



May 6, 2022

Logan Green
Chief Executive Officer, Lyft
185 Berry Street
San Francisco, California 94107
logan@lyft.com

Dear Mr. Green:

We have read your tweet of April 29, 2022, in which you announce that your company will pay the travel costs of women who leave Texas or Oklahoma to abort their unborn children. Your decision to divert corporate resources to this end is unacceptable and will not be tolerated. Your responsibility as a CEO is to maximize return to the shareholders, not to divert shareholder resources toward ideological causes in an effort placate the woke liberals in your C-suite. The money that you are using to pay for out-of-state abortion travel belongs to the shareholders of the company—not to you, and not to the directors or officers of Lyft. Your actions are a grotesque abuse of the fiduciary duty that you owe to the many shareholders of your company that oppose abortion, as well as to shareholders who want that money used to maximize returns on their investment rather than to commit acts of violence against the most vulnerable members of the human family.

The state of Texas will take swift and decisive action if you do not immediately rescind your recently announced policy to pay the travel expenses of women who abort their unborn children.

First. We will introduce legislation next session that bars corporations from doing business in the state of Texas if they pay for elective abortions or reimburse abortion-related expenses—regardless of where the abortion occurs, and regardless of the law in the jurisdiction where the abortion occurs.

Second. The legislation that we introduce will allow shareholders residing in Texas to sue the directors and officers of any publicly traded corporation that pays for elective abortions or reimburses abortion-related expenses. It will define these acts as a *per se* breach

of fiduciary duty and prohibit directors and officers from invoking the business-judgment rule as a defense. It will also prohibit directors or officers who are sued from obtaining indemnification from the company or an insurer, either for an award of damages or for their legal expenses.

Third. We will introduce legislation that imposes felony criminal liability on any director or officer of a publicly traded corporation that uses corporate resources to pay for elective abortions or reimburse abortion-related expenses, without first obtaining the unanimous consent of the shareholders. What you are doing with the company's money is nothing short of theft, as you are taking resources that belong to the shareholders of Lyft—many of whom oppose abortion—and using them to advance your personal ideological beliefs. We will ensure that these misuses of shareholder assets by you and other woke corporate executives are recognized and prosecuted as acts of larceny under Texas law.

Finally. You should know that the existing law of Texas imposes felony criminal liability on any person who “furnishes the means for procuring an abortion knowing the purpose intended.” West's Texas Civil Statutes, article 4512.2 (1974).¹ Violations of article 4512.2 are punishable by two to five years imprisonment for each abortion that was paid for, and the statute of limitations is three years. The only exception is for abortions “procured or attempted by medical advice for the purpose of saving the life of the mother.” West's Texas Civil Statutes, article 4512.6 (1974). The State of Texas has never repealed this statute, and the legislature re-affirmed the continuing vitality of article 4512.2 last session when it enacted Senate Bill 8. *See* Senate Bill 8, 87th Leg., § 2.

To the extent that Lyft is paying for elective abortions performed in Texas as part of its employee benefits, it is committing criminal acts and exposing every person involved to criminal prosecution and imprisonment. *Roe v. Wade*, 410 U.S. 113 (1973), is no defense because Lyft and its officers lack standing to assert the third-party rights of women seeking abortions as a defense to criminal prosecution. *See Kowalski v. Tesmer*, 543 U.S. 125, 129 (2004) (“A party ‘generally must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties.’” (citation omitted)).² And in all events, a woman seeking an abortion has no constitutional right to have

1. The full text of the statute says: “Whoever furnishes the means for procuring an abortion knowing the purpose intended is guilty as an accomplice.” West's Texas Civil Statutes, article 4512.2 (1974). A copy of the statute is attached to this letter.

2. The Supreme Court has allowed abortion doctors and abortion providers to assert the third-party rights of abortion patients, but no court has ever held that an abortion fund (or a donor to such a fund) has the necessary “close relation” needed to establish third-party standing. *See, e.g., Singleton v. Wulff*, 428 U.S. 106, 117 (1976) (plurality opinion) (allowing *physicians* to assert third-party rights of their patients seeking abortions on account of the “patent” “closeness of the relationship”); *June Medical Services LLC v. Russo*, 140 S. Ct. 2103, 2118 (2020) (plurality opinion) (“We have long permitted abortion *providers* to invoke the rights of their actual or potential patients in challenges to abortion-related regulations.” (emphasis added)).

her employer pay for it, *see Harris v. McRae*, 448 U.S. 297, 325 (1980), so no abortion patient will suffer an “undue burden” if Lyft’s officers and employees are prosecuted for their violations of article 4512.2.³ There is also no constitutional right to perform or pay for another person’s abortion; that is why abortion providers who challenge abortion regulations must invoke the third-party rights of their patients rather than assert their own constitutional rights. *See, e.g., Planned Parenthood of Greater Ohio v. Hodges*, 917 F.3d 908, 912 (6th Cir. 2019) (en banc) (“The Supreme Court has never identified a freestanding right to perform abortions. To the contrary, it has indicated that there is no such thing.”). Nor will the abortionist’s immunity from prosecution on account of *Roe* preclude the imposition of accomplice liability on employers and others who violate section 4512.2 by paying for another person’s abortion. *See* Tex. Penal Code § 7.03(2).

Lyft may not be aware that it is a crime to pay for another person’s abortion in Texas, and perhaps its offices in Texas are located in areas where the local district attorney is unwilling to bring charges in response to these criminal acts. But we will be introducing legislation next session that will empower district attorneys from throughout the state to prosecute abortion-related crimes—including violations of article 4512.2 of the Revised Civil Statutes—when the local district attorney fails or refuses to do so. The bill will also eliminate the three-year statute of limitations that currently applies to violations of article 4512.2.

Lyft must immediately cease and desist all activities that aid or abet elective abortions performed in Texas. This includes paying for elective abortions performed in Texas, defraying or reimbursing the costs of such abortions, and providing any coverage of in-state elective abortions as part of an employee’s benefits. The only abortions performed in Texas that Lyft may pay for or reimburse are abortions “procured or attempted by medical advice for the purpose of saving the life of the mother.” West’s Texas Civil Statutes, article 4512.6 (1974). The state of Texas will ensure that your company is held accountable for any in-state abortions that you illegally assisted.

Sincerely,



Briscoe Cain
Texas State Representative
House District 128



Cecil Bell Jr.
Texas State Representative
House District 3

3. *See also Planned Parenthood of Kansas and Mid-Missouri v. Moser*, 747 F.3d 814, 826 (10th Cir. 2014) (“There is a qualitative difference between prohibiting an activity and refusing to subsidize it. The Supreme Court, for instance, has drawn that line in rejecting state laws prohibiting certain abortions but not laws refusing to provide funds for the practice.”).



Keith Bell
Texas State Representative
House District 4



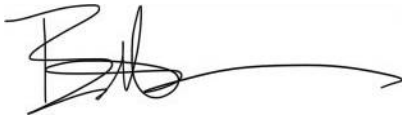
Giovanni Capriglione
Texas State Representative
House District 98



Jeff Cason
Texas State Representative
House District 92



Jay Dean
Texas State Representative
House District 7



Brian Harrison
Texas State Representative
House District 10




Cole Hefner
Texas State Representative
House District 5



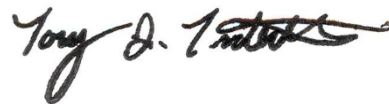
Mayes Middleton
Texas State Representative
House District 23



Phil Stephenson
Texas State Representative
House District 85



Valoree Swanson
Texas State Representative
House District 150



Tony Tinderholt
Texas State Representative
House District 94



Steve Toth
Texas State Representative
House District 15



Cody Vasut
Texas State Representative
House District 25

Enclosures:

1. West's Texas Civil Statutes, articles 4512.1 – 4512.6 (1974)
2. Logan Green (@logangreen), Twitter (Apr. 29, 2022, 5:21 p.m.),
<https://twitter.com/logangreen/status/1520196525376241664>

deformity or injury, by any system or method, or to effect cures thereof.

2. Who shall diagnose, treat or offer to treat any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof and charge therefor, directly or indirectly, money or other compensation; provided, however, that the provisions of this Article shall be construed with and in view of Article 740, Penal Code of Texas¹ and Article 4504, Revised Civil Statutes of Texas as contained in this Act.

[1925 P.C.: Acts 1949, 51st Leg., p. 160, ch. 94, § 20(b); Acts 1953, 53rd Leg., p. 1029, ch. 426, § 11.]

¹ See, now, article 4504a.

Art. 4510b. Unlawfully Practicing Medicine; Penalty

Any person practicing medicine in this State in violation of the preceding Articles of this Chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50), nor more than Five Hundred Dollars (\$500), and by imprisonment in the county jail for not more than thirty (30) days. Each day of such violation shall be a separate offense.

[1925 P.C.; Acts 1939, 46th Leg., p. 352, § 10.]

Art. 4511. Definitions

The terms, "physician," and "surgeon," as used in this law, shall be construed as synonymous, and the terms, "practitioners," "practitioners of medicine," and, "practice of medicine," as used in this law, shall be construed to refer to and include physicians and surgeons.

[Acts 1925, S.B. 84.]

Art. 4512. Malpractice Cause for Revoking License

Any physician or person who is engaged in the practice of medicine, surgery, osteopathy, or who belongs to any other school of medicine, whether they used the medicines in their practice or not, who shall be guilty of any fraudulent or dishonorable conduct, or of any malpractice, or shall, by any untrue or fraudulent statement or representations made as such physician or person to a patient or other person being treated by such physician or person, procure and withhold, or cause to be withheld, from another any money, negotiable note, or thing of value, may be suspended in his right to practice medicine or his license may be revoked by the district court of the county in which such physician or person resides, or of the county where such conduct or malpractice or false representations occurred, in the manner and form provided for revoking or suspending license of attorneys at law in this State.

[Acts 1925, S.B. 84.]

CHAPTER SIX ½. ABORTION

Article

- 4512.1 Abortion.
- 4512.2 Furnishing the Means.
- 4512.3 Attempt at Abortion.
- 4512.4 Murder in Producing Abortion.
- 4512.5 Destroying Unborn Child.
- 4512.6 By Medical Advice.

Art. 4512.1 Abortion

If any person shall designedly administer to a pregnant woman or knowingly procure to be administered with her consent any drug or medicine, or shall use towards her any violence or means whatever externally or internally applied, and thereby procure an abortion, he shall be confined in the penitentiary not less than two nor more than five years; if it be done without her consent, the punishment shall be doubled. By "abortion" is meant that the life of the fetus or embryo shall be destroyed in the woman's womb or that a premature birth thereof be caused.

[1925 P.C.]

Art. 4512.2 Furnishing the Means

Whoever furnishes the means for procuring an abortion knowing the purpose intended is guilty as an accomplice.

[1925 P.C.]

Art. 4512.3 Attempt at Abortion

If the means used shall fail to produce an abortion, the offender is nevertheless guilty of an attempt to produce abortion, provided it be shown that such means were calculated to produce that result, and shall be fined not less than one hundred nor more than one thousand dollars.

[1925 P.C.]

Art. 4512.4 Murder in Producing Abortion

If the death of the mother is occasioned by an abortion so produced or by an attempt to effect the same it is murder.

[1925 P.C.]

Art. 4512.5 Destroying Unborn Child

Whoever shall during parturition of the mother destroy the vitality or life in a child in a state of being born and before actual birth, which child would otherwise have been born alive, shall be confined in the penitentiary for life or for not less than five years.

[1925 P.C.]

Art. 4512.6 By Medical Advice

Nothing in this chapter applies to an abortion procured or attempted by medical advice for the purpose of saving the life of the mother.

[1925 P.C.]



Logan Green ✓
@logangreen



Oklahoma

Women's access to healthcare is under attack again, this time in Oklahoma. Lyft drivers are once again caught in the middle just for getting people where they need to go. We believe transportation shouldn't be a barrier to accessing healthcare and it's our duty to support both our rider and driver communities. **Here's what we're going to do:**

- 1)** If you are a woman in Oklahoma or Texas seeking out-of-state abortion care, we're working with health provider partners to create a safe state program to cover the cost of rides to help you get the care you need.
- 2)** If you are a Lyft driver in Oklahoma or Texas, we're extending our commitment to cover 100% of legal fees for drivers sued under SB1503 or SB8 while driving with Lyft.
- 3)** If you are a Lyft employee enrolled in a U.S. medical benefit plan, we'll cover travel costs if these cruel laws require you to travel 100+ miles to find an in-network abortion provider.

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