legitimate interests of their *only* client, the United States!

2. No American attorney or trustee has the "power" to "*betray*" or act "*adversely*" to the legitimate interests of his client or trust and as a *sua sponte* obligation, *no* American jurist can tolerate

such misconduct (*Wood v. Georgia*, 450 U.S. 261, 265 fn. 5 [1981]), and for this reason alone, all proceedings in *Geo. Sassower v. Mahoney* (*supra*) are "*null & void*", an infirmity not subject to any time limitations (*Hazel v. Hartford*, 322 U.S. 238 [1944]), and which can be raised in a collaterally action (*U.S. v, Throckmorton*, 98 U.S. 61 [1878]).

3. This is particular true where federal monies or assets are involved since "*exclusive*" control of the federal purse is with the Article I Congress.

Count V

1. Federal judges & officials who dragoon U.S. attorneys to defend them in their "*personal capacities*" effectively obtain civil & criminal "immunity" for themselves and their patrons.

2. This with cooperation of U.S. District Court Judge *Eugene H. Nickerson* & Chief U.S. Circuit Court Judge *Wilfred Feinberg* all monies payable "to the [federal] court" were "*diverted*" to *Citibank, N.A.* & its "estate chasing" attorneys, *Kreindler & Relkin, P.C.* and the federal court or the United States received none of these federal monies.

U.S. Attorney *Frederick J. Scullin, Jr.*, in defending *Eugene H. Nickerson* & *Wilfred Feinberg* disabled himself from criminally prosecuting them or their patrons or from recapturing these monies in favor of his client, the United States.

Count VI

Until U.S. Attorney *Frederick J. Scullin, Jr.* or anyone else asserts & shows that U.S. District Court Judge *Con G. Cholakis* had "jurisdiction", it would be fundamental error to proceed further (*Simpkins v. District of Columbia*, 108 F.3d 366 [CDC-1997]).

Respectfully,

GEORGE SASSOWER

cc: U.S. District Court Judge Frederick J. Scullin, Jr.
Assistant U.S. Attorney Paul D. Silver
U.S. Circuit Court Judge Wilfred Feinberg
Eugene H. Nickerson, William C. Conner & Con G. Cholakis [deceased]

. . . . . The Worst Is Still To Come!