

By unanimous decision, Washington Supreme Court concluded that the trial court abused its discretion in restraining the author from contacting nonparties and in adding content restrictions to an antiharassment order. It also concluded that the trial court erred in multiple findings of contempt of court. It reversed draconian trial and appellate decisions which resulted in the author spending time in jail.

All the contempt motions based upon alleged violations of an original flawed and unconstitutional anti-harassment order. The trial court denied the author his right to counsel and jailed him for 111 days (including 25 days in solitary confinement).

Trial court had absolutely no justification for refusing a continuance and neglecting to provide legal counsel. By failing to address that neglect, the appellate court concurred with a draconian trial court order - prior restraint, constructive eviction from a residence, and jail time, without considering constitutional rights.

Washington Supreme Court upheld that part of the challenge which related to trial court's restraining orders. It concluded that the trial court did not err in issuing the *first* antiharassment order which provided a no contact zone around Stephen A. Mitchell and Council House.

The antiharassment evidence relied upon by the supreme court has never endured a discovery process. The trial court judge denied any cross-examination. This allowed Council House to author disgusting accusations against the author without an opportunity for him to refute them. That evidence has still not experienced rebuttal.

Meanwhile, Council House continues to write and file false and misleading statements with police, government agencies, and public prosecutors. Those reports have subjected the author to frivolous criminal charges in Seattle Municipal Court. Warrants for his arrest and incarceration abound as a result of Council House filing those reports and City of Seattle machination.

Under the impunity and anonymity effectively granted to Council House by the antiharassment finding (19 Apr 01), Mitchell and other Council House directors have for five years conducted a reign of terror against dissenting elderly tenants. Courts must eventually hold the directors accountable for their criminal acts. They include malicious conspiracy to orchestrate frivolous and capricious complaints, multiple perjury, subornation, witness tampering, and alleged homicide by abuse.

Impunity has allowed Council House directors, jointly and severally: to unlawfully incarcerate at least four elderly people; to conspire in multiple abuse that resulted in the death of at least two other senior citizens; and, to effect several racially motivated evictions using "zero-tolerance" policies. Ironically, they have now introduced "sensitivity" training for tenants whom they terrorized.

## *Reprise*

Washington Court of Appeals (CoA) neglected to address abuse of judicial discretion by affirming trial court decisions. Washington Supreme Court tried to remedy a travesty of justice by Superior Court and refusal by Court of Appeals to hear the case. It unanimously remanded the case to Court of Appeals. Despite the Supreme Court ruling, Court of Appeals affirmed Trial Court decisions. Washington Supreme Court accepted a petition for review that has resulted in the current finding. (30 Mar 06) [*Supreme Court Decision*]

The decisions provoked worldwide outrage among journalists and raised significant questions about state constitutional law in relation to First Amendment rights to free speech. Arguments challenge the improper use of antiharassment orders for prior restraint. State laws specifically exempt constitutionally protected activity as a basis for antiharassment orders. Pleadings also address repeated denial of the right to counsel.

Court of Appeals refused to hear argument on appeal. As a result, Supreme Court of Washington considered (04 Sep 02) a motion for discretionary review<sup>2</sup> then unanimously remanded the case to CoA. By that, it effectively reinstated the appeal that CoA had rejected on frivolous motions brought by Council House using a variety of delay and deny tactics (they delayed appellate hearings for three years). [*Pleadings*]

Supreme Court considered the specter of preventing journalists from publishing information then jailing them for satirical commentary. The case captured the interest of national media and broached a worldwide outrage in the journalism community. Before remanding the case, Supreme Court addressed questions related to the issues that both Superior Court and CoA have studiously evaded:

Should trial courts allow the anti-harassment statutes to be misused as a prior restraint to abridge a citizen's constitutional right to free speech?

Should the trial courts allow the anti-harassment statutes to be used in a retaliatory manner to circumvent other laws, such as actions for defamation, or the landlord-tenant statutes?

Should the trial courts interfere with the right of pro se litigants to representation by counsel?

The case involves significant questions of constitutional law under both state and federal constitutions, primarily, First Amendment rights to free speech. Trial court improperly denied those rights by entering an anti-harassment order that constituted a significant prior restraint upon free speech.

Washington State law specifically exempts constitutionally protected activity from consideration as a basis for anti-harassment orders. Nonetheless, the trial court almost totally based its harassment decision upon protected activity. The court used a classic prior restraint on speech in the guise of an anti-harassment order that embodied economic sanctions. [*Prior Restraint*]

Case law determines that statements similar to those made by the reporter enjoy qualified privilege. The reporter claimed privilege for his statements as good faith communication on matters that concern a government financially-assisted non-profit corporation.

Respondent had a clear remedy at law if he could prove the published material malicious, false, and misleading, as he claims. His sole complaint rested upon such claims. However, he tried to silence him using non-applicable laws. Moreover, the trial court based its anti-harassment order on those claims without any evidence to support them. Council House directors could have brought an action for defamation but chose not to do so, probably because they could find no evidence of malice or libel and would surely lose the case.

The courts should neither use nor tolerate misuse of anti-harassment statutes directed at elderly citizens to cover up elder abuse. Courts need to clarify the appropriate time to use those statutes for trial courts and for litigants. The allegations against the reporter related mainly to his efforts to report his concerns about the administrator to government agencies - absolutely privileged communication that in law carries immunity from retaliation. [*Elder Abuse*]

Washington legislature declared that the law protects individuals who in good-faith report malfeasance to appropriate governmental bodies. Council House retaliated by using unlawful economic (SLAPP) techniques. The administrator and his directors designed their complaint to penalize the reporter for invoking governmental procedures to criticize and challenge them. They used economic sanctions instead of allowing due process of law. [Prior Restraint]

Arguments filed with Washington Supreme Court (24 Aug 04) showed why that court should accept a Petition for Review. Lawyers argued that a Court of Appeals (CoA) affirmation conflicted with established precedent and raised significant constitutional questions about anti-harassment orders based on constitutionally-protected publications.

They argued that CoA affirmation conflicted with essential elements of harassment law and violated due process. They also claimed that the trial court had no jurisdiction to issue an antiharassment order for the benefit of nonparties to an action.

Lawyers requested review following prior restraint of publication content. They argued that the collateral bar rule does not apply to findings of contempt based upon unconstitutional prior restraint. Contempt findings had caused an egregious violation of due process rights and the right to counsel when trial court failed to appoint an attorney before jailing a journalist. [*Petition for Review*]

Both appellate and trial courts made political instead of legal, ethical, and moral judgments. They failed to insure that "Justice should not only be done, but should manifestly and undoubtedly be seen to be done".

National Council of Jewish Women (NCJW) formed a non-profit corporation then built and later refurbished Council House, 1501 17th Avenue, Seattle, Washington. The corporation rents

independent-living apartments to senior citizens. The building does not classify as a nursing home and does not by law house vulnerable adults. [*Vulnerable Adults*]

Vulnerability rules do not generally apply to Council House tenants although administrators and their lawyers would have the public believe that they do. The people who legally live there possess all their faculties and have the ability to act independently.

Tenants rent apartments in a block governed by landlord/tenant laws. The difference between Council House tenant and other landlord/tenant relationships lies only in economic disadvantage and age eligibility not physical or mental disability. [*Elder Abuse - Introduction*]

NCJW obtained federal financial assistance through the US Department of Housing and Urban Development (HUD) for the original construction and rehabilitation. Residents have amortized mortgages by paying rent over several decades while HUD continued to subsidize some rents and services.

NCJW appointed directors who in turn employed administrators mandated to comply with HUD directives as state actors. The directors and successive administrators have introduced supremacist policies and enforced them contrary to federal law. They have obtained restraining orders that banned communication with the directors so that they would not hear about the abuse perpetrated in their name.

The directors (landlords), and two successive administrators, have consistently neglected to comply with HUD directives over a fifteen-year period. They deny tenants their civil rights and due process of law while using an aggressive administrative staff and violent enforcers to silence dissenters. The directors have a backstage connection with several Washington Superior Court judges that allows them to continue to violate both federal and state laws with impunity. [*Impunity*]

Lynn, wife of Judge Anthony P. Wartnik, and Sheila, wife of Seattle attorney Craig S. Sternberg (formerly co-presidents and both Council House directors) will eventually have to accept full responsibility for employing Stephen A. Mitchell, an unqualified, out-of-work actor, as administrator who in turn employed another actor as service coordinator. Lynn with Sheila and their successors have continued the supremacist policies and Mitchell and his thugs have aggressively enforced them for more than five years.

Lynn and Sheila knowingly filed a false federal document - with full knowledge of Mitchell's lack of qualifications - in order to gain HUD employment ratification. Mitchell, a pathological liar with fake credentials has proved himself a paranoid sociopath. Instead of managing the building as landlord's representative he insists upon tyrannically managing the lifestyles of its tenants.

The directors will eventually have to assume joint and several liability for his malfeasance as well as pay for their own culpability and criminal activity in trying to cover up elder abuse. They

perjured themselves and suborned tenants to try to stop a journalist reporting their crimes and jailed him without due process of law on perjured testimony.

The reporter spent over a year investigating abuse of residents by administrators then published and reported it to government authorities. In retaliation, the administrator (and several members of an elite acting in his behalf) intentionally and systematically disparaged and harassed him by publishing libel and defamatory statements.

Trial court orders permanently bar the reporter from ever returning to his home at Council House, an independent living facility with about 200 residents, many of them his friends and acquaintances. Impetus for the draconian order came from his protected writings in a newsletter.

Those writings, critical of the administration of Council House, caused the administrator and directors to seek and obtain the original anti-harassment order. Trial court, on motions brought by Council House, later entered several contempt orders against him for continuing to write essays that identified perpetrators of abuse.

Trial courts must not interfere with a litigant's right to legal representation. Yet, trial court denied a reasonable continuance to allow time for counsel to prepare his case and appear. This denial occurred after the attorney had agreed to represent the reporter and indicated that he could not attend court that day.

Trial court misused antiharassment laws to claim that news gathering constitutes "surveillance" and reporting news defines as "harassment". The court order effectively denied the constitutional rights of an author who has held an international press card for many years.

The court deliberately interrupted the flow of public information and interfered with ethical reporting procedures designed to observe and report upon government dereliction. HUD and City of Seattle officials have colluded with Council House directors and administrators by following *laissez faire* policies and have neglected to address myriad complaints and requests for help from residents. They have neglected to oversee the managers of a government financially-assisted building and withheld public records to hinder investigations of elder abuse.

The court decisions advantaged a group of wealthy people who abused senior citizens and misappropriated federal funds by censoring public information. Moreover, the property houses US congressman Jim McDermott's mother who swore a false or misleading declaration. This probably made the issue politically sensitive for a recently elected judge and Seattle bureaucrats.

The censored information formed part of the public record. Secretary of State, State of Washington, requires nonprofit corporations to file an annual report containing names and addresses of officers and directors. However, Council House directors, administrators, and attorneys, neither comply with this law nor do they comply with Internal Revenue Service (IRS) and Washington State Bar Association (WSBA) rules that require full disclosure.

Without any rational legal interpretation, trial court retroactively ordered the publisher to remove other information (published more than a year before). He reviewed published material on the Internet then claimed that the author kept people "under surveillance" by using public records and attending a court hearing to report a case. Bizarrely, he wants all named journalistic sources to sign waivers. That court order effectively denies use of any information contained in public records available generally under RCW 42.17 (*Washington Public Disclosure Act*).

Trial court issued two anti-harassment orders also contempt citations to censor this web site by prior restraint at the behest of Council House directors and their administrator. Using their financial power, the directors obtained SLAPP (strategic lawsuit against public participation) court orders and contempt citations using perjured testimony against this author. They then had him jailed including solitary confinement.

SLAPP consists of frivolous charges designed to bankrupt an opponent and support prior restraint. The landlords have used this tactic on several occasions to try to cover up issues that affect all their tenants. [*Prior Restraint*]

The trial court judge thwarted an appeal of his findings for more than three years by withholding court documents and other machination. The author/publisher claims judicial bias and arbitrary censorship that deny him his rights under the First Amendment to the US Constitution, Washington State Constitution, and United Nations Declaration of Human Rights.

Throughout the three years waiting for an appeal, the author remained dubious about receiving a fair, unbiased, appellate opinion due to previous machination by that court and Judge Mary Kay Becker's political aspirations. Court of Appeals did not disappoint him. [*She Knows you Know*]

Trial court challenged a principle journalism ethic - seek truth and report it - by denying a reporter's First Amendment rights. The judge knowingly wrote biased decisions based on perjury without due process of law then denied a right to refutation.

Those findings enabled Council House directors to cover up homicide by abuse. Homicide ranks as a class A felony punishable by a maximum sentence of life imprisonment in a state correctional institution or by a fine of fifty thousand dollars or both. Both the victim's family and a Council House administrator benefitted financially by allegedly defrauding both federal and state agencies prior to the tenant's death. Both trial and appellate courts have effectively thwarted investigation of homicide by their decisions.

[*Elder Abuse*] [Who Killed Jackie Nations?] [Last Cruel Days. Homicide?]

Washington Supreme Court (2002) forced Council House to address the real issues by answering four appeals pending before Washington Court of Appeals and instructed CoA to hear the case. Instead of following Supreme Court instructions, CoA conducted another politically motivated, biased, kangaroo court and wrote an opinion that affirmed previous disingenuousness.

The author temporarily deleted information from essays, or used pseudonyms, to comply with a contempt order issued by Judge James A. Doerty, Superior Court of Washington (Trial Court), affirmed by Judge Mary Kay Becker, Washington Court of Appeals (CoA). The author claims judicial bias, prior restraint, arbitrary censorship, and denial of human rights.

© Copyright 2006 by Paul Trummel  
All Rights Reserved: 30 Mar 06/08:56GMT  
Edition: #806-10-00/06-0331-2036  
Feedback: [Webspinner@ContraCabal.org](mailto:Webspinner@ContraCabal.org)