



TEXAS HOUSE OF REPRESENTATIVES

MATT RINALDI

DISTRICT 115

The Most Reverend Edward J. Burns
Bishop of the Diocese of Dallas
3525 Blackburn Street
Dallas, Texas 75129

February 26, 2018

Dear Bishop Burns,

As a pro-life Roman Catholic and a member of the Texas Legislature, I was shocked and saddened by the February 22 Parish Advisory on Texas Right to Life issued by the Texas Catholic Conference of Bishops (TCCB), which effectively attacks the largest and oldest pro-life organization in Texas for being too avidly pro-life. While I acknowledge the role of TCCB in defining issues for Texas Catholics, the Advisory appears purely politically motivated beyond shepherding the faithful on issues of faith and morals, leading to speculation about the extent the Advisory originated from the lay staff and lobbying team at TCCB, rather than the bishops who would presumably extend a spirit of charity toward those with whom they disagree.

Additionally, the Advisory misstates facts regarding Texas Right to Life's advocacy in the legislature, is specifically tailored to affect a Texas primary election where a specific legislative vote to allow certain third trimester abortions has been a central issue, and is deeply destructive to efforts to expand the pro-life movement to a greater segment of the population by discouraging pro-life volunteers. I write to clarify some of the inaccuracies in the Advisory and urge each of the bishops affiliated with TCCB to personally investigate the facts and rescind the statement.

Issues Regarding the Protection of the Unborn

As an initial matter, the Advisory alludes to two measures which "reform the status quo as much as we might desire": (1) the ban on dismemberment abortion, which prohibits the unconscionable ripping of a baby limb from limb in the womb while his heart is still beating; and (2) the proposed ban on late term abortions of children with fetal abnormalities like anencephaly and Trisomy 18. Texas Right to Life championed these important protections for the unborn, while Texans for Life Coalition (TFLC) took no position and Texas Alliance for Life (TAL) actively opposed the reforms (the public testimony of TAL's president is on record). The Advisory's implication is that these were unattainable goals and that Texas Right to Life's

support of them was somehow mutually exclusive with the more incremental reforms pushed by TAL and TFLC. Nothing could be farther from the truth.

To the contrary, the ban on dismemberment abortion, arguably our most important pro-life victory of the 85th Regular Session of the Legislature, passed and was signed into law last year because of the tireless efforts of Texas Right to Life. This law is similar to the dismemberment abortion ban recently supported by the Catholic Conferences of Ohio, Pennsylvania, Florida, Nebraska, Kansas, Michigan, West Virginia and Maryland. The third trimester abortion ban of children with fetal abnormalities was defeated by only 7 votes. These are not unattainable reforms—one was actually attained while the other would have received the votes to pass if TAL and TFLC stood united with Texas Right to Life in support, or at least remained neutral or silent.

Furthermore, Texas Right to Life's support of these major reforms is not to the exclusion of other more incremental reforms as the Advisory implies, nor has Texas Right to Life, as the Advisory claims, "rejected" more incremental reforms. Texas Right to Life actively encourages legislators to support all pro-life reforms, no matter how small. On the other hand, TAL routinely opposes more sweeping life-saving reforms that enjoy broad support for passage in the Legislature.

Although the Advisory emphasizes Pope John Paul II's proposition in *Evangelium Vitae* about supporting incremental reforms that do not go as far as we would like, Pope John Paul II did not instruct the rejection of more sweeping reforms when such measures are possible. Indeed, the sentence in *Evangelium Vitae* immediately preceding the portion quoted in the Advisory states: "In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to 'take part in a propaganda campaign in favour of such a law, or vote for it'." (*EV*, 73) This most certainly applies in the case of the dismemberment abortion ban passed and the late term abortion ban considered in the 85th Legislative Session. At the very least, a pro-life organization like Texas Right to Life that applies action to Pope John Paul's words should not be singled out for a political attack.

Issues Regarding End of Life Care

The Advisory takes issue with Texas Right to Life's position on medical ethics and patient-driven health directives, meaning that Texas Right to Life espouses that such decisions should be left with individuals and their families, rather than with hospital committees. This position is consistent with Sections 2278-2279 of the Catechism of the Catholic Church:

2278 Discontinuing medical procedures that are burdensome, dangerous, extraordinary, or disproportionate to the expected outcome can be legitimate; it is the refusal of "over-zealous" treatment. Here one does not will to cause death; one's inability to impede it is merely accepted. *The decisions should be made by the patient if he is competent and able or, if not, by those legally entitled to act for the patient, whose reasonable will and legitimate interests must always be respected.* [Emphasis added.]

2279 Even if death is thought imminent, the ordinary care owed to a sick person cannot be legitimately interrupted. The use of painkillers to alleviate the sufferings of the dying, even at the risk of shortening their days, can be morally in conformity with human dignity if death is not willed as either an end or a means, but only foreseen and tolerated as inevitable Palliative care is a special form of disinterested charity. As such it should be encouraged. [Emphasis added.]

The Advisory correctly notes that a physician has a right of conscience in providing treatment, but does not explain how Texas Right to Life's view that the patient should be given every reasonable opportunity to seek care from an alternative provider is at all inconsistent with the Magisterium. Certainly, TCCB would not seek to undo Senate Bill 11, a tremendous victory from the Special Session of the 85th Legislature, which was the culmination of months of negotiations with the lobbyist whose signature appears on the Advisory. SB 11 requires that patient or surrogate consent be obtained before a physician can issue a do-not-resuscitate order for a hospitalized patient. Not only did TCCB's lobbyist sign off on the final version of that bill that is now law, the policy reflected in the bill is consistent with the two noted sections from the Catechism.

Voter Guides

Regarding voter guides, the Advisory improperly injects the church into the upcoming Primary Election by expressing a preference for one pro-life group's slate of candidates over another, going so far as to provide a link to TAL's legislative scorecard. This appears to contravene the U.S. Conference of Catholic Bishop's guidance in *Faithful Citizenship*, which directs parishes, other church organizations, and their representatives to refrain from endorsing candidates or groups of candidates or taking "any action that reasonably could be construed as endorsement or opposition." Furthermore, such a suggestion also confuses pro-life Catholics who, in casting their ballots, wish to consider how incumbents voted on the dismemberment abortion ban and the ban on late term abortion of children with fetal abnormalities. This information is contained only in Texas Right to Life's legislative scorecard.

Discouraging Pro-Life Volunteerism

Lastly, the Advisory takes the extraordinary step of urging parishes not to participate in Texas Right to Life's activities. Texas Right to Life is the largest pro-life organization in Texas and the only Texas affiliate of the National Right to Life Committee. As such, the organization has an established history and consequent reach that other organizations simply do not. Texas Right to Life engages in many non-political activities designed to grow the pro-life movement, such as mentoring families dealing with medical ethics decisions, leading summer camps for high school students, organizing student-led chapters at medical schools, ministering to women and families facing unplanned pregnancies, training pro-life volunteers and working with local pregnancy centers, and more. By pushing eager pro-lifers away from such opportunities that are only available through Texas Right to Life, the TCCB risks dealing a serious blow to efforts to expand the pro-life movement in Texas, an expansion that would only facilitate TCCB's stated goals of protecting the sanctity of human life.

I do not believe that the clergy of TCCB would intentionally seek to harm the movement to protect innocent life in Texas. Accordingly, I can only speculate that the lay staff of the TCCB are relaying information relating to the political fight to protect life in Texas that simply does not reflect the reality of the situation. I would respectfully urge each of the TCCB's member clergy in the coming weeks to conduct a personal investigation of the facts without using the TCCB's lay staff as an intermediary. As one familiar with the leadership of Texas Right to Life, I am confident that the officers would respond favorably to a meeting with the clergy of the TCCB to discuss more effective ways to align the shared mission. And I would be glad to facilitate such a meeting between TCCB clergy and the officers of Texas Right to Life should you call upon me to do so.

I also remain available to meet personally with each of the TCCB's member clergy directly to discuss ways in which the pro-life movement can better unite towards our common goal. If inviting other pro-life legislators to a meeting with TCCB clergy would be mutually beneficial, I offer to do so upon your request.

Lastly, I ask the TCCB to consider rescinding the inaccurate and deeply political Advisory, which obfuscates the life issues for pro-life Catholics, further divides the pro-life movement, and distances us from our common goal of eliminating abortion in Texas.

Respectively,



Matt Rinaldi