

SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE RESOLUTION NO. 1793

Whereas, on July 21, 2015, the President Pro Tempore of the Senate established, pursuant to Senate Rule No. 31, the Senate Interim Committee on the Sanctity of Life composed of seven members of the Missouri Senate (later amended to include ten members of the Senate) with the following duties:

1. Conduct an in-depth analysis of the Planned Parenthood business model and the methods by which they dispose of human remains from aborted fetuses;
2. Investigate whether Planned Parenthood, and any of its affiliates or associates, is or has engaged in activity contrary to the laws of this state;
3. Determine whether any state dollars have been directly used in such activity or used in a manner to offset expenses so that Planned Parenthood and any of its affiliates and associates might engage in such alleged activities;
4. Investigate whether any person, past or present, employed by the state of Missouri had any prior knowledge of any such alleged activity or misuse of state funds; and
5. Examine and investigate any other issues the Committee deems relevant to the allegations brought forth against Planned Parenthood; and

Whereas, over the course of several months, the Committee held public hearings to receive the testimony of witnesses and develop recommendations for the Missouri Senate; and

Whereas, on November 24, 2015, the Committee, pursuant to the call issued by the President Pro Tempore of the Senate on July 21, 2015, and as part of its legislative duties to investigate whether or not an entity that is receiving state funds violated any state laws, issued a subpoena duces tecum to Mary Kogut of Planned Parenthood of the St. Louis Region and Southwest Missouri (attached as Exhibit 1). The subpoena was properly signed by President Pro Tempore of the Missouri Senate Ron Richard and attested to by the Secretary of the Missouri Senate and received by Ms. Kogut on or about November 24, 2015; and

Whereas, the subpoena duces tecum commanded Ms. Kogut to provide the records contained in Attachment A to the subpoena within fourteen days after receiving service of the subpoena; and

Whereas, on December 4, 2015, an attorney representing Planned Parenthood of the St. Louis Region

and Southwest Missouri (PPSLR) sent a letter to President Pro Tempore Richard objecting to the subpoena and indicating that PPSLR would not be producing responsive documents; and

Whereas, the objections to the subpoena duces tecum contained in the letter to President Pro Tempore Richard by PPSLR on December 4, 2015, have been distributed to the members of the Senate Committee on Rules, Joint Rules, Resolutions, and Ethics; and

Whereas, in the judgment of the Senate Committee on Rules, Joint Rules, Resolutions, and Ethics, the objections to the subpoena duces tecum are without merit and that such subpoena should be fully complied with; and

Whereas, correspondence between the counsel for the President Pro Tempore and PPSLR dated March 21, 2016, removed any possible ambiguity by clarifying that the subpoena duces tecum did not seek any personally identifiable information from any client; and

Whereas, to this day, PPSLR has failed to comply with a properly executed subpoena duces tecum issued by the Missouri Senate and has not indicated that it intends to ever comply with the subpoena duces tecum; and

Whereas, in the judgment of this body, the documents sought by the Committee were relevant and pertinent to the charge of the Committee and should have been produced by PPSLR in the time period denoted in the subpoena duces tecum; and

Whereas, the General Assembly is authorized to issue subpoenas pursuant to Senate Rule 14 as well as Section 21.400, RSMo, which states "Subpoenas for witnesses and the production of records shall be issued at the request of any member of the senate or the house of representatives, or the party accused, or any member of any committee; and all process awarded by the senate or house of representatives, and subpoenas and other process for witnesses whose attendance is required by either the senate or the house, or before any committee, shall be under the hand of the president pro tem, or the speaker and attested by the secretary or chief clerk, as the case may be, and shall be executed by the sergeant at arms of such house, or by a special messenger appointed for that purpose."; and

Whereas, the General Assembly possesses power under the Missouri Constitution to arrest and punish a person who is guilty of contemptuous behavior; specifically Article III, Section 18 of the Missouri Constitution states, in part, that "Each house [of the General Assembly] may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any

person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions..."; and

Whereas, Ms. Kogut and PPSLR have engaged in contemptuous behavior under Article III, Section 18 of the Missouri Constitution by refusing to comply with the subpoena issued under authority granted by Senate Rule 14 and section 21.400, RSMo:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, hereby declare that the aforementioned failure to comply with the subpoena duces tecum issued by the Missouri Senate is an insult to this body, and intended as such by Mary Kogut and PPSLR, and constitutes and is in contempt of the power and authority of the Missouri Senate; and

Be It Further Resolved that Ms. Kogut and PPSLR had no lawful excuse for not complying with the subpoena duces tecum; that the information to be obtained by the Committee from PPSLR would be important and material for the Committee in fulfilling its legislative duties; that it was the duty of Ms. Kogut and PPSLR to have provided the requested documents; and

Be It Further Resolved that Ms. Kogut be summoned to appear at the bar of this body and show cause why she should not be punished for said contempt; and

Be It Further Resolved that the President Pro Tempore of the Senate and the Secretary of the Senate are hereby authorized to issue the necessary process to bring Ms. Kogut to the Senate Chamber within the Missouri State Capitol on April 18, 2016, at 2:00 p.m., and the Sergeant-at-Arms, or his designee, is authorized and required to execute such process in the manner directed therein.

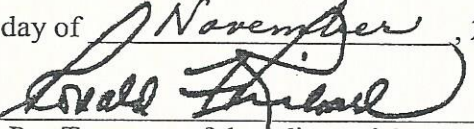
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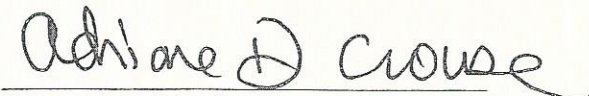
BEFORE THE SENATE INTERIM COMMITTEE ON THE SANCTITY OF LIFE  
MISSOURI SENATE  
A CHAMBER OF THE MISSOURI GENERAL ASSEMBLY

STATE OF MISSOURI     )  
                                  ) SS  
COUNTY OF COLE     )

THE STATE OF MISSOURI, TO   Mary M. Kogut  
  Planned Parenthood of the St. Louis Region and  
  Southwest Missouri  
  4251 Forest Park Avenue  
  St. Louis, MO 63108


YOU ARE HEREBY COMMANDED, setting aside all manner of excuse and delay, to provide the records set forth in Attachment A by the close of business on the 14th day after receiving service of this subpoena to the Senate Administrator's Office, Room 324, State Capitol Building, Jefferson City, Missouri 65101.

WITNESS my signature on this 24<sup>th</sup> day of November, 2015.  
  
\_\_\_\_\_  
President Pro Tempore of the Missouri Senate

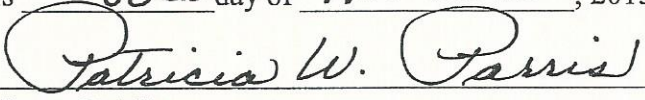
ATTEST:   
Secretary of the Senate

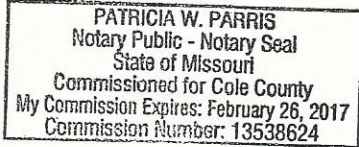
MESSENGER'S RETURN

I HEREBY CERTIFY that I have served this subpoena in ST. LOUIS CITY <sup>JB</sup> County, Missouri,  
delivering a copy to ~~the person named above~~ <sup>\* CATHY WILLIAMS</sup> at 4:15 p.m. (time) on this 24<sup>th</sup> (day) of  
NOVEMBER (month), 2015, at 4251 FOREST PARK AVE.,  
ST. LOUIS, MO. 63108 (location).

  
\_\_\_\_\_  
Designated Server

Subscribed and sworn to before me this 30<sup>th</sup> day of November, 2015.

  
\_\_\_\_\_  
Notary Public



\* CATHY WILLIAMS  
V.P. OF HUMAN RESOURCES & COMPLIANCE  
PLANNED PARENTHOOD OF THE ST. LOUIS REGION  
AND SOUTHWEST MISSOURI

## Attachment A

For purposes of this request, the term "Document" includes but is not limited to emails, correspondence, submissions, notes, call logs, grant applications, approvals, attachments, exhibits, photographs, calendar entries, and any other written form of communication or memorialization whether electronic, paper, or other form which is in the possession of Planned Parenthood or any of its employees, agents, or contractors, and dated, composed, received, or otherwise coming into the possession of Planned Parenthood from January 1, 2010, to the date of the issuance of this subpoena.

For purposes of this request, the term "Planned Parenthood" means the entity operating as either Planned Parenthood of the St. Louis Region and Southwest Missouri, Inc. or Reproductive Health Services of Planned Parenthood of the St. Louis Region, Inc.

### **Please produce:**

1. All documents relating to the sale, reimbursement or any fee for the donation or transfer of any human fetal tissue, including any contracts with entities for the disposal of fetal human tissue and medical waste in general;
2. All documents or written communications relating to the disposal of any human tissue or fetal remains, including any policies and procedures utilized by Planned Parenthood for such disposal;
3. All documents which make any reference to establishing procedures for how and where all human tissue is sent and/or disposed of;
4. All documents or written communications relating to the transfer of human tissue or fetal remains to a pathologist or pathology laboratory, including any contracts with a pathologist or pathology laboratory for the examination and/or disposal of human tissue or fetal remains;
5. All documents to or from or that make any reference to Dr. Mary Gatter;
6. All documents to or from or that make any reference to Dr. Deborah Nucatola;
7. All documents that record an incident where an emergency medical technician and/or an ambulance has been dispatched to a facility operated by Planned Parenthood;
8. All documents on policies for maintaining a safe environment in the facility and segregation and storage of pathological waste;
9. All documents relating to policies of Planned Parenthood on informed consent procedures, including any counseling or discussion provided to clients regarding the transfer or disposal of human fetal body parts or tissue;
10. All documents relating to the procedures used by a facility operated by Planned Parenthood