

Abortion info fight targets university but affects far more

October 1 2022, by REBECCA BOONE



Rebeca Castro, of Fruitland, sings and dances to a Christian praise song during an anti-abortion celebration for the overturn of Roe v. Wade, held outside of the Idaho Statehouse in Boise, Idaho on June 28, 2022. A University of Idaho memo warning staffers not to refer students to abortion or birth control providers has placed the school at the center of a debate over First Amendment rights and access to reproductive health care. One of the laws bars the use of state funds to promote or endorse abortion or emergency contraception. Another makes it illegal for non-healthcare providers to advertise abortions or birth control.

Credit: Sarah A. Miller/Idaho Statesman via AP, File

A box truck equipped with a bright LED billboard began circling around the University of Idaho campus Friday.

"Pregnant? You still have a choice," read one of the bright blue-and-white messages flashing across the side. "You can still get abortion pills by mail," read another message.

The moving billboard was a salvo by Mayday Health against Idaho's anti-abortion laws, including some that prohibit state employees from promoting or endorsing abortion or emergency contraception. The organization seeks to inform people in anti-abortion states how to access abortion and contraception.

Mayday Health chose Moscow, Idaho, for the action after the university warned employees not to refer students to abortion or birth control providers lest they run afoul of the [state laws](#).

"This effort is part of protecting free speech and the First Amendment," said Kaori Sueyoshi, [Mayday Health](#)'s head of strategy, on Friday morning. "We want to make sure that students at the University of Idaho and surrounding area have accurate information about how to get birth control pills, Plan B (emergency contraception) as well as how to get safe abortion access."

University of Idaho Provost Torrey Lawrence said the legal guidance simply was intended to protect staffers. Boise State University recently issued similar, albeit less strict, advice.

"Some employees were not aware of it, and others had actually asked for

legal guidance," Lawrence told The Associated Press in a phone interview Thursday. "Because our employees are paid on state funds, this could result in criminal prosecution."

But the UI memo was shared to social media sites like Reddit and Twitter, quickly making waves in a country still grappling with the U.S. Supreme Court's decision overturning abortion rights. The White House press secretary condemned the memo. Some TikTok users—and some major media organizations—falsely claimed the university had "banned" birth control for students.



People march through 8th Street in downtown Boise, Idaho, on May 3, 2022, in response to the news that the U.S. Supreme Court could be poised to overturn the landmark Roe v. Wade case that legalized abortion nationwide. A University of Idaho memo warning staffers not to refer students to abortion or birth control

providers has placed the school at the center of a debate over First Amendment rights and access to reproductive health care. One of the laws bars the use of state funds to promote or endorse abortion or emergency contraception. Another makes it illegal for non-healthcare providers to advertise abortions or birth control. Credit: Sarah A. Miller/Idaho Statesman via AP, File

And some of Idaho's other 900,000 or so employees began wondering what the laws could mean for them.

At this point, there's not much direction from elected officials. Rep. Brent Crane, one of the sponsors of the 2021 "No Public Funds for Abortion Act," said laws frequently have to be refined after they're passed to work out the kinks, and he's unconcerned that the process could take a year or more.

The Idaho Attorney General's office said questions regarding the laws should be directed to county prosecutors, who have enforcement duties. Idaho's prosecutors are elected in each of the state's 44 counties, so answers to enforcement questions could change from region to region and year to year.

Avoiding doing anything that appears to promote abortion on the job may be easy for a farmer appointed to the Idaho Bean Commission or a geologist who maps minerals for the Idaho Geological Survey. But the law is murkier for others who receive state funds.

Could a dinner table discussion about politics in front of a teenage foster child be considered "promoting abortion," especially if part of the dinner was covered by the foster parents' \$584 monthly stipend from the state? Would an Idaho Public Television reporter risk prosecution if a viewer says an interview of a Planned Parenthood representative gave the

abortion advocate too much air time?

A spokesperson with the Idaho Department of Health and Welfare did not immediately know if the law would apply to foster parents and said he would work on finding the answer Friday.

Idaho Public Television Executive Director Bill Manny is not worried about facing prosecution as long as his organization continues to do its job well in informing viewers and voters about the issues of the day.

"I can't imagine that anyone who drafted the law or interprets the law envisioned stopping people of good faith from talking about important public policy issues in our state," Manny said. "That's what we do with our programs and that's what we do with our debates, and we think that's the right way to move forward."



An attendee at Planned Parenthood's Bans Off Our Bodies rally for abortion rights holds a sign reading "Idaho the women as property state" outside of the Idaho Statehouse in downtown Boise, Idaho, on May 14, 2022. A University of Idaho memo warning staffers not to refer students to abortion or birth control providers has placed the school at the center of a debate over First Amendment rights and access to reproductive health care. One of the laws bars the use of state funds to promote or endorse abortion or emergency contraception. Another makes it illegal for non-healthcare providers to advertise abortions or birth control. Credit: Sarah A. Miller/Idaho Statesman via AP, File

But in a recent [podcast by Melissa Davlin](#), the lead producer of Idaho Public Television's news show [Idaho Reports](#), former Idaho Supreme Court Justice Jim Jones said the law tramples First Amendment rights and could put public outlet journalists at risk.

"I think that somebody could make a complaint that you had a guest on that was promoting [abortion](#) so you must have been complicit in it," Jones said during the podcast. "It's a matter of saying, 'Keep your mouth shut, don't talk about these subjects,' and that's a dangerous thing for the government to be doing."

Meanwhile, University of Idaho is dealing with the backlash.

"It's not a mandate. In fact, our policies have not changed," the provost, Lawrence, told the AP on Thursday. "The communication was trying to offer initial guidance on a rather vague law that's designed to be punitive to state employees."

The school does not prescribe birth control to students, but for years has made bowls of condoms freely available in some campus bathrooms. Those continue to be distributed, but now are intended to stop the spread

of sexually transmitted diseases rather than pregnancy prevention.

Student medical care has long been provided by outside health care companies. The Vandal Health Clinic, named after the UI mascot, is currently run by a local hospital system, Gritman Medical Center. Gritman said its services, which include prescribing contraceptives, would not change.

Lawrence said he did not expect the university's contract with Gritman to be affected by the law. Nor did he believe the university's many contracts with research and education grant partners—which include the federal government, which in some cases provides abortions through the U.S. Department of Veterans Affairs—would be affected.

But individual employees could face major consequences if they're charged, he said.

"The law focuses on and targets the individual, so all state employees paid on state funds are implicated and at risk of very serious consequences—not only felony or misdemeanor charges but fines, possibly imprisonment, possibly losing your job and possibly being barred from ever working for the state again," Lawrence said. "Our advice is to remain in a safer position until we know exactly how all of this is going to be interpreted."

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