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November 19, 2009

Mark Kappelhoff, Chief
U.S. Department of Justice - Civil Rights Division
950 Pennsylvania Avenue, N.W.
Criminal Section, PHB
Washington, D.C. 20530

Certified Mail, RRR No. 7001 0360 0001 3864 4029

RE: Supplement to DOJ Submission #7709 –
Complainant Witnesses: Michayl Mellen, George Stokes,
Anita Guajardo, and Juan Manuel Albarado

Dear Mr. Kappelhoff:

As you may recall, I am Executive Director of the grassroots legal reform organization known as POPULAR, Inc. (POPULAR). Certified mail, return receipt indicates that you received submission #7709 from POPULAR's Indiana office on July 13, 2009. Your Paralegal Specialist, Ani Shahinyan, also acknowledged receipt of that complaint in her related letter to me of September 17, 2009.

Please consider this correspondence a formal supplement to our referenced complaint.

I recognize that current DOJ policies do not countenance investigation of this matter. Hopefully that position will change in accord with the enclosed Op-ed of September 22, 2009, "FROM PATERNALISM TO EMPOWERMENT: Why the DOJ Should Emphasize Anti-discrimination and First Amendment Enforcement in Protecting America's Most Vulnerable People", and the November 19, 2009 press release also enclosed, entitled: "Justice Department Has Grassroots Reform Groups Hot Under The Blue Collar."

In the interim, POPULAR will keep you apprized of the serious, relevant troubles for our Advisory Board Members Michayl Mellen and George Stokes; their respective children, the families of Juan Manuel Albarado as well as Moishe Curtis Turner and other impacted residents of Taylor County, Texas.

Michayl Mellen

A seasoned attorney may not be rattled by the arguably vexatious proceedings that various government agencies have instituted or maintained against Michayl Mellen and his family since

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February 12, 2009.¹ And Michayl Mellen is certainly an astute, seasoned, non-lawyer litigant. But he is also 66 years of age with a locally well-known history of recent carotid artery surgery; six (6) heart attacks; pace maker dependency; an open heart, triple bypass; and two (2) strokes.

So please consider the seeming “irregularities” of the arguably specious government charges and incidents that Mr. Mellen regularly blogs about² in light of his following blog posts:

October 7, 2009

Dear Zena et al,

Today at approximately 9:30 an Abilene Police Officer Keller opened my driveway gate and entered my yard. I asked him what you want. APD Officer Keller asked me my name and I told him Michayl Mellen. The APD officer Keller then told me I was under arrest and he told me to go inside and get dressed and that it was a felony warrant for my arrest for illegal dumping.

I immediately asked for the warrant. Officer Keller said he didn't have one, but there was a felony arrest warrant for me at the Sheriffs office and I would get the warrant at the booking into county jail. I was in my PJ bottoms and bare chest. He told me to go inside and get dressed. We came into the house, where I again asked for the warrant. He told me he didn't need one because I was under arrest, I then asked for some time to Email you. He asked whom I was Emailing and I told him my attorney.

I then stayed in the office so he could not visually see the rest of the house while my youngest son brought me a shirt and slippers. I again asked for the warrant and was told again he didn't need one. I then paraphrased the 4th Amendment and told him he was violating my civil rights, his answer was, “you don't have any rights because you are under arrest” I asked again and he told me that **we could do this as a resisting arrest**. I quite talking to him and he cuffed me and stuffed me in his squad car and took me to county, where I was booked and finger printed as a felony and had to post a \$10,000 bond.

...

¹ Page 2, section II 3 (Narrative Summary) of our submission #7709 suggests that February 12, 2009 may have launched “a course of exceptional and otherwise unwarranted treatment for Mellen, Stokes, and one or more of their children respectively.”

² Comments from Mr. Mellen are interspersed at:

http://popular4people.org/blog/2009/07/life_after_our_1st_doj_submiss.html#comments

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ABOUT 9:30 September 28, 2009 a city marshal came to my door. I opened the door and went outside and asked what they wanted. I was told they had to come in because they had an arrest warrant for my daughter Yahsha Mellen. I told the city marshal that she does not live here. He called me a liar and said yes she does and I am coming in to check. He threatened to arrest me for interfering with an arrest. I blocked his way and went in my house to continue talking to him through a glass door and again he tried to force his way in by pushing me and I blocked him from entering. He continued banging on my door until I called APD and had them send a shift Sgt. He said city Marshals aren't under their control, so he gave me Municipal Court clerk number, I called, but it was the City Marshals office. He also stated that a 17 year old is considered an adult according to Texas criminal codes (not true, see Texas Family Codes 51-53, 18 is the adult age).

I felt fear on the onset of the encounter because I had been called a liar and pushed in an attempt by the city marshal to forcefully enter my home (witnessed by 15 year old son Rehyah). I also feared for my life because of on going complaints I have with the APD, Municipal Judge the City Marshal, and being a member of popular4people and a complaint made to justice department on my behalf.

I am 66 years old I have had 6 heart attacks, open heart triple bypass surgery, and I am recuperating right now from carotid artery surgery. The officer who came to my door was so menacing at first as to make me fear for my life, especially after I told him that Yahsha does not live here. **This is the same City Marshal I had trouble with on March 23, 2009**

This all occurred 7 days after discussion with Court bailiff

MARCH 23, 2009

I had gone to the Municipal Court Clerks Office on March 23 2009 to ask for a copy of the Affidavit/Complaint form that they had on file. I WAS GIVEN A FORM THAT WAS SIMILAR BUT COMPLETELY DIFFERENT THAN the one I was given on September 22, 2009. MY 14 YEAR OLD SON LEARNING DISABLED SON WAS EXPELLED FROM A FREE APPROPRIATE EDUCATION BY THE ABILENE INDEPENDENT SCHOOL DISTRICT AND SENT IMMEDIATELY TO A DISCIPLINE ALTERNATIVE EDUCATION PROGRAM AT THE NAZI RAN RE-ASIGNMENT CENTER AT TRAVIS (an old school building leased out). THIS WAS DONE WITHOUT DUE PROCESS

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“UNDER COLOR OF LAW”, AND NOW AGAIN WITHOUT ANY PROTECTION OF HIS UNITED STATES CONSTITUTIONAL RIGHTS AS A CITIZEN OF THE UNITED STATES.

In exchange for the affidavit, I had to sign an agreement to appear on March 23, 2009.

I was under the impression from the Agreement to Appear that I was too appear before the court and not being able to do so, I still wanted to plea Yirehyah Mellen untrue of any Texas State Penal Code 42.01 Disorderly Conduct charges and that I wanted jury Trial on this matter.

On March 23, 2009, my son and I arrived at the Municipal Court parking lot at the same time as the City Marshall. He had entered the Municipal Court a short time before my son and me, because I walked slowly and he was quicker.

I entered the Municipal Court entrance, passed through a metal detector into the foyer of the Court Clerks Office. The Municipal Court Clerks Counter is an inverted L with Plastic/glass from the top of the counter to the ceiling. After I passed through the metal detector I went to read a posted list by the entrance: and then I was called by a clerk to the counter area in front of the plastic/glass wall of that clerk at the South end of the counter, who was sitting alone, but close to the enclosed open door of the City Marshall Office.

I went to the Counter and the clerk asked me my name and I told her Michayl Mellen. She appeared to search for my name in her computer, but she said it didn't show anything, how ever shortly after the perceived search for my name and beginning a search on my son's name, the City Marshall came out of his office and stood off to the left of the Clerk.

This City Marshal then proceeded to interfere with my discussion with the court clerk. Stating comments such as “quit being rude” to the clerk, all the while this act by the Marshal was going on I noticed a swat team member trying to hide behind some cabinets to my left. I told this Marshal to shut up and when I wanted an answer From Him I would address him specifically. I then finished asking my questions and getting answers, but **I had to endure a bit of fear for my life because of the police and City Marshal's aggressive and abusive actions**

...

(Emphasis added).

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Enclosed is a copy of the Abilene Police Department, Citizen Complaint form of October 19, 2009, referencing the October 7, 2009, warrantless arrest Mr. Mellen describes above. Also enclosed is a copy of an undated, unsigned Abilene Police Department, Citizen Complaint form, provided because it references a recent series of alleged phone threats Mr. Mellen reportedly received from local police officers.

Thorough investigation may confirm a concerted effort by local government officials to *not only* annoy, harass, and retaliate against Mr. Mellen – but also prompt his death.

Mr. Mellen's following account of an October 2009 encounter with his court appointed lawyer is particularly significant given a somewhat similar response reportedly made by the attorney appointed to represent Juan Manuel Albarado³ on appeal:

OPEN LETTER TO CITIZENS OF ABILENE - COURT APPOINTED ATTORNEY

My name is Michayl Mellen; I am 66 years old, on social Security and a Disabled Veteran, who has had a running battle for 30 years with the City of Abilene, Texas over my property rights as a Texas homestead owner. This includes a 50 year long battle with the Federal Government, State, Taylor County and Abilene City Governments to protect our Civil and Judicial rights. In an attempt by the City Of Abilene to make mute and intimidate ongoing investigations that involve accusations against the Abilene City and the Taylor County judicial System and Michayl Mellen, the City and Taylor County issued a Felony warrant for my arrest for the alleged felony of illegal dumping in/by the Abilene Authorized Solid Waste site and Dumpster in the alley behind my homestead property in the Inversely Condemned Carver Area of the Original Town Of Abilene, Texas.

By law I must have representation because of the felony charge. I qualified for a court appointed attorney. Little did I know that I would be appointed an attorney who has conflicts of interest with his client because the Attorney is buying up property for "taxes" around Michayl Mellen, who lives in an Inversely Condemned Neighborhood that the Legal Aid Of North West Texas has no time to protect low income eligible clients and their homes and neighborhoods from the onslaught of land hungry City Land Development Corporations and Private land developers

I went to attorney Bob Lindsey's office at 9:44 am to drop off some documents (See attached Docs) with his secretary that pertain to the case he was appointed to

³ Our initial submission suggests the retaliation / harassment Mr. Mellen, Mr. Stokes, and their respective families seem to be experiencing "may establish a pattern extending from the 30 year sentencing in 2007 of Juan Manuel Albarado and Moishe Curtis Turner."

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represent me as a court appointed criminal defense lawyer, for the felony charge of illegal dumping at my dumpster in the alley behind my house.

Mr. Lindsey was at his secretary's desk when I entered the waiting room of his office. I asked him if he was Mr. Lindsey, and he answered which one. I told him Bob Lindsey and he said that it was him. I told him I had some documents pertaining to my case that I relied on for my innocence that I wanted him to have and gave them to him and started to walk out, but I hesitated because I noticed he was reading the Open Letter to the city. He finished reading the letter and then I told him the other docs were the ordinances that I based my innocence upon.

He asked me if I had gone to the newspaper on this letter and I told him, yes and on other similar items because I am with the TEXAS CLIENT COUNCIL ABILENE DIVISION Inc., and also an Advisory Board Member of popular4people.org. He then told me "he wished I hadn't done that".

I then told him that if he didn't want any contact with the news paper over this, then I would not include them in further mailings on this subject. He immediately got mad and started a rampage about my case wasn't the only case he was working on and he was not going to have me come in on a daily basis with your problem or documents. He also stated that my case was bullshit and that **he wasn't going to ruin his practice** over bullshit and that he didn't have time for "bullshit". He also stated that with the case load he has now, he doesn't have the time and can't represent me and that I should ask for another attorney.

I immediately asked him why he accused me of a conduct that I hadn't performed yet. I told him, that if he felt he could not represent me for his stated reasons then he should file the removal motion himself. Bob Lindsey then turned and walked to his back office with these parting words dripping with acid "DON'T LET THE DOOR HIT YOU ON THE ASS ON THE WAY OUT". I was so shocked to have inspired such actions from a Professional Attorney, especially one who sits or sat on the Legal Aid of North West Texas Board of Directors that has oversight of the Legal Aid of Abilene, Texas, that I let the door hit my ass on the way out.

The Texas State Client Council Abilene Texas has a unique 28 Year (since 1981) connection to the Legal Aid of North West Texas. Maria Velazquez was a President of the Abilene Client Council, and then she was elected from the Council to become a Board member of the West Texas Legal Aid Society that was over the Abilene Legal Aid Office. Under Maria's leadership and mentoring, Michayl Mellen was a member of the Abilene Client Council, who also eventually was elected from the client council to the Board of Directors of the West Texas Legal Aid Society.

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This Board was comprised of 21 Attorneys and 7 Eligible Clients, who elected Michayl Mellen as the Board Chairman and the President of the \$3,500,000 dollar Corporation and Legal Aid program. Michayl Mellen served in this capacity for 2 years and then as the Corporation's Treasurer for many years.

The times changed into hard economic times for legal aid to the low income clients of the West Texas Legal Aid Society and it had to merge with the Dallas based Legal Aid. The Abilene Legal Aid is now under a new Legal Aid program called the North West Texas Legal Aid. Mr. Bob Lindsey sits/sat on this Board.

George Stokes is now the current President of the Texas State Client Council Abilene Division Inc. Michayl Mellen is the Corresponding Secretary. This client council is still a liaison, with 38 years of experience, between the community and this Federal funded Legal Aid Program. In executing their duties they have had encounters with and rebuffed by this Board of Directors of which Bob Lindsey Sat/sits when they wanted to present the concerns of Abilene's Legal Aid, throughout 90,000 square mile service area of eligible client community, to receive free legal Civil Aid.

Subsequently at home, I received an apologetic phone message from Bob Lindsey (recorded) and again I was told to get another attorney.

...

(Emphasis added).

About three (3) months earlier, Juan Manuel's mother shared by email:

Zena,

Hi, I just wanted to let you know that I spoke with Juan Manuel's Appellant Attorney . . . pertaining to my son's appeal. He told me he filed the letter to the 11Th District Court notifying them of a possible argument with the higher court as determined by the rules. **I said to him so your done with my son's case? How much do you charge? He said no! I won't even do it for the money.** He said I'm done and I do not mean that in a bad way but to tell you the truth after year's of doing appeals your son's is the last one I did and will do. I feel that your son's case is being played gymnastics with, when I went up to James Eidson Office to request to see documents on your son's case HE told me NO, file the motions! he said I know now that they have their system set to their advantage. I felt like I did a pretty good job on your son's appeal and also was told by other

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Attorney's and to no avail. I know that the Appeals Court admitted to wrong doing from the Trial but they reasoned their wrong into a right. He said I can go into any other D.A.'s Office and see documents with no problems, I don't have to file motions or nothing there open filed policies except with James Eidson I don't know why but he will not let you see documents. Mr. . . . said with a tiresome, annoyed voice I'm done with it. He said he sent Juan Manuel detailed instructions on how to file documents to the Higher Court and how he would have done it had he done it. **He said I feel your son has been unfairly treated, I wish you both well and lot's of luck, if you want to be mad at me for this decision that's ok, I don't blame you, I'm a big boy and can handle it.** But thru your son's case I saw what I should have seen year's ago.

. . .

(Emphasis added).

Arguably the local legal community senses ramifications to the matters at hand that have nothing to do with case facts or law.

George Stokes

On or about October 6, 2009, POPULAR Advisory Board Member George Stokes reportedly wrote the enclosed letter to his local FBI and the Department of Justice in his capacity as President of the Texas State Client Council, Inc. In it Mr. Stokes claims to no avail that since the time of our initial submission to your office, he and his family “. . . are being stalked and harassed by the (Abilene Police Department) and FBI.”

Mr. Stokes specifically reports that “Abilene FBI agents (SA Daniel A. Cottner for one) are going around town and offering to drop certain cases if they (i.e. various Abilene residents) tell them (i.e. the FBI agents) something bad about (him, i.e. George Stokes).”

A family friend conveys in the enclosed sixteen (16) page statement that Special Agent Cottner vowed before her with regard to the FBI, that “we are going to get Matthew and George Stokes.”

POPULAR's interview of Mr. Stokes suggests he has good reason to doubt the voluntariness and veracity of the enclosed statements implicating his son Matthew, given by a teenager to both the Abilene Police Department (APD) and the FBI.⁴ It is difficult to imagine why the FBI would be involved in the underlying circumstances.

⁴ A copy of those statements are enclosed as they were provided to POPULAR.

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Mr. Stokes and his family have a right of privacy and are entitled to due process and the equal protection of law. Surely an otherwise tortious “fishing expedition” by government agents, contrived to ensnare one or more of the Stokes in criminal proceedings,⁵ violates their federal rights and 18 U.S.C. § 242.

Juan Manuel Albarado

After taking into consideration the potentially legitimate motives of his prison officials / agents, Juan Manuel provides compelling evidence that he is being harassed and retaliated against because of his and his family’s association with POPULAR:

To Those in Concern:

I Juan Manuel Albarado 20 yrs old am from Abilene Taylor County TX. On the 19Th day of December, 2005, at the age of 16 yrs old County Court at Law, Judge Robert Harper heard the States Petition for Transfer of Juvenile Proceedings to the District Court. On Abuse of Discretion the Court entered an order on the States Waiver of Jurisdiction and Order of Transfer to Criminal Court in Cause No. 3719-J styled, In the Matter of Juan Manuel Albarado, "A Child" for the offense of Murder allegedly committed on or about the 14Th day of May, 2005 and Escape committed on or about the 29Th day of May, 2005. A Jury Trial was held on July 7, 2007 through July 19, 2007. Following closing, the Jury "Not of My Peers", retired, deliberated, and returned a verdict of guilty on "Paragraph two (2) of the indictment. The Jury "Not of My Peers", having heard punishment evidence assessed punishment at 30 years confinement in the Texas Department of Criminal Justice. The conviction and sentence stand against and in violation of the Constitution and the laws of the United States of America.

By coincidence, happenstance, maybe some of it was justified to maintain security within the "Agency" as these Officers call T.D.C.J. be as it may, these are some of the occurrences I have suffered and endured in the past few months. Mail from the world, family and friends, incoming and out going mail of mine, has been subject to extensive monitoring and filing by this Administration of the Torres Unit in Hondo, TX. Maintaining profiles on inmates is a security precaution and is understandable but specifically, my incoming and outgoing mail has information pertaining to Popular and its movements such as press releases etc, I in return give feedback, thoughts, opinions and write responses to these

⁵ Mr. Stokes reports that to implicate him and his family, agent Cottner may even be visiting “some guy in prison.” One “informant” on which Cottner reportedly relies is Martin Garcia, Mr. Stokes’ former brother-in-law who left the family on bad terms due to his alleged spousal abuse.

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actions Popular is taking on my behalf. I personally feel that my association to Popular and my participants from within... is a major factor behind my incoming and outgoing mail being extensively monitored and put on file, and withheld for numerous day's. My mother has inquired about these actions and they are of course denied.

Thru-out the State of Texas mail takes two to three days to get to its destination, there is no reason it should take a week or longer after being post dated for me to receive what are important documents and updates. I also express political views associations, beliefs and ask favors in my out-going mail. I feel these actions are being used to subject retaliation and punishment. I have received no cases for violations of Agency Mail Policy.

In June the funds in my inmate trust fund account in Huntsville TX, where headquarters is located for TDCJ were placed on hold. They were seized, and I have not been able to purchase even the mandatory of hygiene and writing materials. It may not be extreme, cruel and unusual but it has resulted in my suffering some hardship and complications. The State issues (5) skinny tiny bars of soap that is supposed to last 7 days to wash your body with and personal clothing. They issue tooth power and provided access to the law library's indigent supplies for mailing purposes. Point is my account was placed on hold; my funds were seized with out due process of Agencies Policy's or procedures. I have not received any notice or a disciplinary case for "violating Agency Policy". When I asked the Warden why they were doing this he said for "alleged violation of policy" I formally filed a grievance behind this issue. I am currently awaiting a response from Huntsville on step 2 of my grievance. I have been supplied with minimum indigent supplies to sustain me. I feel I should not have been subject to this treatment, without some kind of due process or procedure as to what "rule" I may have violated. The Administration or a specific Officer here on the Torres Unit had my account froze, placed on hold for a period of months solely on his or her discretion for an undetermined amount of time and without notification or due process. I currently have no hygiene except 3 bars of state issued soap and half a bar of deodorant.

More recently on August 25, 2009 The Sgt Security Threat Group Officer, came to my cell, "Routinely" and "coincidentally" questioning my cell mate and I about "Racial Tensions" within our inmate population. I told the Officer I knew nothing and not to expect any help from me, (snitching in prison is a major problem amongst inmates) He then stated to me he would have to take it to another level if I didn't cooperate with his interviews. After leaving my cell and "Routinely" following through with interviews of a couple of other cells, we were placed on a supposedly 23 hr lock-down that was provoked on other wise calm inmates.

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Inmates begin fires and screaming were all kicking on the doors and creating a disturbance. Chemical agents were used in the wing, and a can of gas was individually and intentionally opened and held in front of my cell which let a very thick and suffocating cloud of gas in my cell. Subjecting my cellmate and I to extreme pain, panic, suffocation and fear as later I see my Celle bleeding from his nose and mouth. As I'm escorted out the building with loose hand ties by a Ranking Officer and says to me under his breath, "you see that tall black guy they say he's the one snitching but you didn't hear it from me!" instigating me to start a racial riot. We then were placed on disciplinary lock-down, collectively received cases, and were subject to disciplinary action of 45 day's cell restriction, 45 day's commissary restriction and are feed small rations of peanut butter sandwiches for 3 weeks. On September 18, 2009 we were let up off lock-down. Once again TDCJ will justify there actions due to security precautions. I personally believe some of these issues are heavily paralleled to my participation and association to Popular it's actions and movements. I feel as a young group of inmates already on edge from daily prison life that we were intentionally provoked into creating this disturbance. Even thou justified I believe that the use of chemical agents that was used on the cell block and directly on me was excessive, extreme, cruel and is just a small grain of proof towards the retaliation I have been enduring for some time now. I was asked to participate in this review, since the filing of our complaint to the Justice Department.

This is my true statement.

Juan Manuel Albarado #1452106
Ruben Torres Unit
125 Private Road 4303
Hondo, TX 78861

Rather than any single event, the strange combination of circumstances facing Juan Manuel (strange despite the sometimes bizarre, but normal dynamics of prison life) suggests he needs the protection accorded by 18 U.S.C. §§ 241 and 242; particularly in light of the legal / law enforcement difficulties of others detailed by our initial submission #7709 to your office and this supplement.

As the enclosed press release indicates, POPULAR cannot not “. . . sit idly by as our members face local retaliation for helping us defend inalienable rights.” The enclosed release also quotes Dr. Shirley Moore of Disclosure Watch, a national grassroots judicial reform group. Dr. Moore aptly concludes “unless the DOJ Civil Rights Division has become a blue collar crime unit, it should reasonably protect Americans from all serious violations of their federal rights.”

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For the foregoing reasons, POPULAR provides you the supplement at hand; asks that it be made a part of our original submission #7709 to your office; and for any and all other relief, just and proper upon the premises.

Again, I encourage you to contact me with questions and/or comments. Collection of at least some additional, relevant evidence, including witness interviews, can be arranged through my office.

Your consideration and anticipated assistance are much appreciated. I look forward to your response.

Thank you.

The “Obama Lights The Way” Campaign

by:

Zena D. Crenshaw, Executive Director
POPULAR, Inc.
7519 W. 77th Avenue
Crown Point, Indiana 46307

ZDC/abm
Enclosures:

1. Op-ed – “FROM PATERNALISM TO EMPOWERMENT”
2. November 19, 2009 release on PR Web;
3. APD Citizen Complaint of 10/19/09;
4. Undated APD Citizen Complaint re unknown Sgt. of APD;
5. October 6, 2009 Complaint to FBI and DOJ by George Stokes;
6. Handwritten statement of T. Anderson;
7. APD and FBI statements of S. Arias.