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## Proponent HB 2182

House Judiciary Committee

Feb. 12, 2013

Good afternoon Chairman Kinzer and members of the committee,

Grand Juries have been the last resort for Pro-lifers disgusted with government corruption on the abortion issue in this state. I have been very involved in three of these juries and our members have been dismayed at not only the results, but the way the process was manipulated.

### Case 1- Topeka grand jury 1994

I was optimistic about a Shawnee County grand jury assembled in 1994 to evaluate criminal wrongdoing of an abortionist. Malcolm Knarr was a proven drug-impaired provider who had lied for 16 years on state licensing forms about his felony record and was also racking up malpractice suits on average one every 4 months. After securing our own affidavit from his former employee, the State Healing Arts Board had to act, but the abortionist hired a top gun attorney who got him a sweet deal—a 2-year suspension. Our petition wanted SOMEONE to prosecute for a plethora of alleged criminal acts, drug offences, fraud, incompetence and then--ongoing violations of the Board orders to stop practicing medicine.

Over 2,000 petitions were gathered in April; a jury was seated in July and met for fifteen days until Sept. 9 when they were dismissed without issuing any indictments against .... wait a minute...the Westboro Baptist Church! ?! That's right, our grand jury was junked in order for the DA to score better political points by trying to punish that politically incorrect group.

I had been called by the jury for an interview during the first days. I am not easily intimidated but I was by that Assistant DA (who later cut his ponytail and became a judge!) I didn't get to talk much and from the jury body language, I did not think I was well received. I can only surmise that the jury was instructed to trust that the Board and KDHE had acted appropriately.

- However, this was the same Board that had recently given a slap-on-the-wrist punishment to a KC abortionist for a patient death, and refused to investigate the Kansas Planned Parenthood provider for an abortion death he caused in Texas. The Board director was a close friend of late-term abortionist George Tiller. A Board president wouldn't testify for his patient against an abortionist.
- The KDHE environmental division head whom we asked for 6 months to stop Knarr's allegedly illegal medical waste disposal has become an attorney regularly defending abortionists.

Drug cartels can only dream of being so protected by law enforcement!



Kansas Affiliate of the National Right to Life Com

HOUSE JUDICIARY

DATE:

2/12/13

ATTACHMENT

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## **Case 2-Wichita grand jury 2006**

Infamous Kansas late-term abortion practitioner George Tiller had often bragged that his PAC had secured Kathleen Sebelius' victory and she would be doing their bidding. When a healthy teen with mental disabilities died in Jan. 2005 during a late-term abortion at his Wichita abortion clinic, the death was swept under the rug by the Healing Arts Board (steered by Tiller's pal, the executive director). This cleared the path for Gov. Sebelius to again veto an abortion clinic regulation bill, and sail to re-election.

Common decency was affronted by the denial of proper medical monitoring and the attempted cover up. In April of 2006, 6,000 petitions were submitted to secure an independent investigation by a grand jury to discover whether Tiller had violated Kansas law, specifically: manslaughter, mistreatment of a dependent adult, non-reporting of child abuse, and violating the Kansas late-term abortion ban.

But we never got an independent investigator, the Assistant DA was in charge; her boss had long been scorned by pro-lifers for her position in favor of abortion and her refusal to press charges against Tiller, a personal friend. One of the jurors later revealed that the jury was:

- unable to question witnesses, many of whom "plead the fifth" or refused to appear,
- kept from pursuing other abortion injury incidents whose paperwork they uncovered,
- not assisted by the ADA in crucial tasks, including explanations of legal terms,
- denied views of key documents.

The grand jury was dismissed July 31 without returning an indictment. Anyone surprised?

## **Case 3 – Wichita grand jury 2007-2008**

In fall of the following year, nearly 7,000 citizens signed a Kansans for Life petition with a special demand for an independent prosecutor. That didn't occur-- the same ADA was assigned.

The grand jury was selected, but suffered a delay of nine weeks while the Supreme Court considered, and rejected, Tiller's motion to disband the jury. The jury commenced Jan. 8. Then the jury was denied, from Feb. 2- May 6 (half its term), access to its primary evidence--abortion records--while the Court again considered, and rejected, motions to disband the jury by Tiller and the Center for Reproductive Rights.

I had been called to testify for about a half hour, and had brought an attorney-- as well as 2-inch-thick binders of information for each juror. The jury had been at their task for some three weeks, and in my estimation was still floundering. Another KFL member also testified separately, and also with an attorney-- who commented that the ADA was acting like a defense attorney for the abortionists, instead of the prosecutor for the people.

Kansans for Life members believed that the grand jury desperately needed to tackle what law enforcement in Kansas wouldn't touch, how late-term abortions were obtained despite the state ban. The petition wanted the jury to investigate:

- late term abortions performed in defiance of the medical criteria required for exemptions,
- missing information on KDHE abortion reports,
- bogus “rubber-stamp” physician referrals from thru 2007,
- laxity by the Healing Arts Board.

All these allegations have proven to be true in recent years, and to SOME degree have been addressed by the legislature and a new administration at the Healing Arts Board. Yet, on July 2, 2008, that jury returned no indictments.

The grand jury’s concluding statement indicated that information about a recent state Supreme Court ruling barred them from indicting; whether that information came from the ADA or Tiller’s legal team (including a former state U.S. attorney) —or both—is not known. But it was incorrect.

### **Conclusion**

Grand juries, in essence, challenge the entrenched governmental bureaucracies, particularly how the county prosecutors may have failed. Thus, allowing those very officers to direct and perform “damage-control” with citizen-petitioned juries defeats the endeavor from the get-go.

We support all the proposals in HB 2182 as likely to increase the strength of the grand jury as a true ‘watchdog’ tool. We hope this committee will support the bill as favorable for passage.

I stand for questions,  
Kathy Ostrowski,  
Kansas for Life State Legislative Director