

Exhibit P

**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 AMANDA BEATRIZ WILLIAMS IN SUPPORT OF PLAINTIFFS’
MOTION FOR SUMMARY JUDGMENT**

I, Amanda Williams, declare as follows:

1. Since 2016, I have served as the Executive Director of Lilith Fund for Reproductive Equity, Inc. (“Lilith Fund”), a nonprofit corporation incorporated in Texas. Lilith Fund’s mission is to provide financial assistance and emotional support for people needing abortions in Texas, foster a positive culture around abortion, and fight for reproductive justice across the state. Lilith Fund offsets the costs of the abortion care itself rather than the expenses involved in traveling to an abortion provider in Texas.

2. My primary responsibilities as Executive Director are working with our Board of Directors to ensure the execution of our mission, maintaining the financial health of the organization, and supervising staff and volunteers.

3. I served on Lilith Fund’s Board of Directors from 2012 to 2015, fielded requests to its hotline as a volunteer from 2011 to 2012, and I have more than a decade of experience in the reproductive rights, health, and justice field in Texas.

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

Lilith Fund's Services

5. Lilith Fund has nine staff members and more than thirty volunteers, and we primarily serve people living in central and southeast Texas. The hotline program director fields requests from Texans who are unable to afford the cost of their abortion. They are typically referred to us by an abortion provider in the state. Lilith Fund prioritizes callers at later gestational ages because they risk exceeding Texas's 22-week gestational age cut-off for a legal abortion and because the cost of an abortion increases as pregnancy progresses.

6. When we can help a caller with the cost of their abortion care, we send a financial voucher to the abortion provider with whom the caller has scheduled an appointment. Lilith Fund pays the abortion provider after the abortion is completed. Last year, our hotline program director fielded requests from 4,557 callers requesting help paying for an abortion. We were only able to fund 27% of the callers at an average amount of \$348.

7. The average gestational age at which Lilith Fund's clients obtain an abortion is thirteen weeks, and almost all are past eight weeks. Seventy-two percent of our clients are people of color and fifty-nine percent are parents. At least half do not work for pay and forty-three percent lack health insurance, requiring them to pay out-of-pocket for any healthcare. Even those who have health insurance generally do not have coverage for abortion services. In addition to Texans with pregnancies at later gestational ages, Lilith Fund prioritizes callers living with multiple hardships, including homelessness, incarceration, intimate partner violence, and physical or mental health issues. In 2018, we hired a social worker to provide case-management

services connecting clients to resources, including food banks, programs offering job assistance, help paying utility bills, and free diapers.

8. To help address clients' immediate needs, such as transportation, lodging, and meals, we coordinate with organizations offering practical support for obtaining an abortion. Lilith Fund has a practice of following 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. Lilith Fund connects clients to story-telling opportunities aimed at combatting the stigma surrounding abortion care, and we promote campaigns that educate Texans about their rights and conduct trainings about abortion access within the state.

10. Lilith Fund provides these services to people seeking abortion care in Texas to express and effectuate its deeply-held belief that all people should have access to a full range of reproductive healthcare.

Impact of SB 8 on Lilith 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, virtually 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; significant delays to care as they try to gather these resources; more expensive care due to the delays; more lost wages; a greater risk of losing their jobs; and greater difficulty maintaining the confidentiality of the abortion or pregnancy. In my experience, these challenges would be onerous for nearly all our clients and insurmountable for some.

13. When Texas sharply curtailed abortion access at the start of the COVID-19 pandemic last year, our clients faced steep waiting times for an appointment and traveled an average of 606 miles to reach a provider legally authorized to perform abortions. One client was pushed to 19 weeks of pregnancy and forced to travel nearly 1,600 miles round-trip out of state after a Texas clinic within three miles of her home was no longer able to care for her. Because of the delays to their abortion care, the average cost of our clients' care shot up to \$2,400. Most clients had no choice but to stay at a hotel for three to four days. We managed to increase our voucher amount to \$355 but were unable to provide any funds for countless callers. At least seven of our clients were forced to carry to term.

14. Lilith 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. 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 seeking 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 There have been twelve countersuits filed against us and other abortion funds by individuals opposed to abortion access since we brought the defamation suit.

15. Lilith Fund’s total operating budget is less than \$1.5 million. Having to pay a minimum \$10,000 judgment for every abortion we facilitate would easily bankrupt us. Even if we successfully assert constitutional 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. We had to raise money to retain lawyers to represent us in the defamation lawsuits discussed above. To date, Lilith 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. Lilith 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

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.

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 Lilith Fund is a prevailing party.

17. By preventing us from helping vulnerable Texans obtain abortion care in their state and forcing us to shift our financial support to out-of-state abortion services, which is either impracticable or onerous 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



Amanda Beatriz Williams