

Judge Maureen A. Howard, State of Washington, Seattle District Court, denied an antiharassment order for lack of proof of severe emotional stress. Broadcast statements may offend many but do not cause emotional stress to individuals. Harassment describes what people do not what they say publicly.

Leon L. Harris (70) appeared in King County District Court, Seattle Division, E312 (Lambert vs. Harris Y1-4186), today (21 Sep 01) to answer harassment charges. Judge Maureen A. Howard presided and denied the motion for a permanent antiharassment order sought by Virginia D. Lambert (69). Attorney George F. Sjurson, Seattle, represented Harris. Lambert acted *pro se*.

The case related to another in a series of constructive eviction attempts by administrator Stephen (aka Stefan) A. Mitchell (36), 6126 8 Avenue NW, Seattle. He has developed a pattern using frivolous antiharassment orders and police action against senior citizens at Council House, 1501 17 Avenue, Seattle.

This particular incident took place after a monthly *Coffee with Steve* meeting (15 Aug 01). Lambert had previously obtained an *ex parte* temporary antiharassment order against Harris at the instigation of Mitchell. She filed a motion with the court to have it made permanent.

Judge Howard had a no-nonsense grasp of RCW 10.14.040 - the antiharassment statute frequently abused by landlords and Washington state judges. Howard teaches trial advocacy at University of Washington as adjunct faculty - she practices what she teaches.

Howard said that antiharassment orders can only apply when a person proves severe emotional distress which Lambert had not proved. She said that broadcast statements might offend many but do not bring stress upon an individual. She denied Lambert's motion by saying that Harris had a right to act in a generally rude or surely fashion if he wished. Judge Howard added that Lambert could only consider things that Harris did to her not what he said publicly and that the burden of proving emotional stress belonged to her.

Judge Howard denied the antiharassment order because:

The petitioner has not told respondent that contact was unwanted, the petitioner initiated the contact on most if not all times, a reasonable person would not suffer substantial emotional distress as a result of the compliance of behavior [sic] and the single physical threat does not constitute the requisite "course of conduct" required by the statute.

Lambert did not appeal Judge Howard's decision. Despite that finding (21 Sep 01), Mitchell again consulted attorneys (24 Sep 01). He asked for advice on how to evict Harris for "disruptive behavior". For Mitchell, disruptive behavior presumably means defending and winning the frivolous lawsuit brought by Lambert under his direction. Mitchell has frequently used antiharassment orders unlawfully to evict residents. In fact, he has publicly announced in advance that he will follow those procedures to evict residents he does not like or cannot control ideologically.

Here, Mitchell wanted to evict Harris but had no grounds. He hoped that Lambert would obtain an unworkable permanent antiharassment order so that he could use it to evict him. This time he failed miserably thanks to a hearing before a forthright judge.

The case resulted from a seemingly harmless verbal interchange that developed into a fracas - nothing unusual at meetings convened by Mitchell. Harris, a black man, voiced an opinion at the meeting about an incident that he considered racist. Donald L. Jackson (68), saw a female Jewish resident looking at children (predominantly black) playing in the T. T. Minor school yard across the street from Council House. He heard her say: "What is this - the planet of the apes?"

Jackson, a resident who attended court as a witness for Harris, said that: "The case should not have gone to court because Harris did not put his hands on the other party or anyone else." He said that he had spoken to Mitchell after the hearing to ask him about Lambert's previous physical violence toward long-time resident Willie Mae Williams. Jackson said that Mitchell told him that the incident occurred during Mark Mullen's watch as administrator. The record shows that Mitchell worked as Mullen's assistant then. This reporter could not question Mitchell or his staff to verify the statement about Mullen because they have a restraining order that prevents him from contacting them. However, long-term residents have come forward to support the contentions made here.

Lambert recorded four witnesses with the court. Two of them, Mitchell and Robert Holland (a cook), work for Council House. This created a blatant conflict of interest because management arbitrarily supported one resident against another in an unresolved argument. Tod L. Wheeler, past-president, Council House Residents Council, a well-established Mitchell devotee also had an apparent conflict by appearing as a witness for Lambert.

Another witness/resident, Felipe Jacques, evidently masterminded declarations against Harris as he has done on other occasions. He previously coerced many residents to sign false statements for submission to court in another case, by that, he probably suborned perjury.

Harris recorded six witnesses: The Reverend Jerry Laners, Donald L. Jackson, Willie Mae Williams, Gilda R. Kabani, Pola Doenyas, and this reporter in his capacity as a resident. All the witnesses, except Reverend Laners, live at Council House. Don Patrick, a Tenants Union representative, also attended court and took a watching brief.

Attorney, Maureen L. Mitchell (MLM), Short, Cressman & Burgess (SCB), Seattle, came into the courtroom. Recently graduated from law school, she spoke with Mitchell briefly. Considering other pending lawsuits, advice that she has given to Mitchell, and allegedly frivolous lawsuits that she has filed against this reporter, her appearance tended to confirm complicity in the frame-up to evict Harris. She has shown a pattern of professional behavior that may have left her open to action under Washington State Bar Association (WSBA) disciplinary rules that preclude attorneys from advocating or condoning criminal activity.

Washington Court Rules¹ clearly state that lawyers must neither engage in “conduct involving dishonesty, fraud, deceit or misrepresentation” nor “conduct that is prejudicial to the administration of justice”. A reasonable and unbiased person studying Maureen L. Mitchell’s attorney/client relationship with Stephen Mitchell and Council House directors must conclude that she will later have much to answer at a WSBA disciplinary committee meeting.

Judge Howard heard an unconnected case before hearing Lambert vs. Harris. She made it clear to two attorneys that if they claim a pattern of violent behavior then it must not anticipate future action. She denied their motion for an antiharassment order on those grounds. She said that they could not obtain an order before filing against criminal conduct and that they had shown no continuity of purpose.

Howard explained that she did not interpret denials as dismissals when an attorney wanted to know whether the denial was with or without prejudice. Howard said that prejudice did not apply in antiharassment cases. This controverts a recent antiharassment ruling by Judge James A. Doerty, Washington Superior Court, who found with prejudice against this reporter.

Then Judge Howard heard Lambert vs. Harris using the same precepts. In response to Lambert’s generalized statements, the judge said that even if Harris made life miserable for many people it did not matter to Lambert. The judge said that Lambert’s evidence should only apply to what happened to her not to other people.

Lambert claimed that Harris had “focused upon her” and said: “If I were thirty-five years younger I would not be here now.” She said that the incident with Harris happened the day before she filed the petition and that two weeks before Harris had called her “a dog.” Harris had broadcast statements about racial issues to which Lambert objected at a residents’ meeting convened by Mitchell. Evidently she loudly proclaimed that they were completely false. In court, she admitted publicly calling Harris a liar without qualification.

Lambert then tried to introduce evidence of minor breaches of house rules and criticized the mother of some children - house guests of Harris. The judge cut her short by asking her if she had ever told Harris she wanted no verbal contact with him. Lambert said that she could not recall having done so. She said that she considered Harris a loose cannon - similar to a term used in a declaration against her by a Harris witness.

The judge said that a one-time event was not harassing behavior. Harris may have said that he would wrap a walker around Lambert’s head but he did not put it into practice. She gave Lambert every opportunity to prove her case but Lambert could not provide adequate evidence of harassment.

Judge Howard seemed unhappy that Mitchell had not taken care of the problem administratively when it arose. Historically, Mitchell has deliberately escalated minor problems into major issues for his own purposes. He frequently has refused to use HUD mandated administrative procedures

to solve problems. Instead, he has choreographed and escalated situations so that he can call the police when residents disagree with him.

The judge told Lambert not to talk to Harris if she does not like his responses. Lambert asked for a no-contact order but the judge said that Harris had a right to speak out publicly. Harris's attorney, George Sjursen told the judge that Harris wants no contact with Lambert. He asked for the same protection for his client - the judge said that Lambert and Harris should not personally communicate with each other.

Jerry Laners, Pastor, Cherry Hill Baptist Church, Seattle, attended the hearing. Afterwards he said: "I find it hard to imagine how Council House directors could let this matter go to court." He said that he: "Thought that the judge handled the case evenhandedly." He also said that he took the judge's comments to Mitchell as an admonition for dereliction and managerial incompetence because he [Mitchell] did not act as mediator. Laners intends to take the matter further. He says that he will: "Explain the situation that exists at Council House in the Council of Churches for Seattle's Central Area."

Gilda Kabbani, another resident witnessed Lambert's previous violence toward Willie Mae Williams. Evidently, Lambert had put a stranglehold on her neck for no particular reason. Kabbani said afterwards: "It's a disgrace that they brought this matter to court in the first place." She went on to say that: "It's very evident that the administrator and his staff are not emotionally or academically equipped to deal with aging or disabled folks."

Hopefully, this will bring the frivolous and capricious antiharassment suits at Council House to an end. Mitchell has for almost a year publicly encouraged residents to bring arbitrary antiharassment suits against other residents. Especially, he has orchestrated lawsuits and police action to effect constructive and unlawful evictions.

Perhaps, the directors and HUD will now take notice of Mitchell's supremacist tactics. They must restore order by appointing a qualified administrator who will not impose illegal ideologies upon residents and abuse them by bringing frivolous lawsuits.

Apparently, Judge Howard considered the problem a matter for management to resolve not the courts. That truly represents the situation. Mitchell has continued actively to provoke situations that cause disputes among residents for the whole time he has worked as administrator.

However, Mitchell refuses to learn. After the hearing, this reporter received a forty-page motion for a finding of civil contempt for violation of an antiharassment order. It predicates on reports filed and published about Lambert vs. Harris. It contains no evidence of unethical reporting and frivolously claims harassment for reporting court findings, public records, and statements by witnesses. Council House directors have now spent \$16,200.00 (05 Oct 01) on legal fees (not including contingent liabilities) to try to silence this reporter. They have used unlawful strategies and constructive eviction (condoned by Judge James A. Doerty, Washington Superior Court) currently pending appellate review. The Kafkaesque charade continues.

The directors have authorized and directed Mitchell to commence legal action including, but not limited to, eviction proceedings and antiharassment petitions. This evidently distances them from Mitchell's bizarre management strategies. That authorization allows Mitchell to act unilaterally in a representative capacity on behalf of Council House and some residents against other residents whom he considers, in his sole discretion, disrupt peace and harmony. The directors have provided virtually unlimited funds that allow Mitchell to arbitrarily declare open season on people with whom he disagrees and to establish "zero tolerance" policies. They have granted this absolute power despite HUD regulations that provide specific procedures to deal with resident problems and complaints.

Council House directors have much to hide, particularly, misappropriation of government funds and long-term resident abuse. They may calculate that spending \$16,200.00 seems modest in relation to the large amounts misappropriated. This seems evident when one considers that they could easily have obtained an eviction order if they had probable cause. An unlawful detainer action would have cost them about \$1,000/\$2,500 in attorney fees and court costs instead of the current expenditure and the enormous contingent liabilities that they have accrued.

Moreover, the directors continue to finance Mitchell in bringing frivolous motions. Those motions deny constitutional rights and due process of law. Then supremacist staff use court findings to tighten their unconstitutional hold over residents by pointing to the lawsuits as an example of what could happen to them. Mitchell and Jacques both use locked bulletin boards to post disinformation and censor fact to support that intimidation - shades of Joseph Goebbels.

Council House resident Felipe Jacques, Mitchell's ubiquitous in-house Marquis de Sade, wrote earlier this year (2001): "I have a taste for violence . . . I like to inflict pain . . . I have always enjoyed [h]itting the shit out [of] gays and assorted low lifers". Mitchell has used this degenerate as his scribe and resident advisor for almost a year. Jacques authored almost all the declarations in Mitchell's antiharassment cross-petition in a consort with attorney Maureen L. Mitchell: an alleged subornation.

Both Jacques and Mitchell continue to harass this reporter using the vilest hate speech then sending email copies of it to his professional associates. Jacques boasts that: "There is a Restraining Order protecting ME against you but the Courts have not yet barred ME from harassing YOU". Council House directors have apparently appointed inmates to run their asylum.

Nmesis.

1. Washington Court Rules, Rules of Professional Conduct (RPC), Rule 8.4 Misconduct.

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