



# WIN List Elects Women Who Pledge to Protect Reproductive Freedom

For 24 years, electing more pro-choice Democratic women to the Georgia General Assembly has been the core mission of Georgia WIN List. This mission is even more important since the Supreme Court of the United States overturned *Roe v Wade* and sent abortion decisions back to state courts and legislatures.

Georgia is currently enforcing an approximately six-week abortion ban passed by the narrowest of margins in 2019. In October 2023, the Georgia Supreme Court ruled the law remains in place while other aspects of a court challenge await a ruling from Fulton Superior Court Judge Robert McBurney.



WIN board chair and endorsed women at a Capitol press conference.

Many are surprised to learn Georgia has a relatively liberal past for abortion laws compared to other Southern states. In fact, a Georgia case was argued on the same day as *Roe v Wade* more than five decades ago.

Georgia WIN List was founded in 1999 at the same time factions of the evangelical Christian community and the right wing of the Republican party joined forces to build a power base throughout Georgia, especially in rural areas where Republican candidates had been elected to local offices. The founders of Georgia WIN List knew electing pro-choice legislators was essential because the Georgia GOP was at the same time doubling down to propose increasingly draconian state laws governing reproductive healthcare to “chip away” the protections granted in *Roe v. Wade*.

Following the reversal of *Roe v Wade* in June 2022, the a “worst nightmare” scenario is now law for Georgia women of child-bearing age who are now subject to a six-week abortion ban.

At its core, *Roe v Wade* was a Supreme Court of the United States opinion based on common law principles of privacy. Closer to home, case law established in 1905 gives Georgia citizens some of the strongest privacy protections in the nation based a Georgia Supreme Court ruling in *Pavesich v New England Life Insurance Company*. That ruling has subsequently been quoted in more than 200 cases nationwide and four SCOTUS cases. Many attorneys believe since SCOTUS remanded reproductive policy decisions to the states, the Georgia challenge is a strong one.

The June 2022 SCOTUS ruling in *Dobbs v Jackson Women’s Health Organization* overturned almost 50 years of legal precedent and removed a constitutional right earlier granted by *Roe v Wade*. The American College of Obstetrics and Gynecology said in response to the ruling: **“Today’s decision is a direct blow to bodily autonomy, reproductive health, patient safety, and health equity in the United States.”**

Nationwide and in Georgia, surveys and polls indicate the majority of Americans favor preserving *Roe v Wade* and abortion being legal in all or most circumstances. While some Americans support restrictions on late-term abortions, only one in ten Americans want abortion to be illegal in all cases. However, abortion bans predominate in rural heavily Republican states, especially in the South, where gerrymandered maps disproportionately protect GOP incumbent legislators.

**Georgia WIN List believes continuing to elect more pro-choice Democratic women is the most effective long-term solution to protect reproductive freedom and allow women to control their own bodies and make medical decisions without governmental regulation or interference.** Moving forward, Democrats must elect a record setting number of pro-choice candidates – women and men willing to support choice – in numbers so large Republicans can’t ignore the fact voters who support reproductive freedom outnumber those who favor restrictions or bans.

For the 2022 election cycle, candidates had already qualified in March before the *Dobbs* decision was published. There were not pro-choice candidates to oppose every pro-life Georgia Republican in 2022 and GOP-gerrymandered maps made Democratic wins impossible in some districts. However, efforts to recruit pro-choice Democratic women (or men) for every Republican-held district in 2024 are already underway. Votes for pro-choice candidates will clearly demonstrate Georgia women DO NOT want politicians dictating their medical decisions. A vote for pro-choice candidates in future election cycles strongly sends the message: “My Body - My Choice!”

## HB 481 Fulfilled Governor Brian Kemp's Campaign Promises

During his 2018 gubernatorial campaign, Brian Kemp made a promise to pass the "nation's strictest abortion law." HB 481 fulfilled the promise by essentially outlawing abortion in Georgia after six weeks, a time when many women do not even realize they are pregnant. During his 2022 re-election bid, a cornerstone of the Kemp campaign was the fact he had delivered upon his promise!

While HB 481 allowed exceptions for rape and incest, police reports were required to meet the exception requirement. The bill also contains a "personhood provision" making fertilized eggs subject to state protection and opening the door for potential legal fights over both the beginning of child support and the largely unregulated medical specialty of in-vitro fertilization.

Republicans called House Bill 481 "the heartbeat bill" despite the fact a fetal heart is NOT developed at six weeks and the rhythmic sound detected and amplified by an ultrasound machine is merely electrical cellular activity in an embryo the size of a pomegranate seed at six weeks. The official title of the bill was also a misnomer -- The LIFE Act -- an acronym standing for Living Infants Fairness Equality. Certainly, no embryo could survive outside the uterus at six weeks, 12 weeks or even 15 weeks.

While they lost their bids for statewide office in 2022, Democratic Gubernatorial nominee Stacey Abrams and Attorney General nominee Senator Jen Jordan made the protection of reproductive freedom a cornerstone of their respective campaigns.



*"Abortion is a medical decision between a woman and her doctor. I stand with women across Georgia who are speaking out against Brian Kemp's extreme and dangerous ban on abortion that outlaws the procedure before most women even know they are pregnant. Georgia should be a state of grace and a state of mercy -- not a state where the governor makes it his decision to deny women medical care."*

- Stacey Abrams, 2022 Democratic nominee for Governor

*"What I know is HB 481 violates the Georgia state constitution. Period. While the U.S. Supreme Court might not be willing to recognize a right of privacy under the U. S. Constitution, the Georgia Supreme Court has recognized the right of privacy since 1905."*

- Sen. Jen Jordan, 2022 Democratic nominee for Attorney General



## HB 481 Passed House by the Slimmest Possible Margin in 2019

Advocacy efforts for and against HB 481 drew activists to the Capitol during 2019 for weeks of sign waving, rallies and press conferences. WIN List endorsed women legislators made eloquent and heart-felt speeches to oppose the bill, with the most gut-wrenching remarks delivered by Senator Jen Jordan, the 2022 Democratic nominee for Attorney General, who shared the loss she felt after multiple miscarriages: "No matter my faith, my beliefs, my losses, I have never, ever strayed from the basic principle that each woman -- each woman -- must be able to make her own decisions in consultation with her God and her family. It is not for the government or the men of this chamber to insert itself into the most personal private and wrenching decisions that women make every single day." Senator Jordan's speech was shared virally on an international basis.

HB 481 narrowly passed with a 92 to 78 margin -- only one vote more than required for a constitutional majority in the 180-member House. The Georgia vote was the closest in any of the six states which approved more restrictive abortion laws in 2019. For example, the six-week ban in Kentucky passed by a margin of 71 to 19 votes, the Louisiana ban passed by a margin of 73 to 29 votes and Alabama's total abortion ban passed by a margin of 74 to 3 votes.

**In 2020, Georgia WIN List endorsed candidates FLIPPed three House seats.** The impact of the 2020 FLIPPed seats was clearly demonstrated in 2022 during fierce debates around how the drug protocol commonly used for more than half of early-stage abortions up to 10 weeks are prescribed. Republican sponsored SB 456 added new restrictions for prescriptions currently written following tele-medicine appointments: an ultrasound and in-person doctor visit, a requirement for the drugs now sent by mail to be picked up at a pharmacy, and a ban on writing these prescriptions on college campuses. The bill never passed.

**The 2023-24 Georgia General Assembly has a record setting number of women legislators and the largest freshman class ever with newly elected members on both sides of the aisle. It is unclear whether a six-week abortion ban similar to HB 481 would pass in this new political atmosphere.**

# Georgia's Progressive Reproductive Freedom History

Georgia has a long history for progressive policies which allowed women access to a full range of reproductive medical services. While *Roe v Wade* has been the defining Supreme Court case for abortion law for almost 50 years, few remember a companion case from Georgia, *Doe v Bolton* was argued on the same day.

Decades ago, Georgia women had greater access to reproductive services than women in many states, including the northeast. In 1968, abortion laws in Georgia and North Carolina were more liberal than those in New York or Massachusetts. In the late 1960's, it was easier to get an abortion in parts of the South than anywhere in New England, according to a 2017 article by history professor Daniel K. Williams.

As early as 1962, Emory University School of Medicine obstetricians opened a birth control clinic at Grady Memorial Hospital to offer birth control pills and intrauterine devices to women too poor to pay a private doctor. Another Georgia milestone came in 1964 when Esther Kahn Taylor, a progressive Jewish philanthropist, established the first Southeastern Planned Parenthood affiliate in Atlanta.

At the time, Fulton County had one of the highest rates of infant mortality in the nation in part because so many women who needed family planning services could not afford them. Within a decade, the high-powered board Mrs. Taylor established operated eight clinics in Atlanta and one in Roswell serving up to 7,000 patients each year.

In 1968, Georgia law allowed for pregnancy termination in cases of rape and incest, threats to a woman's health, or suspected fetal deformity. However, such procedures were available only for residents of Georgia and required the written approval of three physicians and a special committee – huge obstacles for poor women. Those laws were passed with bipartisan support because the issue was viewed as a “doctor's cause” rather than a women's rights issue.

The *Doe v Bolton* case - Arthur K. Bolton was then Georgia's Attorney General – was filed after an unemployed young mother with mental health issues was denied an abortion at Grady Memorial Hospital in 1969. The case was filed by the late Margie Pitts Hames. At the time, legal appeals for such cases took so long the cases needed plaintiffs in addition to the woman who had been denied the abortion procedure. Otherwise, once a pregnancy came to full term, case appeals were moot when only that woman was a plaintiff.

Mary Long, a nurse at Grady Hospital who would years later become a founding board member for Georgia WIN List and in 2005 became the group's second board Chair, agreed to become an additional plaintiff in the *Doe* case. As a nurse, Ms. Long had observed first-hand the emotional and physical trauma suffered by women who had experienced botched abortions.



***“I’ve seen the results of women who had bad abortion procedures,”*** Mary Long recalled of her time as an emergency room nurse in an interview. ***“They would come in lifeless ... almost near death.”***

The women Mary Long eloquently spoke of did not have the access to safe and legal abortion procedures young women would come to take for granted in later decades. The only option for many in those days was a back-alley provider or an attempt at a self-induced abortion which often resulted in a hysterectomy or major infections.

The SCOTUS ruling in *Roe v Wade* invalidated most remaining restrictions in Georgia law including the medical approval process and the residency requirements. *Roe v Wade* made abortion legal nationwide for approximately the first six months of pregnancy. As the “right to life” movement gained momentum in Georgia and across the nation beginning in the 1980's, Republicans worked to “chip away” at this new national precedent with increasingly strict regulations at the state level.

# Democratic House Speaker Tom Murphy an Ally For Decades

Georgia women found an unlikely ally for almost three decades in a powerful cigar chomping country lawyer from Bremen.

Legendary Georgia House Speaker Tom Murphy served from 1974 to 2002, wielding more power under Georgia's Gold Dome than many of the governors he served alongside. His 2007 obituary noted, while "Mr. Speaker" had opposed the Equal Rights Amendment, he "kept a lid on attempts to prohibit abortion" during his tenure as the longest serving House Speaker in the nation at the time. **No Republican-led attempt to reduce access to abortion for Georgia women succeeded during Speaker Murphy's tenure despite several attempts.**



Georgia became the seventh state in the nation to pass a 20-week abortion ban in 2012. After many debates and votes during the session, the bill passed during a 14-hour final legislative day despite fierce objections from women legislators. The women staged a walk-out and draped themselves in yellow police tape while chanting, "We will remember in November." The 20-week abortion ban tightened medical exemptions for terminated pregnancies and provided exceptions only for the life of the mother and fetal abnormalities "incompatible with sustaining life after birth." Doctors successfully lobbied for protection from civil suits resulting from the legislation.

"The GOP war on women is alive and well in Georgia," Senator Nan Orrock said in 2012 as the bill passed the House with a 106-59 vote. Democratic women legislators turned their backs on the bill sponsor (a former Democrat who had switched to the Republican party) in protest. He was defeated in the next election by a pro-choice Republican woman.

**Then, as now, women found power at the ballot box!**



**Georgia Women will continue to vote for candidates who have vowed to protect Reproductive Freedom.**

Above: Former Rep. Pat Gardner (left) holds the hand of Rep Stacey Evans during the 2012 protest over a 20-week abortion ban while in the middle of the image you see Former Rep. Elly Dobbs who later served on the WIN List board.

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\*This document updated as of Tuesday, October 24 2023

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**1579 MONROE DR. – SUITE F – 428  
ATLANTA, GA 30324**

**[WWW.GAWINLIST.COM](http://WWW.GAWINLIST.COM)  
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