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# Holder's family papers over his ties to abortion doctor

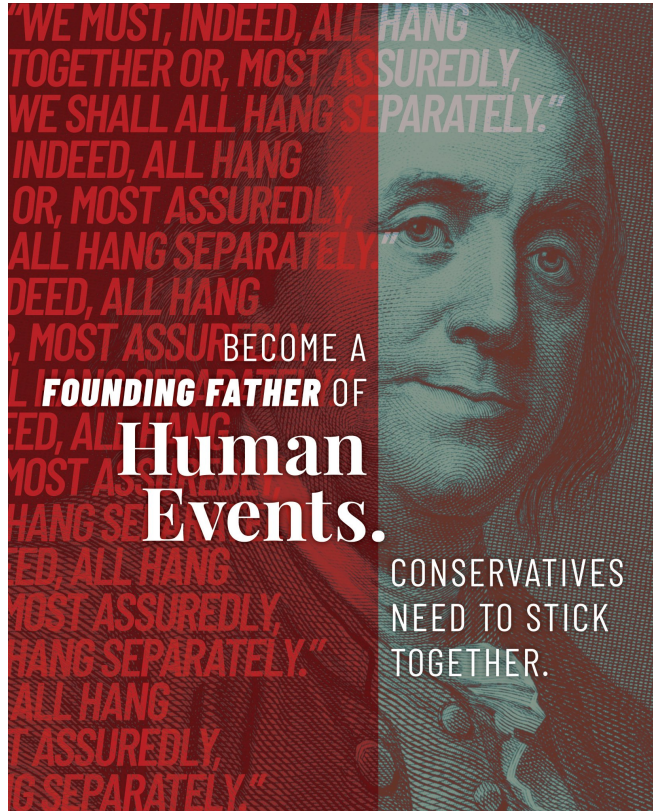


Critics say the Attorney General's links to a notorious Georgia abortion doctor creates conflict of interest, "when the man charged with pursuing those that abuse the system is also one who is engaged in some way with the business."

By **Troy Anderson and Will Swaim**  
on October 31, 2012



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Eric Holder Jr.'s family is moving fast and furiously to bury the U.S. Attorney General's ties to one of Georgia's most notorious abortion doctors.

Just cleared by an internal report in the Fast and Furious gunrunning debacle, the nation's top lawman now faces allegations that his connection to Dr. Tyrone Cecil Malloy is a conflict of interest that helps explain Holder's failure to prosecute abortion providers who run afoul of federal law.



Critics say it may also explain why Holder has been eager to prosecute pro-life advocates who counsel women outside abortion clinics.

Documents obtained by Watchdog show that Holder's wife and sister-in-law co-own, through a family trust, the building where Malloy operated. A Georgia grand jury indicted Malloy on Medicaid fraud charges in 2011. A state medical board twice reprimanded the doctor.

Holder and his wife, Sharon Malone Holder, an obstetric and gynecological doctor at

Foxhall OB/GYN in Washington, D.C., failed to respond to several requests for comment.

But reached by phone at her home in Minneapolis, Margie Malone Tuckson, Holder's sister-in-law, said there's no link at all that Fulton County tax records showing the property belongs to her and Holder's wife are wrong.

I don't own this property and my sister does not own this property. We are not technically on this deed, Malone Tuckson said.

However, public documents reviewed by Watchdog.org show that the family transferred ownership to a family trust in 2009, eight months after President Barack Obama's inauguration. But even the new deed directly names Holder's wife and sister-in-law as trustees. After inquiries by Watchdog reporters, Tuckson contacted the Fulton County Assessor's office and asked them to change tax records to reflect the new ownership.



But none of these technical changes obscures the Holder's conflict of interest. Catherine Davis, a founding member of the National Black ProLife Coalition and president and founder of The Restoration Project, a Stone Mountain, Ga.-based pro-life, pro-family organization said she's outraged by the revelations.

There is a clear conflict of interest when the man charged with pursuing those that abuse the system is also one who is engaged in some way with the business, said Davis, whose organization brought the issue to the attention of Watchdog.



Troy Newman, president of Operation Rescue, a national pro-life organization based in Wichita, Kan., said the disclosures help him understand why Holder has been targeting pro-life advocates.

In recent months, judges have blocked Holder's efforts to punish pro-life supporters counseling women outside abortion clinics. In one case, Holder's Department of

Justice agreed to pay Mary ◆??  
 Susan◆?◆ Pine \$120,000 for  
 its filing of an ◆??improper  
 lawsuit◆?◆ against her,  
 according to a statement by  
 Liberty Counsel, an Orlando,  
 Fla.-based nonprofit legal firm.  
 Pine counseled women on the  
 sidewalk outside a Florida  
 abortion clinic.

◆??It looks to me like the  
 attorney general and his wife  
 are in business with the  
 abortion industry, which  
 makes a lot of sense and helps  
 explain why (Holder◆??s  
 Justice Department) is  
 prosecuting pro-lifers and  
 losing the cases around the  
 country,◆?◆ Newman said.



◆??They have been attempting  
 to prosecute pro-life people  
 under the (Freedom of Access  
 to Clinic Entrances Act of  
 1994), and as far as I know they  
 have lost 100 percent of those  
 cases in the last four years.  
 This (Malone Holder◆??s  
 property interest) explains his  
 bias. I don◆??t think it◆??s a  
 surprise to anybody that  
 Holder and the Obama  
 Administration are extremely  
 biased against pro-life people  
 and in favor of the pro-  
 abortion crowd.◆?◆

Fulton County tax records show Holder's wife and sister-in-law own the building, located at 6210 Old National Highway, College Park, Ga. A statement from the Georgia Department of Law shows the building was home to Old National Gynecology, Malloy's medical practice devoted to the performance of abortions.

In December 2011, the statement says, a DeKalb County Grand Jury indicted Malloy, Old National's owner and operator, and his former office manager CathyAnn Edwards Warner on two counts of Medicaid fraud. The indictment alleged Malloy and Edwards accepted nearly \$390,000 in federal medical assistance payments for medical office visits associated with the performance of elective abortions and for ultrasound services that were never performed.

Federal funds cannot be used to pay for abortions and associated services, except where the pregnancy is the result of rape or incest or would endanger the



mother's life, according to the statement.

Malloy and Warner refused to enter a plea in the case, arguing the indictment was constitutionally flawed, according to the Georgia Department of Law. On May 2, a judge entered a not guilty plea on their behalf and then promptly denied their motion challenging the constitutionality of the Medicaid law in Georgia.



Malloy and Warner appealed to the Georgia Supreme Court.



The defendants' brief is due by Nov. 5 and the state's response by Nov. 26.



Attorneys for Malloy and Warner did not respond to requests for comment.

My concern is Dr. Malloy's political connections are so high up that he's going to end up getting off on these charges," said Michelle Wolven, the lead investigator and researcher for Eagle Watch, an abortion watchdog group in Dallas, Ga. that worked with the National Black Pro-life Coalition to uncover the

connections between  
Holder's wife and Malloy.

I'M NOT GOING TO  
HELP YOU!

The same tax records show the building was formerly owned by Dr. Mack A. Jones, late husband of another of Holder's sister-in-laws, Vivian Malone Jones. Her death, announced in an Oct. 14, 2005 obituary in *The Washington Post*, reported that she was Malone Holder's sister.



Vivian Malone Jones was one of two African American students who sought to enroll at the University of Alabama in 1963 only to be blocked by Alabama Gov. George C. Wallace in the infamous "stand in the schoolhouse door" incident, according to *The Washington Post* and *Associated Press* obituaries.

Early in the Watchdog investigation, Tuckson, Holder's sister-in-law and co-owner of the Georgia building, flatly denied she and her sister ever had an interest in the building.



“No, absolutely not,” Tuckson said. “I’ve told you the truth: I do not technically own that property. My sister does not technically own that property. And if you say that we do, that is a lie.”

Asked why she used the word “technically,” Tuckson said, “You need to do your own work and look at the deed. I pulled it up, and I’m looking at it right now. We are not on the deed.”



A Watchdog reporter asked Tuckson how she happened to have a copy of the deed to a piece of property she doesn’t own. After a very long pause, Tuckson replied, “I just pulled it up.”

Would she share that document with Watchdog? Absolutely not, she said.

“I told you: I’m not doing your work for you. You get paid for this. I don’t,” Tuckson said.

Asked how she squared the document she was reviewing with the Fulton County tax records, Tuckson said, “That’s your problem to

figure out. I'm not going to help you.

Could she explain why the Fulton tax assessor had been assessing and collecting taxes from her and her sister?

That's your problem to figure out, Tuckson said. I have nothing more to say.

The next day, Tuckson had more to say.



She called the Watchdog reporter to say she had contacted the Fulton County assessor. Someone there had assured her that her appearance as an owner on tax documents was a mistake that was now cleared up.

So my sister and I are not technically the owners of that property, she said. She thanked the reporter for helping her identify the error and hung up.

Contacted by Watchdog, the assessor's office confirmed that its records had indeed been updated that morning. (At publication time, the online record still reflected Tuckson

and Malone Holder's ownership because, the assessor's office said, the public-access site is managed by an outside vendor who updates sporadically.)

But the assessor was able to identify the new owner of record: Michael A. Jones and Monica Jones Shareef, a family trust on which there are only two trustees: Sharon Malone Holder and Margie Malone Tuckson, Eric Holder's wife and sister-in-law.



Who could authorize a change like that? the Watchdog reporter asked the Fulton County clerk. I mean, what's to keep you from transferring ownership to me?

You'd have to be a trustee on the testamentary trust, she said. You'd have to be a trustee.

Sherry Bebitch Jeffe, a senior fellow at the University of Southern California Price School of Public Policy, said many politicians have trusts or blind trusts and the question always is, as has been debated

in this presidential campaign,  
how blind is the trust?

◆??So, if you want to give the attorney general and his wife the benefit of the doubt ◆?? and if you are a Democrat or pro-abortion rights, you might want to do that ◆?? it is not perceived as a conflict of interest,◆?◆ Bebitch Jeffe said.

◆??If you do not want to give the attorney general or his wife the benefit of the doubt ◆?? if you may be anti-abortion rights, if you may want to raise questions about the neutrality of the attorney general ◆?? then you will perceive it as a conflict of interest. Legally, you have to figure that out and I can◆??t do that. But politically, it◆??s very clear that where you stand depends on where you sit.◆?◆

A blind trust is created so that a third-party manages investments for the actual owner. The owner is kept ignorant about ◆?? is blind to ◆?? his or her investments.

In this case, politics ◆?? pro-life or pro-choice ◆??is probably less relevant than the fact that Fulton County



documents reveal that this trust is anything but blind.

## HOLDER'S INACTION

Karen Handel, the former secretary of state in Georgia and a former senior vice president of public policy for the Susan G. Komen Center, said she was shocked by the findings of the Watchdog investigation.

It certainly underscores the deep ties the Obama Administration has to the abortion issue, Handel, author of the new book, *Planned Bullyhood: The Truth Behind the Headlines about the Planned Parenthood Funding Battle with Susan G. Komen for the Cure*.

This certainly seems to shed some additional light into why Obama and his team seem obsessed with protecting Planned Parenthood and abortion rights at the expense of other important issues in the country.

The Georgia and national office of Planned Parenthood did not return calls for comment.



Davis's organization, the National Black Pro-life Coalition, has been working with Georgia pro-life activists on the state's failure to enforce abortion regulations. Davis also spearheaded a billboard campaign, "Betrayed Abortion in the Hood," to call attention to the pro-abortion views of many African-American leaders and the disproportionately high rates of abortion in black communities. Abortion is the No. 1 one killer of African Americans, according to the National Black Pro-life Coalition.



Here in Georgia, almost 60 percent of abortions in the state are on black women, and it's been that way for 15 years, Davis said. In New York, for every 1,000 babies born alive, 1,448 are aborted.

In every state that reports abortion figures, you will find it's more likely that black women are leading. In Virginia, it's 47 percent of black women. In Mississippi, it's 78 percent of black women. The impact is devastating.

The Watchdog investigation, Davis says, helps explain this phenomenon and reveals why Holder hasn't more aggressively investigated and prosecuted alleged Medicaid fraud in the abortion industry.

Davis pointed to cases in which activists have sued Planned Parenthood for alleged Medicaid fraud in Georgia, Iowa, Texas, New York, and Massachusetts but where Holder's Justice Department has failed to act.



The U.S. attorney general has not at all pursued a case against any of them, including this one in Georgia where his wife owns the property, Davis said.

The controversy comes amid growing concerns about the extent of alleged Medicaid fraud among abortion providers nationwide and a congressional investigation into Planned Parenthood.

In February, the Alliance Defense Fund recently renamed the Alliance Defending Freedom issued a report to Congress identifying waste, abuse and potential fraud by Planned

Parenthood affiliates and other abortion providers. The report analyzed 10 state audits that uncovered nearly \$8 million in Medicaid overpayments to Planned Parenthood affiliates. The report also looked at 38 federal audits of state family planning programs with up to \$99 million in overbilling charges.

The ADF is representing two former Planned Parenthood clinic managers in lawsuits in Texas and Iowa that allege Medicaid overbilling and fraud. If the ADF prevails in the Iowa lawsuit, Planned Parenthood could be ordered to pay the federal government and Iowa as much as \$5.5 billion in False Claims Act damages and penalties, said Michael Norton, the former U.S. attorney in the District of Colorado and a senior counsel at the ADF.



Our overall goal with respect to these kinds of cases is to defund Planned Parenthood, Norton said. Planned Parenthood is responsible for 350,000 abortions a year and is the nation's largest abortion provider. It's obviously well tied in with the current



administration. This president is the most pro-abortion president in history and he has substantially direct and beneficial ties to Planned Parenthood. They've spent a lot of money in support of this president's re-election.

In recent months, various organizations have expressed growing concern about the connections between the Obama Administration and Planned Parenthood.



Under President Obama, we have seen the biggest taxpayer funding of abortion in our history, Liberty Counsel Chairman Mat Staver said in a statement. Taxpayers should never be forced to violate their conscience and fund any abortion organization. The Obama HHS mandate will force religious employers to fund abortion-inducing drugs, despite their religious objections.

U.S. Rep. Cliff Stearns, R-Fla., who is leading the congressional investigation into Planned Parenthood, told Watchdog the ADF report and

a similar one by Americans  
 United for Life raises questions  
 about the extent of Medicaid  
 fraud among abortion  
 providers.

◆??Planned Parenthood is the  
 nation◆??s largest abortion  
 provider, yet last year it  
 received \$487 million from  
 taxpayers while having annual  
 income of \$1 billion,◆?◆  
 Stearns said in an emailed  
 statement. ◆??Although  
 Planned Parenthood is barred  
 from using taxpayer funds to  
 perform abortions, these  
 dollars are fungible and allow  
 the group to use funds from  
 other sources ostensibly for  
 abortions.



◆??My investigation of  
 Planned Parenthood is the first  
 time Congress has asked this  
 group to account for its use of  
 public funds. Given the  
 revenues of Planned  
 Parenthood and its ability to  
 raise funds, we should end its  
 taxpayer support.◆?◆

## FINES AND MORE TRAINING

Malloy◆??s 2011 indictment  
 was not his first run-in with  
 the law.

In 1999, one of his patients lost a baby shortly after birth, according to Georgia Composite Medical Board records. The Composite State Board of Medical Examiners determined that the woman had not received proper treatment. Malloy was publicly reprimanded, ordered to receive additional training and fined \$5,000, according to the records.

In 2008, he received another public reprimand, was ordered to receive even more training and fined \$10,000 after one of his patients died shortly after a botched abortion, according to the Medical Board records.



In September 2011, Malloy filed papers with the Georgia Secretary of State's Office to terminate the Old National Gynecology corporation. However, his medical license remains active, according to the Composite State Board of Medical Examiners.

To the best of our knowledge, Dr. Malloy is still performing abortions in the Atlanta area despite the indictment for Medicaid fraud, Georgia Right to

Life spokeswoman Suzanne Ward said.

The Watchdog investigation, Wolven says, makes it clear that Holder has a conflict of interest when it comes to investigating and prosecuting abortion providers allegedly engaged in Medicaid fraud. She said Congress should investigate further.

◆??I think Eric Holder needs to step down immediately, not just because of this conflict of interest, but with everything taken together as a whole,◆??◆ Wolven said. ◆??He was investigated earlier this year in the ◆??Fast and Furious◆?? scandal. He◆??s prosecuting pro-lifers needlessly. They have had to go through the tremendous turmoil, stress and expense of going to federal court just to have the cases thrown out.◆??◆



As a former Department of Justice employee, Norton said it◆??s vitally important for criminal prosecutors to avoid any potential conflict of interest.

◆??In these kinds of positions, you have to be purer than Caesar◆??s wife,◆??◆ Norton

said. You can't take a chance and scoff at conflict of interest issues. It's vital to maintain the credibility of the criminal justice system to be above board in all respects.

*Troy Anderson and Will Swaim work for Watchdog.org, which is the journalism arm of The Franklin Center for Government & Public Integrity. Additional reporting by Steven Greenhut*

*([steven.greenhut@franklincenter.org](mailto:steven.greenhut@franklincenter.org)).*

Contact Will Swaim at [wswaim@watchdog.org](mailto:wswaim@watchdog.org).



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Written By

**Troy Anderson and**



## Will Swaim

Troy Anderson and Will Swaim work for Watchdog.org, which is the journalism arm of The Franklin Center for Government & Public Integrity. Contact Will Swaim at [wswaim@watchdog.org](mailto:wswaim@watchdog.org).

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