



JODIE LAUBENBERG  
TEXAS HOUSE OF REPRESENTATIVES

August 3, 2007

The Honorable Greg Abbott  
Attorney General of Texas  
P. O. Box 12548  
Austin, TX 78711-2548

Subject: Attorney General Opinion Request RQ-0589-GA

Dear General Abbott,

I am honored that you invited me to give input on the issues your Opinion Committee is considering. I believe that this opinion request by Representatives Keffer and Cook is a continuation of the same political maneuvering that took place on the House floor in the last days of session. A few members tried to elevate politics over good government. They failed in their attempt because Speaker Craddick enforced the rules of the Texas House of Representatives. I am confident you will likewise enforce the rule of law.

As a member of the House, I can speak to the practical consequences of an interpretation that sides with the positions taken by Representatives Keffer and Cook. The proceedings of the Texas House of Representatives would be changed and politicized in the worst way. It would constitute a grave disservice to both the members and our state's taxpayers, only to suit the immediate interests of a handful of politicians. I am unaware of any House rule, statute, state constitutional provision, practical consideration or policy argument that can excuse the position they have taken. Because of this, I agree fully with the brief submitted to you by the attorneys for Speaker Craddick.

I would like to add my voice on three key points that I consider to be of paramount importance in your office's consideration of this opinion request:

First, as members of the House, we should indeed shoulder the responsibility for our rules and for any changes we make to those rules. The representatives now seeking your intervention made no attempt to amend our rules when given the chance at the beginning of session. Like every other member, they agreed with the rules as our way of improving the session's order and efficiency. They only took issue with these rules when they

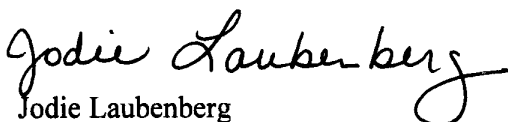
decided to initiate an attempt to vacate the speaker's chair --- a move that is not allowed under the current procedures of the House. Their position that the speaker should be subject to recall "at the pleasure of members" by a simple motion from the floor would be bad public policy and counter to the best interests of the citizens of this state, whether implemented by a consenting opinion from your office, or enacted by the House members themselves through amendment to the House rules.

Secondly, the House Rules giving the speaker the authority to decline recognition to a member serve a valuable purpose in preventing abuses to our legislative process. The Rules ensure that no individual member may single-handedly deny the other 149 members of the House the ability to work for their constituents. We have 140 days to complete the State's business, a task that is achievable when the House is ruled by law and order. Absolute rule of law, as designed by the Texas Constitution, is necessary; a hand to enforce that rule of law is equally necessary. In the last days of session, the enforcement of our Rules by Speaker Craddick, rather than being an abuse of discretion, was of the highest service and in the best interest of the House. The timing of the attempt to vacate the chair would have undoubtedly forced the House into a special session in order to pass the state budget, costing our taxpayers thousands of wasted dollars. The Rules worked as intended to prevent that mischief.

Finally, every member on the House floor knew that the reasons for these attacks were purely political. This is not a case where a speaker is alleged to have committed some sort of civil, moral or criminal wrongdoing. Rather, it is a political fight instigated by members admitting to aspirations for the speakership, and prioritizing politics over real work. Thankfully, their efforts failed and the citizens of Texas were the winners.

Thank you so much for allowing me to give you my views on this subject and I thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jodie Laubenberg". The signature is written in a cursive, flowing style.

Jodie Laubenberg  
State Representative, District 89

JL/rbh