



**NYU**

**ROBERT F. WAGNER GRADUATE  
SCHOOL OF PUBLIC SERVICE**

## **PADM-GP.4452(1)**

# **US Reproductive Rights Advocacy Spring 2022**

### **Instructor Information**

- Diana Kasdan
- Email: [diana.kasdan@nyu.edu](mailto:diana.kasdan@nyu.edu)
- Office Hours: On Fridays by appointment. In most cases by zoom or phone. Other times may also be available upon request. Please email to schedule.

### **Course Information**

- Class Meeting Times: Tuesdays: 6:45 p.m. – 8:25 p.m.
- Class Location: NYU 12WV Room L114 Lo: Washington Square

### **Course Prerequisites**

- NONE

### **Course Description**

Reproductive rights encompass the ability of individuals to make and exercise informed, independent decisions about their own body, sexuality, and reproduction. This includes procreation and family formation, pregnancy care, abortion, birthing and breastfeeding, among others: deeply personal, often, life-changing decisions. Yet contentious legal, policy and public debates at the national and local level controls who can, and cannot, access the health care services and information necessary for people to realize these rights. Historically, and still today, reproductive rights law and policy does not center, or adequately protect, those most impacted.

In this course, students will gain a grounding in the relevant constitutional doctrines and federal and state laws that have defined and constrained reproductive rights in recent decades. We will also discuss intersections with human rights, racial, economic, and gender equality, among other inseparable rights. Learning from real-world advocacy campaigns, including guest speakers, we will investigate the challenges and value-add of different strategies--from litigation

to legislation to public communications--for creating enabling legal and policy environments in which people have the resources they need to freely exercise their reproductive rights.

## Course and Learning Objectives

In this course students will gain an understanding of foundational reproductive rights law in the United States and the need and opportunities to strengthen reproductive rights, health and justice through advocacy and policy solutions. Students will learn from multiple perspectives, including by reading, analyzing, and discussing a mix of legal scholarship, policy and advocacy materials, popular commentary, and presentations by experts in the field.

At the end of the course, students who complete it successfully will be able to

1. Articulate the foundational legal principles of reproductive rights law in the United States and understand their application to different reproductive health and decision-making contexts.
2. Understand the different principles and goals offered by reproductive justice and human rights approaches and how these can strengthen reproductive rights advocacy and law in the United States.
3. Identify historical and contemporary obstacles and challenges to full realization of reproductive rights and health in the United States.
4. Identify and analyze reproductive rights and/or health problems that could be addressed through policymaking and effectively communicate a proposed policy solution and its impact.

## Learning Assessment Table

<b>Graded Assignment</b>	<b>Course Objective Covered</b>
Class Participation	#1, #2, #3
Student Facilitated Group Discussion	#1, #2, #3
Reflection Briefs	#1, #2, #3
Final Policy Proposal Memo	#1, #4

## Required Readings

Required readings and learning resources will inform your participation in class discussions and all assignments throughout the course.

- Reproductive Rights and Justice Stories, (Murray, Shaw, Siegel eds. 2019) ["RRJS"] (This is a required reading for multiple classes. You can purchase a copy from the NYU Bookstore. There are also copies on reserve at Bobst library.)
- Other required readings and resources will be accessible free online and/or as documents provided on Brightspace.

# Assessment Assignments and Evaluation

## Individual Assessment

- Active participation in class discussion & learning overall, 20%
- Student Group facilitation of one class, 15%
- Reflection Briefs (one page each), 15%
- Final Policy Proposal Memo, 50%

### Active Participation (20%)

This class is intended to provide an interactive format for practical learning with real-world applications. This depends on active and engaged participation—including with your classmates and guest lecturers. You are responsible for completing the readings for the day they are assigned and coming to class prepared to discuss them. You are expected to actively participate in every class. Please come to class prepared to share at least one discussion question and one reflection grounded in the readings for that day—whether or not it is a week in which you have submitted a Reflection Memo (see below).

I may periodically post comments or questions related to the weekly reading to help inform or focus the upcoming class discussion. Please check Brightspace for updates each week.

### Facilitation of One Class Discussion (15%)

Each student will be responsible for helping facilitate one class discussion.

On the first day of class I will provide a sign-up sheet. Everyone must sign up for one date on which they, together with 2-3 other classmates, will be responsible for facilitating the class discussion.

Specific guidance on how to sign up for a group facilitation, the expected preparation (including a one page submission in advance) will be available on Brightspace.

Student facilitated discussions will happen during the portion of the class that does not include a guest lecturer. The student facilitated classroom discussion should last approximately 30-45 minutes.

### Submission of 4 reflection briefs (1 page each) (15%)

Students are required to submit a total of four **1-page single spaced reflection briefs** on your impressions on the readings for the week, including a short summary, any critiques or positions that you agree with, and any probing questions that remain after completing the readings. You are required to **submit the brief by 5pm the night before the class (on Brightspace) and utilize the ideas that emerge from the paper in the class discussion the next day.** You should *not* submit a reflection brief for the first class or for the week that you are leading a class discussion (you will instead submit, with your group, the 1 page “agenda” with discussion questions).

**Final Memo: Policy Proposal (50%):** Drawing on the issues discussed throughout the course (but not limited to), draft a policy brief that provides a concise summary, policy options to address the issue and present a recommendation or set of recommendations. You are welcome to choose a federal, state or local/municipal policy issue. Further guidance on developing and structuring the Policy Memo will be available on Brightspace. **Final memo must be submitted by 5pm Tuesday May 10 on Brightspace**

## Late Submission Policy for Assignments

I accept late work (that is, having a time stamp later than the time and date on which assignments are due) after the due date only by prior arrangement.

Extensions on assignments will be granted only in case of emergency or special circumstances. This policy is adopted out of respect to those who abide by deadlines despite equally demanding schedules.

Assignments handed in late without authorized extensions will be penalized by a two-point reduction for missing the deadline, and additional one-point reductions for each one-week delay.

## Overview of the Semester

- Week 1
  - Date: March 22
  - Topic: Class overview and Introduction to Reproductive Rights
  - Deliverable: Sign-up for date to participate in Group Facilitation of Class Discussion
  
- Week 2
  - Date: March 29
  - Topic: The Promise and Limits of Reproductive Rights Law
  - Guest Lecturer: Carolyn Sufrin, MD PhD, John Hopkins Medicine; Founder, Advocacy and Research on Reproductive Wellness of Incarcerated People
  
- Week 3
  - Date: April 5
  - Topic: Reproductive Rights as Human Rights
  - Guest Lecturer: Risa Kaufman, Director Human Rights, Center for Reproductive Rights
  
- Week 4
  - Date: April 12
  - Topic: The Reproductive Justice Framework
  - Guest Lecturer: Jenny Jacoby, VP Government Affairs, In Our Own Voice

- Week 5
  - Date: April 19
  - Topic: Building Stronger Protection Through Law and Policy
  - Possible Guest Lecturer TBD
  
- Week 6
  - Date: April 26
  - Topic: Advocating in the Court of Public Opinion
  - Guest Lecturer: Jennifer Weiss-Wolf, Women and Democracy Fellow, Brennan Center for Justice; Co-Founder, Period Equity.
  
- Week 7
  - Date: May 3
  - Topic: Assisted Reproduction and the Future of Reproductive Rights
  - Possible Guest Lecturer: Karla Torres, Senior Human Rights Counsel, Center for Reproductive Rights
  
- Deliverables:
  - Active class participation
  - Facilitate one Class discussion and submit facilitation agenda by 5pm Monday before class–TBD at sign-up during first class
  - 4 Reflection Briefs on reading for the week – 5pm Monday before any Tuesday class (but not the first class or the same week as you are leading a student facilitated class discussion)
  - **Final Policy Proposal Memo - 5 pm on May 10**

## Letter Grades

Letter grades for the entire course will be assigned as follows:

Letter Grade	Points
<b>A</b>	4.0 points
<b>A-</b>	3.7 points
<b>B+</b>	3.3 points
<b>B</b>	3.0 points
<b>B-</b>	2.7 points
<b>C+</b>	2.3 points

<b>Letter Grade</b>	<b>Points</b>
<b>C</b>	2.0 points
<b>C-</b>	1.7 points
<b>F</b>	0.0 points

Student grades will be assigned according to the following criteria:

- (A) Excellent: Exceptional work for a graduate student. Work at this level is unusually thorough, well-reasoned, creative, methodologically sophisticated, and well written. Work is of exceptional, professional quality.
- (A-) Very good: Very strong work for a graduate student. Work at this level shows signs of creativity, is thorough and well-reasoned, indicates strong understanding of appropriate methodological or analytical approaches, and meets professional standards.
- (B+) Good: Sound work for a graduate student; well-reasoned and thorough, methodologically sound. This is the graduate student grade that indicates the student has fully accomplished the basic objectives of the course.
- (B) Adequate: Competent work for a graduate student even though some weaknesses are evident. Demonstrates competency in the key course objectives but shows some indication that understanding of some important issues is less than complete. Methodological or analytical approaches used are adequate but student has not been thorough or has shown other weaknesses or limitations.
- (B-) Borderline: Weak work for a graduate student; meets the minimal expectations for a graduate student in the course. Understanding of salient issues is somewhat incomplete. Methodological or analytical work performed in the course is minimally adequate. Overall performance, if consistent in graduate courses, would not suffice to sustain graduate status in “good standing.”
- (C/-/+ ) Deficient: Inadequate work for a graduate student; does not meet the minimal expectations for a graduate student in the course. Work is inadequately developed or flawed by numerous errors and misunderstanding of important issues. Methodological or analytical work performed is weak and fails to demonstrate knowledge or technical competence expected of graduate students.

- (F) Fail: Work fails to meet even minimal expectations for course credit for a graduate student. Performance has been consistently weak in methodology and understanding, with serious limits in many areas. Weaknesses or limits are pervasive.

## Detailed Course Overview

All readings due are either in the *Reproductive Rights and Justice Stories* ["RRJS"] - a book available for purchase at NYU Bookstore or on reserve at Bobst Library; or are linked in this syllabus or found on Brightspace.

I may periodically post comments or questions related to the weekly reading to help inform or focus the upcoming class discussion or add readings. Please check Brightspace for updates each week.

### WEEK 1: CLASS OVERVIEW & INTRODUCTION TO REPRODUCTIVE RIGHTS

This first class will provide an overview of the class structure and expectations and an introduction to the constitutional underpinnings for reproductive rights law in the United States.

### Readings Due

1. Syllabus [Brightspace]
2. [Podcast](#): The Supreme Court Considers the Future of Roe, The Daily, NYT (Dec 2, 2021). [Also available on NYT, Spotify]
3. [Roe & Intersectional Liberty Doctrine](#), Center for Reproductive Rights (2018)
4. RRJS - Chapter 1: Sexual Liberty and Criminal Law Reform: The Story of Griswold v. Connecticut, Melissa Murray
5. Killing the Black Body, Dorothy Roberts, **read only** Chapter 7 The Meaning of Liberty (p. 294-312) [Brightspace]

### Recommended

1. ***Dobbs v. Jackson Women's Health Organization***: [Here](#) you can find information about the case, links to oral arguments, the parties' briefing in the case, and other resources.
2. [Amicus Briefs: Dobbs v. Jackson Women's Health Organization](#): On this page you can find brief summaries of the more than 50 "friend-of-the-court" briefs submitted to the Supreme Court in support the Center's challenge to the MS ban on abortion, which the Court will decide this year.

These briefs address the importance of abortion access and constitutional protection for reproductive rights from a wide array of perspectives: Legal, historical, policy, public health, medical, racial justice, disability justice, personal stories, and more.

You can click through the titles and short descriptions, to get a sense of the different voices and issues raised in each brief.

## WEEK 2: THE PROMISE AND LIMITS OF CONSTITUTIONALIZED REPRODUCTIVE RIGHTS

**Guest Lecturer: Carolyn Sufrin, MD PhD, John Hopkins Medical, Founder ARRWIP.** In this class we will explore more deeply the development, application, impact, and limits of constitutional protection for reproductive rights. This includes the realities of access in different contexts and for different populations, specifically focusing on people who are incarcerated.

### Readings Due

1. RRJS - Chapter 3: The Unfinished Story of *Roe v. Wade*, Linda Greenhouse and Reva B. Siegel
2. RRJS - Chapter 5: Coerced Sterilization of Mexican-American Women: The Story of *Madriral v. Quilligan*, Maya Manian
3. [Podcast](#): ICE, A Whistleblower and Forced Sterilization, NPR (9/22/2020)
  - o For updated news on DHS response see: [ICE to End the Use of Georgia Facility at Center of Hysterectomy Allegations](#) (MSN.com May 20, 2021)
4. Diana Kasdan, [Abortion Access for Incarcerated women: Are Correctional Health Practices in Conflict with Constitutional Standards?](#) Perspectives on Sexual and Reproductive health, Volume 40, Issue 1 (March 2009)
5. Sufrin C, Creinin M., Chang J., [Incarcerated Women and Abortion Provisions: A Survey of Correctional Health Providers](#), Perspectives on Sexual and Reproductive health, Volume 40, Issue 1 (March 2009)

### Recommended

6. [Rachel Roth & Sara Ainsworth](#), *"If They Hand You a Paper, You Sign it"; A Call to End the Sterilization of Women in Prison*, 26 Hastings Women's Law Journal 7 (2015) [Brightspace]
7. [Advocacy & Research on Reproductive Wellness of Incarcerated People](#) Spend some time on the website to learn about the goals, research and advocacy of ARRWIP.

## WEEK 3: REPRODUCTIVE RIGHTS AS HUMAN RIGHTS

**Guest Lecturer: Risa Kaufman, Director Human Rights.** We will discuss the normative framework protecting reproductive rights as human rights, guarantees recognized by UN human rights treaty bodies and national courts, and how advocates can apply Human Rights principles to advancing reproductive rights in the U.S. Our discussion may draw on lessons learned from strategies to advance reproductive rights as human rights in Congress, in courts, and before Human Rights bodies and commissions.

### Readings Due

1. Risa Kaufman & Diana Kasdan, Chapter 26, *Human rights and abortion access for people living in poverty: implications for the United States and globally* in Research Handbook on Human Rights and Poverty (Edited by Martha F. Davis, Morten Kjaerum and Amanda Lyons 2021) [Brightspace]



2. RRJS - Ch. 6: Elision and Erasure: Race, Class, and Gender in *Harris v. McRae*, Khiara M. Bridges
3. [Joint UPR report on Reproductive Health, Rights and Justice issues in the United States](#)
4. Center for Reproductive Rights – [Guiding Principles for Maternal Health Policy Change](#)

## **Recommended**

1. [Human Rights and the Fight Against Retrogression in the U.S.](#), Sexual and Reproductive Health Matters Blog, Oct. 13, 2021.
2. [Brief by UN Mandate Holders](#) – Dobbs v. JWHO, Supreme Court amicus brief.

## WEEK 4: THE REPRODUCTIVE JUSTICE FRAMEWORK

**Guest Lecturer: Jenny Jacoby, VP Government Affairs, In Our Own Voice.** This class will provide an introduction to the reproductive justice framework. Through the readings and presentation from our guest lecturer, we will learn how it differs from the reproductive rights approach. In class discussion we will explore how a reproductive justice approach informs advocates, policymakers, and impacted communities seeking to holistically address intersecting barriers people face in exercising their rights to parent, not to parent, and to parent children in a healthy and safe environment.

## **Readings Due**

1. Loretta Ross & Rickie Solinger, Reproductive Justice: An Introduction,
  - o Read: Chapter 2: Reproductive Justice in the 21<sup>st</sup> Century [Brightspace]
2. Article: [The Policing of Native American Pregnancies Has to Stop](#), Jezebel (11/25/21)
3. Article: [To Prevent Women from Dying in Childbirth, First Stop Blaming Them](#), Scientific American (May 2019)
4. Report, [Advancing Holistic Maternal Health Care for Black Women Through Policy](#) (Black Mamas Matter Alliance December 2018)

## **Recommended Readings**

- RRJS Ch. 8: Pregnant While Black: The Story of Ferguson v. City of Charleston, Priscilla A. Ocen
- [Access, Autonomy, and Dignity: A Series on Reproductive Rights and Disability Justice](#) (National Partnership for Women & Families)
- [Black Reproductive Justice Policy Agenda](#) (Review Sexual & Reproductive Health pages 1-31)
- [Action Toolkit: Advancing Reproductive Rights, Health, and Justice with Local Resolutions](#)
- Video: Black Maternal Health Caucus Summit 2020 (at: <https://www.youtube.com/watch?v=T9mNkdG1SUo>)
- [Decriminalize Abortion — Interrupting Criminalization](#)

## WEEK 5: BUILDING STRONGER PROTECTIONS THROUGH LAW AND POLICY

In this class we will discuss examples of how advocates and lawmakers have sought to build stronger protections for reproductive rights through national and state legislation. In particular, we will reflect on areas where constitutional guarantees have been underenforced. This includes laws to ensure funding and access to abortion; laws that support safe and healthy pregnancies and childbirth, and laws to prevent discrimination against pregnant people, including in the workplace.

### Potential Guest Lecturer - TBD

#### Readings Due

- RRJS - Ch 10: "Similar in Their Ability or Inability to Work": *Young v. UPS* and the Meaning of Pregnancy Discrimination, Katherine Shaw
- [Miscarrying at Work, The Physical Toll of Pregnancy Discrimination](#) (NYT Oct 10, 2018) [Brightspace]
- [Report: Long Overdue – June 2021 Update](#) (A better balance, the work and family legal center)
- [Black Maternal Health Momnibus Act of 2021](#) (summary); [Momnibus](#) (This is full text of bill. You only need to read Section 1 -4, which includes a TOC, to familiarize yourself with the scope and structure of the bill)
- [BMHC Press Release re House Passage of Momnibus in Build Back Better Act](#)

#### Recommended Readings

- [The Hyde Amendment :FAQ \(All Above All\)](#)
- [Video: All Above All, Rally for EACH Act](#)
- [WHPA & EACH Fact Sheet \(Act for Women\)](#)
  - [Women's Health Protection Act of 2021 \(Read Section 2: Findings and Purpose\)](#)
  - [Equal Access to Abortion Coverage in Health Insurance Act of 2021 \(Read Summary Tab and click open Text tab to read the "Section 2 Findings"\)](#)
- Chai Feldblum, The Art of Legislative Lawyering and the Six Circles Theory of Advocacy, 34 McGeorge L. Rev. (2002-03) recommend reading pp. 785-792 and pp 799-801 [Brightspace]

## WEEK 6: ADVOCATING IN THE COURT OF PUBLIC OPINION

**Guest Lecturer, Jennifer Weiss-Wolf, Women and Democracy Fellow, Brennan Center for Justice; Co-Founder, [Period Equity](#).** Often, major disruption to, or expansion of, existing legal frameworks (for good or bad) are only achieved on the heels of major shifts in public opinion and narratives around socio-political issues. The "changing hearts and minds" strategy of the LGBTQ movement -- pivotal in securing legalization of gay marriage in the states and then nationally -- is one prominent example. In this class we will look at recent examples from the reproductive rights and health context to consider how advocates can use media, messaging strategies, and public communications in the fight for legal change in the courts and through legislatures.

## Readings Due

### Narrative Building in Connection with Policy Advocacy

- [The Fight to End Period Shaming is Going Mainstream](#), Newsweek Magazine (April 2016)
- [Period Equity](#) (mission and history); [Our Headlines](#) (scan range of news coverage and notice timeline from earliest stories to news of law and policy change)
- [Menstrual Equity a Legislative Toolkit](#) (ACLU and Period Equity 2019)

### Narrative Building in Connection with Litigation

- Storytelling Amicus Briefs at Supreme Court
  - Go [here](#) for link to read a BuzzFeed article and the [Amicus Brief of We Testify, Advocates for Youth](#)
  - [ABC News Article](#) and the [Amicus Brief of Over 500 Athletes](#)
- [Abortion is Essential to Democracy](#), Ms. Magazine (skim intro and brief summaries of 11 different essays. Choose 2 essays to read)
- [Sharing Abortions Stories Means Investing in Storytellers as Leaders](#), Responsive Philanthropy (Renee Bracey Sherman March 2021)

## Recommended Readings

- TBD

## WEEK 7: ASSISTED REPRODUCTION AND THE FUTURE OF REPRODUCTIVE RIGHTS

**Guest Lecturer, Karla Torres, Senior Human Rights Counsel, CRR.** This final class will offer an introduction to the rapidly evolving area of Assisted Reproduction. We will learn how issues surrounding AR implicate core element of reproductive and human rights, and why equitable and afforded access to AR technologies and services remain out of reach for many people, particularly for low-income people, people with disabilities, and LGBTQ communities. We will also explore points of tension—as opponents of reproductive rights have seized upon battles over the legal status of embryos to create a collision course with the legal framework for abortion rights. Finally drawing on our discussions throughout the course, we will take time to consider the future of reproductive rights in the U.S. and reflect on how we can continue building a more just and inclusive social and policy environment for reproductive rights, health and justice.

## Readings Due

- [Infertility and IVF Access in the United States](#): A Human Rights Based Policy Approach (Center for Reproductive Rights)
- [Anti-Abortion Groups Join Battle Over Frozen Embryos](#) (NYT 2016) [Brightspace]
- [Are Embryos People? The Supreme Court May Decide](#) (Above the Law, Feb. 20, 2019)  
[For black women the isolation of infertility is compounded by barriers to treatment](#), (Statnews.com Oct. 2014)

- Podcast: [If Roe v. Wade Goes, What Next?](#) The New Yorker Radio Hour

## Recommended Readings

- TBD

## Brightspace

With the exception of the required textbook, *Reproductive Rights and Justice Stories*, all required and optional readings and resources, assignments, and class announcements will be delivered through the Brightspace site.

I may add or change weekly required readings, modify assignments, due dates, and other aspects of the course as we go through the term with advance notice provided as soon as possible through the course website.

All required submissions (including the 4 written reflections; 1 group discussion agenda; and 1 final policy proposal memo) should be submitted through the Brightspace site.

## Academic Integrity

Academic integrity is a vital component of Wagner and NYU. All students enrolled in this class are required to read and abide by [Wagner's Academic Code](#). All Wagner students have already read and signed the [Wagner Academic Oath](#). Plagiarism of any form will not be tolerated and students in this class are expected to report violations to me. If any student in this class is unsure about what is expected of you and how to abide by the academic code, you should consult with me.

## Henry and Lucy Moses Center for Student Accessibility

Academic accommodations are available for students with disabilities. Please visit the [Moses Center for Students with Disabilities \(CSD\) website](#) and click the "Get Started" button. You can also call or email CSD (212-998-4980 or [mosescsd@nyu.edu](mailto:mosescsd@nyu.edu)) for information. Students who are requesting academic accommodations are strongly advised to reach out to the Moses Center as early as possible in the semester for assistance.

## NYU's Calendar Policy on Religious Holidays

[NYU's Calendar Policy on Religious Holidays](#) states that members of any religious group may, without penalty, absent themselves from classes when required in compliance with their

religious obligations. Please notify me in advance of religious holidays that might coincide with exams to schedule mutually acceptable alternatives.

## NYU's Wellness Exchange

[NYU's Wellness Exchange](#) has extensive student health and mental health resources. A private hotline (212-443-9999) is available 24/7 that connects students with a professional who can help them address day-to-day challenges as well as other health-related concerns.

## Class Policies

- To get the most out of this class your attendance and active participation is required. Given that this course has only 7 classes, more than **one** unexcused absence will result in grade reductions. Please let me know as soon as possible if you will need to miss class due to a medical or health issue, family obligation, religious observation, or other unavoidable conflict. Because an absence on your student-led discussion day will impact your entire group, it will only be excused due to extraordinary circumstances.
- Please silence cell phones and refrain from any non-emergency texting or use of cell phones during class.
- Please check regularly for any updates to the syllabus or planned guest lecturer schedule –notifications will go to your NYU email account and/or through the Brightspace class page.
- Please do not wait to the last minute to email me questions or requests related to class assignments or absences. While I will usually respond within one day, with few exceptions I will not be checking for or responding to student emails after 6pm in the evenings or on weekends
- If you have recommendations on readings or resources for the class I encourage you to share those with me for distribution.
- Please see NYU's [incomplete policy](#) and [course withdrawal policy](#)