

Texas District Attorneys Condemn Efforts to Criminalize Abortion and Pledge to Not Prosecute Personal Healthcare Decisions

This past weekend, a deeply disturbing scenario played out in Texas as a woman was held in jail on \$500,000 bail for murder charges stemming from her apparent decision to terminate her pregnancy. This tragic incident is a troubling but unsurprising outgrowth of the misguided efforts in various parts of the country, and especially in Texas, to outlaw personal healthcare and reproductive decisions. Many of these enactments have the potential to fuel attempts by some to criminalize patients, medical professionals, healthcare providers, and others who assist in these medical procedures. Elected prosecutors can and should resist these efforts to entangle the criminal justice system in this arena.

We support the Starr County District Attorney's decision to drop the murder charge against Lizelle Herrera. We also acknowledge that this criminal prosecution should never have been set in motion in the first place. The decision to terminate a pregnancy is not one that any woman takes lightly, and these choices are deeply personal. Whether or not one agrees with these decisions, they are not, nor should they be, criminal under any reasonable interpretation of the law.

When the Texas legislature passed SB8 – which bans abortions after six weeks, before many women even know they are pregnant – we knew that women in desperate situations would resort to unsafe procedures to terminate their pregnancies. When they lack other alternatives, some women feel forced to make these life-threatening decisions. Sadly, we have witnessed these same dangerous tragedies before when the government has taken away a woman's right to make choices about her body. Making abortion illegal does not end abortion, it simply ends safe abortion for too many.

As elected prosecutors, we are committed to protecting the safety and well-being of all individuals in our communities. We are also charged with protecting the integrity of our justice system and upholding the rule of law. That is why we have joined in the past with other elected prosecutors around the nation in making clear that we will not prosecute or criminalize personal healthcare decisions – that is not what a system grounded in compassion, justice, or equity should be about.

Using the criminal legal system and an interpretation of murder that has no grounding in the law to punish women – and leveraging confidential medical information and eroding vitally important medical provider/patient relationships in doing so – is beyond the pale and will have devastating consequences. Women will be afraid to seek medical treatment even if they are dying. We cannot condone such cruelty or this distorted use of our criminal legal system. And we promise to continue fighting for the rights of women in this state and elsewhere and using our discretion as prosecutors to avoid these tragic results.

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