

Profile of a **POPULAR** Advocate:

Michayl Mellen



My name is Michayl Mellen; I am Bi-Lingual (Spanish). I am 65 years old. I have been active in advocating for eligible clients in the community for all legal services for 40 years. I had my taste of tragedy when my brother was killed in Viet Nam and was much affected by the John Kennedy and Martin Luther King assassinations; shootings of student protestors; the killings of a mother, her son and dog by federal law enforcement at Ruby Ridge, Idaho; federal law enforcement involvement in the deaths of over 70 men, women, and children, mostly by burning in Waco, Texas, the exact number dead and cause of the fire still disputed; and more.

I moved to Abilene, Texas from Washington D.C. to what I thought was a typical small town of 110,000 almost 30 Years ago. I had been involved with the Police and Legal Aid as part of my elected duties in Washington D.C. I really began then to learn about the disparity of how justice is given to the common man as compared to someone of middle class and above. My experiences would evidence that there are sometimes little or no civil rights for the indigent. Courts praised as staunch defenders of civil rights of citizens often fall short of their promise.

My lesson on the inequity and perversion that can be done to justice was completed in the "FRIENDLY FRONTIER TOWN OF ABILENE TEXAS".

I encountered cases of alleged violations of civil rights of people arrested without warrants when there should have been warrants; a Hispanic male arrested without warrant and given no acceptable explanation for his imprisonment; juveniles arrested for criminal offenses standing trial as adults and mistreated in adult jail and prison when they perhaps should have been charged as juveniles; and much more.

These are but a few reasons I am a COMMUNITY ACTIVIST. Here are some of my credentials: former Washington D.C. elected official with vast client experience and knowledge; Disabled Veteran; served 2 years as the Chairman and President of the then West Texas Legal Services Governing Board and 3 years as its treasurer; served 2 years as Chairman of the Board of the City of Abilene's Carver Planning and Referral Committee; served many years as the Treasurer of the local NAACP; served for many years as the Treasurer and founding board member of Interested Citizens of Abilene North, ICAN, a local community based organization; served as President of the Texas State Client Council Abilene Division; currently serving as Corresponding Secretary of the Texas State Client Council, Abilene Division; member of the Texas State Client Council; and member of the National Legal Aid and Defenders Association, NLADA.

The Texas State Client Council Abilene Division had some important client problems that have taken precedence. Almost all of our time is spent reading and analyzing those documents of the clients and trying to keep their heads above the cesspool water of apparent prejudice, because there is often no help or hope in the service area of a local "legal assistance group" especially in defending basic civil rights. This group sometimes seems a major player in the "SILENCING OF THE LAMBS", especially because of management decisions not to take on some very compelling civil rights cases.

The Texas State Client Council Abilene Division attended a “SILENCING OF THE LAMBS” conference August 11, 2007 at Rice University in Houston, Texas with many others across the nation that are seeking judicial reform. The conference addressed the need to protect legal and judicial whistleblowers and critics and other pressing civil rights matters as well. Several of us from Abilene, Texas including myself had the pleasure to address the conference about serious problems confronting Abilene. Conference speakers and attendees from Abilene also discussed both the unavailability and sometimes inefficacy of legal services for low income people as well as frequent inefficacy of not only appointed counsel serving indigent defendants in criminal cases but sometimes privately retained and well compensated counsel.

There is a major need for the legal assistance group to re-visit its priorities in the doling out of the meager legal services that it provides the low income clients. In the Abilene area service office there is a major need of epidemic proportions to defend the civil rights of low income people. The police are sometimes rampant and aggressive in denying even basic 4th Amendment constitutional rights. The District Attorney’s Office and Judges seemingly could do much more to help, especially to people and children of color.

The Child Protective Service (CPS) seemingly believes that it has the right to disregard due process of law as well as the 4th Amendment prohibiting unreasonable searches and seizures and doing so under “COLOR OF LAW”.

In one instance a mother had her door kicked in by the police under the orders of a CPS worker on an anonymous phone call complaint received approximately 63 days before the taking of her 14 year old daughter by the State of Texas, in violation of the mother's 4th Amendment rights as an American Citizen under the Constitution of the United States of America. Any spiteful person can make an anonymous complaint, and in this country one is supposedly allowed to confront his or her accusers. The Abilene area legal assistance group refused to help her because the office didn’t have the funds.

To protect the State of Texas and to cover its rump, hearings are sometimes held before a certain state district court judge with court orders issued solely on the testimony of Child Protective Services, without an attorney to represent the mother who might also be charged by CPS and the Taylor County District Attorney's Office with an alleged felony in the Texas Family Code of “neglectful supervision” thrown in after the child had been taken by the CPS without a warrant or Court order. A court appointed attorney was asked for by the mother but as of now has not been granted. In the meantime hearings are still held, and the 14 year old child is prevented by the CPS from seeing the mother contrary to existing court orders. The child was found over 600 miles away by the El Paso Police while under the supervision of CPS. There has been no explanation to the mother how this occurred. The 14 year child after being arrested in El Paso and sitting incarcerated for 2 days, the CPS had her transferred without a court order to a drug rehabilitation facility in San Angelo. The CPS gave orders to this medical facility that the mother was to have no contact with her 14 year old daughter nor was any information to be given to the mother, contrary to the Court Order.

The mother finally was able to get some medical information about her daughter after faxing the Court Order she had just received from the District Attorney’s Office. However, by that time, the

CPS had already checked her 14 year old daughter out and removed the 14 year old from the medical facility, once again no hearing or Court Order. As of now the mother has no idea where her 14 year old daughter is. CPS may obey court orders on a selective basis.

Another case involves a Hispanic male who was arrested without a court order or warrant for his arrest apparently under the verbal orders of a Texas State parole worker in apparent violation of his 4th Amendment rights. He has been incarcerated as of this writing for over 80 days. A Habeas Corpus was initiated by the father for his incarcerated son. This Habeas Corpus is to show cause why this man was arrested and if no cause exists to simply let him free. This Habeas Corpus was verbally and summarily denied without a court hearing, by the same Judge and Court involved in keeping the Hispanic male locked up in the first place. Legal scholars might argue whether the father or the detainee is the proper party to file a habeas corpus, but in this country someone is clearly owed an explanation, and a good one, of why he is in custody.

A final case involves the Abilene school system which allegedly failed to follow even rudimentary due process and procedural safeguards in sending a high school girl to a reassignment center for 5 days as punishment. The girl had a disability for which she was taking medication. It seems that her offense was sleeping in class which was due to a side effect of the medication she was taking. This matter seems to militate not only against due process but common sense as well.

The Legal Services Corporation in Washington D.C. is correct when it says that Civil Rights are issues that should be protected by any legal aid program for the poor, funded by LSC. I do believe that the Abilene area legal assistance group should make protecting all Citizens' Civil Rights that are guaranteed under the United States of America a top priority of low income clients of legal services. I believe that this priority should be over the current group Board set priorities of Wills, Deeds, Uncontested Divorce, Landlord and Tenant and other safe issues.