



Preliminary Notice of Complaint

of

American Legion Post 83

Investigation/Findings

Recommendations

of

Disciplinary Action





Veterans Supporting Veterans

- *First of all, I am not wanting anything nor asking for anything relating to this situation.*
 - *I do want to support Veterans where possible and believe my notes and or information will be important by providing facts as they occurred with the problems of the American Legion Post 83 of Merced. The facts will show, dates, people names (good guys & bad), people E-Mails relating to said problems(s) and many wrong doings (unexcused behavior by many including officials).*
 - *Please be careful when following up on said information because the motorcycle members retaliate with extreme prejudice (vindictive) when questioning their cause and actions.*
 - *As for the good guys, precaution is a must because these guys have been let down, disrespected and want nothing more to do with these type of people (America Legion and City Officials)*
 - *Diplomatic measures were tried but failed on many levels, my ideals of my own opinions.*
- 
- 
- 

[REDACTED]

Preliminary Notice of Complaint
American Legion post 83 Officer and member [REDACTED] filed a Preliminary Notice of Complaint of obstruction of a registered nonprofit veterans organization of the state of California.

Dereliction of Duties:

- * The motorcycle members Failed to perform his/her assigned duties as officers (Violating Principles & Purpose of Nonprofit)
- * The motorcycle members Failed to perform his/her assigned duties as members of a veterans nonprofit (By-Laws Noncompliance)
- * The motorcycle members Failed to demonstrate any type of leadership skills representing a veterans nonprofit organization

Oath of Membership:

- * The motorcycle members knowingly deceive or defraud said American Legion 83 Nonprofit and its Membership
- * The motorcycle members knowingly wrong and or injure another member(s) by fabricating false claims without any supporting facts
- * The motorcycle members misconduct knowingly and willingly discredit the veterans nonprofit organization

Polices & Procedures:

- * The motorcycle members violated the nonprofit by making false statements of illegal activity with said monies
- * The motorcycle members violated the nonprofit by making statements of Veterans with PTSD are "Mentally Ill people"
- * The motorcycle members violated the nonprofit by spreading rumors of illegal activity and wrong doing with the organization

Misappropriation/Fiduciary:

- * The motorcycle members used funds and or property for a purpose other than that for which they are intended or legally to be used [one in a position of trust]

Timeline of Events

- * I don't remember of any animosity between the VFW 4327 and the American Legion 83 before the joining of the motorcycle group
- * The motorcycle group immediately imposed their motorcycle mentality throughout the whole organization according to their agenda
- * The motorcycle group violated American Legion policy & procedures, it's By-Laws and the American Legion well known Preamble.
- * The motorcycle group violated the Veterans Memorial Building with extreme disrespect of it's purpose (Stolen Valor)
- * Several American Legion elected officers tried to resolve all issues via diplomatic measures according to the rules and regulations
- * Several reports were made to the American Legion District level, Merced police department, Sheriffs & District Attorneys office
- * Several more reports were sent to many officials, including local city officials
- * The proper authorities (police, sheriffs and district attorney's office) failed to protect veterans that were being assaulted constantly
- * Several members quit the post during, after and continual to leave post 83. What was the membership count then and now?
- * American Legion member [REDACTED] resided local and employed by PG&E Corporation departed the area after several threats
- * Several E-Mails (as evidence) with multiple listing of names sending and receiving throughout the period in question
- * Several names and or witnesses are available to testify if needed

Recommendations of Disciplinary Action

- * **Firstly:** The American Legion needs to STOP using the words "American Legion Hall," when this is being used, it gives the impression that the building is (solely) the property of the "American Legion," which in fact the legal name is the Veterans Memorial Building, representing ALL Veterans, yet the American Legion 83 continue to discriminate all other nonmember Veterans throughout the area.
- * **Secondly,** The only resolution for the American Legion 83 to recover from this ongoing incident, they should DISOLVED, REMOVED and BANNED the motorcycle group (aka Patriot Riders) from the the American Legion Veterans nonprofit organization for LIFE.
- * **Thirdly:** Recurrence can be preventable by having no one entity with the power of full control of the Veterans Memorial Building.
- * **Fourthly:** the American Legion 83 lease contract should not be renewed because they had abused and violated the lease contract with extreme prejudice, harming many veterans and people with repeatable violations throughout the years.
- * **Fifthly:** Said new lease agreement should include a new committee formed of Veterans representing all veterans interest
- * **Finally:** A formal letter of apology to all veterans should be made public by Merced city officials for not protecting its veterans.

Highly questionable, if the ongoing situation was not of "Racism or Corruption," then why didn't any respectable agencies intervene to Protect the Veterans or the Community. A complete violations of "Civil Liberties" by not protecting individual rights from unjust governmental or other interference. It will not solve the issues if a second building is given to the VFW 4327, because the American Legion already caused the damage "to the Memorial building, the Veterans and to the community/Merced." The American Legion don't want to accept any wrongdoing and is not willing to change, totally unfit to represent or serve Merced county or Veterans.

I don't Hate Motorcycle Riders nor other Military Branches. I do Hate Bullies, Backstabbing, Cutthroats, Terrorist and Racism.

[REDACTED]

[REDACTED]

[REDACTED]

To whom it may concern,

American Legion Post 83, Merced California

November 3, 2022

My involvement with post 83 was because of my father, he was a member there and so I became a member in the early 90s. At the beginning, my experience with the post was very good, my wife became a member with the post auxiliary unit and later an officer of the American Legion District level, we became volunteers throughout the years, I became an officer and I believe I represented post 83, Veterans and community very well.

Contributions:

As the Historian officer, I created a new program consisting of a write-up of the post Veterans, I would select a member introducing he/she to the whole membership with interviews and background information of said person, also known as "Legionnaire of the month," which was added in the post monthly newsletter that went out to all members via mail.

I created a new project, I research the memorial building and notice there was no corner stone, I created a project to have a corner stone placed on the Veterans memorial historical building, I then apply for a \$500.00 GRANT from the city of Merced and won. The project was completed when the corner stone was installed on the front entrance via the main building.

I created a new project, constructed a sidewalk in front of the building providing a safer and more accessible via the front entrance without crossing over the lawn and mud during winter weather. I prepared the designated area by digging and removing much dirt, then framed the walkway, making ready for pouring the cement from the left side to the right side of the front, facing the building.

I created a new event, celebrating the Marine Corps Birthday Ceremony on November 10th with a guest of over 150 for the first time ever at the Memorial Building (according to members).

I promoted/created several community/events, projects increasing the activities, membership and the growth of the post. Including the first Fashion Show with local models and our last event/project raised an estimated \$14,000.00.

I became American Legion Volunteer of the Year 2010 - 2011 and was nominated for post commander by my peers (membership).

Issues/Problems:

In My opinion, I believe many problems started when the motorcycle riders join the post. I tried several methods of resolving some issues, nothing seemed to work. After exhausting numerous avenues, letters, complaints to the American Legion District and State office, the Merced County/City Officials, ect. After no avail, I then removed my membership from the American Legion permanent. I continue my work with other Veterans & Veteran Groups/Organization throughout the state, ultimately starting a new Veterans Nonprofit (MCCV).

Such issues were of a complete disregard of non-motorcycle members, constantly challenging and violating post policy & procedures and it's By-Laws. Their mentality were of prejudice and racially motivated throughout the area and shockingly supported by city officials, including the Mayor, which was on the motorcycles members E-Mail list and well aware of said issues and ongoing battles.

A few problems:

Chasing off and removing non-motorcycle members from the post roster/membership
Physically and verbally assaulting Veteran member, including a past commander (Ernie Amezcua), other officers Jimmi Lee, George Starling, Jimmy Bowman, myself (R.R. Villegas, Jr.) and many more.
Carrying a Firearm inside the building and often brandishing it
Chasing off & removing VFW members from the property to gain control of a small building in back (the Hut) for a motorcycle clubhouse
Illegally use of the building by reopening the bar after hours for themselves/motorcycle members.
Illegally use of the building by parking their motorcycles inside the bar area
Illegally Funneling funds from the main entity "the American Legion Veteran Membership" to the motorcycle membership

Sadly, the motorcycle group contribution and success to the American Legion was the separations of Veterans, Veterans fighting against each other. Comradeship of Veterans are nonexistent now a days, post 83 is of a self-serving attitude that are trying to rid of its very own Preamble. I cut ties from these type of people and or organizations to better serve Veterans

The following information is true to the best of my knowledge and said facts/evidence is available via many sources.

[REDACTED]

[REDACTED]

[REDACTED]

To whom it may concern,

American Legion Post 83, Merced California

December 3, 2022

ADDITIONAL NOTES

Issue, Motorcycle Members:

- * David Tucker and Bill Baker were the leaders, "Troublemakers," habitually causing difficulties/problems by inciting others to defy those in authority.
- * Randy Madden and Chuck Bussey did a lot of enforcing, "Enforcers."
- * The Motorcycle Membership followed and supported anything and everything no matter if it was right or wrong.

Issue, Undocumented:

When the motorcycle group, aka "Patriot Riders" were adopted into the American Legion post 83, nobody verified their status as veterans, which means the whole group was consider "Veterans," including women and teens that never served, giving them the status to conduct the policy, actions, and affairs of it's organization and it's people/membership, officially giving them the right to vote and govern the post and changing it's By-Laws.

Issue, Unprotected:

Immediately, longtime members (mostly seniors) of post 83 were being challenged and verbally attack, the motorcycle mentality showing no respect nor giving any, while staying on course with their agenda of a takeover (coup). Many forms of threats were visible, verbally, physical, brandishing of a gun/weapon and more.

Issue, Conflict of Interest:

Gene Hamill was in favor of "Diplomatic" measures by changing the current administration via voting process yet he switchover Gene Hamill was instrumental in inciting the motorcycle members against all others by informing them of the voting plan/E-Mail Gene Hamill was an Accountant by profession yet became the American Legion Financial Officer Gene Hamill stayed the course supporting the motorcycle members later becoming the post commander The 2022 current American Legion post commander is Gene Hamill's "Son"

Issue, Formal Charges:

VFW 4327 member John Bain and Vic Hulbert was able to file formal charges against David Tucker and Bill Baker thru the American Legion District process, the final results were suspension from the American Legion post 83 for a full year for the two, yet the motorcycle group were in full control of the American Legion post 83 and still allowed them two to remain active within the post violating the American Legion District authority.

Issue, Assaults:

- * Physically assaulting past commander Ernie Amezcua, chasing him out of the Memorial building into the parking lot, trying to pull him out of his vehicle ripping his shirt to shreds, finally letting him go with threats. Amezcua saved his ripped shirt in a bag for evidence.
- * Post officer George Starling was verbally assaulted and his family was 86 from the building for LIFE because of winning in the elections. George was also the commander for VFW 7792 and an officer for the VFW District level during said incident(s).
- * Post officer Jimmy Bowman was verbally assaulted, several motorcycle members went to his place of residence to strip him of his patch and rights as a member of the motorcycle group after they were informed of Jimmy's cooperation with the investigation.
- * Post officer R.R. Villegas, Jr. was verbally & physically corner/attack with treats of violence on the property, police report #12-23784.
- * Post officer Dennis Nichols was verbally assaulted with threats of violence with a gun by phone, a police report was filed.
- * Many more assault situations with many more witnesses and much more evidence.

Sadly, every move the regular membership implemented thru "Diplomatic measures" were foiled by the motorcycle group, we found out at a later date that all of our plans were being divulged to the motorcycle members by one or more American Legion District members, one or more city official members, local police department, and more. In my opinion; the whole situation is "Racist," not only against non-motorcycle members, also against Hispanics and city officials were well aware of it and in a mode of corruption supporting the outcome of post 83, then and maybe now. The following information is true to the best of my knowledge and said facts/evidence is available via many sources.

[REDACTED]

[REDACTED]

The meeting eventually took place, but Commander Tucker of the American Legion continued to deny a fellow veteran organization access to the hut that they have occupied for many years. It's definitely a sad situation and a disgrace to all veterans that this is taking place. Let's just hope that this all gets resolved on Wednesday.

I attended the meeting and it was very inconvenient since many VFW members are hard of hearing and the in the easy wing are horrible and some members could not hear anything.

Let's all plan on attending the meeting on Wednesday and make some positive changes.

On May 14, 2012, at 7:27 PM,

- > Today, May 14, 2012 is a sad day for local Veterans. Let me be more specific, American Legion
- > Post 83 (Merced) Commander Dave Tucker (Rider) refuse to let VFW Post 4327 (Merced) members
- > conduct their monthly meeting in their place of business, which is known as the "Hut". The Merced
- > Police were called at the property 939 West Main Street (aka) The Veterans Memorial Building and I
- > left the area soon after. What would our Fathers and Grandfathers think of this selfishness.
- >
- > Silver Star Medal holder Al Torres was in disbelief. he had just driven down from Atwater for the meeting,
- > he now use a walker to get around and I could not bear to watch any longer without getting involved, so I
- > left the area. This is killing me not being able to help. I hope election day we could make change.

ASSAULT COMPLAINT 05/16/2012

Wednesday, May 16, 2012

Election Day May 16, 2012

Today is the American Legion 83 Election day. Come out and exercise your right to Vote. Some mixed messages have been going around, maybe I can shed some light as to why I can not, nor will not support this current Administration any longer.

- Fact (1) I originally Voted for this current Administration because I got tired of Carlos, Margarete and Ernie.
- Fact (2) I've been working with Bill & Dave for the past year and have first hand knowledge of events.
- Fact (3) We've had four Resignations with two more waiting to take place, I was going to be the 5th one.
- Fact (4) We've had two physical assaults on members by Riders which provoked one Resignation.
- Fact (5) Judge Advocate confirms to me that we are in violation by not following the most current By-Laws.
- Fact (6) The Adjutant implied Blackmail to me if I don't stop complaining and or expressing my concerns, the focus might turn on me.
- Fact (7) I received a Hernia due to an unsafe work environment this Administration condones.
- Fact (8) I knew months ago about the removal of VFW members from the Hut.
- Fact (9) Much. Much More.....

Assault Complaint 05/16/2012 [Attachment (B)]

November 21, 2011

I informed Commander Tucker of an Unauthorized Wear of Citation (National Defense Service Medal) and a Misrepresentation by one of our members under the Stolen Valor Act of 2005.

February 11, 2012

Our annual Valentines Dance was a success, yet 2nd Vice Commander Dennis Nichols was pressured to resigned. Later on, revenues of the Dance was estimated about a \$6,000.00 Event.

April 9, 2012

American Legion Riders Chapter 83 (Program) Charter turns two years old.

April 20, 2012

I was cleaning the yard area and mowing the lawn when the Post Adjutant (Lester Tucker) struck up a conversation with me. I expressed my concerns/complaint of the ongoing incidents and that it was my responsibility as an Officer of the Post to express my opinion. He replied, "I am loyal to my Brother," and towards the end of our conversation he implied (BLACKMAIL) to me. Stating, "If you keeping making complaints, what makes you think the focus won't turn on you and be used against you." I went back to cutting the lawn when it hit me, he had just implied (BLACKMAIL). I immediately drop what I was doing and Confronted him, I stated that we are friends and I have nothing to hide, so bring it on. He changed the subject. Later on that week I informed the Post Commander and it was ignored. The Commander and Adjutant are Brothers which is a constant conflict of interest at the Post.

May 2, 2012

I was diagnosed with a Hernia by my Health Provider at the VA Hospital, Fresno. I am Retired nor employed, we've concluded the only place where I could have possibly injured myself was at the post where I do volunteer. May 4, 2012 I informed the Commander and 1st Vice Commander, reminding them of the unsafe work environment. I was ignored.

May 14, 2012

Commander Dave Tucker refused VFW Post 4327 (Merced) members to conduct their monthly meeting in their place of business, which is on the property and known as the Hut. Commander Tucker had broke into the Hut replacing the locks, Police were called to the property.

May 16, 2012

before our Membership Elections, I E-Mail friends why I could not, nor will not support this current Administration. Gene Hamill gave this information to the Commander before the membership meeting took place. Also should be mentioned, Mr. Hamill is a member of the post and employed by the Accounting Firm which handles the Post Financial Records. Furthermore, Mr. Hamill originally came to me with the proposal of making a change within our Administration by voting against the current Administration because of the many issues and or violations.

May 18, 2012

Commander Tucker called me at my home from his cell phone [REDACTED] to inform me that I have a certain amount of time to get my complaint, evidence & witnesses into the Office and that he has witnesses of this notification taken place. I informed District Commander Griffen.

Monday, June 5, 2012 11:43 AM

Re: Assault Complaint 05/16/2012

We need to set up a time & place to meet with you and the other members that have filed charges, this week. Myself, District Judge Advocate and Adjutant will meet with all of you at the same time if all possible. This is the beginning of our investigation. Please return ASAP with date, time and place.

On Tue, Jun 5, 2012

District Commander Griffen,

I am very concern of Retaliation against my wife, fellow members and associates by these Bullies, they have full control of Post 83. They try to manipulate anything and everything to their advantage. The Post needs to continue on without a Hostile, Threatening Environment which, "The Riders" have created this past year.

I am totally committed to Veterans and our Community. I sponsor several events and assist in many others, without doubt the Post is an unsafe environment and a huge burden for me because of my complaint. Now, I must consider to cancelled, schedule elsewhere or continue on with events. Some type of Action needs to take place immediately, demonstrating Justice and Fairness. Enclosed are some other concerns in attachment (D) of complaint 05/16/2012.

(Example of involvement)

- (1) The Fashion show June 7, 2012 by our friends Leo Alvarez & Parents which 85% of proceeds going to the Post.
- (2) The Hawaiian Luau June 30, 2012 by our friend Jeff Coniff which 100% of proceeds going to the Post.
- (3) A men (s) Conference August 18, 2012 by our friend Joe Castillo which 100% is giving back to our Community.
- (4) The Marines 237th Birthday November 10, 2012 which I am the Coordinator and increased attendance from 10-20 guest to a 150 guest last November. Post keeps all proceeds except for raffle money for our next Event.
- (5) Our Children Christmas and Halloween Programs along with many others and 100% back to the post.

Tuesday, June 5, 2012 10:47 AM

Assault Complaint 05/16/2012

District Commander Griffen,

Enclosed is a list of names that can corroborate on some, if not all of the ongoing at the American Legion Post 83 (Merced). There are many more names that are not on the list due to fear of Reprisal. In my opinion, there is much more questionable activities and or wrongdoing that have been taken place throughout this years of Administration.

Even though; many members have tried to address their concerns internally and without very little success because the dialogue was always one sided. the desperate group decided to wait and exercise their right via Diplomatic measures by changing the Administration, which ended in chaos. Attachment (B) should be my last following complaint 05/16/2012.

I often repeated myself to many members that I am not at the Post to be popular nor gain any type of incentive, I am only here to protect and preserve for Veterans and I enjoy it immensely. I am willing to resign my position as officer and remove my membership if necessary in order to protect Veterans. Sadly, I don't like the ideal of submitting any complaint to our upper echelon. However; I had no choice in the matter. I come from a background of over twenty family members that are Veterans with over (100) years of service to our Country from Merced County and as a Marine I must maintain myself in the highest Tradition as much as possible.

1 File 16.5kB



Attachment (E) of Complaint.odt

16kB

San Francisco American Legion Headquarters
Mr. John B. Bartos, Esq. (Department Judge Advocate)

May 18, 2012

San Francisco, California 94102

Telephone # [REDACTED]

E-Mail: [REDACTED]

Ref: Misrepresentation of Veterans Organization
American Legion Post 83 (Merced)

Mr. Bartos,

This very moment I am fearful for my Life, I am in no condition to protect/defend myself from any type of Physical attack. I am a Marine of eight years & a Persian Gulf Veteran and normally, back down from very little. However, I was verbally assaulted along with combative suggestive attempts made on my life by the Post Commander (Dave Tucker), 1st Vice Commander (Bill Baker) and Rider member (Randy Madden). Also, Bill Bakers wife and daughter (Auxiliary members) join the attack with extreme viciousness. This all took place May 16, 2012 at the Veterans Memorial Building, 939 West Main Street, Merced. Please Intervene by removing these individuals until an Investigation is completed, our Post needs to continue on with its normal operations without intimidation & a hostile environment which they have created this past year.

Events prior to the assault, May 16, 2012 Post General membership commence at 1900, towards the end, elections followed for new Officers and completed. After the meeting I went to congratulate Commander Tucker on winning a second term, I extended my hand out and he refused it and said, "Did you think that I wouldn't fine out about the E-Mail, "you "F---en" backstabbing cut-throat." I advised him not to threaten nor touch me, we said some other words and decided to take it to the office and confront Gene Hamill on the E-Mail I sent earlier that day. Inside the office Commander Tucker ranted again aggressively, especially when Gene Hamill confirm that he had prior knowledge about exercising our rights through diplomacy by voting in favor of change within our Administration. Commander Tucker continued on with a hostile threatening manner, moving about in a circular motion, removing his cap and throwing it down, moving in closer to my face. Again I advised Commander Tucker not to touch nor threaten me, that's when he ordered us to leave. Gene Hamill and I went outside to leave the area, that's when I got confronted by 1st Vice Commander Bill Baker and his crew.

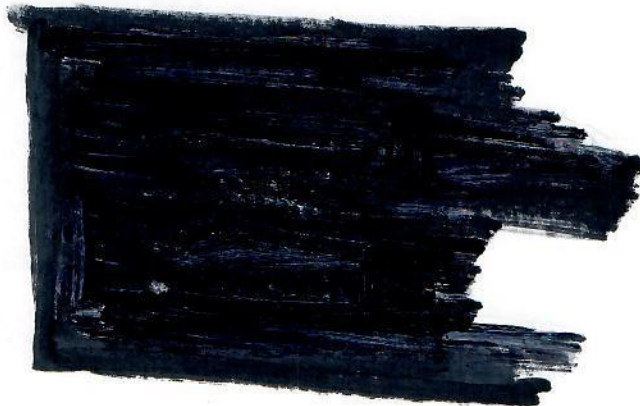
Bills wife and daughter started at me with obscenities, their belligerence escalated immediately into a frenzy of free for all, that's when 1st Vice Commander charged at me with the impression of hitting me. Immediately, I reminded him and his crew that I could not protect myself due to my Hernia and I was not intimidated by them. Furthermore I stated, I have the right to express my concerns up the Chain of Command and I advised the ladies that I am the Veteran here and they need to leave the area of this Organization. Again Bill Baker charged at me, inches from my face (He towers over me in height, I am 5'5 and he is over 6ft tall). At this time Randy Madden takes an aggressive stance next to Bills right side facing me off to my left, both with attacking position. I covered up my mid-section and reminded them again, that I couldn't protect myself because of my Hernia.

About the third time around, Commander Tucker, who proceeded to exit the office behind us, advised Bill Baker and his crew to go home and ordered me off the property because he had just (86) me from the area. I turn to him and said, "That's what I am talking about, you protect your friends and (86) me." I should mentioned, Bill Barker threaten to sue me over the E-Mail and I told him I am not going to be intimidated by his threats and I have no problem going into a courtroom facing a Judge. After everything was over I went to the Police Station and filed a formal complaint (Incident Report [REDACTED]). Merced Police Department, 611 West 22nd Street, Merced Ca. 95340, Telephone (209) 385-6912.

I have first hand knowledge of many incidents at our Post only because I am totally involved with Post functions, working side by side with these individuals. If I don't agree with something that don't look right to me, I would try several attempts to help correct these situations before filing any type of complaint. Throughout my time serving as the Historian Officer, I often seek-ed advise from my senior members, included several Past Commanders. I was advised not to file any complaints until Post Elections were over to see if we can make a positive change through Diplomacy.

I believe I had no choice but to go up the Chain of Command in order to protect the American Legion Post 83 and its many members. It is a very hostile environment with a bikers mentality here at Post 83, it is very dangerous for our many senior members and anyone who dares to challenge and or question anything concerning methods of operations. We are desperate and in need of some assistance from a higher level, please take action before someone gets hurt badly.

I will forward other information as attachments corroborating my concerns as I organize them. Please feel free to contact me anytime. I make this Statement of My Own Free Will and Testify that it is True Facts to the best of My Knowledge and Willing to be available for Questioning.



District Commander Griffin,

It has been fifty-four days since American Legion Post (83) Elections & fifty-two days since the filing of my Complaint (May 18, 2012). Even though I was Assaulted, and illegally (86 D) from the Organization, I have been Steadfast concerning the Outcome of my Complaint. Yet, the Retaliation continued by illegal proceedings of removing me from the American Legion permanently. I am very concern that the Vindictiveness will affect my Family. My Wife, Sister and Nicce are members of Post (83) Auxiliary Unit and my Nephew & I are members of the SAL's (83). Please update me on the status of my Complaint(On-Going Situation).



[REDACTED]

Legionnaires,

Thanks to all that attended the Post Meeting tonight. I think we had an outstanding turnout. the majority were representing Veterans Colors, which was Awesome. In my opinion, we gained some ground back from this unofficial Administration.

I was impressed to see the State Department Commander, the District Commander and several other Officials come down to let us know that they are well aware of our Complaints and they are on it and that they advised the Post to have a reelection on the Commanders and one E-Board member slot only. (Awesome) Which means Dave Tucker and I are going to have another chance at it, Hopefully and I say Hopefully again that they don't end up Killing Me. Ha. Ha. Ha.

First Vice Commander will remain to the new Elected Officer George Starling (Outstanding) He will be a very important assist to the Administration, not to mentioned for Veterans. Now, don't get me wrong, Bill Baker tried to keep his chair by requesting a re-vote on the First Vice Commander Position. The State Department Commander refused him. (Outstanding)

It felt real good to have some important people listening and supporting us. We are doing a good job guys, keep up the good work. Also, FYI [REDACTED] just made 2nd Vice at the Post Auxiliary and at the District Level, she's an Awesome Sport and if you see her, give her "Hell"

Now remember when the time comes to Vote, this will be our last chance to End it once and for all, I can not do this alone, I got this far because of you, if given the chance, we'll make a difference.

I'll keep in touch and or contact me any time. God Speed.

[REDACTED]

Jul 20, 2012

Friday, July 20, 2012

Threat from Post 83 1st Vice

Dear Commander Griffin,

I sincerely appreciate your involvement in the troubles at Post 83. It is with a measure of regret that I must inform you of yet another issue of conduct unbecoming a Post officer, and ask about what I feel is questionable procedure.

First, Bill Baker, outgoing 1st Vice, called my cell phone yesterday morning while I was driving with my son. During the call Mr. Baker cursed me, threatened to sue me and retaliate against me for comments that I made in my complaint. His reading and understanding of the language in my complaint is highly suspect in that I clearly use the term rumored TWICE. Yet, he used those two lines of my statement for the basis of his whole rant and threat call. His behavior was highly unstable and unwarranted. If the rumors are unfounded, then notify the investigator(s), or show evidence proving the rumor false. Calling me on my personal cell phone belays the thinking that threats and violence can serve his purpose.

That brings up the procedural question. How did Mr. Baker get a copy of my complaint that revealed my name and phone number? It seems to me that the numerous complaints of violence and aggression against Mr. Baker and Commander Tucker would suggest the necessity for a more careful protection of the identity of the person filing the complaint. (E.g. permanent marker blacking out the name and phone number.) I am aware that our constitution and legal system provides that any accused person has the right to face his accusers in a court of law. However, the nature of this issue is now only in an accusation and investigation mode and there is no reason as of yet to reveal any names. We should only meet face to face in an official hearing. Identity disclosure only makes for more strained relationships at the Post.

After my son listened to Mr. Baker's rant, he asked me a very pointed question, "Dad, what benefit are you getting out of your Legion membership and service?" As we discussed the topics of helping vets, serving the community and social aspects of membership, it was clear that I am realizing none of the positive results of Post membership. He wanted me to consider finding other ways to help Vets, and I currently feel that his plea has merit.

Given the current tragic events in Colorado, Mr. Baker's hostility and his concealed weapon permit, I am notifying the Sheriff's department of his threats.

Sadly, none of this process seems to be "for the good of the Legion".

December 1, 2012

Merced District Attorney's Office
Larry Morse, District Attorney
550 West Main Street
Merced, California 95340
Telephone: 209-385-7381

Ref: Assault Complaint of May 16, 2012
Incident Report [REDACTED]

Mr. Morse,

I am writing to inform you of an ongoing situation that might escalate into a tragedy for Merced and its Veterans. You might already be informed of an embedded battle concerning American Legion and the Veterans of Foreign Wars (VFW) of Merced. More specific, "The American Legion Motorcycle Group called Riders."

The Veterans are formed as a Fraternal Organization and guided by Parliamentary Law. However; these motorcycle members have crossed the line by acts of violence, terrorist threats, stalking and brandishing of weapons, just like an outlaw motorcycle gang. In fact, some are known to affiliate with local motorcycle gangs.

Patently I and many other members have filed numerous complaints with our District & State Department levels. Yet, the time consuming process is not in our favor and without any intervention the situation is only going to get worse, maybe to

the point of no return. Please investigate this matter, I feel that I will have no choice but to defend myself with any and every means possible if they continue to threaten my life. I can get around, but I am disabled and recently been diagnose with a Hernia, "I am in no condition to protect/defend myself from any type of physical attack."

I believe the attack on May 16, 2012 against me was premeditated and was intended to cause serious injuries, even life threatening. Please take action, others are in danger.

I am including a copy of my complaint to American Legion Headquarters dated May 18, 2012 in reference to the assault of May 16, 2012. Also should be mentioned, another incident report was made by [REDACTED] In fact, I am aware of four assault complaints and two incidents of brandishing a weapon. Please feel free to call any time if you have any questions, thank you for your time.

[REDACTED]

January 14, 2013

16th District of California
Jim Costa, U.S. Congressman
855 "M" Street, Suite 940
Fresno, California 93721
Telephone: (559)-495-1620

Ref: Prejudice within a Veterans Organization.

Mr. Congressman,

We are in desperate need of your assistance. For the past two years the Veterans in good standing have been in a hostile situation by nonconformists at the American Legion in Merced. Assaults & Discrimination complaints are unresolved.

We had sponsored the motorcycle group, PGR (Patriot Guard Riders) into the American Legion Family as a program back in April 9, 2010. The Riders are made up of Veterans and Non-Veterans and Less than two years time, they have managed to take over the American Legion Organization, it is a very hostile environment with a Bikers Mentality at post 83.

The Riders have assaulted me and three others. They have 86d me from the organization with prejudice and tried to permanently remove my name from the Veterans Organization. Yet, after multiple complaints and witnesses we are continued to be ignored and or put on the back burner. The Riders are openly stating racism remarks against Hispanics. For example, "We are f___en tired of these Mexicans, we are going to get rid of these Mexicans" and much, much more with many witnesses.

I/We have followed protocol in trying to resolve these issues. We have contacted our District & State Department, our local police department, District Attorney's Office, News Paper and more. Equality is set forth in the Armed Forces Executive Order 9981 of July 26, 1948 by President Truman, "it was made clear," along with our Civil Liberties, but not in Merced. Please investigate this matter. I am forwarding some copies to you, please get involved by helping our Veterans in good standing right the wrong. Thank you very much for your time.



CC: Ms. Dianne Feinstein (D), Senator, United State of California
Ms. Cathleen Galgiani (D), Assembly, 17th District State of California
Mr. Richard M. Flores, President, Merced County Hispanic Chamber of Commerce
Ms. Lea Hernandez, President, League of United Latin American Citizens (LULAC)
Dr. Napoleon Washington, Jr., President, Merced County NAACP Branch 1047
Mr. Howard Hernandez, State Commander of California, American G.I. Forum

January 21, 2013

**Merced District Attorney's Office
Larry Morse, District Attorney
550 West Main Street
Merced, California 95340
Telephone: 209-385-7381**

**Ref: Assault Complaint of May 16, 2012
Incident Report [REDACTED]**

Mr. Morse,

I am following up on my December 1, 2012 letter. I haven't received any response from your office concerning this important matter. Several of our members are very concern, especially our seniors, they are hoping this don't turn into another Connecticut Incident.

Some details, Four people were assaulted by these motorcycle members, one is a Business Owner here in Town, the second is a Professor at the Merced College, the Third is a PG & E Employee and the fourth is myself, "a Disabled Veteran." A weapon was brandished by Bill Baker and he carries it throughout the Veterans Memorial Building, he is always intoxicated and provoking arguments. If Bill Baker has a concealed gun permit, it is clear that he is unstable and out of control, your office needs to investigate.

[REDACTED]

cc: to all concern.

Subject: Merced 83

From: [REDACTED]

To: [REDACTED]

Date: Friday, September 21, 2012 [REDACTED]

Hello [REDACTED]

I have read your last email that you sent and so has Dept. Cmdr. As your District Cmdr, I [REDACTED] had promised you that Merced Post 83 problems will be dealt with in accordance with the Constitution & By Laws. Situations such as serious as Merced 's takes time. There is no such thing as "statue of limitations " in the American Legion. I have been in contact numerous times with Dept Cmdr over the issues. We have not abandoned or disregarded any of complaints that were filed by you and other members. Again, the reason I cannot come down to Merced Post 83, because threats have been made against me. The other reason for minimal communication with Merced members in good standing and or the trouble makers. There has been too much violation of the gag orders, its very hard to stop all the rumors. Im not accusing you at all, its other members that I thought would assist District in handling the investigation, but thats what I get for assuming. Its out of my hands, Dept is in control. I already know what is going to happen, be assured that you and your comrades will have your post back. Only you know some of it, but myself and Dept know what is about to take place. Next meeting. DO NOT TELL ANYONE, DEPT IS COMING WITH A VERY LARGE AX!

Your Comrade
[REDACTED]

Mar 12, 2013

The American Legion Auxiliary Department of California
Terry Mikesell, Department President
401 Van Ness Avenue, Room - 113
San Francisco, California 94102-4586
Telephone: 415-861-5092

Reference: Michele Rose, President of Auxiliary Unit 83,
Conduct Unbecoming a Member of the American Legion.

Madame President,

As a Veteran and a Member of the American Legion Organization, I wish to file a complaint with your office concerning the inappropriate conduct of Michele Rose, Auxiliary Unit 83 President. Her actions are of Conduct Unbecoming a Member of the American Legion and Misrepresentation of the American Legion Veterans Organization, the American Legion Post 83 (Merced) and the many Veterans in general. She has violated the Trust and Oath of Office of the American Legion and it's many Veterans, appropriate action needs to take place immediately.

On February 19, 2013 Michele Rose participated in a Libelous Campaign against me. She willingly and knowingly committed Slander in order to Discredit me by making False statements of Mental Incompetence, the Inappropriate Action took place via E-Mail, reaching over 100 E-Mail Addresses, including many Veterans and our local College. She had insinuated via E-Mail that "I have Mental Illness, off of Medication and the Mental Health Facility is looking for me." Needless to say, (PTSD) is a very serious problem with Veterans and a leading cause to Suicide. Not to leave out the fact that Michele Rose

type of behavior would also violate [REDACTED] and I believe this has no Business interfering with Veterans Affaires, please Investigate this matter and take Action in a timely manner, you may contact me anytime.

Submitting my Complaint with Post 83 is unacceptable due to the fact of it's Hostile Environment. It is no big secrete that I along with several other Members had filed complaints with District Commander Jodie Griffen against Michele Rose's boyfriend, "Dave Tucker," who was the Former Acting Commander of Post 83. Dave Tucker and one other member are on Suspension. Yet, the Animosity and Retaliation is OUT OF CONTROL at Post 83, mostly because of False Representation and Misleading Nonconformist Members. Post 83 Environment is Threatening to me and by submitting a Complaint through their Administration, I would risk the possibility of being attacked again, that's why it is imperative you be involved, this concerns many Veterans not ONE.

Michele Rose Represents the American Legion Veterans Organization and her Improper Conduct is Shameful and Harmful to Veterans, she is Insensitive to the many Veterans and Families that suffered Hardship Everyday of their lives. Michele Rose is Oblivious of Veterans Sacrifices and the never ending Medical Burden these guys must endure the rest of their lives and as a EIGHT YEAR MARINE VETERAN I am Appalled and her Words are Damaging to me and Veterans. She needs to be removed from her Position as soon as possible. Enclosed is [REDACTED] the bottom of page (5) and top of page (6) Dated February 19, 2013. Thank you for your time.

2013-03-11 Michele Rose E-Mail (1) 001.jpg
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2013-03-11 Michele Rose E-Mail (2) 001.jpg
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