

Supporters of Paul Trummel "the Journalist" (*in re* Trummel v. Mitchell) created a standing room only situation at the Court of Appeals, Seattle, Washington (14 Nov 03). Several more people queued outside the courtroom but did not gain entry. An unnamed attorney reportedly said that he had never seen such a turnout for an appellate hearing. Two Council House kapos (thugs) and their molls attended court wearing dark glasses. They stood in the corner of the lobby gathering names of the Journalist's supporters whom they later intimidated. [*Court of Appeals*]

Washington Court of Appeals questioned attorneys for both sides about the draconian and biased trial court decisions that caused a reporter to go to jail for an indeterminate period. The case attracted worldwide interest among journalists when they learned that a Seattle judge had jailed a National Union of Journalists member. He served 111 days (25 days in solitary confinement in the same section as Gary Ridgway, the Green River serial killer) for publishing constitutionally protected information. [*Homicide by Abuse*]

The Journalist published details of senior citizen abuse and misappropriation of federal funds that occurred in a federally-assisted apartment block. He has since alleged homicide by administrators condoned by directors. Prior to publication, he reported the facts to municipal, state, and federal authorities but eight years later they have still not acted on the complaints.

The trial court judge, James A Doerty, denied legal representation then had *ex parte* contact with superior court Judge Anthony P Wartnik who, with Lynn Wartnik his second wife co-president of Council House (a federal financially-assisted apartment block in Seattle), conspired in a massive frame-up that included multiple subornation.

The perjury covered up her complicity in senior citizen abuse, misappropriation of federal funds, and several homicides. In a consort with her administrator, Stephen A Mitchell (a pathological liar), Lynn Wartnik, using perjured testimony, unlawfully obtained multiple antiharassment orders against the Journalist for news gathering and publishing constitutionally protected speech. [*Thespian Liar's Liars*]

Washington supreme court handed down a unanimous decision which ordered the appellate court to hear the case. Paul L Sherfey, King County Chief Administrative Officer, aided and abetted Doerty in delaying that appeal. Several times they thwarted appellate hearings by unlawfully withholding access to transcripts and hundreds of other documents. Doerty then had the law changed to legalize the withholding. Eight years later, Sherfey has still not released copies of records that would prove malfeasance and judicial misconduct.

The appellate court heard oral arguments that affected all journalists internationally. The arguments addressed concern for the denial of First Amendment rights to assemble and to report

news and the misuse of anti-harassment orders. The trial court had effectively placed a prior restraint on a journalist using non-applicable laws. It defined interviews with sources as harassment and news gathering as unlawful surveillance and stalking.

The Journalist (first published in 1944 at the age of eleven) has had a long career in publishing also as a university professor. He published one of the first electronic Internet journals in 1992 and holds a awards for his satire. Previously denied legal representation by the trial court, he put in place a team of six attorneys to argue his case. [*Attorneys-at-Law*]

Five independent organizations also employed attorneys to argue *amicus curiae*.

American Civil Liberties Union (ACLU - Washington, USA)

American Society of Journalists and Authors (ASJA - New York, USA)

International Federation of Journalists (IFJ - Brussels, Belgium)

National Union of Journalists/London Freelance Branch (NUJ - London, UK)

Seattle Weekly (Seattle, Washington, USA)

The Kafkaesque Experience

After the Journalist's release from jail, Doerty retained jurisdiction and refused to recuse himself, then granted another draconian order tantamount to a gag order. That order said in effect, that no personal identifiers (names, addresses, telephone numbers, or email addresses) may appear in any article despite public information status and both federal and state disclosure laws. Effectively, the order prohibited the Journalist from publishing his own name.

Doerty ordered that any use of identifiers would immediately result in a warrant for re-incarceration. By that, Doerty forced massive revisions to a web site including the removal of political cartoons and placed a prior restraint on future publication.

Neither telephone harassment nor any other harassment occurred at any time before, during, or after Lynn Wartnik (and her directors) obtained court orders from her husband's trial court poodle. They used anti-harassment laws as an end-run around burden of proof and the trial court outrageously disallowed discovery, refutation, or legal representation. [*Pandering Poodle*]

The directors provided virtually unlimited legal resources to their administrator who then locked the Journalist out of his home and office (while still charging him rent) for 14 months. He later had him sent to jail for 111 days in further attempts to silence him and to cover up his own alleged criminal activity - all without due process of law.

Another outrage occurred, when Judge Wartnik coerced Doerty, during *ex parte* communication, to issue a *sua sponte* order for transfer of the Journalist, who had no disciplinary charges pending against him, to solitary confinement. The term "*ex parte*" means a judicial proceeding for a court order or injunction granted at the instance of, and for the benefit of, one party without notice to,

or a contestation by, the person adversely affected. “*sua sponte*” means (at will and without a motion).

Doerty then moved the Journalist to incommunicado, ultra-security, solitary-confinement with a 23-hour lock down and no access to an attorney of record. Doerty also denied him telephone privileges granted to murderers and rapists in the same section. In other words, Wartnik and Doerty could do whatever they liked leaving the Journalist without recourse in law. They elevated him to a level of incarceration usually reserved for violent individuals classified as “ultra-security inmates”.

The Journalist clandestinely interviewed several of those inmates after learning jail communication techniques. They showed a higher degree of integrity and honesty than Wartnik and Doerty showed at any time during this legal debacle.

The *ex parte* activity attempted to protect Lynn Wartnik from exposure for alleged complicity in abusing senior citizens and misappropriating government funds, media reports (apparently based on Council House propaganda and hate mail) show that administrators claimed: “. . . Council House was federally examined and no negligence or tenant abuse was found . . .”¹ and “Federal investigators have not found evidence of wrongdoing”,² both slanted statements that reporters neither validated nor verified by fact-checking.

A thorough search of US Department of Housing and Urban Development (HUD) public records took place under the Freedom of Information Act (FOIA). It disclosed that no audit or investigation has ever taken place although HUD received several requests for action more than two years before.

John W Meyers, HUD Secretary’s Representative, Seattle, and his predecessor Robert Santos, have both neglected to respond to correspondence regarding resident abuse. They have restricted access to public records, allegedly to cover up departmental negligence. Meyers must hold the ultimate responsibility for HUD staff actions in particular those of Martha Dilts, Kathy Klein, and Becky Sands, who have neglected to oversee the property and have covered up problems reported to them. [*Agency Accountability*]

Several web masters mirrored the original web site that contained the prohibited identifiers. On the web, Uniform Resource Locators (URL) help readers find files on various servers. URLs include the access address, server domain, and file location.

The order effectively prohibited access to any web site, letter, or use of email that had an identifier. This forbade contact with thousands of people whom the Journalist did not know, his friends and associates, and people who contacted him.

Doerty handed down this order pending appeal of his many irrational decisions. Any link to, or citation of, the banned information placed the Journalist in contempt and subject to re-

incarceration. Likewise, it banned any cooperation between him and mirror web masters offering to exchange files.

To protect the Journalist from another contempt citation, any creator of a mirror site must remain entirely independent of him and not discuss it with him. For example, web masters have remained independent in creation of mirror sites that now appear in several places on the web.

It horrified and shocked Doerty that anyone would defy his court order, unlawful as it may seem, and use their constitutional protection to follow their conscience. In fact, Doerty suggested that the Journalist should sue mirror-site web masters for copyright infringement!

Doerty said court security would trace the email messages that he received back to their sources. In his paranoia, Doerty saw a very real threat in some of the postings in his guest book which he removed from his personal web site which now appears on mirrored sites. [*Jiminy's Journal*]

Doerty claimed that some email sent directly to him and other court staff, could ripen into a criminal complaint. A lawyer answered by saying: "Please caution folks that ridicule and argument, even bombastic arguments, are fine, but threats which a recipient reasonably believes may lead to harm are a criminal act".

Doerty's sycophantic behavior toward Wartnik and his wife earned him the title of "pandering poodle". He demanded his victims give account of themselves then prevented them from doing it. He defamed them through slander and tried to ruin their long-term professional standing.

Then Doerty absurdly ordered that: "Beyond this, the court will not intrude on editorial rights except to require all the information posted by him on his [the Journalist's] web site be in good faith compliance with the anti-harassment order" - a "narrowly tailored" order that related to thousands of people the Journalist did not know.

Doerty continued to refer to publication of social security numbers that the Journalist had never published and never intended to publish because he considered that unethical journalism. Doerty had no basis in law for his decisions and did not address facts entered into the court record. Instead, he editorialized from statements not in evidence gleaned planted by Council House on web blogs.

Council House kapos Virginia Lambert, Felipe Jacques, and Nathaniel Stahl, in a conspiracy with administrator Stephen (aka Stefan) Mitchell, conducted an international hate campaign by email and US mail. They distributed dozens of hate and propaganda diatribes and published some of them on the web to discredit and character assassinate the Journalist and to influence the court. With his equally sick mind, Doerty consistently relied on this material (in addition to the declarations suborned by the same people) when writing a string of findings. Sub-literacy did not allow other Council House kapos to write hate mail themselves; instead, they dictated it. [*Five Kapos*]

Former Council House kapo, Virginia Lambert (diagnosed as a person with diminished mental capacity who lived in a bus shelter as a bag lady although she had at some time received an education) wrote and disseminated unsupported hate language using the Internet. She wrote: “He [the Journalist] is nothing more than a misogynistic, homophobic, anti-semitic [sic] and racist snoop . . .”.

She sent a copy to Doerty. After paraphrasing the statement, Doerty entered it into the record as: “. . . his anti-Semitic, misogynistic, homophobic lies . . .”.³ These three terms do not appear in evidence. They only appear in the hate email (which Sherfey continues to withhold) and the trial court finding.

Lambert swore a perjured declaration that contained no mention of these prejudices.⁴ Doerty allegedly rearranged the language then entered it into the court record without any evidence to support it. A pattern or practice of this judicial misconduct persisted over a fourteen-month period. The lack of any evidence to support findings and incarceration amounted to judicial harassment contrary to rules of judicial procedure. The available decisions and transcripts show and extremely sick perception of reality.

Doerty clutched at any straw not in evidence that suited his assumptions. He did not care about truth or falsity as long as the statement suited his predetermined decision. The assumption then became his reality. Coupled with pathological lying by Council House administrators, Doerty presented an outstanding example of judicial misconduct.

Doerty typed his decisions before he heard oral argument thereby denying due process of law. He denied legal representation using a variety of ploys that denied either funding or time to make arrangements. The Journalist went to jail for an indeterminate time with no review of the “sentence” and without any chance to defend himself. [*Metamorphosis*]

Doerty, a sociopathic judge, whose own words show his displacement of his emotions onto others, entered into the record without any evidence to support his claims he has: “difficulty modulating his behavior due to organic brain damage suffered as a consequence of his many years of chronic alcoholism”.⁵

By that he broke the laws of the external, empirically rational world to indulge his political affiliations and personal bias. He favored the machination of his corrupt and bigoted mentors (Anthony and Lynn Wartnik) also Council House board of directors.

Doerty assumed guilt of which the victim remained ignorant then arrested and imprisoned him without probable cause. Extensive interviews with several jail inmates confirm that this ranks as normal practice in King County. A Seattle attorney aptly put it in a moment of dudgeon: “This matter has now elevated beyond even First Amendment outrage it began as. This is a petty tyrant judge running amok with power and possibly trying to cover his tracks”.

Council House kapo, Felipe Jacques, admitted in writing his own violent, anti-Semitic, and homophobic disposition. Ironically, the queer Doerty fervently believed and frequently quoted him in evidence. Jacques wrote: "He is a delusional man who believes in his own fantasies about himself - and his writing, full of conspiracy themes, reflect a further damaged personality". Doerty entered that into evidence from an email message posted on the web without a shred of proof to support it probably as a psychotic displacement caused by his own dysfunction. [*Noblesse Oblige*]

Conclusion

Judge James A Doerty, Washington Superior Court, has yet to learn a lesson. His attempts to censor the Internet globally show an abysmal ignorance of technology and rhetorical structure. He issued contempt findings against the Journalist to silence him without questioning evidence or understanding the means of dissemination.

One would expect any lawyer of standing to have studied Socratic method and to have at least a basic understanding of rhetorical assumption, implication, and conclusion even if he knows nothing about computer technology. However, Doerty sits on the bench with a laptop computer and uses it to glean "evidence" without any fact-checking - a basic function of any ethical journalist let alone an expectation for a superior court judge.

Even tyro web surfers know that one must carefully evaluate web information based on other criteria before accepting online statements. Doerty, and other judges of his ilk, threaten the very foundation of free expression and democratic practice with their assumptions.

Doerty irrelevantly claimed in court that he had his own web site. On that site he published more than thirty pictures of small children allegedly without permission from their parents or guardians. This ranks as inexcusable and unethical behavior for a heterosexual journalist. For a queer judge to use this method of promoting himself does a disservice to the whole queer community.

That community receives enough unfair, untrue, and defamatory innuendos about queer pedophilia without a superior court judge giving voyeurs more ammunition. Research statistics show that around ninety percent of pedophiles classify as heterosexual. Probably as the result of an investigation by the Journalist into this issue, Doerty has now taken down his web site; however, mirror copies remain. [*Queer Connection*].

In a similar vein, Foggy wrote:

But then Jimmy, a former Childrens Court babysitter before he stumbled into his \$100,000/yr judgeship, ain't exactly a legal whiz to begin with. With literally no judicial background whatsoever, he's mooching off his fellow Gays to hold his job. With all the first-rate Gay lawyers in town, a little weasel like Jimmy was a poor choice for the bench. But, since the others are too busy making tons of money and aren't as willing to kiss political ass as he is, he got the job after barely squeaking in during the vote. He kept his homosexuality a big secret right up until the last moment. You would

have thought he was ashamed of being Gay or something. Then, trailing in the polls and with nothing left to lose, he came popping out of the closet as Mr. Queer Seattle. Whatever works eh. Once he had the job he climbed back in his closet and has done nothing to repay the Gay community for its help. What are Little People for, after all, except to help Big People like Jimmy. [Another Foggy Moment #227]

Doerty accepted without question more than forty perjured declarations suborned in abject cowardice by Jacques and Council House administrator Mitchell from senior citizens in fear of retribution for refusing to participate. However, right will eventually transcend as resident behavior in the appellate court lobby showed.

The multicultural attendance by Council House residents and local community members showed outstanding support for the Journalist. Instead of the fear that residents have experienced for years from a succession of abusive administrators and kapos, they showed a pleasing exuberance and individuation.

Perhaps more importantly, they showed a cross-cultural cooperation not seen previously. Residents and the public shared rides to the court and integrated in a way that did not exist six months previously. That makes it worth the effort to continue writing in order to expose the homicide by abuse before the Council House body count increases. A non-resident volunteered that Mitchell “even looked like a concentration camp commandant”.

Perhaps they assimilated some of the fear that they have instilled into others for years and will not sleep at night in keeping with the sleepless nights that they have caused to others. Council House administrators not only stole sleep from residents but also taxpayer money.

Haggada⁶ legends, anecdotes, and sayings illustrate Jewish law. One saying addresses sleep deprivation. It claims that depriving people of their sleep counts as robbery. Stealing sleep ranks more perniciously than stealing money because monetary restoration mitigates theft, whereas the thief can never restore sleep.

Council House directors and their managers have used their authority, professional qualifications, and political ability to take advantage of senior citizens. Through judicial connections, they have misused the law for selfish purposes. Collectively, they have become a stain on the integrity of the Jewish community.

Judges should disqualify themselves if litigants can reasonably question their impartiality because of a conflict of interest or personal bias or prejudice - something that Doerty failed to recognize. Judges who manifest bias on any count in a proceeding impair the fairness of the proceeding and bring the judiciary as a whole into disrepute.

Doerty denied legal representation, discovery, or cross-examination which determines the truthfulness of allegations then made findings on the basis of obviously perjured testimony. Council House administrators suborned fearful senior citizens to concoct a monstrous frame-up

to cover up their alleged crimes and those of the directors. Journalists should have the spunk not to hunker down each time some politically correct entity tries to silence them.

Solidarity among journalists, that existed several decades ago, no longer exists. Too many of them have followed their mothers' politically correct admonition: "If you cannot say something nice about somebody else then say nothing". Moreover, National Union of Journalists has become a politically correct private club for sycophants who pander to Jeremy Dear, NUJ General Secretary who gives only lip-service to ethical behavior. It seems that fear of losing money and jobs (also loss of advertising revenues) have taken precedence over journalism ethics.

The lack of an energized fourth estate gives malfeasants and abusers an advantage when the three branches of government neglect to insure due process of law. This case would probably not have reached the supreme court if journalists had properly investigated the facts instead of acting as a sop to Doerty's ego.

Publishers, in particular, Roger Oglesby, *Seattle Post-Intelligencer*, and Lucy A. Dalglish, *The News Media and the Law* (RCFP), did not control renegade reporters; instead, they supported them by publishing libel which echoed worldwide. They have yet to mitigate the damage. [*The Fifth Estate*]

For the sake of legal precedent, it remains particularly important for a court of record to hold that the legislature did not intend use of anti-harassment laws as a quick and cheap end-run around burden of proof. Both judges and litigants must use defamation actions for complaints after comprehending the long-standing prohibition on prior restraint of free speech. They must not try to mold non-applicable laws to try to suppress free speech. [*Prior Restraint - SLAPP*]

Five international media and civil rights *amicus curiae* argued the case in Washington Supreme Court. In a unanimous finding by nine judges, supreme court reversed all Doerty's decisions which absolved the Journalist of wrongdoing. Hopefully, judges will start to make fair and unbiased decisions based in law not on political expedience - then Franz Kafka can rest in peace.

Nmesis.

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2. Lisa M. Bowman, CNET News. <http://news.com.com/2100-1023-938480.html> (21 Jun 02).
3. Report of Proceedings, Superior Court of Washington #01-2-04698-5 SEA (17 Jun 02).
4. Declaration of Virginia Lmbert. Superior Court of Washington #01-2-04698-5 SEA (02 Apr 01).
5. Memorandum of Findings and Order to Show Cause, Superior Court of Washington #01-2-04698-5 SEA. (01 Oct 01).
6. Haggadah: Talmudic literature that does not deal with law but remains part of Jewish tradition.

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