# Course Information

## U.S. Courts and the Making of Public Policy

**Class Number**

PLSI 0744

**Section**

01

**Semester**

Spring 2022

**Description**

Prerequisite: Graduate standing or permission of the instructor. Examine the ways U.S. court decisions affect politics and policy-making in various areas, and the ways citizens and interest groups shape legal outcomes. Topics may include legal activism and the impact of court decisions in areas such as civil rights, abortion, freedom of religion, voting rights, and gun control.

### Schedule Information

* Humanities Building 111 — **M** 16:00 to 18:45

# Instructor

## Amanda Roberti

### Contact

**Email:** aroberti@sfsu.edu

### Office Hours

Tuesdays 12pm – 2pm or by appointment

### About

PhD, Political Science – concentrations in Women and Politics, American Politics, Public Policy, and Public Law. My research focuses specifically on abortion policy in the US, reproductive justice, gender and rhetoric, conservative women in the US, and US states. MA, Political Science, Women’s and Gender Studies – Rutgers, Newark BA, Political Science, Philosophy – Kutztown University, PA Certified to teach in Women’s and Gender Studies Fun facts: I lived in Philadelphia for about 7 years, I’ve traveled across the country twice, I moved during the pandemic from New Jersey to work at SFSU, I’m an extreme plant lover, avid hiker, and hula hoop dancer! Most importantly, I have an adorable puppy named Pepper who is an iggyhuahua!

# Objectives

## Theorize Judicial Decision-making

Students will come to understand how SCOTUS justices make their decisions by way of differing schools of scholarly though on judicial decision-making.

## Evolution of Courts

Students will analyze the evolution of case law on social policy issues that have come before the court.

## Analyze Effects

Students will analyze the effects of SCOTUS decisions on social policy to see how court decisions have impacted populations of the country differently.

## Produce Original Research

Students will produce an original analysis as a culminating project derived from the semester long study of judicial decisions.

# Student Learning Outcomes

* Demonstrate critical analytical skills through the study of US constitutional and statutory case law.
* Demonstrate an expertise on differing schools of thought on the judicial decision-making process.
* Demonstrate an understanding of the reciprocal relationship between the public and judicial actors.
* Demonstrate the ability to work on a semester-long original political science research project.

# Materials

All other readings will be provided on iLearn

## (Required) *The Hollow Hope, 2nd Edition*

**Author(s)**

Gerald N. Rosenberg

**ISBN**

0226726711

# Activities

|  |  |  |
| --- | --- | --- |
| Name  | Contribution to Grade  | Description  |
| Case Briefs  | 25%  | Students will choose 5 cases to write case briefs on. For those who have never done case briefs before, I will provide a template. The briefs should be in your own words, free of legal jargon as much as possible. What we are looking for is: what happened to spur this case, what was its procedural history, what is the matter of law (or question), and how did the court decide, and what was their rationale? Choose the cases wisely. You can choose cases you are interested in, have knowledge of, want to know about, are doing your final on, are leading the discussion on, or choose around your schedule. All case briefs will be submitted via iLearn. Don’t leave this until the last 5 weeks!  |
| Discussion Leader  | 35%  | Students will choose one week in which to be the discussion leader for our scholarly readings. Pick a week you like! During that class time, the floor is yours! You will be responsible for briefly summarizing the reading, extrapolating the main analytical points, and developing questions for class discussion. This assignment may include a bit of outside reading as well if you feel like you want to delve deeper into one point. This is not just an exercise in repeating back what the reading was about, but to dive into the analysis. How does this reading connect with what we’ve been learning? What are the roots of the issue? Use your best critical and intersectional lenses to interrogate the material. The questions you develop should spark debate and discussion amongst your classmates, and help everyone discover the interrelated nature of systems of power.  |
| Final Paper and Presentations  | 40%  | Choose a topic for your final analytical paper. You can choose something from the syllabus or something off of it, but it should be on a matter that was before the SCOTUS. You will write an analysis of the issue, with a main thesis underlying. You may want to ask yourself: how did this issue arise, who championed or opposed it, who does it impact, how has it been challenged, how does it reinforce or dismantle hegemonic power dynamics? At the end of the semester, we will dedicate one day to brief (10 min or less) presentations of your papers.  |

# Grades

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| --- | --- |
|  |  |
| 100.00% - 93.00%  | A  |
| 92.99% - 90.00%  | A-  |
| 89.99% - 87.00%  | B+  |
| 86.99% - 83.00%  | B  |
| 82.99% - 80.00%  | B-  |
| 79.99% - 77.0%  | C+  |
| 76.99% - 73.00%  | C  |
| 72.99% - 70.00%  | C-  |
| 69.99% - 67.00%  | D+  |
| 66.99% - 63.00%  | D  |
| 62.99% - 60.00%  | D-  |
| 59.99% - 0.00%  | F  |

# Schedule

|  |  |  |
| --- | --- | --- |
| Date  | Topics & Activities  | Deliverables  |
| Week 1 (Jan 24)  | SCOTUS as Policymaker  | Read: Segal and Spaeth Intro  |
| Week 2 (Jan 31)  | How Justices Make Decisions  | Read: SCOTUS as a Strategic National Policymaker Hollow Hope Intro  |
| Week 3 (Feb 7)  | The SCOTUS Justices and Legitimacy  | Read: TBD  |
| Week 4 (Feb 14)  | Race and the Court  | Read: Plessy v. Ferguson Dred Scott v. Sanford  |
| Week 5 (Feb 21)  | Race and the Court  | Read: Hollow Hope Part 1 Brown v. Board of Education  |
| Week 6 (Feb 28)  | Race and the Court  | Read: Loving v. Virginia TBD  |
| Week 7 (Mar 7)  | Sex, Gender, and the Court  | Read: Buck v. Bell Skinner v. OK TBD  |
| Week 8 (Mar 14)  | Sex, Gender, and the Court  | Read: Muller v. OR Republican Motherhood (Kerber)  |
| Week 9 (Mar 21)  | Spring Break!  |  |
| Week 10 (Mar 28)  | Sex, Gender, and the Court  | Read: Hollow Hope Part 2 Griswold/Eisenstadt Roe v. Wade  |
| Week 11 (Apr 4)  | Sex, Gender, and the Court  | Read: Webster/Casey Gonzales v. Carhart TBD  |
| Week 12 (Apr 11)  | Religion  | Read: Hobby Lobby Little Sisters TBD  |
| Week 13 (Apr 18)  | LGBTQ Rights and the Court  | Read: Bowers v. Harwick Lawrence v. Texas  |
| Week 14 (Apr 25)  | LGBTQ Rights and the Court  | Read: Windsor/Obergefell Bostock v. Clayton Hollow Hope Part 4  |
| Week 15  | Democracy and the Court  | Read: Bush v. Gore Shelby Co. v. Holder Citizens United TBD  |

# Policies

## Plagiarism Policy

In this course, we will be employing software from TurnItIn.com as a tool for learning how to correctly cite resources. Turnitin.com is useful in helping to determine whether or not a writer is relying too heavily upon sources and whether a writer has given appropriate credit to an author or source. Students will be assigned a username and will be expected to submit their papers on the assigned due date to Turnitin.com, which in turn produces an “originality” report. This report will compare the student’s paper to content on the Web, to the Turnitin.com database of previously submitted papers, and to databases of common full-text journals. In creating an account, students agree that by taking this course, all required papers will be reviewed by Turnitin.com and acknowledge that their papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism. All identifiers (student name, ID #, etc.) will be removed from the paper before it is uploaded into Turnitin.com. Use of Turnitin.com services is subject to the Terms and Conditions of Use, which are posted on the Turnitin.com website.

## Accommodations for Religious Holidays Policy

The SFSU community recognizes and takes pride in the diversity of religious and spiritual backgrounds of its student body and strives to make every reasonable effort to give its students the opportunity to observe their recognized religious holidays. The Academic Senate Policy on the Observance of Religious Holidays indicates that, “The faculty of San Francisco State University shall make reasonable accommodations for students to observe religious holidays when such observances require students to be absent from class activities….” Refer to the policy for further information, including  implementation procedures, found here: <https://cs.sfsu.edu/sites/default/files/AcademicSenateSyllabiPoliciesSP09.pdf>.

## Syllabus Change Policy

Disclaimer: This syllabus is subject to change.

## Personal Identity Policy

All humans have the right to be addressed in accordance with their personal identity preferences. In some cases, you may prefer to be called by a name other than what is listed on the course roster. For example, you want to be called the shortened version of a name (for example, “Alex” as opposed to “Alexander/Alexandra”). Sometimes this means that though your given name might be coded as one gender, you identify as another, and use a different name and pronoun. In all cases, faculty will use the name you provide, rather than the name provided by the campus database. If you have reason to believe that your instructor may refer to you by an incorrect name or pronoun, please inform your instructor as to how you would prefer to be addressed (for example: she, he, they, ze, etc.) right away.

## How to Appeal a Grade

How to appeal a grade: <https://senate.sfsu.edu/policy/grade-appeal-practices-and-procedures-current>.

## How to Enroll in/Drop a Class

How to enroll in/drop a class: <https://cms.sfsu.edu/content/registering-classes>.

## University Grading Information

Information regarding grades: <https://cms.sfsu.edu/content/grades-student-information>.

## Course Culture

**My classroom is based on mutual respect.** Students need to **respect** the professor and other students in the course. Controversial topics may arise in political classes, opinions will likely differ, but the tone and tenor of class shall always remain cordial and civil. I seek to provide an intellectual environment where students can feel free to express their views without ideological or partisan oppression from the professor or other students. As this is college, we are all adults, and fully expect our conversations to reflect that fact.

## Academic Calendar

To review course drop, withdrawal, instruction dates, or other information related to important dates at the university, visit the SF State academic calendar, here: <https://webapps.sfsu.edu/public/webcal/acadcalendar>.

## Late Work Policy

Be sure to pay close attention to deadlines—there will be no make up assignments or quizzes, or late work accepted without a serious and compelling reason and instructor approval.

## Resilient Teaching and Learning Plan

Our campus community is often called to demonstrate compassionate resiliency by adapting and responding to a number of unexpected events, or disruptions, such as personal illness or injury, the COVID-19 pandemic, or unhealthy air quality and power outages due to wildfires. A disruption is a situation that will prevent you, me, or the entire class from participating in 'class as usual' for a reason we could not have predicted at the beginning of the semester. Our goal as a learning community is to do our best to keep teaching and learning with as little interruption as possible, so here’s my plan to keep teaching in the event of a possible class disruption:

**If I’m out:**

How I will communicate my absence: Via email (so be sure to check your sfsu emails often)

How I expect you to participate in my absence: Complete any assignments I indicate in my email.

Possible alternative assignments in my absence: Watch a documentary and reflect on it via an online forum.

**If you’re out:**

How you can communicate your absence: Please email me as soon as you know you’ll be out!

How you can keep pace with the course in your absence: Try not to miss more than 2-3 classes but check in with me to make sure you can make up any missed deadlines.

Possible alternative assignments in your absence: I am willing to extend deadlines for assignments.

**If the campus is closed:**

How I will communicate with students about next steps: Via email!

How the course will change: It largely will not – it will move to a synchronous online format. All assignments and responsibilities will stay the same.

Possible low-bandwidth assignments in case poor access: Reflections can be emailed.

For more information and to help you prepare to “Keep Learning,” visit the Instructional Continuity website.

The Instructional Continuity website provides a collection of resources on many topics that support teaching and learning during times of disruption and unforeseen events, including instructor planning guides on resilient teaching, teaching modalities, equity and inclusion, academic integrity, technology, and well-being.

## Class Attendance Policy

As this will commence in an online format, this will be a synchronous course. As such, students are expected to attend all scheduled zoom meetings as they would a regular in-person class. I would absolutely prefer web cameras on, as this allows myself, and your fellow classmates to fully engage. If there is a privacy issue, please reach out to me ASAP and we can discuss it.

As a rule, I don’t cunt attendance towards your grade. However, not attending class whether online or in person will negatively impact your grade in other ways. You won’t get the full explanation of the material, nor the brilliant discussions of your classmates. Students who miss classes typically fall behind, and misunderstand the material.

That being said, life happens, and I understand. Please notify me of any expected or unexpected absences and we will work together to keep you up to date in class.

# SF State Policies

## Disclosures of Sexual Violence (Title IX)

SF State fosters a campus free of sexual violence including sexual harassment, domestic violence, dating violence, stalking, and/or any form of sex or gender discrimination. If you disclose a personal experience as an SF State student, the course instructor is required to notify the Dean of Students. To disclose any such violence confidentially, contact:

* The SAFE Place – (415) 338-2208; [psyservs.sfsu.edu/content/safe-place](http://www.sfsu.edu/~safe_plc/)
* Counseling and Psychological Services Center – (415) 338-2208; [psyservs.sfsu.edu](http://psyservs.sfsu.edu/)

## Disability Access

Students with disabilities who need reasonable accommodations are encouraged to contact the instructor. The [Disability Programs and Resource Center](http://www.sfsu.edu/~dprc) (DPRC) is available to facilitate the reasonable accommodations process. The DPRC is located in the Student Service Building and can be reached by telephone (voice/TTY 415-338-2472) or by email to [dprc@sfsu.edu](http://mailto:dprc@sfsu.edu) .

## COVID-19 and Our Campus

Your health and safety are our paramount concern at SF State. We ask every member of our campus community to join a pledge to make and follow plans to keep fellow students, faculty, and staff safe and well. Feeling confident, safe and well will help you focus on your academic success. To participate in this class, all students are expected to:

* stay informed on the most up-to-date information related to SF State’s COVID-19 response and Campus Comeback plan
* plan ahead for possible class disruptions due to COVID-19 or other unexpected events, such as unhealthy air quality caused by smoke
* take care of yourself and others by staying home when you aren’t feeling well or believe you have been exposed to COVID-19, and
* follow all required health and safety guidelines, including verifying your proof of vaccination or exemption status before coming to class; and wearing a multilayered mask over your nose and mouth at all times when indoors on campus; and wash your hands as often as possible (i.e. soap and water, hand sanitizer).

For more information about SF State’s response to COVID-19 and how you can keep yourself and others safe and well, visit the [Campus Comeback Website](https://together.sfsu.edu/) . To plan for how you will maintain your academic success when unexpected events disrupt regular teaching and learning activities, follow the information on the course syllabus and consult the Keep Learning guide.

Per Academic Senate policy resolution SU21-292