

Imagine a reporter permitting a Catholic priest to revise his op-ed article about abortion or allowing a tobacco executive to edit an article on the hazards of smoking. The public would immediately complain about journalism ethics.¹ However, Judge James A. Doerty, Superior Court, State of Washington, has issued an antiharassment order and contempt citations that judicially sanction censorship by Council House directors and their administrator [806-12]. Doerty has contradicted a principle journalism ethic - seek truth and report it² - by abrogating the reporter's First Amendment rights.

Using their financial power, Council House directors have obtained court orders and contempt citations against the author of valid exposé. Those findings now await appellate review. The author/publisher claims judicial bias and arbitrary censorship that deny him his rights under the First Amendment to the US Constitution and Washington State Constitution.

The National Council of Jewish Women formed a non-profit corporation then built and later refurbished Council House, a residence for senior citizens on Capitol Hill, Seattle. They obtained federal financial assistance through the US Department of Housing and Urban Development (HUD) for the original construction and rehabilitation.

The directors, and two successive administrators, have consistently neglected to comply with HUD directives when managing Council House over a fifteen-year period. They have shown a pattern of violating federal laws and denying residents their civil rights. They have denied them due process of law and used an aggressive administrative staff and five violent enforcers to silence detractors [801-15].

Council House directors would have the public believe that *Contra Cabal*, a web site, distorts truth about occurrences at Council House. However, several sources verify and validate all facts after investigation and before publication. The published information does not harass anyone as they claim. Instead, it reports unlawful behavior in the hope that authorities will eventually take action for the good of residents.

This has caused the directors to retaliate by insidiously using their virtually unlimited wealth to harass this reporter in the courts. Consistently, they use kill-the-messenger techniques and misuse police to destroy any lawful criticism. They use coercive persuasion to cover their incompetence then abuse power to avoid responsibility. They try to instill fear to manage circumstances within a predetermined ideology.

Here, responsibility for the battered condition of free expression rests squarely with a judge charged with the responsibility to protect it. Doerty uses judicial power like an aphrodisiac and has created an orthodoxy for dissent. He has pandered to the oppressive power and wealth of social elites. He has allowed them to use their speech codes to trump free speech. He has

abrogated a prime right of journalists: freedom to gather information and to distribute it without fear of government intervention.

A belief that the best way to counter an argument stems from more argument apparently counts for nothing with Doerty. The law that protects his speech and preserves his rights for the time when he speaks for his own minority group evidently has no impact upon his interpretation of law when it applies to others. He ignores the fact that openly expressed divergence of opinion helps protect against reprisals and violence.³ Instead he declares the opinion violent and the criminal a victim.

The act of reporting facts and giving an opinion neither compels the reporter to make readers feel warm and fuzzy nor to use politically correct language. The term "diversity" does not mean intellectually and politically uniform. Misusing judicial power to silence heterodox comments ranks as judicial misconduct because when the judiciary censors language it denies the constitutional right to express personal feelings.

Critics of administrative policy have every right to speak out and to use whatever rhetoric they choose to strengthen their arguments especially when the topic concerns misuse of taxpayer money. Moreover, harassment, retaliation, and intimidation against reporters for what they write automatically prompts them to write more. No other legitimate method of self-defense exists.

Doerty's decisions have advantaged a group of wealthy directors who abuse senior citizens and misappropriate federal funds. They house a US congressman's mother who has allegedly sworn a false or misleading declaration that suits the directors' harassment purposes. This probably makes the issue politically sensitive for a recently elected judge who may not want to cite her for perjury or indict forty cohorts and staff members who have perjured themselves with her.

The directors have misused antiharassment laws to claim that newsgathering constitutes "surveillance" and reporting news defines as "harassment". The court order has effectively denied the constitutional right to gather news to a widely published author who has held an international press card for many years.

Council House administrators have deliberately interrupted the flow of public information and interfered with ethical reporting procedures designed to observe and report government dereliction. In this case, neglect by HUD properly to oversee management of a government financially-assisted building.

The directors have used antiharassment law⁴ to prohibit behavior specifically allowed by that law. Moreover, Doerty has granted them orders that condone their actions without any proper hearing. That law clearly states that courts shall not interpret meaning to allow infringement upon any constitutionally protected rights including, but not limited to, freedom of speech and freedom of assembly. Doerty's orders and contempt citations controvert that legislative admonition.

Extensive costs have resulted from compliance with a series of arbitrary and ambiguous court orders. Doerty has ordered censorship and denied the author/publisher, an accredited journalist, constitutional rights guaranteed under the First Amendment to the US Constitution and due process of law. He has held him in contempt of court.

Litigation costs much money even when successful. However, those who break the law and then try to kill the messenger eventually have to settle accounts themselves. Unfortunately, lawsuits against the press affect the public even when they fail because the cost of a defense cautions media and makes them reluctant to practice investigative journalism. Would-be censors know that even if free speech triumphs then the costly process makes some individuals reluctant to speak their minds in the future.

Moreover, Doerty has issued orders threatening this reporter with incarceration on a bench warrant if he does not comply with censorship demands by Council House directors. He has acted upon frivolous and capricious motions submitted by the directors and administrator of Council House who have used perjured testimony to deny constitutional rights and due process of law. By that, they have constructively evicted this reporter from his home for what he wrote.

Bizarrely, the censored information normally forms 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, the directors and administrators of Council House neither comply with this law nor with IRS regulations that require disclosure. Instead, they complain when journalists correct the omission.

Doerty has retroactively ordered the publisher to remove information, published during 2000, without any legal rationale. He found the author in contempt by claiming that he kept people "under surveillance" using an order issued more than twelve months after the published fact. He also claimed that using public records and attending a court hearing as a witness also classified as surveillance.

Bizarrely, he then ordered the author to obtain signed waivers from named journalistic sources long after publication. Moreover, his order effectively denies use of information contained in public records available under the Public Disclosure Act⁵. He later ordered extensive censorship of the site with another order couched in ambiguity.

The cost of court ordered censorship requested by Council House now exceeds \$42,500 (14 Nov 01). That total does not take into account attorney fees and costs. The author has had to alter illustrations, redesign, reprogram, rewrite, and edit his web site under duress to avoid going to jail. In addition, Doerty has fined this reporter \$100/day for contempt of court until he satisfies him and his "clients". However, he cannot satisfy the court due to ambiguity inherent in the rulings. The more that he revises the copy the more Council House directors want revised or removed. Doerty has created a \$100/day catch-22.

Unlawfully, Council House directors have used antiharassment laws to support censorship that covers up alleged misappropriation of government funds and abuse of senior citizens. They have tried to use intimidation to create a climate that silences open debate. The court findings now await appellate review.

Prosecuting reporters for espousing unpopular views and limiting free speech through litigation has no new ring to it. However, the excuses for censorship have changed. Council House directors, supported by a biased judge, have used the WTC disaster and terrorism as an excuse. This replaces McCarthyism, Anti-Semitism, the Red Menace, and similar excuses for censorship and harassment of journalists. Too many journalists already die by assassination each year resulting from truthful reports about terrorism or other sensitive political matters. Council House directors do not understand, or have no wish to know, that if the media loses its freedom of expression then terrorists and their ilk will always win [801-05a]. Apparently, respect for law now only exists on US East Coast: the West still has its outlaws.

Nmesis.

1. Stephen F. Hayes, Accuracy in Media, *The Weekly Standard* (26 Oct 01).
2. Society of Professional Journalists, *Code of Ethics*, http://www.spj.org/spj_ethics_code.asp.
3. Stanley Kurtz, *Free Speech and an Orthodoxy of Dissent*, *Chronicle of Higher Education* (26 Oct 01), B24.
4. RCW 10.14.020 and 10.14.190. Harassment.
5. RCW 42.17. Public Records Disclosure, generally.

Contact the author/publisher's attorney: Robert J. Siegel, Merkle, Siegel, Friedrichsen, Seattle Washington (206 624-9392) <bob@msfseattle.com> or <webmaster@contracabal.org> for further information about the ongoing appellate review [806-00].

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