



**TO:** Interested Parties  
**FROM:** Democratic Attorneys General Association  
**RE:** The Impact of Potential *Roe* Decision  
**DATE:** Thursday, May 5, 2022

**TOPLINE:**

Democratic Attorneys General are on the front lines of the national fight to protect abortion access, and the importance of our battleground races cannot be overstated in the wake of [this week's news](#) around the Supreme Court.

**The Democratic Attorneys General Association is the only Democratic political committee with a [pro-choice litmus test](#)** – meaning endorsed Attorneys General and candidates must publicly support abortion access and reproductive health care. Our Democratic Attorneys General and endorsed candidates are critical fighters in the [2022 midterm election cycle](#).

As a [CNN headline](#) declared: *"Frustrated by Washington inaction, Democrats eye power of state offices to defend abortion rights."* Democratic Attorneys General are fighting to protect abortion rights, and are the nation's leading defense against a far-right Republican movement that is fighting to [eliminate abortion fully across the country](#).

**Given this national fight for abortion access, DAGA's commitment to supporting only pro-choice candidates, DAGA is upping its budget to spend a committee record of \$25 - \$30 million on paid media and services in support of incumbent Democratic AGs and DAGA-backed candidates in battleground states like Georgia, Arizona, and others to come. This will require a significant commitment and investment by national donors and organizations to fund state AG races in an unprecedented way that recognizes the national emergency on abortion.**

**Political Landscape:**

As noted by Planned Parenthood, a proud DAGA partner, the Supreme Court is acting in defiance of the American people. [Research](#) shows abortion bans and restrictions are deeply unpopular:

- A [Washington Post-ABC poll](#) finds that 75% of people say decisions on abortion should be left to the woman and her doctor, including 95% of Democrats, 81% of independents and 53% of Republicans.
- A [Gallup poll](#) finds that 80% of the American public think abortion should be legal.

## **Democratic Attorneys General and Candidates Go on Offense on Abortion Rights**

A coalition of 23 Democratic Attorneys General, led by California, have already filed an [amicus brief in \*Dobbs v. Jackson Women's Health Organization\*](#). In just the first 24 hours after the draft opinion became public, Democratic Attorneys General and candidates went on the offensive to aggressively highlight their pro-abortion work and credentials.

- **[DAGA Co-Chair Aaron Ford](#)**: “Nevada Attorney General Aaron Ford’s office tweeted, ‘Nevada law protects a person’s right to a legal abortion. The Office of the Attorney General will take every step necessary to protect Nevada law and the rights of Nevadans.’
  - In 2021, AG Ford fought (and was successful) in [intervening](#) in a federal court case to defend the ACA requirement that employer-provided health insurance include birth control coverage.
  - AG Ford also has also acknowledged that there will likely be an increase in persons coming to Nevada for abortion services and assured he will not take negative actions against those persons - “we will [not work](#) against people in the midst of one of the most vulnerable times in their lives.”
- **[Michigan Attorney General Dana Nessel](#)**: “Attorney General Dana Nessel and Democratic prosecutors in seven of 13 Michigan counties with abortion clinics have promised they will not enforce the 1931 ban. Five counties with clinics have Republican prosecutors.”
- **[Wisconsin Attorney General Josh Kaul](#)**: “Josh Kaul, who is seeking reelection this fall, said Tuesday that, ‘because of the importance of the freedom at stake, but also because of the need to use our resources as efficiently as possible,’ the Wisconsin Department of Justice will not be using its resources to investigate or prosecute alleged violations of the state’s 19th-century abortion ban, which could take hold if Roe is overturned this summer. The state law, passed in 1849, has remained in statute but has been made unenforceable by Roe. ‘As long as I’m attorney general, we will not be using any resources for those purposes,’ Kaul told the Wisconsin State Journal.”
- **[New York Attorney General Tish James](#)**: Attorney General James shared her personal abortion story for the first time publicly during a rally in New York City’s Foley Square. She said in front of thousands of New Yorkers: “And I chose to have an abortion. I walked proudly into Planned Parenthood, and I make no apologies to anyone.”
- **[Georgia State Senator Jen Jordan](#)**: “State Sen. Jen Jordan, whose [speech opposing the state’s anti-abortion law catapulted](#) her to national prominence, said the leaked draft will bring more attention to Georgia as ‘the next battleground for reproductive freedom’ if it holds. This targets people without power in

marginalized communities, and that's why Georgians should be concerned,' said Jordan, who is running to unseat Republican Attorney General Chris Carr."

- **Arizona Democratic AG nominee Kris Mayes:** "But Kris Mayes, the Democratic candidate for attorney general, pointed out there actually is a specific right of privacy in the Arizona Constitution. And based on that she promised to refuse to enforce any abortion restrictions regardless of what the U.S. Supreme Court decides."

## **The National Outlook for Abortion Access**

The stakes could not be higher in this fight for abortion access. If *Roe* is dismantled by the Supreme Court, the consequences would be draconian and instant. An [NBC News and Center for Reproductive Rights](#) analysis showing that abortion would be banned in 23 states and territories if *Roe* is overturned completely. DAGA is investing heavily in four of these states where abortion would either be banned or restricted: Michigan, Wisconsin, Arizona and Georgia.

### **Abortion in a post-Roe world**

Abortion would immediately be banned in 23 states and territories if *Roe v. Wade* is overturned.

■ Banned   ■ Restricted   ■ Not protected   ■ Protected by law

