

Proponent, H Sub HB 2151

Senate Judiciary Committee

February 3, 2016

Chairman Jeff King and committee members,

Good morning.

Kansas is one of six states that allow citizens to petition for grand juries. H Sub HB 2151 is supported by Kansans for Life as a furtherance of fairness to citizens who petition for redress through the grand jury process. We also supported passage of HB 2182 in 2013 allowing the petitioner to address the jury before any district attorney gets involved, and to suggest names of appropriate special prosecutors.

Kansans for Life organized petition-signature drives in 1994, 2006 and 2007. Our petitions generated some resentment in certain quarters as they embodied a rebuke against authorities around a politically sensitive issue.

1. In the first case, a Topeka grand jury was convened against a convicted felon who was breaking numerous statutes and Healing Arts rules without punishment, but the prosecutor changed it into an investigation about Phelps family associates.
2. In the second case, a Wichita grand jury was assembled to investigate the death -- during a late-term abortion -- of a healthy Texas teen with mental disabilities. One of the jurors later revealed the jury was:
 - unable to question many witnesses who refused to appear or "plead the fifth;"
 - kept from pursuing abortion injury incidents for which paperwork was uncovered;
 - not assisted by the ADA in crucial tasks, including explanations of legal terms;
 - denied viewing of key documents.
3. In the third case, a Wichita grand jury was convened and became convinced that late-term abortion crimes were occurring but were told they were prevented from issuing indictments due to statements in a Supreme Court case about medical disagreements. This erroneous instruction likely came from the target's attorneys and the ADA.

H Sub HB 2151 would allow those responsible for calling grand juries to observe while judges give instructions to the jurors, a move that aims to prevent bias to the process. It would help ensure that the will of those citizens who sought such grand juries is heard. My experience testifying in the 2007 grand jury is that the questions from the jury (who had at that time been empaneled for 3 weeks) indicated they seemed quite "clueless" as to the task set before them. I wonder what the judge's instructions had been?

Kathy Ostrowski,
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