

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

WOMEN'S HEALTH CENTER OF WEST VIRGINIA, on behalf of itself, its staff, its physicians, and its patients, *et al.*,

Plaintiffs,

v.

CHARLES T. MILLER, *et al.*,

Defendants.

Civil Action No.

Hon.

AFFIDAVIT OF REVEREND EARL JAMES (JIM) LEWIS

I, Reverend Earl James (“Jim”) Lewis, being duly sworn, state under penalty of perjury that the foregoing is true and correct.

1. I am over the age of 21.

2. I write this affidavit in support of Plaintiffs’ Motion for Temporary Restraining Order and/or Preliminary Injunction against enforcement of West Virginia Code section 61-2-8 (the “Criminal Abortion Ban”).

3. I served in the United States Marine Corps in Southeast Asia from 1960 to 1961.

4. After my service, I returned to the United States and became an Episcopal clergyman. I have served churches and dioceses in the United States, including in West Virginia, for over fifty years. I sponsored the founding of the Women’s Health Center of West Virginia, the first clinic to provide abortion care in West Virginia, after the Supreme Court’s decision in *Roe v. Wade*. I am currently retired and reside in Charleston, West Virginia.

5. Based on my experiences, I am deeply concerned about the impact that a law criminalizing abortion care will have on pregnant people in West Virginia.

The Clergy Consultation Service on Abortion

6. Religion has always been a core part of my life. My religious experience was deep in my spirit and took place early in my life. I grew up in the Episcopal church in Baltimore, Maryland, and attended an Episcopal school. I was inspired to become a clergyman by the incredible priests, teachers, and coaches in my community. I graduated from Virginia Theological Seminary in Alexandria, Virginia, in 1964.

7. Before the Supreme Court’s decision in *Roe v. Wade*, abortion was illegal in West Virginia. Given the threat of criminal prosecution, access to abortion in West Virginia unsurprisingly was virtually nonexistent.

8. In the late 1960s, Reverend Howard Moody, a minister at Judson Memorial Church in New York, founded the Clergy Consultation Service (“CCS”) on Abortion, a nationwide network of religious leaders who helped women access abortions by providing counseling, information, and funds to travel, primarily to New York and/or Washington, D.C.

9. I first learned about the CCS when I was a clergyperson in Annapolis, Maryland, from pregnant people asking me about the CCS and whether I could help them obtain abortion care in some way. Listening to their stories was eye opening. Growing up in the church, I had been taught that abortion was morally wrong. But after listening to people’s stories, I knew that it did not align with my faith to deny women access to necessary care. That was the listening project of my life. Growing up as a boy, I didn’t have a sister, and I didn’t have a mother that was incredibly open. It was a conversion for me. I saw the entire system of hierarchical male power and misogynistic power, and it didn’t fit into my faith to treat women this way. I could not avoid the injustice of dictating what someone could or could not do with their body. I did not yet know which resources to point them to, but I knew that I needed to help.

10. In the early 1970s, when I was working as a clergyperson in Martinsburg, West Virginia, I received a letter in the mail inviting me to a meeting in Charleston, West Virginia, to join the CCS. I was elated and immediately booked a plane ticket. Approximately twelve clergymen from around the State, including myself, gathered at the meeting in a Presbyterian church. We were each assigned an area of the State to be the contact person for, and were given resources to help pregnant people, who would be referred to us through the Clergy Consultation Service. I was assigned to the Eastern Panhandle region of West Virginia.

11. Through the network, I counseled many pregnant people over the course of approximately five years. Most of the pregnant people were referred to me through word-of-mouth.

12. My goal as a counselor was to listen to pregnant people. I never tried to pressure them to make a particular choice regarding their pregnancies or talk them out of their decisions. My focus has always been on honoring each person's choice.

13. If a pregnant person decided they wanted to carry their pregnancies to term and raise their child, I helped connect them with financial support services. If they decided they wanted to carry their pregnancies to term and place their child for adoption, I helped them find adoption services. And if they decided they wanted an abortion, I provided information about abortion care services, helped them find a way to travel to New York City, provided them with information regarding what to do and where to go upon arrival in New York, and helped them with other logistics or resources they needed.

14. Most of the pregnant people I counseled were poor and/or survivors of domestic violence. Most did not feel that they could speak to their ministers at home about their situation. They seemed relieved that they could finally talk to a clergyperson and, for those who so chose, find help to obtain an abortion.

The Impact of *Dobbs v. Jackson Women's Health Organization* and Enforcement of West Virginia's Criminal Abortion Ban

15. I understand that the Supreme Court overruled *Roe v. Wade* in *Dobbs v. Jackson Women's Health Organization*, and it has once again become criminal to provide abortion care to pregnant people in West Virginia under the Criminal Abortion Ban.

16. As someone who lived in West Virginia when abortion was illegal, I am very afraid of what will happen to pregnant people in West Virginia now that abortion care is

criminalized again. As was the case back then, the impact will likely fall disproportionately on poor and marginalized women and/or survivors of domestic violence.

17. I remember what the landscape of abortion access was like when I arrived in West Virginia over fifty years ago. Even all these years later, I still remember how frightened the women I counseled were, and how grateful they were to have someone to listen to and provide resources for them to obtain an abortion.

18. I have read the Criminal Abortion Ban to other residents in my retirement community, who are also horrified that such an outdated and extreme law could be enforced against West Virginians. Like me, they remember the harms associated with criminalizing abortion all too well, and fear for what the implications may be for their children and grandchildren.

19. I am filled with grief at the prospect that the same services the CCS was providing more than fifty years ago may be necessary yet again. To provide information and resources to people seeking necessary health care is a way of fulfilling a core tenet of my faith—to love and support people in my community and provide help to those who need it.

20. When I was doing this work early on, I knew they might stop me, but that didn't make me afraid. I had gone to war, and I was afraid then that I wouldn't return. I knew my work with CCS could result in me getting in trouble with the authorities, but some things are just worth doing.

21. Others have also told me that they are terrified that, now that abortion has become criminalized again in West Virginia, they may go to jail if they help someone obtain an abortion. Now that I am 87, I am of the age where I only have a few more years left. If resuming the kind of work I did with CCS means carrying me off, then so be it. This is something I feel

passionately about. I look at how inspirational the advocates in the reproductive rights community are and how important the rights they aim to protect are. And I think about the sacrifice of life I saw in my time in the Marine Corps in service of this country. Who am I to stay on the sidelines when the lives of so many West Virginians are at stake?

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AFFIANT FURTHER SAYETH NAUGHT.

Reverend Earl James (Jim) Lewis
REVEREND EARL JAMES (JIM) LEWIS

SWORN TO AND subscribed before me this 27th day of June, 2022.

Pamela S. Wiseman
Notary Public

