

Complaint Narrative Concerning Attorney General Tom Miller

I, Troy Newman, am the President of Operation Rescue, a pro-life advocacy group headquartered in Wichita, Kansas.

I am asking for a formal review of Attorney General Tom Miller's conduct related to a complaint filed by my office asking the Attorney General to look into possible illegal abortions that were being conducted by Planned Parenthood of the Heartland.

I am alleging three causes of action:

1. Conflict of Interest
2. Hindering or impeding efforts to obtain independent criminal investigations
3. Corruption

Background

Operation Rescue conducted an investigation earlier this year on the so-called telemed abortions and discovered information that gave staff investigators reason to believe that Planned Parenthood's telemed abortion pill scheme not only violates standards of care, but also violates the law.

Operation Rescue filed a [formal complaint with the Iowa Board of Medicine](#) in April, 2010, asking for an investigation of several physicians known to participate in Planned Parenthood's controversial abortion pill system that prevents women seeking medical abortions from obtaining physical examinations or having personal contact with licensed physicians. Licensed physicians are the only ones allowed to do abortions according to Iowa law. Instead an abortionist in Des Moines appears on a computer screen then pushes a button that opens a drawer containing the pills in an outlying clinic. The women at the outlying clinics take some abortion pills at the clinic, then are sent home with the rest of the pills to finish the abortion process on their own. ([Read OR's Special Report to learn more.](#))

Because Planned Parenthood clinics in several Iowa counties were involved, Operation Rescue announced in a June 24, 2010, press release that a complaint [demanding a criminal investigation](#) of their remote-controlled abortion pill scheme had been filed with the Iowa Attorney General's office, which has jurisdiction in all Iowa counties. Almost immediately, Attorney General Tom Miller began making excuses for why he could not proceed with an investigation. ([Read more about this.](#))

Open Records Documents

Operation Rescue obtained a 906-page packet of documents that was obtained from the Iowa Attorney General's office through the open records act that reveals an effort by Attorney

General Tom Miller and his staff of hinder OR's efforts to obtain a criminal investigation of Planned Parenthood of the Heartland and their "telemed" remote-controlled abortion pill distribution scheme. The documents were sent to Operation Rescue from an anonymous source.

The packet of open record documents predominately contains a collection of e-mail communications from January, 2008, through July, 2010, between members of the Iowa Attorney General's office and staff members for Planned Parenthood of the Heartland. Other inter-office communications discussing PPH, their policies, and staff were also included.

Records show conflict of interest and attempts to hinder efforts to garner criminal investigations

E-mail exchanges between members of Miller's staff showed that the office was attempting to develop a response that would deflect Operation Rescue's requests.

In an [e-mail dated June 24, 2010](#), from now retired Communications Director Robert Brammer to Iowa Attorney General Tom Miller and copied to Assistant Attorney General Eric Tabor, Brammer wrote:

Tom – Can you advise on this?
"They should go first to county attorney"? [If so, do we alert John Sarcone?]
Would appreciate our speediest consideration of this. Will have numerous calls?

John Sarcone is the Polk County District Attorney with jurisdiction over crimes committed in Des Moines, the site of PPH's headquarters and the most like office to prosecute crimes committed by the abortion group. It was later discovered that Miller's office had indeed alerted not just Sarcone, but other county attorneys as well, hindering efforts to obtain criminal investigations into PPH's actions that Operation Rescue believe violate the law and endanger the lives of women.

While Miller's response was suspiciously missing from the open records documents, Brammer responded later that day to an e-mail inquiry by Tony Leys of the *Des Moines Register* that the county attorneys should have been contacted instead, indicating that Miller had okayed that response.

Later, Tabor sent a [preachy and condescending letter](#) dated August 12, 2010, to me and my staff person, Cheryl Sullenger, indicating that the Iowa Board of Medicine would conduct their investigation then forward any findings of criminal conduct to the appropriate county attorney. Included was a lecture about an [article posted on the Operation Rescue website](#) on July 6, 2010, exposing the connection between the Attorney General's office and Linda Railsback, a 13-year employee of Planned Parenthood of the Heartland who also serves on the Attorney General's Crime Victim Assistance Board.

“Contrary to the implications of your email, Dr. Railsback does not and has never performed elective termination of pregnancy,” the letter read. It went on to defend Railsback’s membership on the Crime Victims Assistance Board.

The fact that Tabor qualified his remarks by indicating that Railsback did not perform ‘elective’ abortions, is a strong indicator to me that some abortions are being done that are justified under some nebulous ‘non-elective’ classification. Nevertheless, Railsback is an abortion encourager, promoter, and profiteer, which in my opinion, makes her an abortionist. Tabor’s defense of Railsback was inappropriate, considering our complaint indicated her employer is likely involved in criminal conduct of which she may or may not have knowledge.

According to an [e-mail](#) dated July 14, 2010, Miller was particularly offended by Operation Rescue’s article concerning his connections to Railsback and ordered the response.

The fact that the Attorney General’s office issued such a strong defense of their association with Planned Parenthood’s Railsback is evidence of extreme bias and completely substantiates our concerns that a conflict of interest exists.

Complaints to County Attorneys Hindered

Unwilling to let the matter of a criminal investigation rest solely with a medical oversight board whose only jurisdiction seems to be disciplining physicians for standard of care issues, Operation Rescue sent complaints on August 18, 2010, requesting investigations in ten Iowa counties known to have facilities that dispense abortion pills without a licensed physician on site.

At that time, we had not received the open records documents and were unaware of Miller’s deep relationship with PPH.

On August 21, 2010, Operation Rescue began receiving responses from county attorneys.

Those responses to our ‘snail-mail’ letters arrived about as fast as the U.S. Postal Service was capable of delivering them. We found this interesting because usually a county prosecutor would have to review the law or the case before responding, which could take several days.” However, it soon became obvious that the Attorney General’s office had already “[alerted](#)” the county attorneys and forward them the Tabor letter to Newman and Sullenger. Some of the responses contain identical phrases.

For example, [Story County Attorney](#) Stephen H. Holmes even included a copy of Tabor’s letter and told Operation Rescue, “I adopt Mr. Tabor’s response.”

[Union County Attorney](#) Timothy R. Kenyon told Operation Rescue, “I am credibly advised that the Iowa Board of Medicine has also received a complaint regarding these issues. It is my

understanding that an investigation is underway...If the entity learns that a crime has been committed, it is required to notify the law enforcement agency in that jurisdiction.”

[Black Hawk County Attorney](#) Thomas J. Ferguson wrote to Operation Rescue, “A complaint regarding this issue has been filed with the Iowa Board of Medicine and it is my understanding that an investigation is underway...We will await the outcome of the investigation by the Iowa Board of Medicine concerning your complaint.”

It is clear that these county attorneys had been “alerted” by the AG’s office about the possibility of complaints coming their way concerning our desire to see a criminal investigation of PPH’s telemed abortion pill scheme. Once our letters were received, county attorneys immediately began to regurgitate the party line.

The only reason to ‘[alert](#)’ the county prosecutors, as communications director Robert Brammer had suggested, was to hinder our ability to gain an investigation that Miller’s office could not control. The open records documents leave no doubt that Miller’s office worked tip off county prosecutors for the purpose of discouraging them from investigating on their own. It seems clear from the paper trail that protection of their friends and political allies at Planned Parenthood was placed above the laws of the State of Iowa and the health and safety of women.

Cozy relationships cross the line to political corruption

At that time, we had no idea how tightly connected the AG’s office was with Planned Parenthood of the Heartland. After reading over 900 pages of email exchanges, it became obvious to us that close political and personal relationships exist between Planned Parenthood and members of the Attorney General’s staff.

In response to the request for records, several people at the Attorney General’s office were notified that searches for the words “Planned Parenthood” would be run on several staff members’ e-mail accounts.

[Assistant Attorney General Theresa Weeg](#) wrote an e-mail to several people in the AG’s office telling them that she had “e-mails between the BOM and me, between me and others in our office about the Board of Medicine’s pending investigation. Those are confidential under Section [sic] 272C.6(4), and there is the privilege issue as well.” Weeg often acts as a liaison between the AG’s office and the IBM.



COZY RELATIONSHIPS: This photocopied image shows IA Atty. Gen. Tom Miller posing with Jill June, head of Planned Parenthood of the Heartland at a party they both attended. Miller’s office gave PPH permission to use the photo in future PPH publications.

While there is certainly nothing sinister about a working relationship between the IBM and the Attorney General's office, they seem to share a common behavior taking overt actions that protect and even cover up for Planned Parenthood.

The Iowa Board of Medicine was also caught tipping off Planned Parenthood that a medical watchdog group had made an open records request for public documents related to Susan Haskell, the PPH abortionist whose name appears in news photos on the abortion pill bottles distributed by PPH through their push-button, remote-controlled system without a licensed physician onsite. Planned Parenthood filed a petition asking a court to bar the release of the records, prompting the IBM to refuse to release the records. ([Read more about this.](#))

Later, Cheryl Sullenger, Senior Policy Advisor for Operation Rescue, made an [open records request](#) for four medical license applications of PPH employees on September 21, 2010. Kent Nebel, Director of Legal Affairs for the Iowa Board of Medicine told me and Sullenger during a conference call on August 27, 2010, that medical license applications are considered public records. However, upon receiving Sullenger's open records request, Nebel -- without prior solicitation from PPH -- to forward that request to PPH, which then filed [a lawsuit against Sullenger](#) to block her from receiving the public records.

Later, Sullenger questioned Nebel during a conference call of which I was a party, about why he forwarded her information to Planned Parenthood, and Nebel told her that he had consulted with the Attorney General's office, which told them to notify PPH of the open records request. (Recordings available upon request)

Other communications in the documents obtained from Miller's office are revealing of cozy political and personal relationships between the AG's office staff and Planned Parenthood employees.

They attend the same parties, they ask about each other's surgeries or how the grandkids are. Some AG staffers subscribe to Planned Parenthood's e-mail distribution list. Planned Parenthood staffers have alerted the AG's office to potential negative information about political opponents and even forward some of our press releases to Miller's people. Miller's office has aided PPH staffers in pursuing employment opportunities in the AG's office.

Now that we have seen the nature of the relationships between everyone involved, we are more concerned than ever that an obvious bias in favor of Planned Parenthood exists in Iowa governmental agencies. That presents a grave conflict of interest. Will that bias effect the IBM's judgment when it comes to investigating Planned Parenthood as it has adversely affected the county attorneys that were influenced? It very well may have already, and that is troubling. There is a very real possibility that political and personal affiliations are being placed above the health and safety of women in Iowa. That is the very definition of corruption.