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NEWS

State dismisses claim that Cuyahoga Falls abortion clinic put fetal remains in trash

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A Cuyahoga Falls abortion doctor is questioning whether an anti-abortion activist accused of having fetuses in her home is tied to the alleged — and ultimately unfounded — discovery of fetal remains in his clinic's trash.

Police said they found five fetuses last week in the Washington, D.C., home of Lauren Handy, 28.

Discovery on Capitol Hill: DC police respond to 'bio-hazard' tip, find 5 fetuses inside home of anti-abortion activist

Last year, Handy was outside Northeast Ohio Women's Center on State Road in Cuyahoga Falls on June 4 when four Red Rose Rescue protesters infiltrated the only surgical abortion clinic in Summit County. The four, who spent the majority of their time inside talking to police officers who eventually dragged or carried them out, were later convicted of criminal trespassing.

Handy was arrested the next day in Bedford Heights in a second day of protests organized by Michigan-based Citizens for a Pro-Life Society (CPLS).

In the month following the protests, anti-abortion activists kept a close eye on the facility, counting the number of patients who went in and looking for a reason to report the abortion clinic to state regulators.

On multiple days in June, the clinic's surveillance videos captured someone removing items from the dumpster in the dark. The footage showed a man taking and then, a half hour later, returning two white trash bags.

Matthew Connolly told the Beacon Journal and state investigators that he was staying at the Haven of Rest homeless shelter in Akron when he took a bag while searching for food. Inside, he said he was "astounded" to find pieces of an aborted fetus.

Instead of notifying authorities, Connolly said he hitchhiked to Michigan to deliver the alleged discovery to CPLS leader Monica Miller.

Handy has admitted to storing fetuses in the past. She did so again at a Tuesday press conference hosted by Progressive Antiabortion Uprising in Washington, D.C. But she denied to the Beacon Journal that she has ever provided Connolly or anyone in Ohio with fetal remains.

Connolly and Handy each have ties to the more aggressive wing of the anti-abortion movement. Both have multiple arrests and together are scheduled to stand trial in June for felony trespassing charges involving a Michigan abortion clinic protest in 2019. Handy was indicted last week on federal charges of obstructing access to the same D.C. abortion clinic where she said she obtained more than 100 fetuses, including the five found in her apartment.

At the time of Connolly's alleged discovery, the operator of the Cuyahoga Falls clinic vehemently denied the allegation of fetal remains in the trash. Anti-abortion groups named and buried the alleged fetal remains in an Akron cemetery before investigators, who learned of the funeral after the fact, could examine them.

The Ohio Department of Health (ODH) investigation concluded that Connolly's allegation was "unfounded" and that the abortion clinic's process for disposing of fetal waste was "exceeding the requirements" by contracting with a biohazardous waste removal company.

Activists regularly claim remains are handled with indignity in an effort to shut down abortion clinics. Conservative lawmakers in Ohio have used reports of mishandled fetal remains to pass more stringent — and costly — disposal requirements.

Dr. David Burkons, the owner of Northeast Ohio Women's Center, now has a theory on how a network of anti-abortion activists came to possess fetal remains they claimed were pulled from his dumpster.

"[Connolly] got the fetus from somewhere, and Lauren Handy is as good a person as any, and she did have fetuses in her house," Burkons said Tuesday after Handy admitted to

possessing the five fetuses during a D.C. press conference hosted by Progressive Antiabortion Uprising. The press conference was held the day after Handy pleaded not guilty to the federal charges.

Burkons recalled similar timing between a local press conference and criminal charges.

Weeks before notifying state regulators, Ohio abortion groups held a July 8 press conference to announce Connolly's alleged discovery of fetal remains. The next day, the four Red Rose Rescue protesters arrested at the clinic in June were on trial.

"This press conference they had in regard to our situation occurred the day before the trial for the group that was at our clinic. This seems to be their thing ... They try to do sensational things in order to distract from what they are doing and what they are being accused of," Burkons said.

Burkons said he's given state, local and federal authorities copies of the surveillance footage of Connolly removing trash from his dumpster. He said he's been on conference calls this past month with the U.S. Department of Justice, which he hopes will pursue federal charges.

'Not something we faked'

Miller, who founded CPLS in 1985 and Red Rose Rescue in 2017, maintains Connolly did not fabricate the discovery. She claims she's found thousands of aborted fetuses in the trash during her 45 years in the anti-abortion movement.

"This is not something we faked. That baby came out of their trash container," said Miller.

Progressive Antiabortion Uprising Founder and Executive Director Terrisa Bukovinac said at the Tuesday press conference that she and Handy had asked a truck driver of a medical waste services company for a box outside of the Washington Surgi-Clinic, a D.C. abortion clinic, on March 25. Inside, they allege they found 115 aborted fetuses.

The medical waste services company has denied these allegations.

Bukovinac and Handy said they then buried in an "undisclosed location" all but the five fetuses that authorities took from Handy's basement apartment on March 30. That day, she and eight others were indicted on federal charges for using chains and ropes to block the entrance of the same D.C. abortion clinic in 2020.

Ohio law requires the humane disposal of fetal remains. But "humane," as stated in the ODH investigative report on the remains allegedly found last year, has not been defined. In 2015, then Attorney General Mike DeWine surveyed disposal procedures at surgical abortion facilities in the state. He found nothing illegal, but the discovery that third-party contractors were putting remains in a Kentucky landfill fueled even more regulation.

As governor in 2019, DeWine signed Senate Bill 27, which requires fetal remains to be cremated or buried. But two judges have so far held up enforcement of the new law.

In an emailed statement to the Beacon Journal, Pro-Choice Ohio Executive Director Kellie Copeland said that laws like Senate Bill 27 "aren't about making sure pregnant people have options."

"They're about limiting which options exist. They're trying to put abortion out of reach for Ohioans, and that puts lives at risk. Abortion is essential health care," Copeland wrote.

What's next? How each side of the abortion debate is preparing for life after *Roe v. Wade* in Ohio

"As we get closer to the US Supreme Court ruling that could allow states to ban abortion, anti-abortion organizations will grow more desperate. Why? Because they know that the public overwhelmingly believes that abortion should be legally and locally accessible for those who need it — something that jeopardizes their political and ideological agenda. That is why we have and will continue to see anti-abortion groups making wild claims and demonizing abortion providers. There is no doubt that this will lead to violence against abortion providers and their clinics, which in the past has included vandalism, harassment, arson, assault and murder," Copeland said.

State concludes allegations of fetal remains in trash 'unfounded'

Miller said she informed Ohio Right to Life and Akron-based Northeast Ohio Right to Life of the alleged fetal remains when Connolly showed up at her doorstep. Then she joined the Ohio groups in Akron for a press conference the day before the four Red Rose Rescue protesters would stand trial in the Stow Municipal Court.

Two weeks after the press conference, the Ohio anti-abortion groups filed formal complaints with the Ohio Department of Health.

There were four allegations in the complaint against the Cuyahoga Falls facility, including accusations that clinic staff admitted too many patients and allowed feral cats in the facility. On multiple visits and after reviewing patient records, investigators found no evidence to support either claim.

The other two claims involved what Connolly allegedly pulled from the dumpster.

Connolly said he took a bag on June 6 or June 7, and opened it at a nearby park. With the location services turned off on his cellphone, he took photographs of pill bottles and documents with patients' names, contact information and birthdates. Investigators checked the names against the clinic's roster of patients at the time and determined this allegation to be "founded."

The director of the Ohio Department of Health referred the matter to federal officials and notified Burkons on March 25, one day after the Beacon Journal published a series of stories on abortion restrictions and the local clinic, that the state is proposing a \$7,500 fine for possible violations of patient privacy.

Burkons plans to appeal. The state report and a former employee interviewed by investigators said patients often toss their paperwork and pill bottles in with the office trash.

The fourth claim in the complaint is the allegation of fetal remains, which appear to have come from a 16-week fetus about the size of an apple.

The abortion clinic separates, freezes and stores medical waste inside the facility. Only trash goes in the dumpster outside, the clinic's administrator said.

State investigators confirmed this in October when they pulled random trash bags from dumpsters at Northeast Ohio Women's Center and Planned Parenthood Bedford, which was the subject of a similar allegation of patient information ending up in the trash.

"The results of these searches did not reveal any evidence of policy or procedure violations similar to those identified in the [Ohio Right to Life] complaint," the ODH investigative report states. The report adds that locks had been placed on the dumpsters since they were raided in the summer.

'It never made any sense to us'

Sherri Grossman, executive director of the clinic, characterized the allegation that the clinic disposes of fetal remains in the trash as “impossible.”

"We have very strict policies and procedures in place," she told the Beacon Journal last year, adding that retrieving discarded items from the clinic's dumpsters could amount to criminal trespassing.

The Beacon Journal recently shadowed Grossman and the facility's doctors as they disposed of fetal waste.

After a surgical abortion, the doctor brings the fetal remains and contaminated surgical tools to a room with a freezer for biohazardous material. The remains are separated from other materials, inspected and then placed in red biohazard bags inside a locked freezer.

Once a month, a biohazardous waste removal company from Indiana transports the fetal tissue to a facility in Baltimore for cremation.

Burkons questioned why Connolly would have discovered only one discarded set of fetal remains.

“During that time that the guy said he was in there going through our trash, there were probably 50 procedures being done and why was there only just one that was there, and why was it one that was more dramatic, a 16-, 17-weeker, which, we rarely do any that size?” he asked.

“So it never made any sense to us, and apparently it didn't make any sense to the ODH because they said that it was unfounded, but it's caused us a lot of aggravation,” Burkons said.

'Drifter' or pro-life activist?

Connolly, 40, told the Beacon Journal and state investigators that he's "a drifter" unaffiliated with the organized anti-abortion movement.

For updates on the criminal trespassing cases against him, courts in New York, Michigan and the District of Columbia legally serve Connolly at a Catholic friary in St. Paul, Minnesota, where Connolly said Franciscan monks lent him their mailing address while he

lived "in a shack down by the river."

His voicemail asks missed callers to pray that the U.S. Supreme Court soon overturns the landmark abortion rights decision *Roe v. Wade*. He said his ideology is rooted in a half-sibling who "died by abortion in Austria" before his parents married.

He admitted to meeting others who were arrested during the Ohio protests last summer. Though he said he's "honored" that Miller considers him a "close friend" in the anti-abortion movement, he denied being a member of CPLS or Red Rose Rescue.

"I fly on my own," Connolly said in a phone interview.

Miller said Connolly "was part of our team" but "did not participate in the rescue."

"He was with us," Miller said. "After the rescue was over, Matthew stayed on a few more days in Cuyahoga Falls, completely on his own initiative. And he just got it into his head that he was going to search the trash containers lined up outside the abortion clinic."

Connolly denies having ever met Miller before arriving at her doorstep in Michigan with the alleged remains of an aborted fetus.

In the week after the protest, Connolly said he searched the same dumpsters multiple times. After taking a scooter with two "homeless compatriots" on State Road in Cuyahoga Falls, he said he biked the Ohio & Erie Canal Towpath Trail, which does not cut through Bedford Heights or any of the cities that surround it.

But that's where Connolly ended up, in Bedford Heights, digging through a Planned Parenthood dumpster. He said he had no idea that his trip from Akron to Cuyahoga Falls to Bedford Heights and back again, which would take about six hours by scooter and bike, connected two of the six remaining surgical abortion clinics in Ohio.

After opening the trash bag in a public park in Cuyahoga Falls, he said the local Ohio Right to Life chapter told him about Miller. So, he hitchhiked to Toledo.

He said met an embalmer at a funeral home with "a Polish-sounding name" he can't remember, and put the alleged remains in a formaldehyde solution before crossing into Michigan. Connolly said he knew the alleged remains had to be preserved before crossing state lines from the environmental science classes he took as an undergraduate student at a private Catholic university in Minnesota.

He left the alleged remains with Miller until she returned to Summit County for the July 8 press conference. From there, former Executive Director of Northeast Ohio Right to Life Denise Leipold said Anthony Funeral Homes took the evidence until the remains were buried beneath a headstone in Akron's Holy Cross Cemetery at a Sept. 27 funeral attended by 150 anti-abortion supporters.

The state's investigative report said that the "alleged fetal tissues collected by Connolly and provided to Ohio Right to Life were not released to investigators." Investigators ultimately did not seek to examine alleged remains that traveled out of state and back, exchanging hands at least four times before being buried in Akron.

Unlawful protests on the rise

Connolly's alleged discovery and Handy's arrest made waves on Catholic and anti-abortion news websites. Anti-abortion groups rally around arrested protesters. Miller, along with a camera crew, videotaped and photographed Cuyahoga Falls police dragging and carrying the four limp and handcuffed protesters out of the clinic and into cruisers.

Attorneys for anti-abortion demonstrators have argued that criminal laws, including trespassing or resisting arrest, shouldn't apply when attempting to save a life, which anti-abortion groups say begins at conception.

When prosecuted locally, the arrests carry the potential for a few days or months of jail time, though sentences sometimes result in lesser fines.

The four criminal trespassers at Northeast Ohio Women's Center in June faced up to 10 days in jail and \$250 fines. Stow Municipal Court Judge Kim Hoover upheld the recommendation of a magistrate and suspended all jail time. After a trial, the defendants paid \$100 fines.

Miller and Handy face a stiffer charge of aggravated trespassing for refusing to leave the Planned Parenthood in Bedford Heights, where Miller blogged that one of her members "managed to get past [Planned Parenthood] security."

They face as long as 180 days in jail and \$1,000 fines.

Connolly has, so far, avoided jail time. But he's got a couple active cases and a sentencing scheduled this summer.

In March 2019, he joined two groups of protesters removed by police from separate abortion clinics in Washington D.C. In that case, prosecutors dropped the charges against Connolly and others after a witness failed to appear in court.

In June 2019, while the D.C. case was ongoing, Connolly was among four arrested after refusing for two hours to leave the Women's Center of Flint in Michigan. An attorney who previously represented Connolly was used again to defend the CPLS members.

Early in the Michigan case, a judge added a felony resisting arrest charge, which carries a maximum two-year sentence. A jury trial is set for June 7.

After dumpster-diving in Northeast Ohio, Connolly was apprehended in November 2021 at All Women's Health & Medical Services in White Plains, New York, and later convicted of misdemeanor trespassing. Two weeks before his trial begins in Michigan, he is scheduled to be sentenced to up to three months in jail, one year of probation and a \$500 fine in the New York case.

Handy and eight others were indicted last week on federal charges involving an October 2020 protest at Washington Surgi-Clinic. They face as long as 11 years in prison and \$1,000 fines if convicted of violating the Freedom of Access to Clinic Entrances Act, a federal statute that prohibits anyone from using or threatening force, or otherwise blocking the entrances of health care clinic.

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