April 14, 2020

Office of the New York State Attorney General
28 Liberty Street
New York, NY 10005
Attention: Attorney General Letitia James

Dear Attorney General James,

We are writing on behalf of National Advocates for Pregnant Women (NAPW) to first, thank you, and second, to ask you to take additional action.

NAPW is a national nonprofit organization based in New York City. NAPW recognizes that the majority of women who have abortions are already mothers and most will eventually get pregnant and give birth. NAPW advocates for all pregnant people whether they are seeking to end a pregnancy or to continue a pregnancy and give birth.

First, thank you so much for your leadership in efforts to ensure women across New York State and the nation are able to access safe and legal abortions during the coronavirus (COVID-19) public health crisis. Thank you for the collaborative work you have done as part of the multistate coalition of 21 attorneys general requesting that the Trump Administration take the action necessary to increase access to the abortion medication, Mifepristone. We know this is just one of many important steps you have taken to help defend the right to choose to have abortion in New York and across the nation.

Second, we are asking you to exercise your leadership not only on behalf of women seeking to end a pregnancy but also those who want to continue their pregnancies and give birth. In your press statement you made the excellent point that “as the coronavirus spreads across the country and residents are asked to stay at home, the federal government should be doing everything in its power to ensure women can maintain control of their reproductive choices.” We totally agree with you. We also think there are additional things that you can do to help people maintain control of their reproductive choices – including the choice to continue a pregnancy and give birth in settings that protect them from health risks and unnecessary medical interventions.

You can lead this effort by addressing criminalization of midwifery in New York. As our statement, What We Can Learn From Hospital Restrictions on Birth Support During the Coronavirus Pandemic, makes clear, this is a time when midwives and home birth skills are especially needed. With New Yorkers facing health care provider shortages, lack of hospital...
beds, and limits on who pregnant people can bring to births for support, it is more important than ever for healthy pregnant women and their families to have access to home birth midwives. Yet, two New York midwives, Elizabeth Catlin\(^4\) and Melissa Carman\(^5\), are being prosecuted by the Yates County District Attorney and are unable to provide care in their communities. We hope you will encourage the DA to drop the charges against them. We also hope you will consider issuing an opinion explaining that the types of charges filed were not intended to be used to prevent skilled midwives from providing essential care. (An opinion by the Attorney General of Virginia\(^6\) in response to prosecutions of women who experience pregnancy losses provides an excellent model for the kind of action we are requesting from you).

Criminalization of those providing this essential care needs to stop. For more information about the arrests of Elizabeth Catlin & Melissa Carman and the legal and political issues underlying those arrests, please see the attached fact sheet regarding their arrest.

Finally, we note that taking action on behalf of midwives during this Passover holiday would be particularly appropriate. As one Haggadah explains:

> Every year and every generation, Passover comes as a moment of birth. Indeed, it was the midwives Shifra and Puah who first resisted Pharaoh, because they refused to kill newborn Jewish infants as Pharaoh had commanded. Pesach came into being when Moses, Miriam and Aaron led a whole people through the narrow canal and broke the Red Sea Waters.

We therefore ask for your help and welcome any questions you may have.

Sincerely yours,

Lynn M. Paltrow, JD  
Founder and Executive Director  
National Advocates for Pregnant Women

Indra Lusero, JD  
Staff Attorney  
National Advocates for Pregnant Women  
Founder  
Birth Rights Bar Association

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3. http://advocatesforpregnantwomen.org/blog/2020/03/what_we_can_learn_from_hospita.php  