

Exhibit M

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WHOLE WOMAN’S HEALTH, et al.,

Plaintiffs,

v.

AUSTIN REEVE JACKSON, et al.,

Defendants.

Civil Action No. _____

**DECLARATION OF MARSHA JONES IN SUPPORT OF
PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

I, Marsha Jones, declare as follows:

1. I am the Co-Founder and Executive Director of The Afiya Center.
2. I am responsible for overseeing all of The Afiya Center’s programs and operations; raising money for the organization and managing its finances; and serving as a liaison between The Afiya Center’s staff and Board of Directors.
3. I provide the following testimony based on personal knowledge acquired through my service at The Afiya Center, including consultation with staff and Board members and review of the organization’s business records.

The Afiya Center’s Advocacy to Promote Abortion Access

4. Based in Dallas, Texas, The Afiya Center is a nonprofit organization incorporated under Texas law.
5. Its mission is to serve Black women and girls by transforming their relationship with their sexual and reproductive health through addressing the consequences of reproductive oppression.
6. The Afiya Center currently has 16 paid staff members and 5 volunteers.

7. The Afiya Center’s work includes advocacy to promote abortion access. The Afiya Center has long recognized that, for Black women, there is a perceived double standard: we are stigmatized when we have children and are further shamed and stigmatized when we seek abortions. Our advocacy efforts include programs to ensure that every Texas woman is truly supported — no matter her choice. The Afiya Center is a proud participant in the Trust, Respect, Access Coalition—a multi-year campaign to promote policies that restore trust in Texans to make their own reproductive health care decisions, respect the dignity of Texans and the judgment of health care professionals, and ensure access to abortion and the support all Texas families need to thrive. This unprecedented, coordinated campaign aims to shift the policy climate around abortion access in Texas, to educate the public about the harm caused by decades of anti-abortion laws, and to hold lawmakers accountable for political attacks on reproductive health care.

8. The Afiya Center’s advocacy to promote abortion access includes operation of the Supporting Your Sistahs (SYS) Fund. The SYS Fund was conceptualized in 2017 and officially launched in 2019. Its purpose is to meet the unique needs of Black women and girls requiring practical and financial support to access abortion care. I oversee The Afiya Center staff members and volunteers who operate the SYS Fund. In addition, I sometimes provide supportive services directly to SYS Fund recipients. For example, I have accompanied recipients to their abortion appointments.

9. The SYS Fund provides direct financial assistance to pregnant women and girls who want to have an abortion but cannot afford the cost of care. We pledge a minimum of \$250 to every prospective abortion patient and pay that money directly to the abortion provider after the abortion is completed.

10. In addition, the SYS Fund provides practical support to prospective abortion patients in the form of assistance with transportation, lodging, meals, childcare, over-the-counter medications, and supplies such as menstrual pads, as well as emotional support.

11. People seeking assistance from the SYS Fund may contact The Afiya Center by phone or email twenty-four hours per day, seven days per week. We aim to have a staff member or volunteer respond within twenty-four hours. That staff member or volunteer will gather information about the person's circumstances and assess their needs with respect to financial and practical support. They will also provide the person with information about abortion services and the resources available to assist them.

12. We stay in touch with each recipient of financial assistance or practical support for thirteen months after her abortion. We check in with recipients the day before, the day of, and the day after their abortions to assess their emotional and practical support needs. Subsequently, we check in with recipients once per week for the first month after their abortion, then once per month for the next three months, and then on a quarterly basis. The purpose of these check-ins is to assess a recipient's ongoing emotional and practical support needs. For example, we have provided individuals with financial assistance for rent and utilities during this thirteen-month period.

13. The Afiya Center's abortion access work, including operation of the SYS Fund, is intended to send a clear message to the public, to policymakers, and to Black women: All people have a human right to bodily autonomy; all people have a human right to make their own medical decisions and access the healthcare that they choose; and all people should be treated with dignity and respect when obtaining abortion care.

Characteristics of People Who Receive Assistance from the SYS Fund

14. Since its launch in 2019, approximately 218 pregnant women have received financial or practical assistance from the SYS Fund.

15. All of them have been at least six weeks pregnant at the time of their abortion.
16. Most recipients have been from the Dallas-Fort Worth metroplex, but a few have been from other parts of Texas, such as Houston.
17. All recipients have been Black women. A majority of recipients are under twenty-five years old, have meager financial resources, and are already parents. Many have multiple children to care for; have unsupportive or abusive partners or family members; and lack stable housing. A substantial number of recipients are HIV positive.
18. Many SYS Fund recipients are low-wage workers with little or no control over their work hours, no paid sick leave, and no job security.
19. SYS Fund recipients typically are uninsured, do not have regular contact with the healthcare system, and have low health literacy. Like all Black women, they are at significantly higher risk of experiencing pregnancy-related complications and maternal mortality than the general population.

SB 8's Impact on The Afiya Center and SYS Fund Recipients

20. I understand that Texas Senate Bill 8 ("SB 8"), which is scheduled to take effect on September 1, 2021, would ban the provision of abortions at approximately six weeks of pregnancy, prohibit aiding or abetting such abortions, and prohibit intending to aid or abet such abortions. I also understand that SB 8 would enable private parties to sue individuals and entities who engage in such activities for a minimum of \$10,000 per abortion performed in violation of the ban.
21. The Afiya Center believes that SB 8 is unconstitutional and therefore invalid. Nevertheless, if it takes effect, it will cause irreparable harm to The Afiya Center and SYS Fund recipients.
22. As a nonprofit organization, The Afiya Center depends on charitable donations to fund its work. SB 8 is already having a chilling effect on The Afiya Center's donors, who are

concerned both that they might face lawsuits alleging that they have aided and abetted prohibited abortions under SB 8 by supporting The Afiya Center's abortion access work, and that their contributions might ultimately go to pay judgments and legal bills related to SB 8 rather than to their intended purpose.

23. The Afiya Center's total annual revenue is modest. Having to pay a \$10,000 judgment for every abortion we facilitate would easily bankrupt us. Even if we successfully assert constitutional or other defenses in response to lawsuits filed against us under SB 8, the legal bills we would incur in the process would likely bankrupt us. I understand that lawyers typically charge hundreds of dollars per hour for their services. To date, The Afiya Center has not been able to secure commitments from licensed, Texas attorneys to represent us on a pro bono basis if we are sued under SB 8, nor have we been able to raise money to pay for legal services.

24. The Afiya Center is a plaintiff in a federal lawsuit in the Western District of Texas, captioned *Whole Woman's Health Alliance v. Paxton*, No. 1:18-cv-500-LY, which challenges the constitutionality of certain abortion restrictions. In that case, as in this one, our attorneys are representing us on a pro bono basis because they have the opportunity to recover their fees from the state under 42 U.S.C. § 1988 if The Afiya Center is a prevailing party. It is my understanding that attorneys who represent us in an SB 8 lawsuit could not recover their costs or fees from the plaintiffs or the state even if successful, and SB 8 indicates that they could be held liable for the plaintiffs' costs and attorney's fees in a variety of circumstances.

25. If SB 8 takes effect, I believe the likelihood is high that individuals or organizations opposed to abortion access will sue us for aiding and abetting prohibited abortions. As an organization run by Black women for the benefit of Black women, we often have a target on our back. Moreover, we have a history of being targeted for our efforts to ensure abortion access for

marginalized Black women. Last year, seven towns in Texas enacted local ordinances declaring themselves “sanctuary cities for the unborn” and labeling The Afiya Center, along with other nonprofit organizations that facilitate abortion access, as “criminal organizations” barred from operating in the towns.

26. If SB 8 ultimately causes Texas abortion providers to cease offering abortions after six weeks of pregnancy, none of our SYS Fund recipients would be able to obtain lawful abortions in Texas. Yet, most of them would lack the capacity to travel out of state for abortion care given their limited resources, lack of job flexibility, and family obligations. I expect that many of these marginalized women will be forced to carry an unwanted pregnancy to term and then struggle to support a larger family.

27. Overall, I expect that low-income, Black women will disproportionately suffer the denial of bodily integrity and basic human dignity that SB 8 seeks to inflict on Texas residents. I pray that the Court will take action to prevent this outrageous injustice from manifesting.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 9, 2021


Marsha Jones