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December 3, 2012

Chief Judge Loretta A. Preska
U.S. District Court, Southern District of New York
500 Pearl Street
New York, NY 10007

Re: **Crime in the U.S. Courthouse at White Plains**
(Leave to File)

Dear Chief Judge,

1. For twenty-five (25) years, commencing with *Vilella v. Santagata* (87 Civ 1450 [SDNY-WP GLG]), Federal judges have been *defrauding* the United States by being defended, by Federal attorneys, in their "*personal capacities*", in money damage tort actions and where no 28 *U.S.C.* §2675 "notice of claim" existed, at *unauthorized* Federal cost & expense, a felony, punishable by a fine & term of incarceration (31 *U.S.C.* §1341, 1342 &1350), which was compound by the "cooking" the books by the U.S. Attorney, which is also a felony (18 *U.S.C.* §1001).

For a still longer period of time NY State judges & officials have been *defrauding* the State of New York by being defended by the New York State Attorney General.

2. To impair, impede & prevent the Grand Jury from receiving this information, U.S. District Court Judge *Kenneth M. Karas* has concocted & contrived the existence of a valid Order which requires that I, a born American citizen & battle-star veteran of World War II, needs the permission of a judge or magistrate to have my information & evidence transmitted to the Grand Jury!

Thus, as in *re: Application of Grand Jury* (*supra*), I request permission to file for a Writ of Mandamus and related relief.

3. Contemporaneously, this mater is being transmitted to the media, public interests organizations, bar associations and others.

Respectfully,

GEORGE SASSOWER

cc: U.S. District Court Judge Kenneth M. Karas
U.S. Attorney Preet Bharara

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK, AT WHITE PLAINS

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In the Matter of the Petition of
GEORGE SASSOWER, individually and on behalf of
THE GRAND JURY FOR THE SOUTHERN DISTRICT
OF NEW YORK, at WHITE PLAINS,
Petitioner,
For leave to file an 18 *U.S.C.* §3332[a] Grand Jury
Petition Concerning the Criminal Racketeering Activities
in the Southern District of New York, at WHITE PLAINS
-against-
[U.S. Attorney] PREET BHARARA, [New York State
Attorney General] ERIC T. SCHNEIDERMAN and [U.S.
District Court Judge] KENNETH M. KARAS,
Respondents.

Leave to File

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To: Chief U.S. District Court Judge ***LORETTA A. PRESKA***
for the Southern District of New York

Crime in the U.S. Courthouse at White Plains

There is *no* valid Order or Provision which provides that Petitioner, a born American citizen and battle-starred veteran of World War II, that he needs the permission of a judge or magistrate to have U.S. Attorney *Preet Bharara* transmit to the Grand Jury, as mandated by 18 *U.S.C.* §3332[a], or filed in the U.S. District Court for transmission to that body, petitioner's information & evidence that, *inter alia*, Federal & New York State judges were & are *defrauding* the United States & State of New York by being defended in their "*personal capacities*", in money damage tort actions, revolving around "***The Citibank Bribes for Total Immunity Enterprise***" ["***The Enterprise***"], by Federal & New York State attorneys, in the Federal forum, at *unauthorized* Federal & *unconstitutional* New York State cost & expense.

The relief requested is made more compelling since *no* Federal judge, including U.S. District Court Judge *Kenneth M. Karas*, who disagrees with the fact that the United States & State of New York are being defrauded thereby and of the draconian, penal, civil & monetary, consequences.

Thus this application for Leave to File, is made under constraint and without prejudice to his other rights, monetary or otherwise.

* * *

1. In all money damage tort action revolving around "*The Enterprise*", filed or removed to a federal forum, during the past twenty-five (25) years, commencing with *Vilella v. Santagata* (87 Civ. 1450 [SDNY-GLG]), ***the prototype action***, which was filed in the U.S. District Court for the Southern District of New York, at White Plains, on March 4, 1987, Federal judges were *defrauding* the United States while New York State judges & judicial officials were *defrauding* the State of New York by having Federal & NY State attorneys, such as U.S. Attorney *Rudolph W. Giuliani* & New York State Attorney General ["NYSAG"] *Robert Abrams*, defend them in their "*personal capacities*", at *unauthorized* and/or *unconstitutional* Federal & New York State cost & expense, which no one, at any time or place, has ever denied or controverted!

Since the expenditures made by U.S. Attorney *Rudolph W. Giuliani* & NYSAG *Robert Abrams* were *unauthorized* and/or *unconstitutional*, they "cooked" their government books which *Freedom of Information Act/Law* responses confirm (FOIA #12-2908; FOIL #120460).

Obviously, U.S. Attorney *Rudolph W. Giuliani* & NYSAG *Robert Abrams* would not have "cooked" their books, a felony (18 *U.S.C.* §1001), had these expenditures been lawful.

In 1989, two (2) years after *Vilella v. Santagata* (*supra*) was instituted, these *unlawful* expenditures were described as "staggering" (*New Jersey Law Journal*, July 13, 1989), and since that time these expenditures have "gone through the roof", as this *unlawful* scenario has been followed nationwide.
!

2A. 18 *U.S.C.* §3332[a] states that [with emphasis supplied]:

> "It shall be the *duty* of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have beat committed within that district."

Consequently, this application is also made on behalf of the Grand Jury so that it can satisfy its historic & statutory "duty".

B. The 1969-1970 proceedings in Congress, as well as the explicit language in 18 *U.S.C.* §3332[a], makes clear that *anyone* having information about a federal crime, was to have access to the Grand Jury by requesting a Federal attorney to convey such information to that body.

As stated in *Re Grand Jury Application* (617 F. Supp. 199 [SDNY-1984]):

> "Thus, both the language of 18 *U.S.C.* § 3332(a) and its legislative history indicate that Congress intended to remove the prosecutor's discretion in deciding whether to present information to the grand jury."

As appears in *United States Code Annotated* [with emphasis supplied]:

> "By enacting 18 U.S.C.A. § 3332(a) providing that an attorney appearing on behalf of the United States for presentation of evidence before grand jury who receives information concerning an alleged offense from any other person shall, if requested by such other person, inform grand jury of such alleged offense, identity of such other person, and attorney's action or recommendation, *Congress intended to remove prosecutor's discretion in deciding whether to present information to grand jury*; he retains discretion with respect to how he acts and what he recommends concerning that information. *In re Grand Jury Application*, S.D.N.Y.1985, 617 F. Supp. 199. Grand Jury 36.8".

Since the U.S. Attorney has no discretion in the matter, the Court, in *Re Grand Jury Application* (*supra*) granted the requested Writ of Mandamus.

3. Compounding this *fraud* upon the United States & State of New York by such *unauthorized & unconstitutional* representations, these Federal & New York State attorneys, such as U.S. Attorney *Rudolph W. Giuliani* & NYSAG *Robert Abrams*, *always* comported their activities as desired by "*The Enterprise*", although invariable *adverse* to the legitimate interests of their clients, the United States & State of New York, which independently of other lethal infirmities, rendered the proceedings to be "*null & void*"(*U.S. v. Throckmorton*, 98 U.S. 61 [1878])!

Since no American jurist, as a *sua sponte* obligation, can tolerate the ineffective legal representation of a client or trust (*Strickland v. Washington*, 466 U.S. 668 [1984]), *a fortiori* the jurist cannot tolerate a perfidious representation.

4. An opening paragraph to Petitioner's Petition to the "Foreperson & Members of the Federal Grand Jury at White Plains" of August 1, 2012, reads as follows:

> **"Treason & Treachery in the Courtroom**
>
> Two (2) months ago, on May 29, 2012, there was served on all the interested parties or their attorneys and thereafter filed at the U.S. District Court, Southern District of New York, at White Plains, a motion where *all* the relief requested, financially & otherwise, inured to the legitimate interests of the United States and/or State of New York (*Vilella v. Santagata, supra*).
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> Since none of the allegations were denied or controverted by, *inter alia*, Attorney General *Eric Holder*, U.S. Attorney *Preet Bharara* or NY State Attorney General [`NYSAG'] *Eric T. Schneiderman*, whose *only* clients were & are the United States & State of New York, the relief requested should have had their `*zealous*' support.
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> However, they did not support *any* of the requested relief, financially or otherwise, and they did not articulate any justification for their treasonous, & treacherous behavior.

No American lawyer has the `legal power' to `*betray*' his/her client, particularly by those acting on behalf of government, and *only* a `*fixed & corrupted*' jurist would tolerate such misconduct by Attorney General *Eric Holder*, U.S. Attorney *Preet Bharara* and NYSAG *Eric T. Schneiderman* since, *inter alia*, the proceedings are `*null & void*' thereby (*U.S. v. Throckmorton, supra*).

Since the `exclusive' control of the federal `purse' is with the Article I Congress, neither Attorney General *Eric Holder* nor U.S. Attorney *Preet Bharara* had the `constitutional power' to betray their client, the United States.

Since, subject to federal law, the NY State Legislature has `exclusive' control of the New York State `purse', NYSAG *Eric T. Schneiderman* did not have the `constitutional power' to betray his client, the State of New York.

When the attorneys for the State of Virginia refused to collect monies due their client, the State of Virginia, from a Labor Union, the Court appointed a Special Commissioner to collect such monies on behalf of the State of Virginia (*International Union v. Bagwell*, 512 U.S. 821 [1994]).

Thus, absent articulated justification, the course that <u>*had*</u> to be pursued by U.S. District Court Judge *Kenneth M. Karas* has been firmly established by the Supreme Court of the United States."

5A. Although as a matter of ministerial statutory compulsion, permitting no discretion whatsoever, U.S. Attorney *Preet Bharara*, as I requested, was to transmit my *undenied & uncontroverted* accusations to the Grand Jury or recuse himself.

However this would have resulted in his "indictment" and/or "removal from office", since there was no way for him, or [former] U.S. Attorney *Rudolph W. Giuliani* to justify their misconduct!

B. <u>For example</u>: <u>*All*</u> monies payable "to the federal court", pursuant to the Order of U.S. District Court Judge *Eugene H. Nickerson* of June 7, 1985 (*Raffe v. Citibank*, 84 Civ. 0305 [EDNY-1985]) were "*diverted*" to "*Citibank, N.A.* and its "estate-chasing attorneys" *Kreindler & Relkin. P.C.* ["K&R"] to be, after "*laundering*", dissipated to or on behalf of judges as "*bribes*", and the "court" or the United States, received *none* of these federal monies.

This "*diversion*" of federal monies was with the knowledge of Judge *Eugene H. Nickerson* and the three (3) Circuit Court of Appeals judges that U.S. Attorney *Rudolph W. Giuliani* was defending in their "*personal capacities*" in *Vilella v. Santagata* (*supra*) at *unauthorized* federal cost & expense.

In 1987, the *Federal Bureau of Investigation* ["FBI"] independently confirmed this larcenous transaction and had in its possession copies of some of the cancelled checks.

The FBI gave a copy of its Report to U.S. Attorney *Rudolph W. Giuliani* who did *nothing* to recapture these federal monies in favor of the United States since, at the time, he was defending them in their "*personal capacities*", albeit without authorization.

Since these federal monies included my monies, affording me "standing" on the issue, I moved to recapture these federal monies in favor of the United States, which motion was not supported by U.S. Attorney *Rudolph W. Giuliani* and the *unopposed* motion was not granted by U.S. District Court Judge *Gerard L. Goettel*.

Similarly, when I moved on May 12, 2012, to recapture these federal monies in favor of the United States, this motion was not supported by U.S. Attorney *Preet Bharara* or granted by U.S. District Court Judge *Kenneth M. Karas*.

6. U.S. Attorney *Preet Bharara* "*hijacked*", "*waylaid*", and the Grand Jury never saw presentation, the mandate of the statute notwithstanding.

7A. U.S. District Court Judge *Kenneth M. Karas*. as he was aware, never had "*subject matter jurisdiction*" and his actions were infected other lethal infirmities, which rendered the proceedings to be "*null & void*".

B. On July 24, 2012, affirmant filed a timely & sufficient 28 *U.S.C.* §144 recusal application, whose allegations & conclusions, including the propriety of this application, were not denied or controverted by anyone.

Nevertheless, U.S. District Court Judge *Kenneth M. Karas* did not address such application, including "timelessly & sufficiency", or obey the mandate of the statute.

The core of such recusal application was:

> " since U.S. District Court Judge *Kenneth M. Karas* was assigned to this matter neither U.S. Attorney *Preet Bharara* nor NY State Attorney General *Eric T. Schneiderman* have altered their *treasonous, perfidious* and *treacherous* course of misconduct, confirming that they have been assured that Judge *Kenneth M. Karas* has been `fixed' & `corrupted' in their favor & against plaintiffs.
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> 2. During the three (3) weeks that followed, the evidence that U.S. District Court Judge *Kenneth M. Karas* had been "fixed" and "corrupted" significantly increased!
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> 3. Yesterday, August 14, 2012, affirmant received a copy of a letter from Assistant NY State Attorney General *Charles F. Sanders*, an attorney known to affirmant which, in multiple respects confirmed his conviction that U.S. District Court Judge *Kenneth M. Karas* had been "fixed" and "corrupted"
>
> A. Initially, submissions to the Court on substantive matters, are by affidavits or affirmations, not by letter.
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> B. The opening paragraph of the letter of *Charles F. Sanders* to U.S. Judge *Kenneth M. Karas* states
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> > "Sassower ... seeks ...prohibiting the Attorney General from representing New York State judges, and ordering the Attorney General to reimburse the State of New York for funds expended in the course of defending New York State judges."
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> No American attorney can take a position *adverse* to the interests of his client, as is being requested by Assistant NY State Attorney General *Charles F. Sanders*, nor can any American jurist such *treasonous* representation, as is being requested from U.S. District Court Judge *Kenneth M. Karas* (*Wood v. Georgia*, 450 U.S. 261, 265 fn. 5 [1981]).
>
> C. Obviously, Assistant NY State Attorney General *Charles F. Sanders* has the confidential information that U.S. District Court Judge *Kenneth M. Karas* is not honoring nor does he intend to honor the mandate contained in 28 *U.S.C.* §144."

8. Instead, although he did not have `jurisdiction', U.S. District Court Judge *Kenneth M. Karas* who had "bedded" himself with U.S. Attorney *Preet Bharara* and NYSAG *Eric T. Schneiderman* who are "defrauding" the United States & State of New York. .... The Worst is Still to Come

Without prejudice, "leave to file" is requested.

Dated: White Plains, N.Y.
December 3, 2012

Yours, etc.,
GEORGE SASSOWER, Esq.
Attorney for petitioner.
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