

# BEFORE THE JUDICIAL INQUIRY COMMISSION OF ALABAMA

Inquiry Concerning a Judge, No.\_\_\_\_,

## COMPLAINT AGAINST CHIEF JUSTICE ROY S. MOORE

### Introduction

We write to lodge a complaint against Chief Justice Roy S. Moore for his public support of groups linked to Domestic Terrorism. In 18 of the United States Code – 2331 Domestic Terrorism is defined as activities with the following three characteristics:

- 1) Involves acts dangerous to human life that violates federal or state law
- 2) Appear intended (i) to intimidate or coerce a civilian population (ii) to influence the policy of the government by intimidation or coercion (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping and
- 3) Occur primarily within the territorial jurisdiction of the U.S

Under these definitions, the organizations Operation Rescue, Army of God and Operation Save America meet the criteria of domestic terrorists and have been so designated.

On July 11, 2015 members from the above mentioned terrorist groups arrived in Montgomery for a week long protest against the Montgomery woman's clinic with the immediate goal of preventing women from obtaining legal reproductive care and a long term goal of closing the clinic.

On the evening of July 11, 2015 at the Operation Save America's "Let Justice Roll" rally, Chief Justice Roy S. Moore spoke at the gathering in support of their cause. By aligning himself with these domestic terrorists Judge Moore is guilty of domestic treason by association, conflict of interest, misconduct, collusion and consorting with the enemy.

Chief Justice Moore has a history of working contrary to Federal Law in promoting his own personal beliefs and agenda through the Doctrine of the Lesser Magistrate as evidenced by his refusal to follow federal orders to remove the Ten Commandment monument and most recently his stance on disallowing Probate Judges to issue marriage licenses to couples of the same sex in violation of federal order.

**A. Canon 3(A) (1) - Adjudicative Responsibilities**

A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor or fear of criticism.

By aligning himself with the above listed groups Chief Justice Moore has made it plain he will give aid and comfort to enemies of the United States if they promote his own personal agenda and cause.

**B. Canon 3(A)(6) - Adjudicative Responsibilities**

A Judge should abstain from public comment about a pending or impending proceeding in any court.

There are currently bills being passed in the legislature that are set to be challenged in the Alabama courts. Chief Justice Moore's public remarks about his personal beliefs and subsequent actions in support of those beliefs create an environment in which the

opposing parties may believe they won't receive a fair and impartial hearing before his court.

**C. Canon 3(C)(1) - Disqualification**

A judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality might reasonably be questioned, including but not limited to instances where:

- (a) He has a personal bias or prejudice concerning a party.....

Again by his association with Army of God, Operation Rescue, Operation Save America and Abolish Human Abortion and their members he is making a public stand on his abortion rights position which calls into question any of his previous decisions on matters involving abortion or definition of when life begins:

**Background, History and Record of Criminal Activities:**

**The Army of God (AOG)** Investigated as a domestic terrorist organization by the FBI and Homeland Security AOG has been responsible for a substantial amount of anti-abortion violence and they openly promote killing abortion providers.. The group has committed acts of kidnapping, attempted murder and murder:

Paul Jennings Hill was executed by lethal injection in 2003 for the 1994 killing of Dr. John Britton and his bodyguard James Barrett; John C. Salvi killed two receptionists when he attacked a Planned Parenthood clinic in Brookline, Massachusetts in 1994; Scott Roeder is serving life without parole for murdering Wichita Kansas based abortion doctor George Tiller in 2009; Michael Frederick Griffin is serving a life sentence for the 1993 killing of Dr. David Gunn, on OB/GYN in Pensacola, Florida.

In August 1982, three men identifying as the Army of God kidnapped Hector Zevallos (a doctor and clinic owner) and his wife, holding them for eight days. In 1993, Shelly Shannon, a very active member of the Army of God, was found guilty of the attempted murder of Dr. George Tiller. The Army of God supported Shannon, saying that

“whatever force is legitimate to defend the life of a born child is legitimate to defend the life of an unborn Child. The Army of God also claimed responsibility for Eric Robert Rudolph who is serving life in prison for his 1997 shrapnel bombing of abortion clinics in Atlanta and Birmingham as well as the bombing responsible for one death at the 1996 Olympics in Atlanta. Their web site also publishes names, home addresses, telephone numbers and other personal information regarding abortion providers – highlighting the names of those who had been wounded and striking out those who had been killed. This ‘self-styled army’ distributes a manual that is a ‘how to’ for abortion clinic violence. It details methods for blocking entrances, butyric acid attacks, arson, bomb-making and other illegal activities. Their members are considered armed and dangerous.

**Operation Rescue** is an extremist right-wing anti-abortion group with a history of advocating, encouraging, and in particular cases even employing aggressive and outright violent tactics to combat abortion. The group and its members have been associated with violence. Joe Foreman, one of the co-founders of Operation Rescue, signed a petition saying, “The use of lethal force is justified if it is carried out for the purpose of protecting the lives of unborn children.” Another Operation activist said, “It is your God-given right to destroy any man or woman calling themselves doctors who willingly slaughter innocent children.” Their senior police director, Cheryl Sullenger along with her husband, was at one point convicted of conspiracy to bomb a California clinic and spent two years in prison. Her phone number was found on the dashboard of a car belonging to Scot Roeder, the man who shot and killed Dr. Tiller. In 1998, the Supreme Court granted an injunction against Randall Terry (the founder of Operation Rescue) and the group under the Racketeer Influenced and Corrupt Organizations (RICO) Act. Randall Terry, personally, and Operation Rescue were held liable for monetary damages done to clinics. Randall Terry has stated:

Operation Rescue was founded in 1986 and by 1988 had held 182 blockades resulting 11,732 arrests, and in 1989 12,358 had been arrested at 201 blockades. Some tactics, used by Operation Rescue includes tracking down license plate numbers to obtain addresses of clinic employees then following them to supermarkets, hotels, and other public places where they can be confronted. They snap photographs, run video cameras, find Social Security numbers and check financial records. They infiltrate clinics by posing as patients, dig up dirt through court and other government records and file as many lawsuits as possible. By 1993, the organization split with one faction retaining the name Operation Rescue (OR) and the new group calling themselves:

**Operation Save America (OSA)** A previous statement from OSA:

“For years, Operation Save America has stood faithfully with Chief Justice Roy Moore, a poet, warrior, statesman. Through his many battles we supported his righteous stands in the face of persecution and tyranny. Today, the Alabama Supreme Court led by Chief Justice Moore continues to stand against injustice and once again we are going to come alongside to help.

Moore, along with Justice Tom Parker, have rendered Decisions from the court that directly or indirectly have taken on Roe vs. Wade. Currently Moore is acting faithfully as a Lower Magistrate to resist ‘Gay Marriage’ in his state. He is taking another just stand and once again, we will stand with him....”

### **Abolish Human Abortion (AHA)**

AHA was founded in Norman, Oklahoma by convicted drug dealer Toby Harmon. The group has chapters nationwide. They protest outside of churches accusing them of not doing enough to end abortion and outside of public schools displaying graphic signs and physically stopping teenagers going to and from school. They differ from other pro-life organizations in that they believe there is no exception to abortion and refer to themselves as ‘abolitionists’ with all of the references to slavery intended. Currently there is legislation in Oklahoma to try to restrict their protesting in front of schools.

### **Individuals at the Rally:**

**Matt Trewhella, Milwaukee, WI** – Co-founder of ‘Missionaries to the Preborn’, a group that has aligned themselves with the militia movement and most violent fringe of anti-choice activists advocating violence and ‘justifiable homicide’ against clinics, doctors and workers through Army of God’s ‘Defensive Action Statement.:

He is a convicted arsonist and has been arrested for trespassing and disorderly conduct, notably forcing a doctor to stay in his home while others went to protest at the doctor’s minor son’s volleyball game with violent signs. He has been investigated by the FBI numerous times for his anti-abortion activities and was jailed for fourteen months for violating the Federal FACE Act. According to confidential FBI documents, Trewhella is one of half dozen anti-abortion activists under investigation as possible conspirators in a campaign of violence against abortion clinics. His followers have been arrested by the hundreds.

**Keith Tucci, Melbourne, Florida** - Former Director of Operation Rescue, arrested for blocking access to clinics during the six week “Summer of Mercy” in Wichita, Kansas:

“Led by Keith Tucci, thousands of anti-abortion protesters flocked to Wichita and were arrested at sit-in protests and blockades of clinic entrances and adjacent streets. The

protests were held at three different clinic locations in Wichita but focused on George Tiller's abortion clinic. Over 1,600 arrests took place during the first three weeks, with thousands of locals gathering and dozens of clergy people becoming involved. The event lasted six weeks, with over 2,600 arrests accomplished by the Wichita Police Department”.

**John ‘Chet’ Gallagher, Las Vegas, NV** – Former police officer arrested and served time in jail for joining a clinic protest while in his police uniform. Arrested and convicted in Jackson, MS for disorderly conduct and interference with a legal business during and OSA protest in 2013. He defended his arrest saying ‘I have a sworn responsibility to protect human life.’ A bench warrant for his arrest was issued in Florida in July 2014 for failing to appear on older charges. He was also arrested in Wyoming and Kansas.

**Rusty Lee Thomas, Waco, Texas** National Director of Operation Save America (Spinoff group from Operation Rescue) –Founder of Elijah Ministries and the Kingdom Leadership Institute which trains young adults in anti-abortion extremist attacks. Participant in the “Summer of Mercy”, he has been convicted of criminal trespassing and has been arrested across the country for obstructing clinics and other crimes.

**Calvin ‘Cal’ Zastrow , Freeland MI** – Leader of the anti abortion group Personhood USA. Arrested several times, most notably three times in Mississippi, with additional arrests in Montana and Michigan.

**Steve Wetzel, Omaha, NE** - Director of Missionaries to the Unborn, an American pro-life advocacy group. In July 2001, A Madison County, Illinois Circuit Court judge ruled that the group must remove from their website the photograph and medical records of a woman who underwent an abortion. Former Lambs of Christ, current member of AHA

**Scott Heldreth , Ohio** - with Cities4Life. Convicted rapist and long time veteran of Randall Terry's Operation Rescue. Arrested for two counts rape, kidnapping, battery and later, for protesting in front of several clinics. During a protest in 2006 he allowed his ten year old son to be arrested for trying to sneak water to comatose Teri Schiavo .

**Jay Rogers, Kissimmee, FL** – Arrested for protesting outside house belonging to CEO of Planned Parenthood in Greater Orlando; runs a website listing names and personal information of doctors performing abortions. Closely associated with Rusty Thomas and convicted clinic Army of God terrorist Michael Bray.

**Dan Holman, Keokuk, IA** – Member of Army of God and author of “The Justifiable Use of Force’ in which he states, “The use of force to protect unborn babies is objectionable more in principal than in practice.” He believes in Justifiable Homicide against anyone working with an abortion clinic

By publicly supporting these groups and individuals he is giving them the legitimacy of his office, personally sanctioning their terrorist tactics and consorting with known felons

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Chief Justice Roy S. Moore has undercut the law of Alabama and the United States of America in his actions both on and off the bench and has disgraced the office of Chief Justice of the State of Alabama Supreme Court as mentioned in this complaint. We respectfully request that this Judicial Inquiry Commission investigate the allegations in this complaint and recommend that Chief Justice Moore face charges in the Court of the Judiciary.

July 18, 2015

ALABAMA REPRODUCTIVE RIGHTS ADVOCATES:

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P. O Box 4516

Huntsville , AL 35815