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Attorneys for Plaintiff and Proposed Intervenors

15 **IN THE DISTRICT COURT OF GUAM**
16 **TERRITORY OF GUAM**

17 GUAM SOCIETY OF OBSTETRICIANS)
18 AND GYNECOLOGISTS, *et al.*,)

19 Plaintiffs)

20 vs.)

21 LOURDES A. LEON GUERRERO, *et al.*,)

22 Defendants.)
23)
24)

CIVIL CASE NO. 90-00013

**DECLARATION OF STEPHANIE
LORENZO IN SUPPORT OF MOTION
TO INTERVENE AS PLAINTIFFS**

1 **I, Stephanie Lorenzo, declare and state the following:**

2 1. I am the Co-Founder & Co-Executive Director of Famalao’an Rights, a non-profit
3 organization that advocates for reproductive justice on Guam.

4 2. In 2019, I learned in the news about a 12-year-old girl on Guam who was raped
5 and impregnated.¹ It was a reality check, as my friends and I realized that we did not have any
6 abortion providers in Guam, and that it would take extraordinary measures for that young girl to
7 get an abortion. She would have to travel thousands of miles to Hawai‘i for an abortion, and
8 without the financial means to do so, she would not be able to end the pregnancy.

9 3. At the time this story was unfolding, I was serving in Guam Youth Congress with
10 my friend, Maria Dolojan. We both felt like we had to do something to prevent others in our
11 community from having to live through such a terrible situation. The story motivated us to change
12 the conditions in Guam, to ensure everyone has accessible reproductive health care *on Guam*.

13 4. The next year, Maria and I put out a call for others interested in joining our efforts,
14 and together we founded Famalao’an Rights to advance reproductive justice in Guam through
15 education, advocacy, and service to our community.

16 5. From my engagement in abortion advocacy, I was generally aware that Guam had
17 banned abortion in the 1990s, but that the ban was struck down after litigation and had remained
18 blocked ever since. The case seemed to be firmly in the past—I was not even born when the case
19 was filed or litigated, neither were almost all of Famalao’an Rights’ members.

20 6. On February 1, 2023, I learned that the Guam Attorney General had filed a motion
21 to lift the permanent injunction against that ban. Once the Attorney General filed his motion, it
22 became clear that none of the parties presently involved in the case are advocacy organizations
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24 ¹ Jasmine Stole Weiss, *Concern Over Lack of Abortion Provider Raised*, Pacific Daily News (June 3, 2019),
https://www.guampdn.com/news/local/concern-over-lack-of-abortion-provider-raised/article_2d3fc81f-3d31-59dd-95d0-7ee84bb65c06.html.

1 seeking to expand access to abortion care. Additionally, it is my understanding that none of the
2 parties affirmatively represent people who could become pregnant, and may seek abortions in the
3 future.

4 7. I understand from conversations with my attorneys that, if the Attorney General's
5 motion is granted and the ban is allowed to take effect, the ban would criminalize providing and
6 obtaining abortions, and even speech about abortion care. I further understand that there is a risk
7 that the ban's prohibitions on providing, obtaining and speaking about abortion could extend
8 outside of Guam, to places where abortion remains legal, like Hawai'i.

9 8. The ban will directly impact Famalao'an Rights' advocacy for the right to access
10 abortion, and its members' interest in accessing abortions in the future, even if our members leave
11 Guam to travel somewhere that abortion is legal. In order to protect these interests, Famalao'an
12 Rights seeks to intervene in this case, and I submit this declaration in support of Proposed
13 Intervenors' Motion to Intervene as Plaintiffs.

14 **Famalao'an Rights' Mission and Membership**

15 9. Famalao'an Rights is a non-profit reproductive justice organization focused on
16 addressing the need for accessible reproductive health care on Guam through advocacy and
17 education.

18 10. Famalao'an Rights' mission is to ensure that every person in Guam, regardless of
19 sex or gender identity, socioeconomic status, political or religious beliefs, can access affordable
20 and timely reproductive health care options, while having those decisions honored and supported
21 by our island community. We believe that everyone on Guam should have the right to choose
22 abortion, or other reproductive health care options, according to what is right for them.

23 11. Famalao'an Rights works to address the lack of reproductive health care within
24 Guam's island community; de-stigmatize discussions surrounding abortion, contraception, and

1 sexual education; and ensure accurate, fact-based, and data-driven information is being shared
2 regarding the social, economic, and other implications of the lack of accessible abortion services
3 within the island community.

4 12. We are motivated to take on this work in part because Guam lags so far behind the
5 rest of the United States on reproductive health and sexual violence indicators. For example, as
6 of 2019, Guam remains in the top 10% of teen birth rates when compared to the rest of the nation.²
7 And Guam has more than double the national rate of rapes per capita, giving it the second highest
8 number of rapes per capita in the United States.³

9 13. To accomplish our goals, we use community outreach mechanisms to garner
10 support for legislation, programs, and institutions that protect the rights of bodily autonomy and
11 all forms of reproductive health care.

12 14. Famalao'an Rights is a "Gen Z" and women of color-led organization. Our
13 members are almost all Gen Z, in part because we believe younger women should carry on the
14 fight for reproductive justice.

15 15. Our members include indigenous peoples from Guahan, American Samoa,
16 Pohnpei, and the Philippines. Famalao'an means "women" in CHamoru, the native language of
17 the Indigenous CHamoru people of the Marianas Islands, of which Guam is the largest.

18 16. Currently, Famalao'an Rights is run by ten official, active members. To join
19 Famalao'an Rights, someone just needs to reach out to us and display a willingness to contribute
20 to our advocacy work and a passion for increasing the accessibility of reproductive health care,

21 ² Kaiser Family Foundation, *Teen Birth Rate per 1,000 Population Ages 15-19 (2020)*,
22 <https://www.kff.org/other/state-indicator/teen-birth-rate-per-1000/?currentTimeframe=0&selectedRows=%7B%22states%22:%7B%22guam%22:%7B%7D%7D,%22wrapups%22:%7B%22united-states%22:%7B%7D%7D%7D&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

23 ³ University of Guam, *Statistics on Sexual Assault*, <https://www.uog.edu/schools-and-colleges/college-of-liberal-arts-and-social-sciences/vawpp/sexual-assault.php#Statistics> (last visited Mar. 6, 2023).

1 as well as in advocating for people who need such care in Guam. Then we find out what skills
2 they have to offer or activities they want to join.

3 17. In the past, Famalao'an Rights had a more informal decision-making structure,
4 where active members would make decisions for the organization as the need arose.

5 18. Recently, Famalao'an Rights has restructured to create a more formal decision-
6 making process. This includes: Board Members, who attend quarterly meetings and vote on
7 Famalao'an Rights' quarterly initiatives; Directors, who attend monthly operations meetings and
8 are responsible for executing the initiatives voted on by the Board; and multiple categories of
9 members, who participate in activities to advance Famalao'an Rights' mission.

10 19. This month, we will be running a membership drive to gain new members,
11 including converting some of our thousands of social media followers and others who attend our
12 events into active members. Following that drive, we will begin hosting monthly member
13 meetings. At these meetings, members will be able to raise and vote on issues, and will be able to
14 participate in polling around the priorities for the Board and Directors, so that active members
15 can contribute to and shape Famalao'an Rights' goals and work.

16 20. Famalao'an Rights relies on grant funds to support our work, and we have begun
17 to host fundraisers to support our work as well.

18 **Famalao'an Rights' Advocacy Work**

19 21. Famalao'an Rights has taken on several different outreach and advocacy
20 approaches to increasing access to and education about reproductive health care, including
21 posting on social media, protesting in favor of abortion access, encouraging political engagement
22 on reproductive health topics, and offering sexual education for youth.

23 22. We use social media, including Instagram and Twitter, to communicate with
24 community members about reproductive justice issues, with a particular emphasis on reaching

1 out to young people on Guam. For example, we post about legislative and legal developments
2 that impact people’s access to reproductive health care, share fact-based resources about
3 reproductive health care, and put out calls to action—including joining us for protests—to our
4 community of over 3,000 followers on Instagram. We also regularly create and post educational
5 videos (“FamTalks”) for Instagram, which cover topics like abortion and its history on Guam, the
6 lack of access to contraception on Guam, and consent in the context of sexual assault.

7 23. Through our social media pages, community members reach out to us for
8 assistance in accessing reproductive health care, including abortions. We try to provide them with
9 information and resources to access that care, where possible.

10 24. Famalao’an Rights is also working to educate young people about sexual health
11 issues, with an aim toward breaking down the stigma around talking about these issues, through
12 in-person events, separate from social media. As part of our mission to educate youth about
13 reproductive health, we have already led a discussion among students at a local high school
14 connecting themes around national self-determination for Guam with bodily self-determination.
15 We were very excited at how receptive the students were to this wide-ranging discussion, which
16 included talking about abortion and the stigma that surrounds it. Going forward, we have a plan
17 to develop a comprehensive sex education curriculum for high schools on Guam, which we hope
18 to roll out in Fall 2023. We want to ensure that young people in Guam are provided with modern,
19 accurate, data-driven sexual education classes, which will include information about reproductive
20 health care, including abortion.

21 25. In the past year, we have organized four protests in support of abortion rights. In
22 April 2022, and again in May 2022, we organized protests opposed to Bill 291 when it was
23 advancing in the Guam legislature, which would have banned abortions after a fetal heartbeat was
24 detected. In July 2022, we joined the “Rally for Roe” to protest the U.S. Supreme Court’s decision

1 to overturn *Roe v. Wade*. And most recently, in February 2023, we protested the Attorney
2 General's decision in this case to try to lift the injunction against the abortion ban.

3 26. Protesting in favor of abortion rights is core to Famalao'an Rights' mission
4 because it is an outlet for speaking in favor of the importance of abortion on Guam, opposing
5 abortion bans, educating the community, and engaging with our followers. We plan to continue
6 organizing and attending protests, rallies, and marches about every other month.

7 27. Famalao'an Rights also interviews legislative candidates about their stance on
8 reproductive rights, and posts their replies on social media to educate the population on their
9 positions.

10 28. We also use our social media platforms to educate the public about legislative
11 developments related to abortion. For example, when Bill 291 was moving forward, we posted
12 repeatedly in opposition to the bill, explained how it was harmful, and called on our followers to
13 reach out to their representatives and urge them to vote against the bill.

14 29. In our work advocating for reproductive justice on Guam, we never came across
15 the Guam Soc. of Ob/GYN doing advocacy in this area, and I am now aware that the organization
16 does not even exist anymore. Likewise, while I understand Guam Nurses Association still exists,
17 protecting access to abortion clearly is no longer their focus, as they have not been actively
18 involved in any of the legislative or public advocacy work on abortion since we started. As for
19 the rest of the original plaintiffs, my understanding is they no longer live in Guam, and some are
20 no longer alive; only one provides limited, non-abortion medical care on Guam.

21 **Impact of Abortion Ban on Famalao'an Rights**

22 30. If the ban is allowed to go into effect, it will undermine the core mission of
23 Famalao'an Rights, and instill fear in our members who wish to advocate for abortion rights.
24 Famalao'an Rights' members would struggle in how we can talk about abortion, let alone

1 advocate in favor of abortion rights and destigmatizing it as a health care option. But crucially, it
2 would have a devastating impact on people in Guam—including our members—who may become
3 pregnant and seek abortion.

4 31. I understand that the ban makes it a crime for any person to provide or administer
5 drugs or use any instrument or other means with the intent to cause an abortion.

6 32. It is my understanding that abortion providers would risk felony criminal
7 prosecution if they continued to provide abortion care to patients in Guam. If abortion providers
8 stop serving patients in Guam, it would hurt Famalao'an Rights' mission to expand access to
9 reproductive health care. We advocate for safe, legal, accessible abortion in Guam—and the ban
10 would be the opposite of that.

11 33. As we witnessed when there were no abortion providers serving Guam—which
12 inspired the formation of Famalao'an Rights—while some pregnant people may be able to
13 overcome the obstacles of travelling to Hawai'i to access abortion care, many others who want
14 an abortion will be unable to do so, and will end up being forced to continue their pregnancies
15 against their will, or may resort to unsafe means to end their own pregnancies outside the medical
16 system. Our education and outreach efforts are intended to combat just those issues.

17 34. I am concerned that under the ban, members of Famalao'an Rights could be
18 exposed to criminal prosecution if they self-manage an abortion in Guam, or even if they go to
19 Hawai'i for treatment, where abortion is legal, and then return to Guam after their abortion. All
20 of Famalao'an Rights' members could become pregnant, and so all of them could need or want
21 an abortion in the future. This need is very real to me: I have a health condition, polycystic ovary
22 syndrome, that my doctor has advised me increases the chances that I will face complications
23 should I get pregnant. If I need an abortion because those complications pose a risk to my health,
24 I am very afraid at the prospect of facing criminal prosecution for that decision—even if I am able

1 to get the resources together to leave Guam and seek care where it is legal.

2 35. Additionally, criminalizing people who have abortions runs directly counter to
3 Famalao'an Rights' mission to destigmatize abortion and support people in Guam in making the
4 decision to have an abortion, if that is what they choose.

5 36. It is my understanding that, under Section 5 of the ban, Famalao'an Rights'
6 members would risk criminal prosecution for speaking about abortion, even if they are speaking
7 about abortion care in general (such as through advocacy work) and even if they are providing
8 resources for people about accessing abortion where it is legal (such as in Hawai'i). I am very
9 afraid that a lot of speech that is core to Famalao'an Rights' mission to advocate for reproductive
10 health would violate the ban.

11 37. As part of our advocacy and outreach work in favor of abortion access on Guam,
12 we talk to the press, share information on social media, protest, and speak to government
13 representatives—among other activities. Through those channels of communication, we share
14 information about abortion generally, such as that Hawai'i is the next closest place in the United
15 States to obtain a legal abortion,⁴ and we are vocally in favor of safe access to abortion and
16 abortion rights.⁵ Our FamTalks series is an example of how we cover these and related issues.⁶ I
17 am concerned that some of our statements about abortion could be interpreted as solicitation under
18 the ban. I think that many members would also be afraid to engage in public actions like protests
19 in favor of abortion because they fear criminal prosecution. It would severely undermine our
20 mission if we could not engage in protest, or encourage members of our community to join us in
21 public actions in support of abortion rights, without risking criminal prosecutions. That risk is
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23 ⁴ @famalaoanrights, Instagram (Jan. 28, 2021) <https://www.instagram.com/p/CKnIEZEFmSt/>.

24 ⁵ @famalaoanrights, Instagram (Dec. 16, 2022) <https://www.instagram.com/p/CmOEqKFOrdr/>.

⁶ @famalaoanrights, Instagram (Mar. 15, 2021) <https://www.instagram.com/p/CMbr6INF9S0/>.

1 very real for many of our members, who could face professional, personal, and financial
2 repercussions from such a charge or conviction.

3 38. Finally, I am concerned that, if the ban goes into effect, it would jeopardize
4 Famalao'an Rights' funding. Our fiscal sponsor, who enables us to apply for U.S.-based grant
5 funding, was already very concerned about working with us when Bill 291 was being considered,
6 and in the aftermath of the Supreme Court decision overturning *Roe* was overturned when there
7 was confusion about the legal status of abortion in Guam. If the ban goes into effect, they could
8 terminate our partnership.

9 39. If we were cut off from U.S.-based grants it would be particularly concerning
10 because the ban going into effect would require Famalao'an Rights to rethink how we use our
11 limited funds. While we currently focus on education and advocacy efforts, if getting an
12 abortion—and even speaking about abortion—became illegal, we may need to reallocate our
13 resources to have funds for legal defense should our members be charged with violating the ban,
14 and resources available to help people access health care off-island.


15 * * *

16 40. Famalao'an Rights has taken up the fight to protect access to and de-stigmatize the
17 abortion option, so that it becomes just that—an option. If the ban is allowed to go into effect, it
18 would undermine Famalao'an Rights' mission to improve access to reproductive health care—
19 which must include abortion—on Guam, by subjecting our members to the risk of criminal
20 prosecution just for engaging in our core education, outreach, and advocacy efforts. Further,
21 Famalao'an Rights was founded when there was no access to abortion on Guam, and we do not
22 want to return to that time. I am deeply disturbed that I and other members of Famalao'an Rights
23 would be at risk of criminal prosecution for having an abortion—and horrified that we may not
24 be able to access abortion at all.

1 41. For all these reasons, and the reasons stated above, I urge this Court to permit
2 Famalao'an Rights to intervene in this lawsuit, and to leave in place the injunction against the
3 ban.
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1 I declare under penalty of perjury that the foregoing is true and correct.

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3 Executed this 7th of March, 2023.

4
5  A handwritten signature in blue ink that reads "Stephanie Lorenzo". The signature is written in a cursive style and is positioned above a solid horizontal line.

6
7 Stephanie Lorenzo