

Complaint Narrative

The following narrative is based on information gathered from the official autopsy report, 911 communications, Christin Gilbert's paternal grandmother, first-hand accounts of eye-witnesses to the emergency transport, and information provided by a member of a 2006 Sedgwick County grand jury that investigated George Tiller's part in the death of Christin Gilbert. A listing of enclosed documents follows the narrative in the form of footnotes.

Tragically, sometime in 2004, Christin A. Gilbert, (herein referred to as "Christin"), a 19-year old Texas resident, was sexually assaulted in the State of Texas¹. Christin had Down's syndrome.

As a result of the sexual assault, Christin became pregnant.

On Monday, January 10, 2005, Christin was brought by her family to Women's Health Care Services, (WHCS), in Wichita, Kansas, for a third-trimester abortion at 28 weeks of pregnancy.

Neuhaus' illegal relationship with Carhart's employer, George Tiller

She was evaluated by a doctor who was purported to the family to be a "psychologist," Dr. Ann Kristin Neuhaus, of Lawrence, Kansas. According to Kansas law, post-viability abortions may only take place when there is an agreement from a second doctor who is not legally or financially associated with the abortionist. George Tiller, MD, the owner and medical director of WHCS, currently faces 19 criminal charges² of violating this provision of K.S.A. 65-6703 in that he is alleged by the Kansas Attorney General's office to have had a prohibited legal and financial relationship with Neuhaus, who exclusively provided the second signature for late-term abortions at WHCS from at least 2003, until January, 2007. This includes the time of Christin's death.

Carhart begins the third-trimester abortion

After the Neuhaus evaluation, Christin was seen by LeRoy Carhart, MD, an employee of WHCS, who gave her baby a fatal digoxin injection to the heart. Christin was prepared for labor and delivery of her dead child. Her cervix was filled with laminaria and she was sent back to her hotel room at the La Quinta Inn, located about 1-2 miles from WHCS on East Kellogg in Wichita.

Christin did not eat dinner that evening.

The following morning, January 11, Christin was loaded into the family van where she expelled her dead baby on the way to the abortion clinic.

Christin arrived at WHCS where a D&C procedure was done on Christin and a "tear in the uterus" was sutured.

Fatal use of RU 486?

At this point, Christin was administered the abortion drug RU 486 by Carhart. This drug is approved for medical abortions in pregnancies prior to the 6th week of gestation. The drug has been responsible for at least six deaths in the United States between 2001 and 2006.

RU 486 was meant to be an “insurance policy” to make sure everything had been expelled from the uterus, but the drug was not approved by the FDA for that purpose. RU 486 was also approved as an oral medication, not as a vaginal suppository, which many believe contributed to life-threatening complications and deaths in women who used it in this way. It is believed that Carhart administered RU 486 to Christin as a vaginal suppository even though her uterus had suffered a laceration and was susceptible to infection.

Symptoms that Christin experienced after the administration of RU 486 were comparable to the symptoms of other women who have died from RU 486 nationwide, which include hemorrhage and sepsis.³

Christin’s condition deteriorates

Christin was again sent back to her hotel, which doubled as both labor and recovery room for Tiller’s abortion business. This hotel was not equipped to handle the life-threatening complications that are known to result from dangerous third-trimester abortions. There, Christin’s condition began to worsen.

She returned once again to WHCS on Wednesday, January 12, and was diagnosed with “dehydration” although the sepsis was already spreading rapidly through her body. She was given intravenous fluids, but the clinic staff made no documentation of her treatment, or how much fluids were administered to her that day. That lack of documentation proved to be a prominent factor on the day Christin died.

Christin was again sent back to her hotel where her condition continued to deteriorate. Wednesday evening, the family went out for dinner, but Christin would not eat.

LeRoy Carhart is missing

Sometime that evening, Christin was cramping, bleeding, and vomiting, at times passing out. According to one physician who reviewed the autopsy report, aspiration of vomitus was the likely cause of her acute bronchopneumonia mentioned in the autopsy report.

By now, Christin was in serious trouble. Between midnight and 4 AM — there is a discrepancy in the testimony before the grand jury that investigated Tiller’s part in Christin’s death⁴ — the family called Tiller employee Cathy Reavis who was staying at the La Quinta Inn on call. Reavis is Tiller’s longest employee, having worked for him for 29 years at the time of Christin’s death. Reavis is Tiller’s “head nurse,” but she is not licensed in Kansas or any other state.

Christin was placed into a warm bath, which may have contributed to extra bleeding and infection. Reavis then helped get Christin cleaned up and back to bed.

Reavis called Carhart, who was supposedly also staying at the La Quinta and was on call for emergencies. Carhart never responded and never saw Christin at the hotel. The whereabouts of Carhart during this time is unknown, as is the reason he did not respond to calls for help.

Final trip to WHCS

The next morning, Thursday, January 13, Christin's family tried to get her ready to go to the clinic. Christin fainted and could not be revived. Instead of taking her to the hospital or dialing 911, Christin's family loaded their bleeding, unconscious daughter on a luggage rack and wheeled her to the family van in which they returned her to WHCS at approximately 8:00 AM.

Once at the clinic, Christin awakened enough to walk through the door with assistance, but then collapsed. Her heartbeat and respiration stopped, or as the autopsy report stated, "she became unresponsive."

Some efforts were supposedly made to revive Christin, but according to a grand jury source who inspected the medical records, for the next 40-45 minutes, there are *no notations in the medical records about the care and treatment of Christin Gilbert.*

Christin's family was sequestered in a separate room and was unaware of what kind of treatment their daughter was receiving.

Possible perjury and a call to 911

Cathy Reavis testified before the 2006 grand jury that she had overslept on the morning of January 13, 2005, and was not at the WHCS until after Christin was taken away to the hospital. However, former Tiller employee Marguerite Reed told the grand jury that Reavis met her in the hallway of the clinic and instructed her to place the call to 911 that morning. Photographs taken by pro-lifer Judi Weldy clearly show Reavis' vehicle in the clinic parking lot as the ambulance arrived and rounded the corner of the clinic.⁵

At 8:48 AM on Thursday, January 13, a 911 call was placed by Reed, who pleaded with the 911 dispatcher, "Please, please, please! No lights, no sirens!" She was evasive with the dispatcher and placed him on hold for 45 critical seconds while she inquired of Reavis about how much she should tell him. Reavis told Reed that she couldn't tell her why, but that she just needed to get the ambulance. Reed clearly downplayed the true nature of Christin's rapidly deteriorating condition. Sensing no urgency, emergency responders arrived on the scene at 8:57 AM, a full nine minutes after the call was placed.^{6,7}

Paramedics arrive

When paramedics arrived, they saw Christin lying in what was described as "huge amounts" of "coffee grounds" blood and fluid — "way more than you would normally see."

LeRoy Carhart was on top of her trying to physically force fluids from her stomach. Paramedics indicated that they first thought he was a male nurse who may not have known what he was doing. The paramedics ordered Carhart away from the girl but he did not comply. A male paramedic was forced to “very sternly” demand that Carhart step away from the girl. One report indicated that the paramedics may have actually pulled Carhart off her.

The ambulance crew spent 15 minutes treating Christin’s dire condition, which included cessation of respiration and cardiac arrest, from which she was resuscitated. At 9:14 AM, Christin was transported via ambulance with all haste to Wesley Medical Center’s Emergency Room, and arrived at 9:18 AM after a four minute ambulance ride. Pro-lifers photographed the ambulance at WHCS and George Tiller’s arrival at the ER.⁸

At Wesley Medical Center

Once at Wesley Medical Center, the autopsy report⁹ showed evidence that Christin was bleeding from the mouth, vagina, eyes, and every other orifice. The emergency team who treated Christin worked aggressively to save her life, but it was too late. The family was advised of her condition, and reacted by telling the doctors to harvest her organs for donation. Huge amounts of antibiotics were pumped into her failing body, but to no avail. Because the sepsis was not treated in time, Gilbert suffered from systemic organ failure. All the blood vessels in her reproductive organs were clotted.

Christin was given pain medication, but little else could be done. She was pronounced dead at 4:14 PM, January 13, 2005.

Christin’s eyes were donated but the rest of her organs showed signs of hemorrhage and were not suitable for donation.

Christin’s unclothed body, with medical implements that had been used in an attempt to save her life still attached, was sent to the Sedgwick County Regional Science Center on January 14 for autopsy. Seven months and ten days later, the report was released to the public with evidence of her botched abortion.

Operation Rescue goes public and seeks answers

Operation Rescue broke the story when it dropped a press release on January 13, 2005, announcing the documentation of an emergency transport from WHCS. Efforts to conceal Christin’s death were already underway. A KNSS reporter was expelled from the WHCS property after seeking answers about the incident.¹⁰

On January 19, 2005, while conducting a first amendment activity outside Wesley Medical Center, Troy Newman was contacted by [REDACTED] who told him, under the condition of anonymity, that the abortion patient that we had seen transported to Wesley on January 13, had in fact died.

Conversation with Vicki Buening

On January 21, 2005, Troy Newman and other members of Operation Rescue visited the office of the governor and spoke with Vicki Buening, the governor's Director of Constituent Services. When showed a number of photos of several ambulance runs from WHCS to the local hospital, Mrs. Buening told Newman that if women were unhappy with the care they received at WHCS, they were free to file a complaint with the Kansas State Board of Healing Arts. Mrs. Buening was the wife of Larry Buening, who at that time was the Executive Director of the Kansas State Board of Healing Arts.

The following is an exchange between Vicki Buening and Operation Rescue's Senior Policy Advisor, Cheryl Sullenger, which took place during that meeting¹¹:

Buening: "Now individuals involved in any of these kinds of mishandling of their medical care have the option to file a complaint against their provider with the Board of Healing Arts."

Sullenger: "If they're still alive."

Buening: "Certainly that is true. Whether, uh- [pause] — Yeah, you're right. But I, uh..."

Sullenger: "If they are dead, they can't file a complaint, can they?"

Buening: "I don't have an answer to that question."

The impression gathered from that conversation by Sullenger was that Buening was aware of Christin's death, but was hiding it.

Operation Rescue issued a press release on January 25, 2005, announcing that it had confirmed that Christin and in fact died from her botched abortion¹².

KSBHA complaint filed

Sullenger filed a complaint with the Kansas State Board of Healing Arts against George Tiller in the death of Christin Gilbert, since Christin obviously could not file on her own behalf. Sullenger received a letter dated January 26, 2005, from Shelly Wakeman, KSBHA Disciplinary Counsel, advising her that an investigation had been opened based on Sullenger's complaint.¹³

Sebelius intervenes for political reasons

Meanwhile, a bill was introduced in the Kansas House of Representatives, HB 2503, which would have placed regulations on clinics that do abortion. The bill was strongly opposed by Gov. Kathleen Sebelius and Tiller's PAC, ProKanDo.

Sebelius received large campaign contributions from Tiller and ProKanDo during her 2002 campaign for governor.¹⁴

On February 2, Sebelius sent a letter to Larry Buening asking him to look into the death at WHCS.¹⁵

March 15, 2005, Operation Rescue held a press conference in the Capitol rotunda supporting HB 2503. Former Tiller patient ██████████ told of her horrific experience at WHCS a number of years ago and of her inability to bear children since suffering abortion injuries. Sullenger discussed the death of Christin Gilbert.¹⁷ A legislator who was present at the press conference believed the statements, especially ██████████ personal story, would be beneficial to the bill and asked them to testify before an upcoming committee hearing.

On March 22, 2005, Sullenger and ██████████ testified before the Senate Public Health and Welfare Committee in support of HB 2503, ██████████
██████████

On March 23, 2005, Operation Rescue issued an email containing ██████████ story along with Sullenger's testimony was distributed throughout the United States, urging supporters to voice opposition to HB 2503.¹⁸

On March 25, 2005, Larry Buening issued a letter¹⁹ to Gov. Sebelius with an "interim" report on the Gilbert death indicating that their preliminary determination was that Christin had received care that "met the standard of accepted medical practices," even though the autopsy report had not been released and a cause of death had not been determined.

Buening noted in that letter, "The Board is aware that office-based procedures and clinic licensure are currently being considered by the Legislature and wanted to provide you with an interim report."

This statement gives cause to believe that the Buening letter was politically timed and motivated, and that his determination was such as to please the governor.

But Buening's efforts to minimize Christin's death before the legislature were partly unsuccessful. Later that day, the Senate passed HB 2503 with an unexpected two-thirds majority, due in part to Cramer and Sullenger's testimony, and lobbying efforts made by Operation Rescue highlighting Christin's death.

Sebelius later vetoed the bill, basing her decision in part on the premature conclusions drawn by Buening in his hastily written letter of March 25, 2005. An attempt to override failed.

Autopsy report released

On August 24, 2005, the autopsy report⁹ on Christin's death was finally filed, indicating that she "died as a result of complications of a therapeutic abortion." The report made no mention of the names of physicians who treated Christin, nor did it mention the name of the abortion clinic.

KSBHA quietly sweep Christin's death under the rug

On the afternoon of November 23, 2005, the day before Thanksgiving, the KSBHA released its final determination that absolved Tiller and his staff of wrongdoing and closing the case both in a detailed letter to Sebelius²⁰ and in a terser, less informative response to Sullenger²¹ who filed the original complaint.

Citizen-called grand jury

Unsatisfied with the Board's decision, and believing strongly that the determination was politically motivated, Operation Rescue and Kansans for Life launched a citizen's petition to call a grand jury to investigate Tiller in the death of Christin Gilbert.

On April 19, 2006, the grand jury petitions were certified and on May 22, 2006, the grand jury convened and began its investigation.

But on July 31, 2006, District Attorney Nola Foulston announced that the grand jury had dismissed without issuing an indictment.

Grand jury foreman comes forward with new information

However, the man who served [REDACTED] on the grand jury contacted Troy Newman shortly after the grand jury dismissed and offered an interview. Newman and Sullenger met the grand jury member and recorded the interview. Based on his information, Operation Rescue published via the Internet a four-part series called "Justice Aborted," which detailed information uncovered by the grand jury investigation, and revealed the fact that the grand jury failed to indict Tiller on four counts by only one vote. That series was published between August 10 and 17, 2006.⁴

In that interview it was learned that the grand jury had attempted to subpoena LeRoy Carhart, but was unable to because Carhart dodged the subpoena, and Asst. District Attorney Ann Swegle, who was assisting the grand jury, would not issue the subpoena in Nebraska, where Carhart lived.

The grand jury also tried to get a copy of Neuhaus' record to see why she thought that Christin's third-trimester abortion was legally justified. Swegle told the grand jury foreman that it would take an "act of God" to get that record. She made no further efforts to obtain the record, which impeded the grand jury's ability to make an informed decision about the legality of Christin's abortion.

New Investigation Requested

This complaint is focused primarily on LeRoy Carhart, who was the physician who did Christin's abortion. The previous investigation focused on Tiller's part in Gilbert's death, as did the grand jury, but due to the new information that has surfaced, we have reason to believe that Tiller was only minimally involved in Christin's abortion, yet bears some responsibility as Carhart's employer and as the owner and medical director of WHCS.

Based on the assertion herein that the first Kansas State Board of Healing Arts investigation was politically timed and its determinations politically motivated, we are asking for a new investigation.

Also, based on new evidence that has surfaced since the KSBHA case was closed on November 23, 2005, I am asking that you take a fresh look at the death of Christin Gilbert.

On June 28, 2007, the Attorney General's office charged George Tiller, Carhart's employer, with 19 counts of violating the second unaffiliated physician clause in K.S.A. 65-6703 based on 19 2003 files. Christin's abortion was also rubber-stamped by Neuhaus. If it was illegal for Neuhaus to sign off on the abortions in 2003, then it was illegal for her to sign off on Christin's abortion in 2005.

Please investigate Carhart's role in the death of Christin Gilbert and take whatever disciplinary action necessary to keep him from hurting any more women.

Enclosed Documents:

1. Subpoena from the state of Texas for medical records regarding Christin Gilbert kept by Wesley Medical Center for a grand jury investigation into Christin's sexual assault.
2. *Kansas v. Tiller*, Case Number 07CR2112
3. "RU 486 Deaths" by J.C. Willke, M.D.
4. "Justice Aborted" booklet – report on information provided to Troy Newman by a member of the Sedgwick County Grand Jury that investigated Tiller's part in Christin's death.
5. Photo of Reavis' car in WHCS lot on morning of Jan. 13, 2005
6. CD containing the audio file of the 911 call placed from WHCS on Jan. 13, 2005.
7. Computer Aided Dispatch Transcript of 911 call.
8. Photographs taken by eyewitnesses to the emergency transport.
9. Autopsy report
10. "Botched Abortion Victim from Tiller's Late-Term Mill Rushed to Hospital Via Ambulance" Operation Rescue press release, Jan. 13, 2005
11. "I don't have the answer to that question" Operation Rescue, Jan. 21, 2005
12. "She's Dead!" Operation Rescue press release, Jan.

13. Wakeman letter to Sullenger dated Jan. 26, 2005.
14. Listing of Tiller/WHCS contributions to Kathleen Sebelius political funds
15. Sebelius letter to Buening dated Feb. 2, 2005.
16. [REDACTED]
17. "Women's Testimonies Help Bill" Operation Rescue, March 17, 2005
18. "Clinic Licensing Bill Moves on to Full Senate," Operation Rescue March 23, 2005
19. Buening letter to Sebelius dated March 25, 2005.
20. Buening letter to Sebelius dated Nov. 23, 2005.
21. KSBHA letter to Sullenger dated Nov. 23, 2005.