

HOUSE OF REPRESENTATIVES

P.O. Box 2910
AUSTIN, TEXAS 78768-2910
(512) 463-0620
(512) 463-0894 FAX



JESSICA FARRAR
DISTRICT 148

P.O. Box 30099
HOUSTON, TEXAS 77249
(713) 691-6912
(713) 691-3363 FAX

JESSICA.FARRAR@HOUSE.STATE.TX.US

HOUSE DEMOCRATIC LEADER

COMMITTEES:
BORDER AND
INTERGOVERNMENTAL AFFAIRS

ENVIRONMENTAL REGULATION
VICE-CHAIR

August 16, 2012

Hon. Gregory Wayne "Greg" Abbott
Office of the Attorney General
209 West 14th Street
Austin, Texas 78711

VIA ELECTRONIC MAIL

Dear General Abbott:

I am deeply troubled by a filing submitted under your authority on July 9, 2012, to the United States Court of Appeals for the Fifth Circuit, in the ongoing lawsuit *Planned Parenthood Association of Hidalgo County Texas vs. Suehs*.¹

Your office submitted to the court, as a citation of supplemental authority, proposed rules regarding the Women's Health Program, as promulgated by the Texas Health and Human Services Commission (HHSC).² In your letter to the court, the proposed rules state that the fiscal impact analysis of maintaining the Women's Health Program "assum[es] that all clients will be eligible for Medicaid *following the expansion of the Medicaid program in January 2014*."³ In acknowledging the public benefit of services provided under the Women's Health Program, the proposed rules again state "[t]he public benefit, similar to the fiscal impact, has been projected for three years, *assuming that all clients will be eligible for Medicaid beginning in January 2014*."⁴

Astoundingly, on the same day you submitted your letter to the court, Governor Perry sent a letter to U.S. Health and Human Services Secretary Sebelius, vociferously declaring that the state will not extend vital health care coverage to more Texans via the expansion of Medicaid.⁵

¹ *Planned Parenthood Ass'n of Hidalgo County Texas vs. Suehs*, No. 12-50377 (5th Cir. May 4, 2012).

² Defendant-Appellant's Brief, *Planned Parenthood Ass'n of Hidalgo County Texas vs. Suehs*, No. 12-50377 (5th Cir. July 9, 2012).

³ Defendant-Appellant's Br. 6 (emphasis added).

⁴ Defendant-Appellant's Br. 7 (emphasis added).

⁵ Letter from James Richard "Rick" Perry, Gov. Texas, to Kathleen Sebelius, Sec'y, U.S. Dep't. Health & Human Serv. (July 9, 2012) (<http://governor.state.tx.us/files/press-office/O-SebeliusKathleen201207090024.pdf>).

Your letter to the court and Governor Perry's letter to Secretary Sebelius create a blatant false representation of executive intent regarding the expansion of Medicaid and the resulting continuation of services provided under the Women's Health Program. As you know, under the Texas Disciplinary Rules of Professional Conduct, an attorney who makes false representations to a tribunal is subject to discipline, as is a supervising attorney who orders or encourages another lawyer to violate the Rules.⁶ Perhaps more importantly, when that attorney is also a state official, she or he betrays the trust of her or his constituents.

General Abbott, I would sincerely like to believe that neither you nor your staff would intentionally mislead a court of law, let alone a federal court of appeals. I implore you to correct or withdraw the misleading statements you submitted to the court.

Very sincerely,

A handwritten signature in black ink that reads "JESSICA FARRAR". The letters are written in a cursive, slightly slanted style.

Jessica Farrar
State Representative, District 148

CC: Cmsr. Thomas Suehs

⁶ See Tex. Disciplinary Rules of Prof. Conduct, R. 5.01, 8.04(a)(3).