

May 19, 2011

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Hon. Douglas P. Woodlock  
United States District Court  
One Courthouse Way  
Boston, MA 02210

Re ATTACHMENT to memo dated May 16, 2011 entitled "US v. Jeffrey, # 10124"

Your Honor,

I am hereby providing an attachment left out of my recent correspondence to you, as a paper copy was not yet in my possession at the time.

Enclosed please find a memo dated May 10, 2011 from the Office of Bar Counsel of the BBO, in response to my submittal in April 2011 (of which you should have a copy). What is left out of the memo is the name of the attorney [Tobin].

Correct me if I am wrong, but attorneys in the US District Court of Boston must follow the Commonwealth's Rules of Professional Conduct. I noticed the "shalls" in the RPCs, unlike the CJs in the US Courts using only "shoulds" – you might understand the implication with respect to the role of the Judicial Council (at the First Circuit) in establishing what is right or wrong. It is my opinion that if an attorney conduct rule says "shall", then an apparent violation should be seriously looked at by the BBO and/or by the judge first encountering such conduct. To rely on a judge, whose conduct is not clearly established as proper until the judicial council has weighed in, seems to be a problem for the goal of justice. The BBO in Massachusetts seemingly wants to rely on the discretion of a judge who only "should" (not "shall") take appropriate action upon attorney misconduct. Read on.

The OBC memo is not all "stock", as it states "*Further, we do not have initial jurisdiction over claims of prosecutorial misconduct; such claims should first be addressed by the Court.*" Note, the Court "should" states only a goal or objective and not a hard requirement. I had already explained to the BBO that the Court was already done addressing the issue. This is not the first time the OBC has dodged addressing attorney misconduct – the same team sat on an October 2009 complaint against attorney Stephen C. Pfaff until after April 2010 and performed NO investigation, claiming belatedly that Judge Young's dismissal of the lawsuit of Jeffrey L. Clemens v. Town of Scituate et al (including PFAFF) gave cause to ignore it, or at least the after-the-fact excuse of why the BBO ignored a complaint for 6 months.

The OBC never explained how or why they never acknowledged receipt of the complaint against Mr. Pfaff until after Jeffrey made calls to the BBO in May 2010, after commencement of the current prosecution against Clemens, wherein in Mr. Pfaff is a supposed victim. Mr. Pfaff was to go on to commit further ethical lapses after the October 2009 submittal of Jeffrey's complaint to the BBO, as you should know, if you ever read the March 8, 2010 email Clemens wrote to Pfaff, which formed the basis for the current prosecution.

It appears that the current way of handling attorney misconduct is not working, as it has been shown to lead to more attorney misconduct.

I am starting to realize that irony has its deeper causes. Example, it is ironic that Jeffrey L. Clemens, who participated in a Peace Vigil (an anti-violence event) prior to the Iraq invasion in 2003, and has a decent resume of college degrees and studies in sustainability and community planning, to be now – in 2010 and 2011 – prosecuted for supposedly making a threat to injure via an email. Yet, an attorney demonstrating clear apparent violations of codes of conduct does not even get investigated, does not even get questioned. Why? That's irony!

Criminal charges and prosecutions seem to have all been preceded by a complaint of some form by Clemens against the police or sometimes other professionals. This pattern of prejudice (making charges that imply criminality on the part of Clemens) goes back a long time. The prejudice is now seen as enabled by a persistent lack of discipline of attorney misconduct, attorneys who act as gatekeepers or "handlers" in the legal system, to essentially cover for the misconduct and make it go away. But, this is dangerous sport, as sooner or later, you encounter someone who refuses to go along with the charade. That person is the Pro Se litigant, typically one that could never trust a lawyer to do the right thing. Why should he, as the overseers have blinders on.

Please SEE ATTACHED documents [Newspaper front page article with Jeffrey walking center in the peace vigil and the circa 2005 resume of Jeffrey L. Clemens]. These documents were found as I rummaged through the files of Jeffrey L. Clemens, as Jeffrey sat in a detention center in Rhode Island just days from the May 2011 trial.

I had been conscripted to find the "Kaiser Memo". Kaiser refers to Ken Kaiser, formerly of the Boston FBI and the one who referred Jeffrey to Bryan Zinn in the fall of 2004. You see, Jeffrey had been in contact with the FBI from about October 2003 through February 2005. It was only upon the Town of Scituate's transmission of the O'Hara Report (dated May 12, 2005) – a false and malicious accounting of an otherwise civil encounter with the Town of Scituate police – that the FBI turned on Jeffrey. Even an April 18, 2005 report of a visit of the FBI with Jeffrey was thorough and non-indicting. That FBI report failed to contain the so-called Arrest Mandate (write another letter to a judge and be arrested), which was used by FBI agent Ingerd Sotelo in her May 24, 2005 Complaint for an arrest warrant and presumably brought in front of a subsequent Grand Jury, as evidenced by two separate letters, months apart, being a part of a single count in the indictment against Clemens.

Another oddity, almost irony: two letters became one count in 2005, while one letter (email) became two counts in 2010. It goes to show how strong the prejudice against Clemens has grown.

What we have is strong circumstantial evidence of potential misconduct at the June 2005 grand jury in LA...which is why the court has refused, despite multiple requests, to turn over the transcripts. The withholding game was played by Tobin herein, as he was able to keep exculpatory evidence from Mr. Clemens. The LA Matter put Jeffrey in detention for seven months, largely due to the O'Hara Report, whilst he found a plea bargain the only way to get out of jail, as he was deemed too dangerous to release on bail. And the feds made sure they justified that presumption by mucking with Jeffrey for years after. Including one Thomas Greenawalt. You saw him testify at the Clemens trial recently. What you did not see is his June 2005 supplemental report that stated, under oath, that Clemens had acknowledged the Arrest Mandate. What is not supposed to be known is that I, in mid June 2005, submitted a pleading to the court in LA outlining the false Arrest Mandate and the apparent perjury on the part of fellow FBI agent Ingerd Sotelo.

Apparently, someone asked for Greenawalt to provide some form of evidence (actually, perjured) so the court could officially stop investigation into the FBI misconduct in 2005, because after all, they had a prosecution to pull off. Despite no real threat ever from Mr. Clemens. Just how far will the errant public servants go to disguise their misconduct?

Did I mention that my September 18, 2005 complaint against Ingerd Sotelo, to the DOJ OIG, went unanswered, with DOJ claims of never receiving it! They missed the 2 subsequent follow-up submittals, too. How convenient, the derelictions of public servants come at a time to benefit other public servants, but to harm Mr. Clemens. What did Jeffrey ever do! Oh, he paraded for peace before a war that eventually was to kill over 100,000 innocent people.

It seems that our government and its embedded public servants are doing the real violence around here.

Soon, I suppose, that violence might (and should) turn on themselves, as decent public servants will hopefully tolerate no more betrayals of the public trust and will push for the carefully crafted violence of the criminal codes do their work on the real criminals among their ranks.

If you do not think of prison or federal detention as violence, then you should talk to Jeffrey Clemens. Clemens once (in federal case #1) had to fend off a 300 pound psycho in federal detention who wanted to sexually assault Jeffrey. In a case (tied to the current prosecution) where the disorderly conduct conviction was reversed, though release pending appeal was denied, the Plymouth County House of Detention brought more violence to Jeffrey, as his cellmate literally threw Jeffrey into a chair, knocking him out cold when his head hit hard. Well, that is not the first time Jeffrey has been a victim of violence. I sort of recall when officer Dennis L. Richards of the Bellevue Police Department, reached into the car window of my car, assaulted my brother Jeffrey (tearing his shirt and putting a red bruise on Jeffrey's arm) and threatened him with "I'll be seeing you around." We later proved that Officer Richards'

speeding citation was false, as it had been an act of retaliation. Yes, we had the motive and the evidence of misconduct. Bellevue covered that up with an “arrest” for criminal harassment against Jeffrey, as he had been phoning the station to get status on his complaint against the officer. Jeffrey’s first criminal arrest came as a direct result of complaining of provable police misconduct. And, the rest is history. The Seed of Deceit, or as I have more recently called, the Seed of Prejudice, was planted fifteen years ago and is now flowering and bearing fruit. Strange fruit.

Sincerely,

Jonathan A. Clemens

ATTACHMENT Response of OBC of the BBO [intended for the previous May 16 memo]  
Newspaper Headline March 17, 2003 re Jeffrey L. Clemens front page debut for peace  
Resume of Jeffrey L. Clemens