

# Letter of Censure

**Whereas**, Planned Parenthood is the largest abortion provider in the nation, (1) terminating 6,803,782 unborn babies between 1978 and 2016, and aborting more than 328,348 unborn babies in 2016; (2) and.....

**Whereas**, babies diagnosed with Down syndrome during pregnancy are disproportionately aborted with close to one hundred percent of mothers in Iceland receiving a positive test for Down syndrome terminating their pregnancy after receiving a positive test for Down syndrome, (3) with a seventy-seven percent termination rate in France, with a ninety-eight percent termination rate in Denmark, (4) and with a ninety-percent termination rate of Down syndrome babies in the United Kingdom; (5) and.....

**Whereas**, eighty-four elected state officials in Ohio passed legislation to protect Down syndrome babies from selective abortion and an unelected federal district court judge from the Southern District siding with the American Civil Liberties Union on behalf of Planned Parenthood of Ohio struck down the ratified law with a preliminary injunction in Case No. 1:18-cv-109, PRETERM-CLEVELAND vs. LANCE HIMES; (6) and.....

**Whereas**, the elected Ohio State Attorney General Mike DeWine is appealing the decision by the unelected Judge Timothy Seymour Black in Case No. 1:18-cv-109, PRETERM-CLEVELAND vs. LANCE HIMES to the United States Federal Court of Appeals to combat discrimination against a class of human beings based upon disability; (7) and.....

**Whereas**, the unelected Judge Timothy Seymour Black's contested opinion stated that "a woman's right to terminate her pregnancy before viability is the most central principle of Roe v. Wade. It is a rule of law and a component of liberty that cannot be renounced;" (8) and.....

**Whereas**, in light of Judge Timothy Seymour Black's contested ruling, the unelected Judge Black demonstrated an appearance of bias by refusing to consider in his opinion three-hundred cases where the United States Supreme Court overruled itself,(9) including the landmark Brown v. Board of Education case where the Supreme Court unanimously overruled fifty-two years of court precedent that previously supported racial discrimination thru segregation; and.....

**Whereas**, the Code of Conduct for United States Judges states that "A judge should avoid impropriety and the appearance of impropriety in all activities, acting at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary....not allowing family, social, political, financial, or other relationships to influence judicial conduct or judgment," and "A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge;" (10) and.....

**Whereas**, in light of Judge Timothy Seymour Black's contested ruling, the unelected Judge Black gives the appearance of personal bias, prejudice, and impropriety allowing past relationships to influence his judgement and advancing his private interests, when, acting as Planned Parenthood's legal counsel in 1986, Judge Black told the Associated Press that sidewalk counselors should be "fined substantially and often" to squelch their free speech activity outside abortion facilities; (11) and.....

**Whereas**, the unelected Judge Timothy Seymour Black, when assigned to a case in 2014 involving Planned Parenthood wrote: "Sometimes, the perception is as important as the reality. Although lawyers and judges recognize that an association of more than 25 years ago does not create a conflict of interest, citizens are likely to view that question more viscerally. Accordingly, to avoid even an appearance of impropriety, I recuse myself as the judge;" (12) and.....

**Whereas**, according to 28 U.S. Code § 455, “Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. Disqualifying himself in the following circumstances:(1) Where he has a personal bias or prejudice concerning a party, or (2)Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter;” (13) and.....

**Whereas**, the unelected Judge Timothy Seymour Black worked as the Director of Cincinnati’s Planned Parenthood Association from 1986 to 1989, and also served as its President in 1988; (14) and.....

**Therefore**, the legislative Bodies of the Ohio House and Senate will make an official record issuing a letter of censure formally expressing strong disapproval of the conduct of Judge Timothy Seymour Black in his preliminary injunction in Case No. 1:18-cv-109, PRETERM-CLEVELAND vs. LANCE HIMES, by not recusing himself despite stated Code of Conducts requiring him to do so. Furthermore, this letter of censure will be disseminated to the Sixth Circuit Clerk of Courts, and the Cincinnati Bar Association for their reference.

## References

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- (2) “FLASHBACK: Planned Parenthood Celebrates Centennial: 6,803,782 Babies Aborted,” by Penny Starr, CNSnews.com, October 17, 2016, <https://www.cnsnews.com/news/article/penny-starr/planned-parenthood-celebrates-centennial-6803782-babies-aborted>
- (3) “What kind of society do you want to live in?": Inside the country where Down syndrome is disappearing,” by JULIAN QUINONES, ARIJETA LAJKA CBS NEWS August 14, 2017, <https://www.cbsnews.com/news/down-syndrome-iceland/>
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- (5) “A world without Down’s syndrome?” by Alison Gee, BBC News Magazine, September 29,2016, <https://www.bbc.com/news/magazine-37500189>
- (6) “Federal judge blocks Ohio’s ban on abortions after Down syndrome diagnosis,” by Jessie Balmert, The Cincinnati Enquirer, March 15, 2018 <https://www.usatoday.com/story/news/politics/2018/03/15/down-syndrome-abortion-ban-blocked/427408002/>
- (7) “Ohio Attorney General to Appeal Judge’s Blocking of Ban on Down Syndrome Abortions,” by Laretta Brown TownHall, March 16, 2018 <https://townhall.com/tipsheet/laurettabrown/2018/03/16/ohio-attorney-general-to-appeal-judges-decision-to-block-ban-on-down-syndrome-abortions-n2461658>
- (8) “UNITED STATES DISTRICT COURT SOUTHERN DISTRICT - Courthouse News, pdf file, <https://www.courthousenews.com/wp-content/uploads/2018/03/preterm-cleveland.pdf>
- (9) “Supreme court decisions overruled by subsequent decision,” pdf document, Congress.gov, <https://www.congress.gov/content/conan/pdf/GPO-CONAN-2017-13.pdf>
- (10) “Code of Conduct for United States Judges,” by the United States Courts, maintained by the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary. <http://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>
- (11) “Former Planned Parenthood lawyer agrees not to judge Ohio’s pro-life law,” by Ben Johnson, Life Site News, November 17, 2014 <https://www.lifesitenews.com/news/justice-served-fmr.-planned-parenthood-lawyer-agrees-not-to-judge-ohios-pro>
- (12) “Judge recuses himself from abortion case,” by Chrissie Thompson, Cincinnati Enquirer, November 12, 2014, <https://www.cincinnati.com/story/news/politics/2014/11/12/judge-in-abortion-clinic-case-sat-on-planned-parenthood-board/18914337/>
- (13) “28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge,” by Legal Information Institute, Cornell, Law School, <https://www.law.cornell.edu/uscode/text/28/455>
- (14) “FORMER PLANNED PARENTHOOD BOARD PRESIDENT SHUTS DOWN OHIO DOWN SYNDROME ABORTION BAN,” by Grace Carr, The Daily Caller, March 15, 2018, <https://dailycaller.com/2018/03/15/federal-judge-blocked-abortion-law-former-planned-parenthood-board-president/>

