

**IN THE EIGHTEENTH JUDICIAL DISTRICT COURT OF
THE STATE OF KANSAS**

In Re:)
)
)
Grand Jury Investigation) Case No. 07 MR 535
)
)
)
)
)

AFFIDAVIT OF MARY MOE

Mary Moe (pseudonym), being first duly sworn, states as follows:

1. I live in the Midwest, and I obtained a post -22 week abortion at Women's Health Care Services in Wichita, KS subsequent to July 1, 2003.
2. I write this affidavit as I am greatly distressed to learn that a grand jury in Kansas has subpoenaed the medical records of all patients who visited Women's Health Care Services over the past 4 ½ years.
3. I am proceeding under the pseudonym Mary Moe because I fear for the privacy, safety and well-being of myself and my family. I fear that my job could be endangered. I even fear for my life, were I to proceed under my real name.
4. My partner and I were very happy when we learned that I was pregnant, as we had been hoping to conceive for quite some time. We were unbelievably devastated to learn, post twenty-two weeks, that our baby had a rare and severe fetal anomaly that would, without question, result in the child living in a vegetative state, if at all.

5. My partner and I consulted with several doctors and specialists about this truly distressing situation. After much counsel, consultation and thought, my partner and I decided that we wanted to terminate the pregnancy.
6. My partner and I visited Women's Health Care Services where we discussed my pregnancy situation at length with Dr. George Tiller. After that discussion, we both reconfirmed our desire to have an abortion and obtained one at Women's Health Care Services. Dr. Tiller and his staff were very compassionate and supportive during this very difficult and emotionally draining time of loss. They helped bring peace, relief and closure to a truly horrific situation. My partner and I are both very grateful to them.
7. It is my understanding that under the federal Health Insurance Portability and Accountability Act (HIPAA), and possibly Kansas state laws, my medical records are protected and confidential, and can and will not be turned over to anyone without my permission. I am outraged to learn that a grand jury—particularly one initiated by anti-choice activists—might obtain my confidential medical records.
8. My partner and I were subjected to harassment from protesters while visiting Women's Health Care Services. This was very hard to take while dealing with a very distressing situation. It is my understanding that anti-abortion extremists have also provided pictures of Women's Health Care Services' patients to the grand jury.
9. My medical records are private and should not be open to the public. In addition to wanting to protect my privacy, however, I am also terrified of what might happen if the records were released. Even if some of the identifying information were deleted from the records—such as my name and address—I still fear that my identity could be

determined from other information in the records, such as the particulars of my medical history, the identity of treating physicians and institutions, and particulars of my personal situation. I fear for my family's safety and well-being, knowing that if these records would become public, they could reach the hands of zealous anti-choice activists. I have personally witnessed the extremely offensive and highly aggressive means of harassment used by many anti-choice activists. I am also aware of the unbelievable acts of violence—including death—that has been taken against doctors who perform abortions and women who obtain them.

10. Even thinking about the possibility of anti-choice extremists identifying me has caused my partner and I great distress. I am stunned that after dealing with this painful situation, I am being forced to open these wounds in a new and fresh way, to relive it like this, in fear. I believe it is criminal and immoral that I, and other patients like me, should be subjected to the mere possibility that our private medical records might become public.

Mary Moe

Mary Moe (pseudonym)

SUBSCRIBED AND SWORN to before me this ____ day of January _____, by

NOTARY PUBLIC

My Commission Expires:
