

STATE OF KANSAS
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May 27, 2008

Attorney General Stephen Six
Memorial Hall, 2nd Floor
120 SW 10th Street
Topeka, KS 66612

Dear Attorney General Six:

Two news reports last week week, combined with recently unsealed Supreme Court documents, have set forth a summary of the history and current status of a pending criminal case against Planned Parenthood in Johnson County, Kansas. An article published in the May 22, 2008 edition of the Kansas City Star dealt in particular with the sworn testimony of Shawnee County District Court Judge Richard Anderson and your office's current lawsuit against Judge Anderson.

According to the article:

Anderson oversaw Kline's inquiry into Planned Parenthood and another abortion clinic while Kline was Kansas attorney general. Anderson allowed Kline to forward redacted patient records to Johnson County before Kline became district attorney. And Anderson still has copies of the Planned Parenthood records himself, which Kline wants him to bring to the preliminary hearing.

In the motion to intervene, Kline cites several statements Anderson made in the previously sealed documents:

- In an April 10, 2007, hearing that Anderson conducted, Anderson told an assistant attorney general that there "is evidence of crimes in those records that need to be evaluated."
- In an Oct. 19 filing to the Supreme Court, Anderson stated it appeared that "someone has manufactured" part of the records.
- In the same Oct. 19 filing, Anderson stated that the "recent disclosures of possible false writings ... in context could

mean that somebody may have committed a felony in an attempt to cover up a misdemeanor...”

And in a Jan. 16 hearing in Johnson County District Court, Kline noted, Anderson testified that he had concerns about late-term abortion reports provided by Planned Parenthood. He asked a document expert to examine them, he said, and the expert said the documents “do not match up.”

The article went on to note that, “In August, the Kansas attorney general’s office sued Judge Anderson. Attorney General Steve Six contends the records should be returned to Planned Parenthood because Morrison cleared it of wrongdoing.”

It should be further noted that as reported in a May 4, 2008 Associated Press (AP) article Peter Brownlie of Planned Parenthood “acknowledged there are discrepancies between the records in Anderson’s and KDHE’s possession.” According to the AP article Mr. Brownlie went on to claim that there are explanations for the discrepancies.

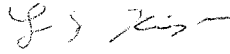
In reviewing the available information two things are striking. First, it is certainly odd to see that the chief law enforcement officer of the State of Kansas has sued a District Court Judge in an effort to force him to return evidence to a defendant in a pending criminal case. I am pleased to note that your office has recently reversed course from that position in your brief to the Supreme Court filed on Thursday, May 22.

Second, and more pressing, is that your office apparently takes the position that Planned Parenthood is innocent of all of the currently pending charges. In fact, Planned Parenthood repeatedly invokes a “clearance letter” issued by your predecessor as part of their defense, claiming that it exonerates them of the pending charges. If this is not the position of your office then clarification of this matter would be appreciated. If this is your position, then one must presume your office is in possession of significant, relevant, and factual exculpatory evidence regarding this aforementioned criminal defendant. If this is indeed the case, then it would seem you could do a great service to both the defendant in this case and the citizens of Kansas by disclosing the dated documentation which forms the factual basis for the Attorney General’s “thorough and competent investigation.”

Simply put, if your office investigated the specific discrepancies alleged by Judge Anderson, and later acknowledged as true by Planned Parenthood CEO Peter Brownlie in the May 4th AP story, then surely your office is in possession of factual documentation, including communications with Planned Parenthood, which existed prior to the issuance of Mr. Morrison’s clearance letter. If so, it would seem to be in the best interest of all concerned that you make said evidence public to the maximum extent possible. Your release of all communications – rather than a simple “clearance letter” – between the Office of Attorney General and the criminal defendant will help alleviate the obvious concerns raised by recent media reports and demonstrate the integrity of your recently articulated position that the redacted records may be used in the criminal case against Planned Parenthood.

Thank you for your attention to this matter. I look forward to your prompt reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Kinzer". The signature is written in a cursive style with a horizontal line at the end.

Lance Kinzer
State Representative