



PO Box 56132, Houston, TX 77256

Mr. Dick Weekley  
Texans For Lawsuit Reform  
1701 Brun St., Suite 200  
Houston, TX 77019

Dear Mr. Weekley,

I am writing to you today to ask for your support and the support of Texans For Lawsuit Reform for three legislative proposals designed to protect innocent human life and hold negligent abortion providers accountable for their wrongdoing. While our organizations disagree on many issues, I would ask you to put those differences aside so we may work together to protect the rights of the unborn in Texas.

The first proposal involves strengthening the sonogram bill that was passed by the legislature last session and signed into law by Governor Perry. The passage of this bill was a priority for pro-life Texans for many years. While those who violate the sonogram law can be fined and risk losing their license, the sole enforcement authority of this law is vested in the Department of State Health Services. As you know, the department has very limited resources to devote to enforcement actions and it is unclear how effective they will be in ensuring that there is full compliance with the sonogram law.

The version of the sonogram bill (House Bill 15) as originally filed contained a provision allowing for civil enforcement of the sonogram law. This provision was stripped in committee and is not included in the sonogram law that is effect today. The passage of a bill to strengthen the sonogram law to add the civil enforcement language from the original version of HB 15 would go a long way to ensure that abortion providers fully comply with this important, life-saving law. Such a change would ensure that women who have been harmed by noncompliant abortion providers do not have to rely on an inefficient government bureaucracy like the Department of State Health Services to hold these abortion providers accountable for their violations of the law.

The second proposal involves strengthening the prenatal protection act that was passed by the legislature in 2003. The law currently includes language found in Section 71.003(c)(4) of the Civil Practices and Remedies Code that provides an exception to the prenatal protection act for physicians and other licensed health care providers. This language was not in the original version

of the bill that created the act, but was added later in the legislative process at the behest of the medical lobby.

This exception is unnecessary and unfair, and should be removed. If you or I engage in negligent conduct that results in the death of an unborn child, we can and should be held accountable for our actions. Negligent doctors and medical providers should be treated just like everybody else. Additionally, an unborn child who is the victim of medical negligence should have the same rights as anybody else who has been a victim of medical negligence. The medical malpractice that your organization championed will ensure that the removal of this exception will not be abused. It is the spirit of the law that unborn children have the same rights in the civil justice system as everybody else, and the removal of this particular exception will further that.

The third proposal involves removing limits on civil liability for abortion providers in connection with elective, non-emergency abortions. Many who supported Proposition 12 and medical malpractice damage caps did so because they believed it would help doctors who save lives. I certainly hope it was not your intent or the intent of Texans For Lawsuit Reform to help “doctors” who take lives. It is morally repugnant that those who murder unborn children are afforded the same civil legal protections as those in the medical profession who have dedicated their lives and careers to saving lives, keeping us healthy, and improving our quality of life. This loophole should be closed immediately.

Pro-life groups, including Operation Rescue, have documented widespread abuses that are occurring in abortion clinics across Texas. These abuses include violations of health codes, violations of standards of care, and even the improper disposal of the remains of aborted children. Those responsible for these reprehensible acts deserve to be sued and the fact they receive protections in civil courts is unjustifiable.

None of these proposals will lead to frivolous lawsuits. They simply advance the view of the majority of Texans that unborn human life is sacred and should be protected. Additionally, each of these proposals ensures that wrongdoers are held accountable for their actions where current deficiencies in the law may not make that possible. I hope that you and Texans For Lawsuit Reform will be willing to stand with me before the legislature next session in support of each of these proposals. If you and TLR are unable or unwilling to support any or all of these proposals, I would like to know your reasons why. I look forward to your prompt response to this letter.

Best Regards,

A handwritten signature in black ink that reads "Mark McCaig". The signature is written in a cursive, slightly slanted style.

Mark McCaig

President, Texans For Individual Rights