POLI 439 Special Topics: COVID-19 and Climate Change in Courts (and in Contexts)
University of Maryland, Baltimore County
Fall 2021

Meeting room: Public Policy

Syllabus

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Office Hours: Thursdays 4-6 and by appointment
                (on webex unless we agree otherwise)
                Schedule your own appointment!

Course Description and Objectives:

This course will work through actors in managing COVID-19, and we will touch on environmental questions as well. We will center courts, but to understand courts we will need to also set management questions in context. The courts are significant political actors, but often neglected. The pandemic saw many cases filed about business closures in the states, about insurance claims, and about refunds. Threats about liability for injuries at work colored political debates, In climate change questions, many have pinned hopes on court decisions about climate change, and court They have been gaining attention recently as lawsuits about climate change both in the United States and in Europe have worked through courts. The course uses these lessons to analyze policy and political debate on contemporary policy issues, primarily but not exclusively on the COVID-19 pandemic.

By the end of this course, you should be able to address courts and public policy problems in politics in key public policy problems in the abstract as well as to apply that knowledge in order to:

- Describe resources and opportunities required to take a lawsuit;
- Describe key actors, events, reasoning, and media representations of a critical public policy problem in court.
- Read through a judicial opinion from an appellate court;
- Develop research and writing skills to effectively communicate the above.

This course thus facilitates your achievement of POLI Student Learning Objective #1: "Describe and apply basic political science information, concepts, and theories" as well as Learning Objectives #2, "Demonstrate effective oral and written communication in

political science," and #4, "Examine, evaluate, and construct arguments about political affairs and/or solutions to political problems in ways that demonstrate analytical and critical thinking."

NOTE: Some of the issues we will discuss could well be troubling personally to you. They are difficult, including managing the pandemic, environmental loss, and inclusion and exclusion in national communities. Please be sure to check in with each other, and with the counseling center if you need to.

Required Texts:

- We will be working with readings. Links are below, and in Blackboard. Some few texts may require that you buy them.
- Readings should be available through Blackboard.
- Daily reading of a major newspaper (*Baltimore Sun, Washington Post, New York Times*). You can have paper copies from the Commons. You can also access the *Baltimore Sun* electronically via UMBC.
- If you know of youtube videos or podcasts that illuminate an issue, including actors in a policy process, or something concerning amplification of a way of seeing a policy, share it with the class. You can email everyone via Blackboard. Social media have been extremely important in shaping perceptions about the pandemic, and about governing more generally. If you have an analytical piece to share, or an illustration of analytical pieces, please do.

Students need to come prepared to discuss in each class. I will assign you into groups of 3 where you will work for the term. Part of the participation grade will be your assessments of each other. Please have assigned readings with you each day. When we discuss readings, we will need to refer to them. Working through ideas requires working closely with a text.

We will check in about relevant news each day, particularly focused on the pandemic and on climate change. Each time, pick a policy area and think about the actors and actions represented in the news. Think about and come prepared to discuss how the actor is framing issues (what is the problem? How is it described? What kinds of arguments are made—appeals to logic, to emotion—and with what kind of evidence? What solutions are proposed?), what contrasting frames might be, how reports and news items might be building a case for a policy, who is quoted or otherwise relied upon, and why. Also think about different levels of government: local, regional, national supranational.

Policies:

Academic Integrity: By enrolling in this course, each student assumes the responsibilities of an active participant in UMBC's scholarly community in which everyone's academic work and behavior are held to the highest standards of honesty. Cheating, fabrication, plagiarism, and helping others to commit these acts are all forms of academic dishonesty,

and they are wrong. Academic misconduct could result in disciplinary action that may include, but is not limited to, suspension or dismissal. To read the full Student Academic Conduct Policy, consult the UMBC Student Handbook, the Faculty Handbook, or the UMBC Policies section of the UMBC Directory.

Accommodations for Students with Disabilities: I am happy to make those accommodations authorized by Student Disability Services for any student registered with a disability. To arrange for accommodations, please contact Student Support Services (5-2459 or disAbility@umbc.edu) and notify me of your needs as soon as possible.

Title 9: As an instructor, I am considered a Responsible Employee, per UMBC's Policy on Prohibited Sexual Misconduct, Interpersonal Violence, and Other Related Misconduct (located at http://humanrelations.umbc.edu/sexual-misconduct/umbc-resource-page-for-sexual-misconduct-and-other-related-misconduct/). While my goal is for you to be able to share information related to your life experiences through discussion and written work, I want to be transparent that as a Responsible Employee I am required to report disclosures of sexual assault, domestic violence, relationship violence, stalking, and/or gender-based harassment to the University's Title IX Coordinator.

As an instructor, I also have a mandatory obligation to report disclosures of or suspected instances of child abuse or neglect (www.usmh.usmd.edu/regents/bylaws/SectionVI/VI150.pdf).

The purpose of these reporting requirements is for the University to inform you of options, supports and resources; you will not be forced to file a report with the police. Further, you are able to receive supports and resources, even if you choose to not want any action taken. Please note that in certain situations, based on the nature of the disclosure, the University may need to take action.

COVID-19: We are bound by Maryland's university system guidance as UMBC interprets it. Requirements may change, so we all have to pay attention to announcements and be willing to adapt. Information here.

Late Assignments: Assignments not submitted by the start of class are counted as late. Though I accept assignments up to one week past their deadlines, I deduct 5% for each day that an assignment is late, beginning at the time the assignment is due and increasing every 24 hours.

Make-up Exams: In general, I do not give make-up exams or quizzes. I also do not extend the time for completing an exam for students arriving late. Students confronting *serious, compelling circumstances beyond their control* that prevent participation in an exam or quiz must contact me as soon as possible BEFOREHAND and must be prepared to document the situation.

I reserve the right to change the syllabus to accommodate events—for example, we are still amidst a global pandemic—or to accommodate the pace of the class or significant readings. You must pay attention to the syllabus, email and announcements on Blackboard. Please note that we will have in-class written assignments that will be part of your participation grade.

Grading and Assignments:

Your final grade will be calculated as follows:
- Short written assignments (in syllabus)- 25%
- In class Exercises (pandemic; wilderness): 10% each
- Final project: 35% (5% problem statement; 5% annotated bibliography, 5% rough draft and peer review; 20% final draft and presentation)
- Participation (including posting to discussion boards and writing done in class)– 30%

I use the following grading scale: A (90-100), B (80-89), C (70-79), D (60-69), F (0-59). Consistent with the undergraduate catalog, an A indicates "superior achievement," a B indicates "good performance," a C indicates "adequate performance," a D indicates "minimal acceptable achievement," and a grade of F indicates "failure."

I will post further guidance for the longer project in a folder in Blackboard. We will also go over guidance in class.

Short Written Assignments: Note that there are short assignments in the syllabus. There is a guide in the folder in Blackboard.

When we have multiple readings, you may focus on two. If we have two longer scholarly journal writings, you can focus on one. It may be helpful to you to share readings with your fellow students and brief each other.

Participation: The participation grade is my assessment of the overall quality of your contributions. Contribution quality is based on a) attendance, b) attentiveness, c) class preparation (assessed through oral discussion), d) the quality (and to a lesser extent, the quantity) of the information, ideas, and arguments you share with the class orally or in discussion boards and e) the manner in which you treat your classmates during discussions.

There are 10 class sessions in which you could post to the discussion board because we have readings to do ahead of time and we have not set a different task for class. If you post thoughtful reflections that address arguments and evidence in readings for 7 class sessions (250 words post), you will do well for that section.

Participation will also include short in-class reflection assignments, including 'one minute papers,' where students have an opportunity to state the muddiest point or the main point from class.

Course Schedule:

Tuesday, Aug. 31: Introduction and Overview

> In addition, please be familiar with the guide to critical reading available on Blackboard. A good response will be about 250 words (1 double spaced page using font size 12 and standard margins).

Tuesday, Sept. 7: Introduction to Institutional Structures in Public Policy Processes in the Pandemic
> Overview of institutions and decisions: Katella, Our Pandemic Year
> Peter Baldwin, *Managing the First Wave* (Blackboard) (excerpts)
> Michael Lewis, *The Premonition* (Blackboard) (excerpts)
> Global Health Security Index (2019) (Blackboard) (excerpts)

> **Discussion Board prompts**: Who are the significant actors as writers report them? How do they differ? What do writers argue is significant in managing a pandemic? Who is included? Who is left out? Who or what else might be significant? (By all means, draw on your experience as relevant).

Tuesday, Sept. 14: Racializing/Engendering Identity and Politics
- Behl, *Gendered Citizenship*, pp. 34-73.
- Berry et al., "White Identity Politics"
- Kaiser Family Foundation, Attacks on Public Health Officials
- Kaiser Family Foundation, Vaccination rates and demographics
- Ady Barkan on health care (Bbd)
- Podcast: 99% Invisible: Invisible women
  https://99percentinvisible.org/episode/invisible-women/

> **Discussion Board prompts** How might the activation of racial identities in politics shape public policy? Political science has historically treated advocacy about policy as a matter of ideas and interests. However, the physical experiences relevant to policies are featured in advocacy and in legislation: in representations of abortion, in experience of lgbt people, of transgender people, and in disability policy. How to think about the significance of bodies and experiences in framing public policy? Can you think of at least 3 different ways bodies have been significant in COVID-19

We will also go through case briefing for opinions from final courts of appeal, to prepare you for next week and readings you may do for your bigger project.

Assignment, posted to Blackboard by class this day: Use the guide posted to Blackboard to map the central arguments of one of the two articles (either Behl or Berry et al), and the evidence the author(s) use.

Tuesday, Sept. 21: Controlling Institutions: Judicial Appointments

- The courts: On Senator McConnell and judicial appointments – Boghani – "How McConnell and the Senate Helped Trump Set Records in Appointing Judges"
    - https://www.pbs.org/wgbh/frontline/article/how-mcconnell-and-the-senate-helped-trump-set-records-in-appointing-judges/
- Supreme Court of the United States, *Jacobson v. Massachusetts* (1905); *Roman Catholic Diocese of New York v. Cuomo* (2020) (excerpts posted on Blackboard)

Discussion Board prompts A hallmark of politics in the United States in recent years has been controlling federal judicial appointments, particularly since the Senate has found it difficult to legislate. What have they accomplished? How would we evaluate diversity in the courts?

Note: It is ALWAYS worth going to the original source rather than reading a digest of court decisions. I will have discussed this in the first session. Remember that summaries are just that, and a goal for learning is for you to develop your abilities to read, summarize and critique work.

Assignment, posted to Blackboard by class this day: Post a brief per our discussion and instructions of the Supreme Court decision in *Roman Diocese v. Cuomo* (2020) or one of the earlier religious closure cases.

Tuesday, September 28: What do the courts do: comparative judicial politics (drawing on environmental issues as well as the pandemic)

Vanhala, Legal Mobilization and Climate Change
Cases filed in the pandemic in the United States (Coronavirus Complaint Trackers, Insurance and general)

Discussion Board prompts What is legal mobilization? What is required to bring courts to an issue? How would we expect to see variation? What questions does this lead you to in the issue you will be addressing for your final project? What do

we assume about court decisions and cases that are dismissed or reach an agreement? How would we be able to tell?

Tuesday, October 5: How do policy proposals gain attention? Do they need to work through the national political institutions?

- Kenney, "Gender on the Agenda" (Bbd)

Assignment, posted to Blackboard by class this day: use the guide posted to Blackboard to map the central arguments of the article, and the evidence the author uses.

Tuesday, October 12 Managing in the Pandemic in the states
    Speaker: Matt Clark, UMMS
        Mr. Clark served as Governor Hogan's chief of staff in the first months of the pandemic.
    Yong, "How the Pandemic Now Ends," *The Atlantic*

    Discussion Board prompts: Who are key actors? Reflect back on readings done in the first class session. Do different people describe who key actors are differently?

Tuesday, October 19: Social Media and Public Policy (Pt. 2)

- **Case Study:** Planned Parenthood and Susan G. Komen
- Collins-Dexter, "Canaries in the Coal Mine" (2020) (on misinformation and the pandemic)
- Collins and Frenkel, Can you spot the deceptive Facebook post?
https://www.nytimes.com/interactive/2018/09/04/technology/facebook-influence-campaigns-quiz.html

    Discussion Board prompts: How do new media play a role for advocacy organizations? What challenges do new media raise for publics? How to assess information for trustworthiness? Are the examples of information you have seen in the pandemic that you can describe how you assess and why?

Tuesday, October 26: NASPAA pandemic management exercise

    o **Assignment, to be posted November 2: Post-exercise reflection essay (2 pages):** Who are the relevant actors? What are the difficult choices?

Based in your observations over the last 18 months, and what you have learned so far, would you want to advise NASPAA if they were looking to revise the simulation?

Tuesday, November 2: Information in Climate Governance

- National Climate Assessment (2019) (choose a chapter and read through it. Notice the structure of the chapter: what kinds of data, what kinds of actors, what kinds of stories. Look at the front matter. What experts are involved?) https://nca2014.globalchange.gov

- Goldberg et al., Segmenting the Climate Change Alarmed (Yale Program on Climate Change Communications)

Discussion Board prompts: How does the National Climate Change Assessment describe a changing climate? What types of evidence and strategies do they rely upon? How do people in the United States vary in their perceptions of climate change? What significance might that have?

Tuesday, November 9: Advocacy in Court: Climate Change and Fossil Fuel Companies

Dillen, "Litigating in a Time of Crisis" in *All we can Save*
Klippenberg, "Climate Change Lawsuit" Human Rights Watch
Youth for Climate Justice, Complaint against 33 countries
Mothers of Invention, "How to Sue Your Country" Season 3 Minisode 4

Discussion Board prompts: Think about court cases as story telling endeavors. They select out actors and actions, sequenced over time, out of all the actors and events that could be held out. People craft cases very deliberately. Who do you see as included or excluded in how claims are made? Who are the actors to be held responsible? How are they to be held responsible? Do you see a contrast in types of suits?

(Sometimes it's easier to see who the actors and events are by contrasting with another way of seeing. For example, settlements against insurance companies are part of governing climate-related disasters. These are not the actors featured in cases concerning climate change and fossil fuels).

Tuesday, November 16: Venue Shopping and Environmental Management

- Pralle, Choosing a Venue and policy change in forestry (Bbd)

Assignment, posted to Blackboard by class this day: use the guide posted to Blackboard to map the central arguments of the article, and the evidence the author uses.

Tuesday, November 23: Workshopping and Peer Review of Rough Drafts

Tuesday, November 30: Wilderness Negotiation Exercise (Evans Hallway)

Assignment, posted to Blackboard by class this day: use the guide posted to Blackboard to map the central arguments of the article, and the evidence the author uses.

Tuesday, December 7: Student Presentations