

The Family Foundation

February 26, 2020

Attorney General Daniel Cameron
700 Capital Avenue Suite 118
Frankfort, KY 40601

Re: Request for Investigation Regarding Prohibited Taxpayer Funding for Abortion

Dear Attorney General Cameron,

Following a review of transcripts and depositions released by the United States District Court, Western District of Kentucky in *EMW Women's Surgical Center, P.S.C., et al v. Meier*, The Family Foundation has discovered a series of irregularities that, we believe, warrant careful attention and scrutiny. In addition to these documents, additional open record requests indicate what appears to be a pattern of disregard for Kentucky law by faculty members at the University of Louisville.

Kentucky statute is clear and unambiguous regarding the prohibition of taxpayer funding for abortions in the Commonwealth (KRS 311.715). The deposition, as recorded by the Court, and the trial transcript contain testimony that suggests the University of Louisville may have and may still be operating in violation of Kentucky Statute by involvement in the performance of abortions.

Here is an example: During a deposition on October 11, 2018, Dr. Ashlee Bergin, M.D., a physician employed by the University of Louisville, was asked whether or not the abortions she performed at EMW were considered to be a part of her responsibilities at the University of Louisville:

“I would say yes and no to that question. Yes, because, you know, I was hired, you know, by the University of Louisville in order to provide not only general obstetric and gynecologic care but also to, you know, fulfill this family planning position and provide abortion services. But, you know, I guess it's sort of like a joint endeavor, I guess. You know, that – I consider it part of my – part of my job. That's what the University of Louisville hired me to do. But, you know, EMW is just part of my job responsibility.”

Another example from her deposition, in which Dr. Bergin's comments about the University of Louisville's *Ryan Residency* program, in which the University purportedly employs her for the purpose of teaching OB/GYN specialists how to provide abortive procedures, also raises concerns:

“So, basically the Ryan Residency Program is – it's a program that provides residents in obstetrics and gynecology with specialized training in complex contraception and abortion provision.”

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Furthermore, it appears that in an attempt to circumvent the public funding prohibition, the University of Louisville entered into an agreement with the University of California at San Francisco (UCSF) Bixby Center for Global and Reproductive Health in order to become a site for a *Kenneth J. Ryan Residency* program. The purpose of the Ryan residencies is to train physicians to perform abortion. The Louisville program appears to have been operating since 2011 and includes locations at the University and at EMW Women's Surgical Center.

It would appear that money has been exchanged between UCSF, the University of Louisville and EMW, for abortion services, costs of employees, supplies, and reimbursements. The grant proposal also states:

No salary support is requested for Dr. Franklin, the Ryan program director, since the department and the private off-site abortion clinic are now covering Dr. Franklin's full salary.

In the grant proposal letter to UCSF Dr. Tanya Franklin, Faculty Member, University of Louisville Medical School identifies herself as the Ryan Residency Program Director and states:

We have the responsibilities of providing all hospital-based abortion care, all elective abortion care, and training all residents in family planning for both state OBGYN programs.

Over the last nine years, EMW and their associates at the University of Louisville, may have performed as many as 25,000 to 30,000 abortions. Yet Kentuckians from across the political spectrum, through their elected representatives, have spoken their will on the issue of public abortion funding. This testimony suggests that a more thorough review may be beneficial to protecting the integrity and compliance of our taxpayer-funded institutions.

The Family Foundation, supported by legislators from both Chamber of the General Assembly, is hereby formally requesting that a full and thorough investigation be conducted by the Office of the Attorney General for the Commonwealth of Kentucky into the University of Louisville's Ryan Residency Program, its hiring practices, and its funding channels that may have enabled publicly-funded abortions to be provided through EMW, and any other concerning elements.

In light of the aforementioned concerns, questions that must be answered:

Is the University of Louisville a Kentucky public agency as described by (KRS 311.715)?

Has public money been spent or mingled with money that has been used to perform abortions through a program administered by the University?

Are any medical staff at the university obligated in any way to perform abortions or to teach abortion procedures to residents?

Is there any contractual obligation for physicians at the university to perform abortions?

Are staff physicians at the University's medical school performing abortions as part of their official duties?

Are staff physicians at the University's medical school compensated by the University for the time spent performing abortions?

Are staff physicians at the University's medical school compensated by the University to train residents in how to perform abortions?

Are abortions being performed at the University?

What is the extent of the involvement of medical school staff with abortion providers outside the University?

To what extent has the University partnered with abortion-providing entities?

If abortions are being performed by medical staff at the University, how many doctors and other medical personnel are involved?

Are there any contracts between the University and local abortion providers and do these contracts constitute illegal involvement in abortion?

Are students at the University's medical school or graduate medical programs obligated in any way to participate in abortion services?

Have fetal body parts or tissue obtained through abortions in which the University may have been involved been used in research at the University or anywhere else?

We, the undersigned, thank you in advance for your diligent and forthright investigation of these questions and any others that arise as your work moves forward.

Very sincerely yours,

Kent Ostrander
Executive Director
The Family Foundation

CC:
Governor Andy Beshear
Auditor of Public Accounts Mike Harmon