

By Marc A. Levin and Khalil A. Cumberbatch

The Dobbs decision has put America's prosecutors in the cross hairs. As they cope with a surge in homicides and other violent crimes [since 2020](#), many must now decide whether to prosecute those who have violated old and new laws criminalizing abortion.

As of mid-July, [more than 80 elected district attorneys](#) had announced that they wouldn't pursue such cases now that Roe v. Wade has been overturned. Most of these DAs are in liberal states or left-leaning counties in conservative states. Florida Governor Ron DeSantis has [suspended](#) a locally elected prosecutor partly for declining to pursue abortion-related cases. Fortunately, most state constitutions have no [provision](#) giving the governor such power.

Still, the stance of elected prosecutors has [raised the possibility](#) that state legislatures may pass laws allowing state attorneys general to prosecute specific categories of cases that local district attorneys forego. Even before Dobbs, such proposals [were being considered](#) in states such as Tennessee and Ohio in response to concerns about self-styled "progressive prosecutors" who chose not to prosecute minor cases such as marijuana possession and trespassing.

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