

Texas arrests midwife and assistant for providing abortions

Chase Lawrence
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A midwife and her assistant were charged last week under Texas’s reactionary anti-abortion law for providing abortion services.

The arrest of Houston-area midwife Maria Margarita Rojas, and her assistant Jose Manuel Cendan Ley, was announced on March 17 by Texas’s fascist attorney general Ken Paxton, who alleged Rojas provided care in violation of the abortion ban and “illegally” operated a network of clinics.

Both Rojas and Ley were charged with a second degree felony and practicing medicine without a license, which carries with it a potential sentence of 20 years and 10 years in prison, respectively, along with a \$10,000 fine. A third person was arrested and charged on March 8 with conspiracy to practice medicine without a license.

In Texas, the “crime” of providing an array of reproductive healthcare services carries the same punishment as aggravated assault with a deadly weapon or sexual assault. The bonds were set at \$500,000 and \$200,000, following Paxton’s request for a \$1 million bond for each of the accused.

Paxton claims that Rojas “unlawfully employed unlicensed individuals who falsely presented themselves as licensed medical professionals.”

The Texas attorney general is no impartial agent of “justice,” but rather an anti-abortion zealot who gave his employees a paid vacation to celebrate the overturning of *Roe v. Wade* by the Supreme Court, a decision which eliminated the constitutional right to abortion.

Rojas is an obstetrician who moved to Texas from Peru. She is certified as a midwife according to Holly Shearman, a fellow midwife and friend. Shearman stated to the *Texas Tribune* on the charges, “I don’t believe it for one second,” and told the *New York Times*

that Rojas was “very Catholic.” Ley received his doctor’s license in Cuba and is a US green card holder who was working under Rojas. The two met after training with the global health nonprofit Doctors without Borders.

The clinics that Rojas operated in Waller, Cypress and Spring, Texas (all in or around Houston) have been effectively shut down and are unable to provide reproductive healthcare, cutting off a critical lifeline for hundreds of women.

Paxton’s claims that the case against Rojas and her associates—and the law used to prosecute them—is “pro-life” and about saving lives are dispelled by the deadly consequences of the state’s abortion ban.

After the abortion ban went into effect in 2021, maternal deaths in the state skyrocketed by 56 percent between 2019 and 2022, as opposed to the 11 percent rise in the country as a whole. Rates of sepsis, a life-threatening condition, for women hospitalized during second-trimester pregnancy loss saw a 50 percent increase in the two-year span following the law’s passage.

Texas doctors have reported that the abortion ban has kept them from providing lifesaving care, with 111 of them writing a letter to the state legislature demanding change.

The case against Rojas reeks of a political frame-up aimed at intimidating anyone thinking of providing basic reproductive healthcare in Texas.

An investigation was launched by prosecutors in response to an anonymous complaint filed on January 17 to the state Health and Human Services Commission, alleging two women received abortions at one of Rojas’s clinics at three months and at eight weeks of pregnancy, respectively. The state attorney general’s office and the Harris County Sheriff’s office

began surveillance soon after the complaint.

The anonymous complaint alleged that Rojas administered an IV and an iron solution, along with abortion pills alleged to be misoprostol, a drug also found during a search. Miscarriages, which occur in 15 percent of pregnancies in the US, are treated with misoprostol, facilitating the removal of remaining pregnancy-related tissue which otherwise may remain and cause injury or death via infection as it decays.

Under the state's misnamed "Human Life Protection Act" of 2021, which effectively banned abortion, any abortion after five weeks is banned even for victims of rape or incest.

At the point both alleged abortions were performed, these fetuses were not living human beings. Fetuses are not medically viable outside the womb until 23 to 24 weeks, or around six months. Even this is only because of the advances in medical technology, which still leave a 50 percent chance, with medical intervention, of the child either dying or surviving with severe impairment.

At three months of gestation, fetuses are in the stage of bone hardening and haven't even developed a nervous system. At eight weeks, limbs are only just developing. The brain, a requirement for consciousness and thought, doesn't exist in any meaningful sense at either stage.

The state law has no basis in objective reality, one based on a scientific understanding of gestation, but is rather based on irrational Christian religious dogma. Misleading terms such as "fetal heartbeat" were used partially to obscure this, as lawmakers knew that if they were to plainly state the truth—that the law was based on religion and had nothing to do with science—the law would run up against the Constitution and the deep democratic traditions of the American working class.

Texas' anti-abortion law and the prosecution of Rojas and her assistant are an outrage aimed squarely at undermining America's progressive traditions that were the basis of the American Revolution. The Founding Fathers established a "wall of separation between church and state," recognizing that despots often justify their rule on the basis of religious doctrine. The law is also contrary to the spirit of the Establishment Clause of the Constitution and paves the way for all sorts of intrusion into the private lives of millions of people in violation of the Fourth

Amendment.



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