

The Fourth Estate usually acts when either management or government fails to meet its responsibilities in handling public money. Misappropriation and abuse of residents by managers at Council House, Seattle, (a government financially-assisted residence for senior citizens) warranted investigation and reporting. The reporter hoped that public pressure would force the directors to stop the misappropriation and abuse. It has not.

US Department of Housing and Urban Development (HUD) funded the construction and rehabilitation of Council House. Residents then amortized mortgages by paying rent over several decades while HUD continued to subsidize some rents and services. Meanwhile, the directors have consistently abrogated their responsibility to both residents and taxpayers. They have now compounded the problems by failing to mitigate the socioeconomic damage as required by HUD directives - damage that they and their managers have caused over several years.

The directors have employed successive administrators: Mark T. Mullen, 1802 17 Avenue, Seattle, WA 98122, and Stephen (aka Stefan) A. Mitchell (37), 6126 8 Avenue NW, Seattle, WA 98107, both with a history of resident abuse and kill-the-messenger tactics. The directors have now used similar tactics to evade addressing the same issues by trying to silence a reporter.

Council House directors have now launched a campaign to cover up crimes using judicial misconduct, denial of due process of law, and laws that do not apply. They have given Stephen Mitchell large amounts of money to support that effort and condoned subornation. That campaign has the sole purpose of unlawfully intimidating an accredited investigative reporter and his information sources to prevent public knowledge of misappropriation and resident abuse at Council House.

When the three branches of government fail them the public must suffer the sometimes altruistic and annoying inquisitiveness of investigative reporters and not try to abrogate their rights. Reporters only report the news after verifying and validating facts - they do not make the news. If others decide what they may write and what they may not write then that prior restraint starts a long trail of prohibitions for political or other self-serving purposes. A person named in a news report has the right to refute statements but not to restrict publication.

Macaulay (1800-59) may have exaggerated reporters' power when he referred to the House of Commons reporters' gallery as a "fourth estate of the realm." However, his comment provides some idea of the press role as a watchdog over wrongdoing. That trust requires reporters to follow strict ethical principles that apply to content but not genre. Political correctness (self-censorship) or prior restraint (publisher restriction) must not affect editorial decisions whether to publish or not.

Despite publishing customs and case law, Judge James A. Doerty, Washington Superior Court, continues to redefine investigative reporting. He calls it harassment and unlawful surveillance. He

also has reclassified freelance reporters as *non bona fide*. Moreover, he ignores a recent New York Supreme Court decision. That ruling extended for the first time the same speech protections to online journalists that their print, radio, and TV colleagues, have enjoyed since 1964.<sup>1</sup>

Most journalists accept a responsibility to report the truth for the public good and do not allow people under investigation to use kill-the-messenger techniques to silence them. This has resulted in a long tradition of helping law enforcement by publishing research and by using shame naming - a lawful activity.

Publishing names and addresses insures accuracy especially when dealing with wrongdoers having a common name. Shame naming and blaming causes some individuals to stop breaking the law because they fear the economic and legal consequences of exposure. Moreover, shameful mitigation protects the public and opens communication. Courts have repeatedly found publishing names, addresses, telephone numbers, and ages, as both legal and constitutional. This now includes web site content that has similar rules to other publications.

If a reporter deliberately misrepresents facts or uses information maliciously then the subject can claim defamation in law. Deliberate factual distortion and malice remain the only two restrictions on publication of personal information except social security numbers. This particularly applies to material citing public records.

Usually, reporters only publish names and addresses of people who have allegedly committed crimes. This applies particularly when the alleged perpetrator has misappropriated government funds. The practice insures that the public will have no doubt to whom a report applies. Generally, reporters try to hold as many people harmless as possible. They use a basic ethical principle that gives alleged wrongdoers an opportunity to mitigate or explain themselves before publishing anything.

Judge Doerty, has placed the landlords (owners) of Council House and their special interests above the law. Doerty ordered censorship of Internet essays containing reports about resident abuse and misappropriation. He ruled against a journalist in a draconian harassment finding that disingenuously redefines the roles of reporter and perpetrator as harasser and victim.

Substituting the term "victim" for "perpetrator he found that: ". . . the specific posting on the internet of victim names [and] home addresses . . . causes the victims to reasonably feel under surveillance. . . . Just because free speech is involved does not mean that the analysis eliminates the victims' perspective. . . . Doerty then prohibited: "Posting to the Internet or [to the reporter's] web site, directly or indirectly, any personal identifying information including, but not limited to the name, address, phone number, social security number, or photograph, of any current, former or future staff member, resident, board member, or agent, including attorneys, of Council House." Doerty's order, in all its ambiguity and unconstitutionality, prohibited a member of the

international press corps from publishing, now or in the future, names and addresses of myriad people whose names he does not know.

Moreover, Doerty knowingly based that finding on a frame-up and multiple perjury. Doerty failed to question obviously suborned testimony or allow refutation. By that, he allowed people who advocate an unlawful supremacist ideology to restrict freedom of expression. That ruling cost Past Co-President Lynn Wartnik, 8811 SE 55 Place, Mercer Island, WA 98040, and other directors more than \$20,000 in attorney fees and effectively covered-up alleged crimes at Council House. In addition, The court has done everything that it can to frustrate appellate review based upon unchallenged lies told by Mitchell. In any court that defines as perjury condoned by judicial misconduct.

Lynn Wartnik and her Co-President Sheila Sternberg, 8530 NE 26 Street, Bellevue, WA 98004, with Council House directors and their management staff, have allegedly filed a bogus cross-petition; suborned senior citizens; abused residents; discriminated both racially and religiously; misappropriated federal funds; falsified documents, promoted thuggery; procured unlawful eviction; denied due process of law; thwarted appellate action; practiced search and seizure; attempted to jail a reporter to silence him; then, crowned those crimes with a massive cover up and judicial misconduct. However, Doerty categorizes them all as victims. He then penalizes the reporter for stink rising after defecation by his herd of sacred cows.

The reporter wrote nothing violent, instead, he warned the public not to step into the mess left by Wartnik, Sternberg, and their ilk. The constitutionally protected speech in reports about Council House merely exposed abuse of residents and misappropriation. That speech did not remotely approach the definition of violent speech claimed by Doerty or even that protected by a US Supreme Court (1982) ruling.<sup>2</sup> In fact, the reports only referred to violence by Council House thugs to whom Doerty has effectively granted immunity.

Superior Court Judge Robert Alsdorf (working in the same courthouse and a Doerty election campaign contributor) contradicts Doerty. He recently reinforced previous case law by saying that only publication of social security numbers constitutes non-publishable private information. He went on to say that the publication of lawfully obtained addresses and telephone numbers, although unwelcome to those who wish anonymity, has constitutional protection especially when lacking a credible and specific threat of harm.<sup>3</sup> Alsdorf opined: "This Court has concluded that on the facts presented so far to this Court defendants' dissemination of legally obtained private addresses and phone numbers and similar private information is speech protected by the First Amendment, and may not be enjoined." Doerty's decision prohibits reporters from doing precisely that.

Wartnik and Sternberg, through Council House attorney (Richard R. Beresford, Beresford, Booth, Demaray & Tingstad, Seattle) had repeated written warnings about all issues concerning Council

House before publication of details. The reporter openly declared in advance his personal or conflicting interests of opinion especially when the content drew upon his advocacy, experience, conclusion, or interpretation. He followed the international journalism ethics codes before publishing potentially embarrassing information about Council House and its directors. He also gave notice to featured individuals so that they could respond to charges affecting their reputation or moral character. Stephen A. Mitchell later obtained a court order that now prohibits contact with those individuals to obtain verification.

Neither Wartnik and Sternberg nor their attorney heeded any of the warnings. Instead, Council House directors adopted a kill-the-messenger strategy to silence the reporter and obtained a no-contact court order against him then locked him out of his home/office. They chose to pour money into manipulating court procedures - easy for Wartnik when she faces a senior superior court judge for breakfast each morning. The directors have continued that practice and the lockout for ten months and Mitchell has encouraged physical violence by one of his thugs.

Obviously, exposed wrongdoers and criminals do not like having their names and addresses published - they have no choice and consideration for them ends with accuracy. However, journalists cannot report accurately if forced to use pseudonyms or inaccurate portrayals.

George Bush Sr. does not accurately identify George H. W. Bush - the former a nickname the latter the name of a past president. While using the former could refer to that president it does not accurately identify him. Similarly, in the Doerty enforced use of pseudonyms, Tall Pygmy does not properly identify the alleged Council House malefactor Stephen (aka Stefan) Albert Mitchell. That pseudonym could apply to all tall people with small minds. Likewise, the term "defecating sacred cows" does not properly identify Wartnik and Sternberg without specifically naming them, those upon whom they allegedly defecated, and where they did it.

Failing to name perpetrators of wrongdoing not only allows them to evade responsibility for their actions but leaves the reporter open to a libel suit for any mistaken identify. For example, both Stephen and Maureen (his attorney) have the last name Mitchell. The reporter must carefully identify them as either Stephen (aka Stefan) A. Mitchell (sMitchell) or Maureen L. Mitchell (mMitchell). This, despite their joint and several conspiracies to suborn witnesses and the court approval of their respective pseudonyms: Tall Pygmy and Minnie Mouse.

Pseudonyms do not properly identify individuals. Tall Pygmy could apply to either of two successive Council House administrators and Minnie Mouse could apply to several female attorneys who have similar physical and psychological aberrations. Pseudonyms leave identity open to interpretation that does not hold the innocent harmless and gives anonymity to wrongdoers that leaves the public vulnerable. Publishing names incorrectly (or deliberately hiding personal identity) only works to undermine any confidence that skeptical readers may have left in an era in which journalistic credibility has reached a low ebb.

This reporter uses the Washington State Public Disclosure Act (RCW 42.17) and the US Freedom of Information Act (5 USC 552) to verify information obtained from sources. He refuses to reveal those sources by using his constitutional right as a journalist and his responsibility to hold his sources harmless and anonymous. From government sources he also obtains all state and federal documents needed to validate the statistical and supporting data that he publishes.

Reporters will continue to use names and addresses when necessary. They support exposé of wrongdoing and identify perpetrators of abuse in the time-honored tradition within legal constraints. Otherwise, the press does not remain free to gather news and report facts and criminals can hide behind a curtain of censorship. However, people mentioned in published material have a constitutional right to respond to what they read about themselves. They do not have a right to restrain the media from publishing anything about them. The use of personal information to support a story, and to warn the public of unlawful activity by naming perpetrators, has always been considered ethical journalism in the same way that mentioning race explains a story. Precise identification avoids mistaken identity.

Journalists have a dual obligation, to their audience by truthfully reporting criminal wrongdoing and an often competing obligation to the wrongdoer. Reporters often meet both obligations by alerting authorities about upcoming publication when circumstances suggest violence. When those authorities do nothing then the journalist's personal responsibility ends whatever the outcome. With Council House, the reporter followed those precepts as far as the court has allowed.

Thirty-six years ago, the New York Times (1965) exposed Daniel Burros as a New York Ku Klux Klan leader from Queens, New York. Burros (28), blond and blue-eyed, served as second-in-command in the American Nazi Party under George Lincoln Rockwell. Two days later the reporter learned that Burros had Jewish parents and upbringing and had celebrated his bar mitzvah.

The reporter confronted Burros with the evidence. Burros told him that if the newspaper published details of his Jewish heritage then it would ruin his standing as a KKK leader and encourage the obloquy of Jews. Burros also said that if they did publish those details then he would kill himself. The newspaper published the story and Burros shot himself that day.<sup>4</sup>

Should the newspaper have informed the authorities about the suicide threat? Did the public have a right to know about the racial and religious connotations? Would Judge James A. Doerty and the all-Jewish Council House board of directors have silenced that reporter?<sup>5</sup>

You decide!

*Nmesis.*

1. New York Times co. v. Sullivan 84 S.Ct. 710 (1964).
2. NAACP v. Claiborne Hardware Co., 458 U.S. 886, 929 (1982).
3. City of Kirkland et al v. William Sheehan et ux, et al, (01-2-09513-7 SEA - 10 May 01).
4. Elli Wohlgelernter, His Life and Times, *The Jerusalem Post* (10 Jun 99).
5. Louis W. Hodges, Society and the Professions: Studies in Applied Ethics (Course Description), Washington and Lee University, Lexington, VA.

© Copyright 2002 by Paul Trummel

All Rights Reserved: 05 Jan 02/15:58 PST

Edition: #806-10-02-0209-1031

Feedback: [webmaster@contracabal.org](mailto:webmaster@contracabal.org)