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## **Elected Prosecutors Refuse to Prosecute Abortions, Even if *Roe v. Wade* is Overturned**

*Nearly 70 DAs and AGs Pledge to Not Prosecute Personal Healthcare Decisions  
and Condemn the Criminalization of Abortion as Further Eroding Trust in the  
Criminal Legal System*

A group of 68 elected prosecutors issued a statement pledging not to enforce laws criminalizing abortion, even if the Supreme Court were to retreat from the protections of *Roe v. Wade*. These elected prosecutors, including District Attorneys and Attorneys General from around the nation, argue that laws like the ones recently enacted in Tennessee, Idaho and Utah violate constitutional rights that have been the law of the land for nearly 50 years. They also made clear that their “commitment to not prosecute women who obtain abortions and health care professionals who provide treatment is not predicated on these concerns alone – and, indeed, would hold even if the protections of *Roe v. Wade* were to be eroded or overturned.”

“Elected prosecutors are entrusted with immense discretion to protect the well-being and safety of everyone in their community and to uphold the Constitution and the rule of law,” said **Miriam Krinsky, Executive Director of Fair and Just Prosecution**, the organizer of the statement. “In this time of crisis – when so many in our community are grappling with the challenges of a global pandemic, economic downturn and tremendous uncertainty – elected prosecutors have the opportunity to lead and to offer peace of mind to women and healthcare professionals who might otherwise be placed in the untenable position of choosing between the exercise of personal healthcare choices and the threat of criminal prosecution.”

Since the beginning of 2019, at least [12 states](#) have enacted abortion bans, including multiple bans in some states. The signatories warn that many of these laws are intentionally vague, leaving open the possibility of criminal prosecution and lengthy sentences for anyone involved in an abortion – from the patient receiving the abortion, to the physician performing the procedure, to the receptionist at a clinic, to the person who drove the patient to the facility.

Tennessee’s recently enacted law, for example, imposes extreme restrictions on performing abortions and carries a possible sentence of anywhere from 3 to 15 years. The “trigger ban” laws enacted by Idaho and Utah could lead to felony charges against healthcare providers who perform abortions if *Roe v. Wade* were overturned or a constitutional amendment restricting abortion rights were passed. In Utah, a physician performing an abortion or a woman terminating

her own pregnancy could face up to 15 years in prison. Doctors performing abortions in Alabama could face sentences of up to 99 years, with no carve out for victims of rape or incest.

“It is disturbingly clear that reproductive rights are under an unprecedented assault at both the national level and in many states, and my office has fought tirelessly to defend women’s rights against those assaults,” said **Delaware Attorney General Kathleen Jennings**. “In this time of uncertainty, I am grateful that Delaware and several of our sister states had the foresight to codify *Roe v. Wade* into our state laws and to permanently protect women’s right to safe and legal abortion, but I am clear-eyed that this fight goes on beyond our state’s borders. Draconian laws that unconstitutionally restrict or outright abolish abortion make us less safe, not more, and the disinformation campaigns that warp the facts and denigrate women who choose to terminate a pregnancy are shameless. I will strongly oppose any attempt to repeal *Roe v. Wade* in Delaware and to criminalize women who exercise their reproductive rights.”

While the signatories of the statement noted that they approach the issue of abortion from many different personal perspectives and the laws in their own states vary, they made clear that: “What brings us together is our view that *as prosecutors* we should not and will not criminalize healthcare decisions such as these – and we believe it is our obligation as elected prosecutors charged with protecting the health and safety of *all* members of our community to make our views clear.”

“As the elected District Attorney for my County, each day, firsthand I see the pain and trauma victims of crime go through and it is my responsibility to pursue justice for them and for all members of my community,” said **DeKalb County District Attorney Sherry Boston**. “These laws not only fail to consider the needs of victims but they could actually harm public safety by spending prosecutorial resources on the victim or the professionals who provided them with needed and appropriate care, rather than on the perpetrators of child molestation, rape, incest, human trafficking or domestic violence.”

The signatories include **Attorneys General Xavier Becerra** (California), **Thomas J. Donovan Jr.** (Vermont), **Keith Ellison** (Minnesota), **Maura Healey** (Massachusetts), **Letitia James** (New York), **Kathleen Jennings** (Delaware), **Karl Racine** (District of Columbia), **Kwame Raoul** (Illinois), **Ellen Rosenblum** (Oregon), **Josh Shapiro** (Pennsylvania) and **Phil Weiser** (Colorado), as well as elected prosecutors from states with recently passed or contemplated abortion restrictions such as **Wesley Bell** (St. Louis County, Missouri), **Sherry Boston** (DeKalb County, Georgia), **Danny Carr** (Jefferson County, Alabama), **Shameca Collins** (6<sup>th</sup> Judicial District, Mississippi), **David Cooke** (Macon Judicial Circuit, Georgia), **John Creuzot** (Dallas County, Texas), **Glenn Funk** (Nashville, Tennessee), **Joe Gonzales** (Bexar County, Texas), **Mark Gonzalez** (Nueces County, Texas), **Paul Howard** (Fulton County, Georgia), **Zach Klein** (Columbus, Ohio), **Brian Middleton** (Fort Bend County, Texas), **Jody Owens** (Hinds County, Mississippi), **Daniella Shorter** (22<sup>nd</sup> Judicial District, Mississippi) and **Carol Siemon** (Ingham County, Michigan).

The full statement is available [here](#).