



**NYU**

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

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

**US Reproductive Rights Advocacy**

**Spring 2023**

**DRAFT SYLLABUS**

### **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: **Mondays**: 4:55 p.m. – 6:35 p.m.
- Class Location: Sliver, Room 406 Loc: 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.

And in 2020, for the first time in nearly 50 years, people no longer have a federally recognized constitutional right to abortion—a right that is necessary for full reproductive autonomy. The Supreme Court's recent decision to overturn *Roe v. Wade* – a foundational decision in

reproductive rights law – is already impacting the rights and healthcare of tens of millions of people in the U.S. and is unleashing legal and policy impacts beyond the right to abortion. At a moment of great uncertainty and change for the reproductive rights, justice and health movements in the United States, this course will provide an introductory overview of legal and policy issues at stake and various strategies for strengthening reproductive rights in the U.S.

In this course, students will gain a grounding in the relevant constitutional doctrines and overview of federal and state laws that have defined and constrained reproductive rights in recent decades. We will also discuss intersections with racial, economic, and gender equality, among other inseparable rights. Learning from guest speakers with expertise in advocacy and building reproductive justice and rights campaigns, we will consider 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, 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 foundational legal principles of reproductive rights law in the United States and understand their application and limitations with respect to different reproductive health E
2. Understand the different principles and goals of the reproductive justice framework 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
Short Opinion Piece	#1, #3, #4
Final Policy Proposal Memo	#1, #3, #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, 30%
- Short Opinion Piece, 30%
- Final Policy Proposal (memo), 40%

### **Active Participation (30%)**

This class is intended to provide an interactive format for learning from past and contemporary campaigns and movements that have impacted the development of reproductive rights law and policy in the U.S. 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.

### **Short Opinion Piece (30%)**

You will submit an op-ed style piece (750-1000 words) expressing your opinion on one of the topics covered in our syllabus. The writing should be engaging and persuasive for a general audience, aim to raise awareness of and engagement on a pressing reproductive rights, health, or justice problem, and spur support for specific solutions or responses that require government or community action.

**Final Memo: Policy Proposal (40%):** Drawing on the issues discussed throughout the course and required readings and recommended resources, write a policy memo that provides a concise summary of a problem or barrier to reproductive autonomy, decision-making or health access, who is most impacted, and presents a recommendation(s) on policy solutions to remedy or improve the problem. You should focus on a policy that can be passed or implemented at the state or local/municipal level. Further guidance on developing and structuring the Policy Memo will be available on Brightspace. **Final memo must be submitted by 11:59pm Tuesday May 9 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 written 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.

Written Assignments handed in late without authorized extensions will be penalized by a 1-point reduction for each day past the due date.

## Overview of the Semester

- Week 1
  - Date: March 27
  - Topic: Class overview and Introduction
  
- Week 2
  - Date: April 3
  - Topic: The Reproductive Justice Framework
  - Guest Lecturer: Jeryl Hayes, Movement Building Director, If/When/How Lawyering for Reproductive Justice
  
- Week 3
  - Date: April 10
  - Topic: Maternal Health: A Human Rights Approach
  - Guest Lecturer: Breana Lipscomb, Senior Manager Maternal Health & Human Rights Initiative, Center for Reproductive Rights
  
- Week 4
  - Date: April 17
  - Topic: Reproductive Control and Pregnancy Criminalization
  - Guest Lecturer: Dana Sussman, Interim Executive Director, Pregnancy Justice
  
- Week 5
  - Date: April 24
  - Topic: Connecting the Dots: Reproductive Rights, Gender Equality and Democracy
  - Guest Lecturer: Jennifer Weiss-Wolf, ED, Birnbaum Women's Leadership Network, NYU Law; Advocate and writer on issues of gender equity and politics
  
- Week 6
  - Date: May 1

- Topic: The State Legal Landscape After Roe Fell: Criminalization of Abortion
- Week 7
  - Date: May 8
  - Topic: Rebuilding Reproductive Rights Through Law and Policy
  - During this Class students should come prepared to “workshop” tough questions or thorny issues they are working through for their final policy proposal memo. We will use a portion of the class, working in small groups, as an opportunity to refine thinking and share feedback before final submission.
- Deliverables:
  - Active class participation
  - Opinion Essay: 750-1000 words on any reproductive rights issue. Identify a problem, why it matters, and advocate potential policy solutions – **April 14, 11:59pm**
  - **Final Policy Proposal Memo: May 12, 11:59 pm**

## Letter Grades

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

Letter Grade	Points
A	4.0 points
A-	3.7 points
B+	3.3 points
B	3.0 points
B-	2.7 points
C+	2.3 points
C	2.0 points
C-	1.7 points
F	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 major constitutional development in reproductive rights law in the United States.

### Readings Due

1. Syllabus
2. [The Constitutional Right to Reproductive Autonomy: Realizing the Promise of the 14<sup>th</sup> Amendment](#) (Center for Reproductive Rights) read pages 1-14
3. [The New Landscape of the Abortion Fight](#), Kate Zernike, *New York Times* (Dec. 10, 2022)
4. [Conservatives complain abortion bans not enforced, want jail time for pill 'trafficking'](#), [Caroline Kitchener](#), *The Washington Post*, (Dec. 4, 2022)

### Recommended Resources

- TBD

## WEEK 2: THE REPRODUCTIVE JUSTICE FRAMEWORK

**Guest Lecturer: Jeryl Hayes, Movement Building Director, If/When/How.** 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 a reproductive rights framework and approach to advocacy. 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*,
  - Read: [Excerpts of a Reproductive Justice History](#) and [Chapter 2: Reproductive Justice in the 21st Century](#) (stop after paragraph ending on first half of p. 96)
2. [Killing the Black Body, Dorothy Roberts, read only Chapter 7 The Meaning of Liberty](#) (p. 294-312)
3. [The Hyde Amendment: FAQ \(All Above All\)](#)

### Recommended Resources

- [Access, Autonomy, and Dignity: A Series on Reproductive Rights and Disability Justice](#) (National Partnership for Women & Families)
- [Action Toolkit: Advancing Reproductive Rights, Health, and Justice with Local Resolutions](#)
- Video: [Loretta Ross, Reproductive Justice as a Human Right](#) (Northwester Gender & Sexuality Studies Program Webinar)

## WEEK 3: MATERNAL HEALTH: A HUMAN RIGHTS APPROACH

**Guest Lecturer: Breana Lipscomb, Senior Manager Maternal Health & Human Rights, CRR.** This class will focus on the maternal health crisis in the United States, which disproportionately impacts Black and Indigenous women. We will consider learn from the readings and our guest lecturer about reproductive rights and human rights based approaches to advancing policy reforms and protecting maternal health and birthing justice.

### Readings Due

1. [Guiding Principles for Maternal Health Policy Change \(Center for Reproductive Rights\)](#)
2. [Maternal Mortality in Georgia](#) (GA House Budget & Research Office April 2019)
3. Fact Sheet: [Maternal Health in Georgia](#) (Center for Reproductive Rights August 2019)
4. [New Hospital Standards Announced to Fight Maternal Mortality](#), (11Alive Oct. 29, 2019)
5. Sam Whitehead, [States Extend Medicaid for New Mothers – Even as They Reject Broader Expansion](#), Kaiser Health News (June 17, 2022)
6. [Birth Equity Organizations and Scholars Amicus Brief](#) to Supreme Court in *Dobbs v. Jackson Women's Health* (Sept. 20, 2021)

### Recommended Resources

- Report, [Advancing Holistic Maternal Health Care for Black Women Through Policy](#) (Black Mamas Matter Alliance December 2018)
- TBD

## WEEK 4: CONTROLLING REPRODUCTION AND CRIMINALIZATION OF PREGNANCY

**Guest Lecturer: Dana Susman, Interim Executive Director, Pregnancy Justice.** In this class we will explore the criminalization of pregnancy and failure of courts to enforce constitutional protection against state efforts to control and penalize reproductive capacity. This includes a long history of coerced or forced sterilization and government efforts to prosecute and punish people for substance use during pregnancy, medical decisions or other conduct perceived as posing health risks to pregnancy and childbirth, and pregnancy outcomes.

### Readings Due

1. RRJS - Chapter 5: Coerced Sterilization of Mexican-American Women: The Story of *Madrigal v. Quilligan*, Maya Manian



2. RRJS Ch. 8: Pregnant While Black: The Story of Ferguson v. City of Charleston, Priscilla A. Ocen
3. [When Fetuses Gain Personhood: Understanding the Impact on IVF, Contraception, Medical Treatment, Criminal Law, Child Support and Beyond](#) (Pregnancy Justice 8/17/22)

#### Recommended

- [Decriminalize Abortion — Interrupting Criminalization](#)
- Lynn M. Paltrow; Jeanne Flavin, [Arrests of and Forced Interventions on Pregnant Women in the United States, 1973-2005: Implications for Women's Legal Status and Public Health](#), J. Health, Politics, Policy and Law (2013) 38(2)
- [Confronting Pregnancy Criminalization: A Practical Guide](#) (NAPW June 2022)

## WEEK 5: Connecting the Dots: Reproductive Rights, Gender Equality and Democracy

**Guest Lecturer, Jennifer Weiss-Wolf, Executive Director Birnbaum Women's Leadership Network; Co-Founder, [Period Equity](#).** Shaping or changing public opinion and narratives around socio-political issues is often foundational for achieving major legal and policy reforms. In this class we will look at examples from the reproductive rights and health context of how advocates have used media, messaging strategies, and public communications in the fight for legal change in the courts and through legislatures.

#### Readings Due

- [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)

#### Recommended Readings

- TBD

## WEEK 6: The State Legal Landscape After Roe Fell: Criminalization of Abortion

This class will address the implications of the Supreme Court decision overturning *Roe v. Wade*. Under the Court's decision in *Dobbs v. Jackson Women's Health*, the Court no longer recognizes a fundamental right to abortion as a matter of constitutional import and allows states to criminally ban abortion. The decision had immediate and devastating impact on the lives, health, and future of millions of people and their families, and created ongoing chaos for providers of reproductive and maternal health care. Legal and policy responses have been rapidly developing at the federal and state level. This class will focus on the current state of play in the states and emerging developments.

## Readings Due

1. [Dobbs v. Jackson Women's Health Organization](#), read Majority opinion (Justice Alito) and dissenting opinion (Justices Breyer, Kagan, and Sotomayor)
2. [State Constitutions and Abortion Rights](#) (read website summary or full report)
3. Emily Bazelon, [Risking Everything to Offer Abortion Across State Lines](#), NYT (Oct 4, 2022)

## Recommended Resources

- [After Roe Fell: Abortion Laws By State](#) (CRR)
- [Abortion State Court Litigation Tracker](#) (Brennan Center for Justice & CRR)
- Kate Zernike, [What Does 'Abortion Mean? Even the Word Itself is Up for Debate'](#), NYT (10/218/22)

## WEEK 7: BUILDING STRONGER PROTECTIONS THROUGH LAW AND POLICY

In this class we will consider various contexts in which advocates and lawmakers have sought to build stronger protections for reproductive rights through legislation. This includes laws to prevent discrimination against pregnant people, including in the workplace; proposed laws to ensure protections for reproductive autonomy, specifically abortion; and the development of policies to increase non-discriminatory and affordable access to assisted reproduction.

## 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)
- [The Pregnant Workers Fairness Act: Legal Background](#) (A Better Balance Feb. 1, 2020)
- [Passing & Protecting New York's Reproductive Health Act](#), National Institute for Reproductive Health (2019)
- [WHPA & EACH Fact Sheet \(Act for Women\)](#)
- [Infertility and IVF Access in the United States: A Human Rights Based Policy Approach](#) (Center for Reproductive Rights)

## Recommended Resources

- 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 799-803](#) (Statnews.com Oct. 2014)
- [Meeting the Moment Post-Dobbs: A Review of Proactive Abortion Policies Passed in States & Localities, June 24-October 1, 2022](#), NIRH (2022)

## 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 written assignments 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](#)