

**Update this previously published article.**

Mary Kay Becker, Chief Judge Division 1, Court of Appeals, State of Washington, wrote an outrageous opinion then her sheep bleated: "We concur". The court procrastinated and manipulated court rules for three years then waited another seven months after oral argument to make a decision - obvious attempts to delay then deny justice. It then buried its finding as an unpublished opinion which contained deliberately inaccurate statements, smacked of political expediency, and begs a challenge in a higher court. [CoA Opinion]

Lawyers for the appellant have filed a motion for reconsideration (06 Jul 04). Unfortunately, court rules allow the court to take as long as it wants to act on that motion. Will the court again drag its feet and take three years to publish another politically expedient and intellectually dishonest finding? The opinion affirmed the trial court decision. It effectively granted Council House directors impunity to continue their elder abuse and to cover up their complicity in alleged homicide.

The court has followed the maxim that powerful people get what they want by deception, distortion, and judicial compromise, and demonize their adversaries to achieve their goals. A consensus by lawyers and journalists since publication of the opinion confirms those contentions.

Council House lawyers brought a motion to publish the appellate opinion. Simply put, an unpublished opinion cannot be used as a precedent in law by other attorneys. However, a published opinion creates a legal precedent which, in this case, has negative ramifications for journalists. The court denied the motion for publication.

By that, Court of Appeals created a catch-22. If it allowed publication of its irrational, illogical, and unconstitutional opinion then the precedent could affect journalists and anyone else who writes or publishes anything in the US. Given the notoriety of this case, and the important First Amendment and due process issues involved, it should concern everyone that the Court did not issue a decision that it felt worthy of publication.

The implications for journalists have become increasingly serious. A spate of anti-harassment lawsuits to controvert constitutional rights under the First Amendment have occurred during the past few years. Most state laws specifically exempt constitutionally protected speech.

In many states, temporary anti-harassment orders can be obtained *ex parte* (secretly) and must usually have a hearing within 14 days. Once a party has a temporary restraining order it is very difficult to have it overturned. Legislatures framed anti-harassment laws primarily to deal with domestic abuse and temporary orders frequently have a guilty until proved innocent, "man beats wife", connotation.

Litigants and judges frequently misuse anti-harassment laws for myriad unethical purposes, especially, politically motivated end-runs around the First Amendment to place prior restraints upon journalists. To overturn a temporary order often means answering the question: When did you stop beating your wife?

If the appellate court publishes this opinion then anyone who does not like what a journalist writes can obtain a temporary restraining order without the journalist knowing about it until police serve the order. That effectively prevents a follow-up on the original story. It has become a cheap way to use prior restraint and an imperative for all journalists, freelance or not, to fight it. Email *Becky's Boutique* with support, comments, and opinion about this bizarre restriction upon free speech.

Council House argues that the court should publish the opinion due to previous violations of anti-harassment orders. In fact, no violations occurred. Both Mitchell and Jacques used court no-contact orders as a license to stalk, ambush, and assault. They made five attempts to frame violations of a court order with the declared intent of jailing this reporter. Jacques used a metal stick in a violent assault after an ambush.

He has also sent several death threats to this reporter and other people connected with the case. He claims to feel good about his ability to harass elderly people with impunity when they cannot lawfully defend themselves. Becker's opinion effectively declares another open season for Council House thugs.

Council House succeeded in sending this reporter to solitary confinement on trumped-up contempt charges and perjured testimony. In that effort, Judge Doerty had *ex parte* communication with Judge Wartnik (the Council House co-president's husband). On another occasion, according to Jacques, Doerty collaborated *ex parte* with King County public prosecutor in framing a no-contact violation. [*Impunity*]

Becker's opinion (14 Jun 04) ranks as nothing more than another politically motivated stitch-up. It conforms to a legal maxim which postulates that civil law cannot abrogate a presumed right of blood and kindred - rather like Zionist policies in Israel (*Jura sanguinis nullo jure civili dirimi possunt*). The term "kindred" defines political or racial motivation that occurs within a clan. In this case, it applies to a malevolent lost thirteenth tribe of Israel now found in Seattle after wandering for several millennia in a desert of malevolence. [*Hornet Nests*]

Whether one works as a journalist or writes and speaks for pleasure, Becker's decision affects everyone. If not reversed then it diminishes First Amendment rights. The case has nothing to do with harassment. Second only to elder abuse for its chutzpah, her opinion replicates the massive cover up of alleged crimes by Council House and judicial misconduct by trial court Judge James A. Doerty. Unlawful anti-harassment findings grant criminals impunity and allow judges they have in their pocket to do an end run around applicable laws. [*Impunity*]

The opinion certainly ratifies his biased and draconian decisions. Becker has tried to cover up the unlawful actions of a neo-fascist superior court judge. Doerty jailed an elderly journalist for what he wrote and denied him a lawyer or any opportunity to prove himself innocent of any crime. Her opinion smacks of political expediency and dishonesty that needs investigation by Washington Commission on Judicial Conduct (CJC) and Washington State Bar Association (WSBA). [*Commission on Judicial Conduct*] [*Washington State Bar Association*]

In my commentary, I do not intend to rebut what Becker has written because I have already refuted the perjured statements that she used and have no need to duplicate the work of my lawyers. Instead, I will link items in the opinion to the relevant paragraphs in previously published articles. Readers can decide for themselves about this travesty of justice. [*CoA Commentary*]

Washington readers can say something truthful about the Machiavellian Becker/Doerty duo. Then they may persuade voters not to elect Becker to Washington Supreme Court (a position to which she aspires) or reelect Doerty to Washington Superior Court. After the Kafkaesque "trial" that she held, the public should not allow her to pollute the relatively clean water at the Supreme Court. [*Becky's Boutique*]

Who knows, voters may positively affect the fate of the world that Becker and other liars and judicial frauds hold in their hands. They have alternatives.

Judge Robert H. Alsdorf, an advocate for First Amendment rights, also aspires to the Supreme Court and has a reputation for honesty and fairness. If he follows his credo then he will present a stark contrast to the unethical behavior of Wartnik, Becker, Doerty, *et al.*

Robert H. Alsdorf, *Seattle Post-Intelligencer* (01 May 2002).

We judges are in a position of trust. An individual and personal right of free expression cannot override the public trust we agree to undertake. It is our sworn duty to deliver justice to all who enter our courts, whether they voted for us or not. . . . The role of the judicial branch is neither to enact nor to thwart the public will, but to execute the law in a neutral fashion, without regard to political influence, without fear or favor. . . . But being compelled by ethical rules to keep silent on contested issues of public significance is . . . a powerful continuing reminder that we are not placed in office to enact into law either our own personal views or those of the current majority. . . . I am well acquainted with the pressures various political and interest groups can bring to bear on judicial candidates to commit to positions on all manner of significant issues. So far, I have been able to rely on the code in refusing to make commitments, and to preserve not only the appearance but also the reality of neutrality as much as any fallible human can do so.

I do not have a vote so my political interest only relates to judicial integrity and not to any party affiliation. Readers frustrated by the lack of rational argument and court manipulation can comment by email to *Becky's Boutique*. I received several responses to the findings within hours of publication. The only message received in support of Becker came from J-cqu-s. Several people

complained about him sending his rant to them. Comments on *Croak* will also appear in *Becky's Boutique*.

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