



July 6, 2009

Attorney General Jon Bruning  
Office of the Attorney General  
2115 State Capitol  
Lincoln, NE 68509

Dear General Bruning:

This letter is to formally ask you to launch an investigation into LeRoy Carhart and his abortion business, located at 1002 West Mission Avenue in Bellevue, Nebraska.

As you may be aware, Carhart came to Wichita, Kansas, every third week to do abortions at Women's Health Care Services, an abortion clinic that specialized in post-viability abortions. With the closing of that clinic, Carhart has told the media that he now plans to do late second trimester and early third trimester abortions at his Bellevue clinic, at least temporarily.

There is concern that this decision will create an unacceptable safety risk to women for the following reasons.

**1. Carhart's disregard for the law as demonstrated by opening his clinic recently without proper permits, sanitation.**

In January, 2009, due to poor maintenance, an accidental fire broke out in the abortion clinic's garage. Carhart reopened his clinic for abortions without having had the proper inspections and permits. In fact, Carhart was performing surgical abortions off an extension cord that ran under the garage door to a generator in the parking lot. Larry Donlan reported him to the proper authorities, and the City of Bellevue ordered Carhart to cease operation and close his clinic until it would be properly cleared by the City. [Attachment 1] *As far as we know, a health and safety inspection has never taken place at Carhart's Bellevue clinic.*

This is not an isolated incident. In 1993, Mr. Donlan contacted the landlord of another building in the Omaha area and notified him that Carhart was doing abortions on the property. The landlord was shocked to hear that because the office Carhart was leasing had no bathroom and did not even have a sink.

**2. Shoddy and unsafe conditions exist at Carhart's Bellevue clinic.**

Carhart's abortion clinic is in an appalling state of neglect and disrepair. Some repairs were done the accidental fire in January, 2009, but the general condition of the building

remains troubling. It is incomprehensible that any surgical procedure is allowed to take place in that building. [Refer to Attachment 1]

As the length of a pregnancy increases, so does the risk of serious, life-threatening complications during an abortion. Facilities must be properly equipped to meet the emergency situations that arise during the labor and delivery of a dead baby. Late-term abortions are a 3-4 day procedure that require overnight supervision. Carhart's clinic is not set up to accommodate this need. In Kansas, hotels were sometimes used as adjuncts to the abortion clinic where Carhart worked. This created a dangerous situation since hotel rooms are not equipped to handle medical emergencies. Carhart should not be allowed to use hotels as labor wards or as adjuncts to his abortion clinic. [Attachment 2]

**3. Involvement in a number of botched abortions requiring emergency hospitalization during his employment at Women's Health Care Services in Wichita, Kansas.**

There have been at least four documented incidents of botched abortions that required emergency hospitalization while Carhart was on duty at Women's Health Care Services in Wichita, Kansas. The incidents took place in 2004-2005. After May, 2005, the Kansas clinic changed its policy and stopped calling ambulances in order to conceal the number of abortion injuries from the public. Women were instead transported to the hospital emergency room in private vehicles.

There is serious concern that Carhart maintains the dangerous policy in Nebraska of not calling for emergency transport in situations of life-threatening emergencies. [Attachment 3]

**4. Involvement in at least one abortion death on January 13, 2005, during his employment at Women's Health Care Services in Wichita, Kansas.**

Carhart was the physician of record for Christin A. Gilbert, a 19-year old teen with Down syndrome, presented at WHCS in Wichita, Kansas on January 10, 2005. Gilbert spent her labor at a hotel room unattended by licensed medical staff. She delivered her third-trimester fetus in the back seat of her family's van as they took her back to the abortion clinic the next morning. After the delivery, Gilbert suffered from dehydration and bouts of nausea. She drifted in and out of consciousness. On the night of January 12, Gilbert's condition deteriorated. Efforts to reach Carhart were unsuccessful. Gilbert died the next day.

While the Kansas State Board of Healing Arts concluded that Carhart did not violate the standard of care in Gilbert's death, that determination was made before additional details of Carhart's participation in Gilbert's abortion surfaced. Also, there is evidence that the Board acted hastily to clear Carhart and his employer, George Tiller, for politically motivated reasons.

A subpoena was issued for Carhart's testimony by a 2006 grand jury investigating Gilbert's death, but he avoided the subpoena by staying out of Kansas until the grand jury disbanded, according to the grand jury foreman. (His name will be provided upon request.) [Attachment 4]

The horrific nature of Gilbert's death and the attempt to cover up Carhart's culpability in it gives rise to concerns about Carhart's competency level, and how that incompetency continues to endanger lives. Because of this, we will also be contacting the Nebraska Department of Health and Human Services to seek a review from them as well.

There may be cause to investigate Carhart on other possible illegal activities. Based on an investigation conducted by former Kansas Attorney General Phill Kline, there were concerns that incidents of child sexual abuse may not have been reported by the clinic where Carhart worked in Kansas. That investigation was never completed before Kline left office. There is reason to believe that Carhart also may not be properly reporting such incidents in Nebraska.

The safety of the public is our paramount concern, thus we are requesting the most comprehensive investigation of Carhart and his Nebraska abortion business as possible from the Attorney General's office, and that your investigation not be limited solely to the concerns listed in this letter. Women's lives and future health literally depend on it.

We trust that you are familiar with the laws of the State of Nebraska and implore you to properly enforce them.

Sincerely,



**Troy Newman**  
Operation Rescue  
Wichita, KS

**Rev. Patrick J. Mahoney**  
Christian Defense Coalition  
Washington, DC

**Larry Donlan**  
Rescue the Heartland  
Omaha, NE

**Ann Marie Bowen**  
Nebraskans United for Life  
Omaha, NE

*(Attachments)*

## Description of Attachments

### Attachment 1:

- Photos showing dangerous and shoddy conditions at the Abortion & Contraception Clinic of Nebraska, owned and operated by LeRoy Carhart. Business location: 1002 West Mission Avenue in Bellevue, Nebraska.
- Article posted at <http://operationrescue.org> that describes dangerous conditions at that facility as observed on March 7, 2007.
- Press release dated March 9, 2009, by Operation Rescue announcing that the City of Bellevue ordered Carhart's clinic closed after being apprised of the conditions.

### Attachment 2:

- Article dated January 18, 2005, instituting a boycott against the La Quinta Inns for allowing George Tiller, Carhart's Kansas employer, to use their hotel as an adjunct to his late-term abortion clinic in Wichita.
- Article dated January 31, 2005, indicating that the La Quinta Inns had conducted an investigation into Tiller's use of their hotels and found the arrangement to be "illegal."

### Attachment 3:

Incidents of botched abortions involving LeRoy Carhart at WHCS in Wichita, Kansas, which required emergency medical transport to hospital.

- **June 4, 2004:** Press Release, calendar, photos
- **September 2, 2004:** Press Release, calendar, photos
- **January 13, 2005:** 2 Press Releases, CAD Transcript of 911 call, photos
- **February 17, 2005:** Press release, calendar, CAD Transcript of 911 call, photos
- **May 11, 2005:** 2 Press releases, calendar, CAD Transcript of 911 call, photos

### Attachment 4:

- Press Release dated February 5, 2009, "KS Board of Healing Arts Asked to Reopen Inquiry Into Abortion Death."
- Complaint Narrative filed with the KSBHA – sans documents referenced in footnotes. (We will supply those documents upon request.)