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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
SOUTHERN DIVISION**

IDAHO FEDERATION OF TEACHERS et al.,

Plaintiffs,

v.

RAÚL LABRADOR, in his official capacity as
Attorney General of the State of Idaho, et al.,

Defendants.

Case No. 1:23-CV-353

**DECLARATION OF ALETA QUINN
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

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**DECLARATION OF ALETA QUINN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Aleta Quinn, hereby declare that:

1. My name is Aleta Quinn. I am over the age of 18 years. I have personal knowledge of the following facts and if called to testify could and would competently do so.

2. As I explain more fully below, the No Public Funds for Abortion Act (“NPFAA”) has chilled my academic speech, forcing me to change my bioethics course to the detriment of my students and preventing me from freely teaching my classes in the manner I find most effective. Because of the NPFAA, I am afraid I will be prosecuted for teaching about philosophical issues related to abortion and it has therefore hindered my ability to teach philosophy in a complex, nuanced, and ethically proper manner. The law thus diminishes my role as an educator and deprives my students of opportunities to think critically about, analyze, and discuss ideas and relevant class materials central to bioethics, impairing their educational experience.

Background

3. I currently serve as an Associate Professor of Philosophy at the University of Idaho.

4. I received a Bachelor of Science degree in Biology and a Bachelor of Arts degree in Philosophy, both from the University of Maryland in 2005. I received a PhD in the History and Philosophy of Science from the University of Pittsburgh in 2015.

5. I have seven years of professional teaching experience in higher education. In 2015, I was a Distinguished Research Fellow at the University of Notre Dame. From 2016 to 2017, I was a postdoctoral instructor at the California Institute of Technology. In 2017, I joined the University of Idaho faculty as an Assistant Professor of Philosophy. In March 2023, I received tenure to become an Associate Professor of Philosophy.

6. My teaching and research center on the philosophy, ethics, and history of science, biology, and the environment. In my research, I focus on the study of biodiversity, as well as applied ethics and logic. In addition to my professional experience teaching in higher education, I was also a Research Collaborator with the Smithsonian Institution from 2015 to 2019.

7. I have authored several publications, including “Species in The Time of Big Data: The Multi-Species Coalescent, the General Lineage Concept, and Species Delimitation,” in *Species Problems and Beyond: Contemporary Issues in Philosophy and Practice* 127 (Igor Pavlinov, John Wilkins, & Frank Zachos eds., 2022); *Diagnosing Discordance: Signal in Data, Conflict in Paradigms*, 11 *Phil., Theory and Prac. in Biology* (2019); and *Phylogenetic Inference to the Best Explanation and the Bad Lot Argument*, 193 *Synthese* 3025 (2016).

8. I am a current member of the International Society for the History, Philosophy, and Social Studies of Biology and of the American Philosophical Association.

The NPFAA and My Academic Speech

9. On May 10, 2021, Idaho Governor Brad Little signed the NPFAA into law and the Act went into effect that same day.

10. The NPFAA states that “[n]o public funds . . . shall be used in any way to . . . promote abortion [or] counsel in favor of abortion.” Idaho Code § 18-8705(1) (2021). Additionally, “[n]o person, agency, organization, or any other party that receives [public] funds . . . may use those funds to . . . promote abortion.” *Id.* § 18-8705(2).

11. The NPFAA provides that a violation of these provisions by a public employee “shall be considered a misuse of public moneys punishable under section 18-5702,” which authorizes criminal punishments, including fines and terms of imprisonment. *Id.* §§ 18-8709, 18-

5702. It further provides that a violation of these provisions will result in termination for cause from public employment and require “restitution of any public moneys misused.” *Id.* § 18-5702(5).

12. I am concerned that the NPFAA’s prohibition on promoting and counseling in favor of abortion applies to the content of my bioethics course, as described below. I fear prosecution for assigning the abortion-related materials that I previously used in this course, facilitating classroom discussions on those materials, and giving feedback on and grading assignments where students choose to write about abortion. I am concerned that the NPFAA forbids me from teaching multiple perspectives on the issue of abortion, even though presenting only one viewpoint on the topic would be unethical and irresponsible in the discipline of ethics and philosophy. Further, because I find the terms “promote” and “counsel in favor of” vague and unclear, I cannot safely determine what academic speech might be construed as promoting or counseling in favor of abortion. I am worried that teaching my bioethics course in a way that engages with one of the most important and challenging subjects in my discipline will now subject me to prosecution.

13. Additionally, although the University of Idaho issued various forms of guidance related to the NPFAA in the wake of the U.S. Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022), that guidance has only confirmed my fear of prosecution under the NPFAA. The University has, for example, cautioned that “[a]cademic freedom is not a defense to a violation of the law” and that faculty leading classroom discussion must “remain neutral” on the topic of abortion. Kim Decl. Ex. 1 at 6. The University has also explained that the “language of the law is vague in many respects which creates uncertainty as to the extent of the law.” Kim Decl. Ex. 3 at 2. This guidance did not alleviate my fear of prosecution or provide any clarity on the law’s scope and application to my teaching.

14. For these reasons, and as described below, I have been chilled in my speech on important academic issues and changed my bioethics course to the detriment of my teaching and my students' learning.

The NPFAA's Impact on My "Professional Ethics: Biomedical Ethics" Course

15. Since 2019, I have taught "Professional Ethics: Biomedical Ethics," which addresses ethical, social, and legal issues that arise in biomedicine and biomedical research. I have taught this course three times at the University of Idaho, in Spring 2019, Spring 2021, and Spring 2023.

16. Through this course, which is central to my work as an educator and researcher, I educate students on bioethical theories and contemporary biomedical ethical issues. The class uses assigned readings and class discussion to examine moral theory in bioethics. My students and I read about and discuss several competing theories of bioethics. For example, we discuss "bioethical principlism," a theory that emphasizes four main principles: autonomy, beneficence (do good for the patient), non-maleficence (do no harm to the patient), and justice. We also discuss "care ethics," an ethical approach emphasizing the importance of interpersonal relationships and care; "utilitarianism," which focuses on producing consequences with the greatest utility or happiness for the greatest number of humans; and "deontology," also known as Kantian ethics, in which rationality determines ethical and moral goodness. The course also addresses specific biomedical ethical issues, including the right to care, the ethics of organ donation and transplantation, the duty to treat, informed consent, informed refusal, privacy and confidentiality, genetic testing, human reproduction, and mental illness.

17. Prior to Spring 2023, I always included a full module on human reproduction in the course. *See* Ex. A; Ex. B. The module has typically covered philosophical arguments related to

human reproduction and abortion, as well as the history of abortion, fetuses and conceptions of personhood, and statistics on abortion. This module is essential to educating students about bioethics because human reproduction and abortion are core issues in the field of bioethics, are regularly taught in bioethics courses, and provide an important backdrop for analyzing and understanding a range of ethical theories, including the principles of autonomy and “do no harm.”

18. The module on human reproduction normally includes readings from philosophers who advance differing viewpoints on abortion, including viewpoints favoring abortion access. The assigned textbook, *Bioethics in Context*,¹ contains a chapter on “Issues in Human Reproduction,” which reviews varying philosophical perspectives in support of and against abortion. *See* Ex. D. In addition, I previously assigned several writings on the moral and ethical permissibility of abortion, including:

- “An Argument that Abortion Is Wrong” by Don Marquis, which argues that abortion is wrong because it deprives the fetus of a “future like ours.” Ex. E at 5;
- “St. Thomas on the Beginning and Ending of Human Life” by William A. Wallace, which discusses Thomas Aquinas’s arguments that personhood can develop over pregnancy as well as diminish at the end of human life, such that the human soul may leave the body before all signs of life have disappeared. Ex. F; and
- “A Defense of Abortion,” by Judith Jarvis Thomson, which discusses how far the right to abortion should extend and argues in favor of providing access to abortion in a variety of circumstances. Ex. G.

¹ Gary E. Jones & Joseph P. DeMarco, *Bioethics in Context: Moral Legal, and Social Perspectives* (2016).

19. In past years, we discussed these readings in class. We also examined different religious views on abortion, including abortion beliefs in Christianity, Judaism, and paganism.

20. In Spring 2023, however, I removed the module on issues in human reproduction in its entirety from my “Biomedical Ethics” course. *Compare* Ex. A & Ex. B, *with* Ex. C. I did not assign the textbook chapter on “Issues in Human Reproduction,” or any of the philosophical writings discussing abortion-related viewpoints, because some of those reading materials discuss positive viewpoints on abortion access, and I was worried that assigning these materials to students could be viewed as promoting or counseling in favor of abortion. I also did not feel comfortable only assigning reading materials with negative viewpoints on abortion. Teaching only one perspective on such a nuanced and complex philosophical issue is arguably unethical. It also does a disservice to my students, who should be able to read and engage with a diversity of viewpoints on this topic in a course that specifically deals with complicated and controversial biomedical ethical issues. I will continue to omit those materials in the future due to the threat of prosecution under the NPFAA.

21. Another reason I removed the module on issues in human reproduction is because that module includes a lesson on eugenics, and philosophical debate and theories related to abortion are integral to that lesson. Previously, we would discuss the history of eugenics, and then discuss philosophical issues with contemporary genetic technologies that some people—particularly those opposed to abortion—believe have modern-day parallels to “eugenics,” such as pre-natal testing for genetic diseases and the potential to terminate pregnancies in cases where the fetus has a serious health condition. The class would discuss a range of cases in which selective abortions may occur, presuming that at least some abortions are permissible in at least some cases. In this context, we discussed viewpoints that addressed abortion access and suggested abortions

can be morally permissible, as well as viewpoints advocating that abortion can be an affirmatively good action. Because this discussion was critical to the lesson, I felt I could no longer appropriately teach the lesson under the NPFAA, a huge disappointment for me and my students, as eugenics is a standard subject consistently taught in biomedical ethics curricula.

22. The NPFAA has also impacted my teaching of other biomedical ethics subjects. In past years, abortion has come up in almost every module of “Biomedical Ethics,” even when it was not the main topic, because it is highly relevant to the bioethical themes running through the course. For example, the handling of embryos in cases of IVF or cloning, which can involve the creation and destruction of fertilized embryos, raises philosophical questions that implicate abortion. Abortion also informs ethical discussions about end of life. I have previously used William Wallace’s essay on Thomas Aquinas’s views on personhood, *see* Ex. F, to draw connections between our module on abortion and our module on the difficulty of defining death and withdrawing life support. But because of the NPFAA, I no longer feel comfortable making such connections between abortion and other biomedical ethical topics, and I avoided doing so in my Spring 2023 class.

23. As a professor, it is my duty to draw connections between different topics in bioethics and demonstrate the interrelated nature of the class’s philosophical debates. And my students also make these connections themselves, often drawing comparisons between different modules. Students want to discuss abortion in the classroom from a range of different perspectives, in order to better understand a range of bioethical issues and debates. But, as noted above, I now avoid drawing connections between abortion and other bioethical subjects, and unfortunately, I now hope that students do not raise the issue themselves or ask me about how abortion relates to our other course modules, even though one of the goals of my course is to encourage students to

think critically and holistically about bioethical questions and larger themes relevant to multiple bioethical issues.

24. Furthermore, in previous semesters, I allowed students some choice as to which topics we would cover in the last few weeks of the course. In Spring 2019 and Spring 2021, students suggested a range of possible topics, and then anonymously voted on which of these topics to cover. In Spring 2021, disability and genetic counseling was one of the topics that students selected. Under the NPFAA, I would not include this unit, because the unit discusses the selective abortion of fetuses, IVF, and the selective destruction of fertilized embryos. In order to avoid dealing with the possibility that aspects of my instruction on abortion and abortion-related topics could be viewed as promoting or counseling in favor of abortion, I removed from my course the class's ability to choose class topics in Spring 2023. *See Ex. C.*

25. Although I want my students to be able to speak freely and openly in my classroom, due to the NPFAA, I am deeply uncomfortable handling classroom discussion on abortion and abortion-related topics, and I can no longer safely allow for these discussions. The fear of accidentally saying something that could be interpreted as promoting or counseling in favor of abortion creates tremendous stress and anxiety in the classroom and impairs my ability to teach freely and effectively.

26. Finally, the NPFAA has also impacted my role in advising student research and writing on abortion-related topics. In past years, my students could choose to respond to one of five or six prompts for paper assignments in the course, or write on any topic of their choosing that was relevant to bioethics. In some semesters, I included prompts about abortion or issues related to human reproduction as paper options for students, and some students would choose to respond to those prompts. In Spring 2023, I removed those prompts, as I was nervous to grade papers on

topics related to abortion with the NPFAA in effect. While grades in my course always reflect the student's quality of work, and not the student's viewpoint, I fear that positively grading any paper that takes a pro-abortion stance may give the impression that I support abortion and am therefore violating the NPFAA. I similarly fear that giving a bad grade to a poorly researched and poorly written paper that takes an anti-abortion stance will be viewed as evidence of my support for abortion, and not as an academic decision.

27. For all of these reasons, the NPFAA has inhibited academic and intellectual debate and discussion on abortion in my classroom. The law appears to reflect the Idaho legislature's view that there is only one morally acceptable stance on abortion. But I cannot teach a class on bioethics in which I present only one philosophical viewpoint, simply because the legislature disagrees with any other dissenting or differing viewpoint. Doing so would be a disservice to my students, who care deeply about bioethics issues and philosophical debate, and who deserve a well-rounded and comprehensive education. Nor is completely omitting all discussion of abortion an appropriate alternative. It is unethical, as well as irresponsible, to fail to address the topic of abortion in a bioethics course, because abortion is one of the most salient ethical issues in this area of study. It is disgraceful that my students must now miss out on learning about this complex and important moral issue. But under the current law, I do not feel I am able to properly teach this topic without fear of prosecution.

Conclusion

28. Under the NPFAA, I fear I will be prosecuted for my teaching—in other words, for simply doing my job. This is not how higher education should function. It is my role as an educator to prepare students to engage with important ethical issues and arguments, think critically, and

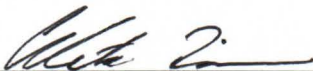
become serious participants in democracy. The proper teaching of ethics requires the ability to speak freely on controversial issues.

29. In fact, the academic study of biomedical ethics was created in part because of moral debate related to abortion. In the 1960s and 1970s, several Catholic theologians quit their positions at a Catholic university because of a university mandate that they could not teach multiple perspectives on abortion. Subsequently, those theologians took the lead in the founding and institutional development of biomedical ethics as a field. It is ironic that I now face limitations on my teaching of ethics similar to those faced by the very first biomedical ethical theologians.

30. The NPFSA should not be permitted to silence my academic speech about important topics within my area of expertise or to deprive my students of the holistic and complete philosophical education they deserve.

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

Executed on July 30 2023 in Silver Spring, Maryland.



Aleta Quinn