



Family Concerns

"Bridging the Information Gap"

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A SAGA OF OBFUSCATION

Part two of a three-part series

The plan by Planned Parenthood and the abortion industry at large is to continue to muddy the water, manufacture myths and make believe that justice is being served while they, the target of two grand jury investigations, continue to operate under the apparent imprimatur by the state that the abortion industry is a protected and sacrosanct business not to be hemmed in by law. The right to privacy appears to be the battering ram into the halls of justice, and so far, they are winning the battle with the help of judges, the two most recent attorneys general and the agencies and boards tasked with the job of enforcing Kansas law. In fact, the most recent ruling by District Court Judge Kevin Moriarity of Johnson County, termed as a compromise plan, is again placing the abortion industry into a special class of targets for investigation, giving them unusual consideration because of the "service" they provide for women and that "service's" apparent unique constitutional license. He apparently has acceded to Planned Parenthood's plan to solve the stalemate regarding the records. Obviously the district attorney was not part of the plan. Judge Moriarity has ruled that the long-sought after medical records will now be placed upon a spread sheet composed and compiled by Planned Parenthood who will supposedly include the "pertinent information" that the grand jury has requested. The judge will then respond to the grand jury's specific requests for more information after they peruse the "spreadsheet" provided by the target of the investigation by looking at the medical records personally; this purportedly to protect the confidentiality of the women. Interestingly the medical records are completely devoid of all identifying information, yet the judge agreed with Planned Parenthood's assertion that one more person should be placed between the grand jury and the records. A spokesperson for the district attorney's office John Christopher Pryor stated after the announcement of the "plan," "It is the grand jury's job to investigate Planned Parenthood not for Planned Parenthood to investigate itself." He also maintained that the plan places the judge in the position of being a witness to the grand jury.

This is yet the latest in a series of skirmishes in the process of legal wrangling resulting in 15 members of a grand jury called to duty by the citizens of Johnson County cooling their heels for almost the entire duration of their tenure as a grand jury.

Other legal documents filed by the Johnson County District Attorney to counter the maze of feints and dodging by Planned Parenthood to avoid producing the medical records that will either indict or exonerate Planned Parenthood would fill a storage area in the legal basement of records.

One of these, the [State's Supplemental Response to Respondent's Motion to Quash the Grand Jury Subpoena and Supplemental Brief in Support of Extending the Grand Jury](#) was but one effort by the District Attorney to move the process along so that the Grand Jury could get its business done. The

premise of this response to the motion to quash the Grand Jury Subpoena was based on:

- The fact that the records being sought by the Grand Jury **are in compliance** with *Alpha Medical Clinic and Beta Medical Clinic v. Honorable Richard Anderson, Judge of the Third Judicial District, Shawnee County, Kansas and Phill Kline, Attorney General for the State of Kansas* ruling by the Kansas Supreme Court.
 - *Alpha* does not allow the Target (in this case Planned Parenthood or sometimes known as Comprehensive Health) to determine the relevancy of information sought by subpoena. *Alpha* only stands for the proposition that patient identities should be redacted (removed or blacked out) if not needed for investigative purposes. The Kansas Supreme Court recognized that **the target of an investigation does not have the authority to determine that relevancy**; they did allow the target to do the redacting, but left the door open for those identities to be subpoenaed at a later time.
 - In the case of this investigation of the Johnson County Grand Jury of Planned Parenthood the patient's identities have not been requested and the subpoena expressly asks that such information be redacted.
- The fact that the patient's reasonable expectation of privacy is compromised by Planned Parenthood's own Website that informs patients that their patient information might be given to fundraisers as well as law enforcement upon request.
- The fact that the records sought in these subpoenas have already had patient information removed, even exceeding the precautions necessary to comply with Federal HIPAA regulations.
- The fact that the Johnson County District Attorney's office feels that judicial intervention beyond determining relevance of the documents requested will breach the separation of powers doctrine.
 - Planned Parenthood is asking the Court to intervene in an ongoing criminal investigation initiated by a citizen's petition under the authority granted Kansans by K.S.A. 22-3001.
- The fact that continued judicial pampering of Planned Parenthood's claims of violation of privacy unnecessarily prolong a relatively simple investigation and results in a judicial participation of Planned Parenthood's strategy of fostering delay of a criminal investigation and the fostering of fear of invasion of privacy for women who have obtained abortions at this clinic.
- The fact that a sitting judge testified in a previous hearing that he was stunned that former Attorney General Paul Morrison issued a clearance letter to Planned Parenthood despite clear reason to be concerned about the authenticity of the documents produced by Planned Parenthood (Comprehensive Health) pursuant to Court Order.
- The fact that Judge Anderson and Judge Vano have found probable cause relating to these records. Judge Vano found probable cause for 107 charges in the 29 records he examined.

Part Three continues in next *Family Concerns*