

December 9, 2013

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Jeffery Patterson
EXECUTIVE DIRECTOR

The Honorable Dan Huberty
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768

Dear Representative Huberty:

I am writing at the behest of the Roman Catholic Bishops of Texas to share their concerns about a recent "pro-life scorecard" released by Texas Right to Life (TRTL). This "scorecard" purports to declare which Texas legislators are "pro-life" based on a selective number of votes during the 83rd Legislative Session. Unfortunately, the unconventional methodology and subjective scoring of the TRTL scorecard produced a number of perplexing results--including assigning low scores to pro-life lawmakers who have worked long and hard to protect and preserve life.

As you know, the Texas Catholic Conference does not use scorecards. Instead, our bishops encourage parishioners to fully form their consciences through prayer and education about issues. Scorecards are a poor substitute for that level of thoughtful policy engagement. Perhaps the most faulty implication of the scorecard is that, in its current form, it casts the tradition of Catholic teaching as being insufficiently pro-life--which is a patently absurd notion. TRTL does not have license to publicly define who is sufficiently pro-life or not.

Some legislative scorecards, when created objectively and appropriately, can be informative. If not, they stop being about informing the public and become more about advancing political agendas, with the unfortunate result that some citizens end up being misled about the issues and misinformed about the voting records of their legislators.

The recent TRTL scorecard selected only three bills (and assorted amendments) to calculate the scores out of the thousands of bills considered during the 83rd Legislative Session. Several pro-life bills were excluded from consideration. For example, the TRTL scorecard *did not include* or minimized support for bills that would have prohibited abortion coverage from insurance plans provided in the Affordable Care Act healthcare exchanges (HB 997); prohibited sex selection abortions (HB 309); strengthened parental rights to reduce judicial bypass for teen

abortions (HB 3243); or criminalized coerced abortions (HB 3247). All these proposals were unquestionably pro-life, yet were not scored equitably on the TRTL scorecard.

As a result of this selective vote counting, several legislators, *who have spent their careers* committed to pro-life issues, were said to "reject opportunities to protect the sanctity of innocent human life" when that is clearly not the case. For example, Senator Bob Deuell was responsible for requiring abortion facilities to meet the standards of ambulatory surgical centers (SB 537)—a *key* provision of the landmark prolife legislation that ultimately passed during the Special Session. However, the TRTL political action committee gave him no credit for authoring this pro-life bill. In another instance, State Rep. Bill Callegari was given no credit for his authorship of the parental rights bill (HB 3243).

The method by which the scores were assigned was haphazard and confusing. Some legislators were awarded more points than others for the same legislative action, while other legislators' contributions were completely ignored. For example, Rep. Jodie Laubenberg and Rep. John Smithee both authored pro-life bills during the session, but Laubenberg was awarded 25 points for authorship of HB 2, while, Smithee was awarded only six points for authoring another pro-life bill that sought to remove abortion coverage in the insurance exchanges. In another example, Rep. Tracey King, who voted against both pro-life omnibus bills (HB 2 and SB 5) received a higher pro-life score than Rep. J. D. Sheffield, who voted FOR both HB 2 and SB 5. Senator Eddie Lucio Jr. was not scored as pro-life, despite his co-sponsoring and voting for HB 2 and SB 5 and twice crossing party lines to be the final necessary vote to suspend Senate rules and debate on these bills.

What was most troubling to the Texas Catholic Bishops was that the scorecard appears to attack those legislators who supported perhaps one of the most pro-life bills during the 83rd session: protecting individuals and families at the end of life by reforming the Texas Advance Directives Act. Advance directives reform not only would have given families more tools to protect their loved ones at the end of life, but would have provided conscience protections to medical providers to refuse inflicting burdensome and unnecessary procedures on patients. The advance directives law would have changed current law to:

- prohibit the involuntary denial of care to critically ill patients, including food and water;
- prevent doctors from making unilateral "Do Not Attempt Resuscitation" orders without consulting families; and,
- require treating all patients "equally without regard to permanent physical or mental disabilities, age, gender, ethnic background, or financial or insurance status."

The advance directives reform bill was a moral and compassionate approach to end-of-life care that was opposed by TRTL, but supported by a broad coalition of groups, including the Texas

Catholic Conference, the Texas Baptist Christian Life Commission, the Texas Alliance for Life, the Coalition of Texans with Disabilities, the AARP, the Texas Pro-Life Action Team, the Texas Conservative Coalition, and the Catholic Hospital Association of Texas. Advance directives reform was important to the Catholic Church--and to many legislators--because we recognize human life as a gift from God that is innately sacred--from conception to natural death. We have taken this position after much reflection to ensure that the law respects the natural dying process.

The implication to be drawn from this scorecard is that TRTL opposed the advance directives reform bill, and appears to have taken to punishing those pro-life legislators who disagreed with them by inaccurately casting them as not being sufficiently pro-life. That is plainly inaccurate. In the case of the advance directives reform bill, legislators who supported the law were strongly pro-life; they merely opposed the TRTL's position. These are not necessarily the same thing. It is unfortunate that so many members who continue to fully stand for life are being attacked for doing just that. We hope that this letter has clarified what would otherwise have remained an unfair and confusing characterization.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Patterson", with a long horizontal flourish extending to the right.

Jeffery R. Patterson
Executive Director