



**Judicial
Watch**[®]
*Because no one
is above the law!*

April 28, 2011

The Honorable Thomas E. Perez
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Request to Investigate Violations of Mr. Ted Hayes' First Amendment Rights

Dear Assistant Attorney General Perez:

Judicial Watch, Inc. is a public interest group that investigates and prosecutes government corruption in fulfillment of its mission to promote ethics and accountability in government and fidelity to the rule of law. Judicial Watch has over 600,000 supporters and a seventeen-year record of combatting government corruption. It is the most active and successful government watchdog in the nation's capital.

We respectfully request a criminal investigation into violations of Mr. Ted Hayes' First Amendment rights of free speech and petition, as protected under the U.S. Constitution and pursuant to the civil rights provisions of 18 U.S.C. Section 245 – Federally Protected Activities, subparagraphs (b)(2)(b)(3). And we make this request in the public interest.

Mr. Ted Hayes is a black civil rights activist, who was invited to offer testimony at a hearing on March 15, 2011, before the Judiciary Committee of the Maryland House of Delegates. Shortly after and as a direct result of Mr. Hayes' testimony, a video appeared on YouTube with the message: "[expletive] you 'Mayate,'" which is reportedly a racist and derogatory term for African Americans and "dark-skinned" people. The video then streams a series of racist images including: the silhouette of a man hanging from a noose, photos of Mr. Hayes adjacent to photos of monkeys and bananas, and doctored photos of Mr. Hayes' picture with a gun next to his head. The video concludes with the message: "Your [*sic*] FREE Now Mayate go back to Africa." (See attached stills taken from The Timmytop YouTube video in order shown.)

The video had been placed on YouTube by a known extremist Hispanic group that goes by the moniker "The Timmytop." Judicial Watch has also learned that The Timmytop YouTube channel (since taken down) is a hotbed of extremist propaganda, which appears to lend support to the La Raza/Aztlán movement, targeting both black and white Americans. For instance, in just one of its many racist videos, the message is: "This is our Land Whiteboy (expletive) Gringo."

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Clearly, as a result of Mr. Hayes' public testimony before a government body—in the exercise of his constitutionally protected First Amendment rights of free speech and petition—he suffered death threats and public humiliation in the form of extremely offensive racist imagery and language streamed from a public website.

Further, the impact of this criminal civil rights violation is far reaching, as it has a chilling effect on free speech—and public debate is compromised as a result.

Judicial Watch therefore respectfully requests that this matter is referred expeditiously to a trial attorney in the criminal section of the Civil Rights division for investigation. We believe any delay in the prosecution of this case may be harmful to the fair administration of justice, as evidence wastes and memories fade. (Although this video was also taken down from the YouTube site, Judicial Watch has obtained a copy of it and placed it on its Internet site at <<http://www.judicialwatch.org/timmytops-channel-video-attacking-civil-rights-activist-ted-hayes>>.)

We request that you keep us informed as to the disposition of this request.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Fitton', with a long horizontal stroke extending to the right.

Thomas Fitton
President

Enclosures

By: Courier

cc: Eric H. Holder, Jr., Attorney General of the United States, w/enclosures (by courier)
Mark Kappelhoff, Chief, Civil Rights Division, w/enclosures (by courier)