

Exhibit O

**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 KAMYON CONNER IN SUPPORT OF PLAINTIFFS’ MOTION
FOR SUMMARY JUDGMENT**

I, Kamyon Conner, declare as follows:

1. I am the Executive Director of the North Texas Equal Access Fund (“TEA Fund”), a nonprofit corporation incorporated under Texas law and based in Dallas, that provides financial and emotional support for low-income abortion patients in northern Texas. Our mission is to foster reproductive justice, which includes removing barriers to abortion access through community education.

2. My primary responsibilities as Executive Director are working with our Board of Directors to help ensure the implementation of our mission; managing our budget, including fundraising; and overseeing our programmatic work, including supervising staff and volunteers.

3. I have provided services at TEA Fund for nearly fifteen years, first as a volunteer fielding calls to our Helpline, and then as a Board Member and Intake Coordinator. In the latter roles, I helped shape the mission and strategies of the organization based on our clients’ experiences.

4. I provide the following testimony based on personal knowledge acquired through my service at TEA Fund, including consultation with staff and Board members, and review of the organization's business records.

TEA Fund's Services

5. TEA Fund has seven staff members and over 125 volunteers. We primarily serve people living in northern Texas. In 2020, our Helpline received over 10,500 calls from Texans seeking help paying for an abortion. Most of our callers are referred by abortion providers in the state. The calls came from 110 counties in Texas, many of them rural. Seventy percent of the callers were Black, indigenous, or people of color. Indeed, the majority of Texas abortion patients identify as Black or Latina—communities that already face inequities in access to medical care. At least 50% of our callers had a child. Almost all were more than six weeks pregnant.

6. A caller can qualify for assistance based on their financial circumstances, the amount of financial aid they have been able to obtain from other sources, and the cost of their abortion care. When a caller qualifies, TEA Fund sends a financial voucher to the abortion provider with whom the caller's appointment is scheduled and pays the provider after the abortion is completed. The average amount for a voucher is \$330 and varies based on gestational age.

7. In 2020, TEA Fund provided over \$400,218 to assist 1,218 Texans in obtaining abortions. Unfortunately, budgetary constraints prevent us from providing funding for every caller who needs it and from covering the full cost of the abortion for the callers we can help. In 2020, we were unable to provide any financial assistance at all to three-quarters of the people who requested it.

8. To help address clients' other needs, such as transportation, lodging, and meals, we coordinate with organizations offering practical support for obtaining an abortion. TEA Fund has

a social worker who follows up with clients soon after their scheduled abortion appointment. Each year, we learn that some clients never made it to their abortion provider because they were unable to meet travel expenses even with our contribution towards the cost of the abortion itself.

9. Last year, TEA Fund introduced a textline that provides information about where to get an abortion, how to get help paying for care, and how to connect to practical support networks. TEA Fund also has a virtual Client Companion Program, through which our volunteers provide emotional support to abortion patients during their medication abortion at home or their in-clinic abortion procedure. TEA Fund's Caller Engagement Program organizes people throughout Texas to advocate for meaningful abortion access.

10. TEA Fund provides these services to people seeking abortion care in Texas to express and effectuate its deeply held belief that abortion is a fundamental part of healthcare and that restrictions on abortion access discriminate against people with low incomes, young people, people in rural areas, and people of color.

Impact of SB 8 on TEA Fund and its Clients

11. 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 SB 8 to 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.

12. If SB 8 prevents Texas abortion providers from offering abortion care after six weeks gestational age, almost all our clients would need to leave the state for care. This would mean traveling even greater distances than they already do; increased transportation costs, including air fare; increased lodging and childcare costs; more lost wages; a greater risk of losing

their jobs; and greater difficulty maintaining the confidentiality of their abortion or pregnancy. In my experience, these challenges would be overly burdensome for nearly all our clients and insurmountable for some. If SB 8 takes effect, TEA Fund intends to shift its resources to the costs of out-of-state abortion care and to add a practical support budget for each client. Even this is unlikely to ensure abortion access for our most vulnerable clients, however.

13. When Texas sharply curtailed abortion access at the start of the COVID-19 pandemic last year, our clients faced long wait times for an appointment and often traveled long distances out of state to reach a provider legally authorized to perform abortions. The resulting financial burdens, including more expensive procedures due to the later gestational age of the pregnancies, made it even more difficult for them than usual to meet the costs associated with out-of-state travel. So, we coordinated with abortion funds in New Mexico to provide food and other resources to Texans traveling to a provider there. Despite our best efforts, several Texans were unable to leave the state and carried to term.

14. TEA Fund believes that SB 8 is unconstitutional and thus invalid. If it takes effect, however, I expect individuals or organizations opposed to abortion access to sue us for providing assistance, including financial support, to Texans seeking abortion care after six weeks of pregnancy. We have already been targeted for our efforts to ensure abortion access for all Texans regardless of circumstance. Last year, seven towns in Texas enacted ordinances drafted by the Director of Right to Life of East Texas declaring themselves “sanctuary cities for the unborn”; branding us, along with other abortion funds, as “criminal organizations”; and attempting to bar us from operating in the towns. After we challenged the ordinances in federal court as violations of our First Amendment rights to free expression and association, the towns revised the ordinances to make it clear that we could continue our work in support of equitable abortion access throughout

Texas. In response to a defamation suit we brought with other abortion funds against the Director of Right to Life of East Texas, he stated: “Abortion is the murder of innocent unborn human beings. The Lilith Fund and other abortion-aiding organizations all take part in the murder of innocent unborn human beings.”¹ Since we brought the defamation suit, there have been twelve countersuits filed against us and other abortion funds by individuals opposed to abortion access. We were also targeted for our services and message when a former Austin City Council member sued the City of Austin in 2020 for indirectly allocating funds to TEA Fund to carry out its mission.

15. Lawsuits filed pursuant to SB 8 against FTC would undermine our ability to serve our clients because we lack the resources to defend against the suits. This is true even if we were to divert our limited staff time and organizational funds to doing so. I understand that lawyers typically charge hundreds of dollars per hour for their services. We had to raise money to retain lawyers to represent us in the defamation lawsuits discussed above. To date, TEA Fund has neither been able to secure commitments from attorneys to represent us on a pro bono basis if we are sued under SB 8, nor have we been able to raise additional funds to pay for legal services. It is my understanding that attorneys who represent us in an SB 8 lawsuit cannot recover their costs or fees from the plaintiffs or the state even if successful, but SB 8 states they could be held liable for the plaintiffs’ costs and attorney’s fees in some circumstances.

16. TEA Fund is also a plaintiff in a federal lawsuit in the Western District of Texas to challenge the constitutionality of certain abortion restrictions. That case is captioned *Whole Woman’s Health Alliance v. Paxton*, No. 1:18-cv-500-LY. In that case, as in this one, our attorneys

¹ Robin Y. Richardson, Defamation lawsuit filed against Right to Life East Texas Director, Tyler Morning Telegraph (July 16, 2020), https://tylerpaper.com/news/local/defamation-lawsuit-filed-against-right-to-life-east-texas-director/article_eb2431f7-070a-53bf-89a2-5bc98d57acac.html.


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 TEA Fund is a prevailing party.

17. As Executive Director of TEA Fund, I am also concerned that the likelihood of being sued by individuals or organizations opposed to abortion access will chill our volunteers or staff from continuing on in their roles at the organization.

18. By preventing us from helping vulnerable Texans obtain abortion care in their state and forcing us to shift to out-of-state financial support that will be largely inadequate for our clients, SB 8 would frustrate our mission.

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

Dated: July 12, 2021



Kamyon Conner