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Congresswoman Nita M. Lowey
235 Mamaroneck Avenue
White Plains, N.Y. 10605

For Personal Attention
An Open Letter

Dear Congresswoman Lowey,

Your letter of July 30, 1992, which I received today, under the most charitable construction, manifests the lack of mental and moral qualifications which should be necessary for the occupancy of any responsible governmental position, as I shall here demonstrate.

Harsh as this "Open Letter" may appear, it is not ad hominem, for I have no doubt as to your personal qualities.

1a. No, Congresswoman Lowey, I will not debase myself to the point of ridicule, by complaining about the misconduct of Chief U.S. District Court Judge Charles L. Brieant to the N.Y. State Commission on Judicial Conduct, as your letter states.

In haec verba, your letter reads: "you should contact the New York State Commission on Judicial Conduct in order to formally register a complaint against a federal judge in New York State." [emphasis supplied]

b. The immutable laws of nature, as well as the supremacy clause of the U.S. Constitution, proclaim that the head, the federal government, wags the tail, the state government, and not the contrary.

c. In short, no state agency has jurisdiction over a federal official for official misconduct, no matter how egregious.

2a. Impliedly agreeing that Chief U.S. Judge Brieant is defrauding the federal treasury by dragooning federal representation, at federal cost and expense, without the mandatory certification that his activities are "within the scope of his office", you stated in your aforementioned letter, that you discussed the situation with Mr. Armand Cicarella of the New York State Attorney General's Office.

b. Why anyone, particularly a member of congress, would discuss the conduct of a federal official, who is defrauding the federal government, with a state official, is incomprehensible.

3a. Your letter proliferates with phrases such as "your concerns about the conduct of Chief U.S. District Court Judge Charles L. Brieant"; "this is of great concern to you"; "I did ... contact N.Y. State Attorney General's Office on your behalf"; and "I hope that this information is helpful to you". [emphasis supplied]

b. Congresswoman Lowey, where a federal judge is actively involved in the diversion of monies payable "to the federal court" to the private pockets of his cronies; the larceny of federally protected judicial trust assets; extortion of more than \$2,500,000.00 from a private individual in order to avoid incarceration under a criminal conviction, I contend that such conduct is of concern to you, your constituents, the American people, and the inviolate fundamental American principle that no person, however exalted his office, is above the criminal and ethical laws of society.

c. You, Congresswoman Lowey, are the only person I know who has articulated the view that this matter is "my" problem and "my" concern, excluding yourself and all others. Thus, for example, N.Y. State Attorney General Robert Abrams, when shown the cancelled checks, representing payments made to the Brieant cronies to avoid incarceration, exclaimed "That's outrageous. It's unbelievable. It's disturbing" (Village Voice, June 6, 1989).

4a. The electorate gives to its representatives the power to exercise judgment.

b. What judgment is it that rails against minuscule expenditures in Alaska, the midwest, and Florida (see Reporter-Dispatch, Letters to Editor, July 31, 1992), when a few blocks from your local office, in the "temple of justice", substantial sums of federal monies are being unlawfully expended in order to advance and conceal a criminal racketeering adventure.

c. If I were to venture to explain your attitude, I would say that Lawyer Lowey cannot see, or does not desire to see, the "logs in her legal eye", while pursuing the "splinters in the eyes of other professions and trades, thousands of miles away."

The imputation of knowledge, and its concomitant responsibility, may not be avoided by the simple expedient of closing one's eyes, covering one's ears, and holding one's breath.

d. I would say that there are too many lawyers in Congress burdened, financially and otherwise, directly and indirectly, on a legal system, civil and criminal, which needs close examination, honest evaluation and dramatic revision.

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"No man can serve two masters" (Matthew 6:24), and neither can any "woman" or "congresswoman". I submit by concealing the egregious criminal conduct by Chief Judge Brieant, for whatever reason, you betray both your office and your profession, simultaneously.

e. The congressional and legal image has been tarnished, I submit, by the justifiable public belief that government officials, including congress and the judiciary, have placed themselves in a realm beyond and above the law.

5a. In conclusion, which was the only point I made in my prior correspondence to you:

Where Congress has clearly and eloquently stated, in haec verba, and otherwise, that no member of federal government, executive, legislative, or judicial (28 U.S.C. §2671) can be represented at federal cost or expense, without a "scope certificate" or a "scope adjudication" stating and/or holding that the conduct charged was "within the scope of employment or office", then Chief Judge Brieant cannot enjoy such federal representation, at federal cost and expense, and the federal government must be reimbursed for the expenditures made.

b. Obviously, none of the 96 authorized persons who have the authority to execute a "scope certificate" (28 CFR §15.3) will sign same for one, such as Chief Judge Brieant, who is involved in diverting monies payable "to the federal court" to private pockets, and similar racketeering activities.

c. I also assume that Chief Judge Brieant is not reporting and evading, what is, taxable income, by such "free", but unlawful, legal representation.

d. If you, Congresswoman Lowey, as a member of the Congressional Task Force on Government Waste, can concern yourself with unwarranted and minuscule federal expenditures at the other end of the United States, you must concern yourself with the fraudulent and unlawful federal expenditures being made on behalf of Chief Judge Brieant.

Most Respectfully,


GEORGE SASSOWER

cc: Chief Judge Charles L. Brieant
Hon. Joseph J. DiGuardi
U.S. Attorney Otto G. Obermaier
Ass't U.S. Atty. Elliott B. Jacobson, White Plains, N.Y.
League of Woman Voters
The Reporter Dispatch