FALL SEMESTER 2020 CONSTITUTIONAL LAW 1 SYLLABUS THURGOOD MARSHALL SCHOOL OF LAW (Due to the COVID 19 Pandemic this syllabus is subject to change)

LAW 512 SECTION 2

NAME: Professor L. Darnell Weeden

Telephone: (713) 313-4249

E-mail address: Larry.Weeden@tmslaw.tsu.edu (preferred method of contact is email)

Office Location TMSL 236L

Virtual Office Hours: Monday Wednesday Friday 9:00 A.M. – 10 A.M., 1:00 P.M.-2:00 P.M. and 5 P.M. – 6:30 P.M.

Class Time Monday, Wednesday & Friday 4:00 P.M. - 5:00 P.M.

This Class is synchronous and you are expected to be online from 4:00 to 5:00 for “class time.”

Virtual Class Location Blackboard Collaborate Ultra

https://texsu.blackboard.com/webapps/login/

Student Username Is: last name + first name initial + last 4 digits of T#

Student password is: 6 digit birth date (MMDDYY)

Physical Class Room Location

Thurgood Marshall School of Law Room 203

Blackboard Help

For Blackboard troubleshoots dial Mark L. Wright a 713.313.7227
Required Technology: Due to the nature of this course you will need a computer, access to the internet and a webcam. A webcam is needed for Respondus Lockdown Browser. The Respondus Lockdown Browser will assist in securing online exams in classrooms or proctored environments.

Course Book:

Highly Recommended Supplemental Reading: Case Analysis and Fundamentals of Legal Writing, by Williams P. Statsky & R. John Wernet, Jr. (any available edition). According to Statsky & Wernet, “No one has devised a universally accepted method of acquiring the skill of reading and applying court opinions. …This book, however, starts with the assumption that much can be learned about opinions and their jurisprudential context before confronting thousands of them in the reporters and casebooks. The beauty of a court opinion is the wealth of learning it can provide about legal analysis and our legal system. This learning is the foundation for the development of the skills of reading and applying opinions.” Students are expected to read the notes following the cases in the textbook. The supplementary reading” in this syllabus is typically very helpful in developing strong legal analysis clarifying the process of identifying specific legal issues. From time to time, other reading material may be assigned.

Course Description
Introduce basic theories of Constitutional Law, including policy considerations. There will be an in-depth study of judicial review, limitations on judicial review, national power, state powers, executive and congressional relations, procedural due process, substantive due process, equal protection, and state action.

Course Objective
The objective of this course as stated by Kathleen M. Sullivan and Noah Feldman, the authors of the casebook, is that any student learning constitutional law in this class will be readily equipped to practice it. This class will pursue Sullivan’s and Feldman’s goal of uncovering and explaining the rules, standards, and policies that inform practice before the Court as much as it strives to provide an analysis of the Court’s evolving constitutional law doctrine.
**Student Learning Outcomes**

After successful completion of the course, students should be able to competently:

1) Analyze appellate opinions involving Constitutional Law in order to extract relevant principles and rules, draw analogies and distinctions, and develop legal arguments

2) Articulate important doctrinal rules, standards and principles of Constitutional Law from memory, explain what they mean and provide appropriate examples

3) Demonstrate a practical understanding of Constitutional Law by recognizing commonly encountered issues and applying relevant standards and rules when presented in hypothetical and unfamiliar fact patterns

4) Communicate, orally and in writing, appropriate legal and factual arguments in support of each side of controversies involving commonly encountered problems and issues in Constitutional Law

**GRADING**

Your final grade will be based on the following:

<table>
<thead>
<tr>
<th>Exam #1 Friday September 11</th>
<th>25%</th>
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<tbody>
<tr>
<td>Exam #2 Friday October 9</td>
<td>25%</td>
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<tr>
<td>Final Examination</td>
<td>50%</td>
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100%

**PARTICIPATION**

Class Participation: Each student is required to read the assigned materials before they are discussed in class in order to contribute to the class discussion of the cases and related policy concerns. No points are awarded for the act of participating in the class discussion. Some of the cases may be assigned to individual students in advance.
ATTENDANCE

Students are expected to attend this synchronous online class on a regular basis. The grade of any person who has been absent from class more than five (5) times during the semester may be lowered one (1), two (2), or three (3) grades depending on the number of excess absences. Excessive absence from class may result in administrative withdrawal from the course. The number of absences a student may accumulate in a semester before the administration withdraws a student from class defines excessive absence. Absence is defined as a failure to attend class, or failure to be present at the start of this synchronous class without a reasonably appropriate justification. The number of absences permitted in a three-hour course this semester is five.

PROFESSIONALISM

Electronic Devices: Laptop computers, tablets, or mobile devices may be used for assessing your e-textbook and for class-related note taking and reference. During class, however, it is inappropriate to use those devices for any other propose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Use of a laptop, tablet, or mobile device, use of approved ear plugs in class is a privilege. In addition to any other sanction, the use of these devises may be rescinded, individually or collectively, if it is abused. Cell phones, smart watches, and similar devices must have the ringer turned off (or the volume muted).

Classroom Conduct: Students are expected to demonstrate professionalism while attending class. You must respect your classmates at all times. Refrain from excessive side conversations or other distracting conduct during class. It is important that you do not the classroom during instruction. Once class begins, you should remain seated and fully engaged in the discussion. If you have a medical condition that requires you to regularly leave after class has begun, please Dean Mouton for approval. Otherwise, such disruption of class will be considered as unacceptable.

READING ASSIGNMENTS

WEEK 1 (August 10-14) pp. 1-74

The Supreme Court’s Authority and Role; The Power of Judicial Review; Supreme Court Authority to Review State Court Judgments Constitutional: Judicial Exclusivity in
Constitutional Interpretation; Constitutional and Prudential Limits on Constitutional Adjudication: The “Case or Controversy” Requirements

WEEK 2 (August 17-21) pp. 75-160

Federalism History and Principles; enumerated powers and McCulloch v. Maryland; The Limits On the Necessary and Proper Clause; The Location of Sovereignty In The Federal System; Values Served By Federalism; The Commerce Power and its Federalism-Based Limits; The Commerce Power before the New Deal; The Commerce Power after the New Deal; The Contemporary Commerce Power

WEEK 3 (August 24-28) pp. 160-239

The Contemporary Commerce Power; The Tenth Amendment as an External Constraint on the Federal Commerce power; State Sovereign Immunity and the Eleventh Amendment; The National Taxing and Spending Powers and their Federalism-based limits; the Taxing Power as a Regulatory Device; Federal Limits On State Regulation of Interstate Commerce; the Dormant Commerce Clause;

Week 4 (August 31 – September 4) pp. 239-315

The Dormant Commerce Clause; The Interstate Privileges and Immunities Clause of Article IV; Congressional Ordering of Federal-State Relationships by Preemption and Consent; Other Aspects of Federal-State Relationships; Separation of Powers; Executive Assertions of Power;

Week 5 (September 7-11) pp. 315-345

Executive Assertions of Power; Congressional War and Treaty Powers, and the Implied Power over Foreign Affairs; Executive and Congressional discretion in times of war on terrorism Friday September 11 Exam #1

***No Class Monday Labor Day
Week 6  (September 14- 18) pp. 345 - 424

Executive and Congressional discretion in times of war on terrorism; Congressional authority to restrain and Enable the Executive

Week 7  (September 21 – 25) pp. 424 - 504

Executive Privileges, Immunities, and Congress’s Power of Impeachment; The Post-Civil War Amendments and the “incorporation” of Fundamental rights; Individual Rights before the Civil War; The Post-Civil war Amendments; The “Incorporation” of the Bill of Rights Through the Due Process Clause; Due Process; Substantive due process and Economic Liberties;

Week 8  (September 28 – October 2) pp. 504 - 583

Due Process; Substantive due process and Economic Liberties; Substantive due process and Privacy

Week 9  (October 5—9) pp. 583-649

**Midterm Exam Friday October 9 Exam #2**

Substantive due process and Privacy; Procedural Due Process and the right to a hearing; Textual Guarantees of Economic Liberties: The Takings Clause and the Contract Clause; Equal Protection; Minimum Rationality Review of Economic Regulation

Week 10  (October 12-16) pp. 649-729

Equal Protection; Minimum Rationality Review of Economic Regulation; Race Discrimination;

Week 11  (October 19 – 23) pp. 729-813
Race Discrimination; Sex Discrimination; Discrimination Based on other Potentially “Suspect” Classifications; the “Fundamental Interests” Branch of Equal Protection

Week 12  (October 26 - 30)  pp. 813-892

The “Fundamental Interests” Branch of Equal Protection; Congress’s Civil Rights Enforcement Powers; the Civil Rights statutes of the Reconstruction Era; The Requirement of State Action; Congressional Power to Reach Private Interference With Constitutional Rights; Congressional Power to Enforce Civil Rights Under the 14th and 15th Amendments

Week 13  (November 2-6)  pp. 892-929

Congressional Power to Enforce Civil Rights under the 14th and 15th Amendments

Last Day of Class Wednesday November 4

*Reading Period November 6 (No Class Friday)

Week 14  (November 8 – 14)

Final Examination Period

Week 15  (November 15-21)

Final Examinations End Thursday Nov. 19

Commencement Saturday Nov. 21

ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you, as soon as it has been made aware of your situation.
Contact Dean Virgie Mouton (Student Affairs) if require any special accommodations regarding any of the assuagements, including, but not limited to, extensions, note-taker, etc. You must contact Dean Mouton before the related assignment is due.

Dean Mouton
Assistant Dean for Student Development and Academic Support
Phone: 713 313-7909
Email: Virgie.Mouton@tmslaw.tsu.edu

Please see:

POLICIES & PROCEDURES

Student rules and regulations govern the management of the Thurgood Marshall School of Law. These rules and regulations are derived from requirements for the Accreditation of the law school by the American Bar Association. Texas Southern University and the Faculty of Thurgood Marshall School of Law require compliance with these rules. The rules adopted by the Faculty are amendable by a majority vote of the faculty. As law students and future lawyers, each of you should read carefully these rules and maintain the copy you received for future reference while enrolled as a student at the law school. A copy of this document is posted on the law school’s web-site at www.tsu.edu/academics/law under Students Affairs.

The Thurgood Marshall School of Law is a full time day program. Students are expected to devote full time to law study. Employment is strongly discouraged for first year students. In no event may any student work in excess of 20 hours per week during the academic year. If you should have any questions about these rules and regulations you are strongly encouraged to discuss them with your professors and/or any member of the administration of the law School.

Every law student, from the date of admission to graduation shall be charged with Knowledge of all provisions of the Student Rules and Regulations. A copy shall be posted on the law school’s web site and remain there throughout each Academic Year. Hard copies will be placed in the office of the Student Bar Association, the office of each currently registered Student organization, the office of
Assistant Dean for Student Development, the office of each administrative law school department, and to each member of the faculty.

Assessment Description

The primary format for your examinations will be mostly objective but may also include a timed essay on your midterm exam. All of the questions are designed to help you develop the legal reasoning skills necessary to development effective legal arguments. It is highly recommended that you prepare for these exams by reviewing the assigned reading as well as the material covered in class. The professor will give Examination #1 on Friday September 11 will include consist of 25 objective multiple choice questions. Examination #2 on Friday October 9 will consist of 22 objective multiple choice questions and a 3 point timed essay. Exams and reviews may be scheduled throughout the semester at times, other than when the class meets. A separate schedule of dates and times may be announced in the future. Practice exams may be administered throughout the semester to support you in developing your legal analysis skills. The two exams and the final exam at the end of the semester are mandatory. Failure to take a mandatory exam may result in a reduced or failing final grade. Excessive absences and lack of preparations may result in a lower grade in this course.

THURGOOD MARSHALL SCHOOL OF LAW
TEXAS SOUTHERN UNIVERSITY ACADEMIC CALENDAR 2020 – 2021

FALL SEMESTER 2020 (Modified 13-Week Schedule)

Orientation (online) Mon-Fri August 3 – 7, 2020
First Day of Class Monday August 10, 2020
Last Day to ADD/DROP Wednesday August 12, 2020
Labor Day (NO CLASSES) Monday September 7, 2020
Purge of all unpaid course selections Monday September 14, 2020
Mid Term Examinations Mon – Fri October 5-9, 2020
Last Day to Drop a Class with grade of “W” Friday October 30, 2020
Last Day of Classes Wednesday November 4, 2020
First Year Professors’ Grades due Wednesday November 4, 2020
Reading Period (NO CLASS) Thurs- Sun November 5-8, 2020
Final Examinations Mon – Thu Nov 9 – 19, 2020
Commencement Exercises Saturday November 21, 2020

Please note that the calendar events and/or dates are subject to change.

Updated July 1, 2020

SPRING SEMESTER 2021 **TBA
HEALTH AND SAFETY ON CAMPUS

1. Students are expected to continuously self-screen for the symptoms of COVID-19. The Center for Disease Control has a list of COVID-19 symptoms: https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html. If you begin to show symptoms, notify your professor and leave the classroom. Limit contact with other individuals on campus and contact your healthcare provider for further guidance.

2. If, before coming to campus, a student starts exhibiting any symptoms of COVID-19 or does not feel well, the student should not attend class in person. The student should immediately notify the Assistant Dean for Student Development (virgie.mouton@tmslaw.tsu.edu) and attend classes online.

3. Students who have been sick with COVID-19 symptoms, tested positive for COVID-19, or have been potentially exposed to someone with COVID-19 should attend classes online until they are cleared by their healthcare provider. The following is taken from the TSU & Coronavirus FAQs, http://www.tsu.edu/about/administration/marketing-and-communications/coronavirus/faqs.html:

   Those who have recently traveled internationally or believe they have been exposed to the virus and are experiencing influenza-like illness, with fever greater than 100.3, and symptoms, including cough, body aches, severe sore throat or runny nose, should seek medical attention, especially if symptoms worsen.
Students should contact TSU Health Services (713-313-7173) and identify themselves as having flu-like symptoms to obtain further recommendations and guidance. Students should also consult with their regular health care provider or seek treatment at a local health center if they are overseas. Please call ahead to your health care provider to notify them of the reason for your visit.

For additional information about COVID-19, including signs and symptoms, transmission and risk of exposure, and what to do if you are exhibiting symptoms, please refer to the resources section. The CDC’s website and Texas Department of State Health Services (DSHS) will also issue guidance for those planning to travel or who have recently returned.

4. While on campus and in classrooms, students should observe the rules for social distancing, social health etiquette, and general cleanliness.
   a. Students should practice hand hygiene, cough etiquette, and general cleanliness.
   b. Students should maintain at least 6 feet separation in all directions from other individuals.
   c. Face coverings (over the nose and mouth) are required for all students. Students without a face covering will not be allowed to enter the classroom. Students with an approved exemption and who notify their professor before the start of class may be allowed to wear a face shield instead of a face mask.
   d. Students should wash or disinfect their hands before each class and after any physical interaction with other persons in the classroom.
   e. Students should maintain classroom cleanliness. Students should create a clean classroom environment by putting away unnecessary personal items and cleaning their seating area intermittently.
   f. Students should not expect to enter the Law Building on a day other than the designated day for in-person attendance for an enrolled course. Entry will be permitted only if administration can determine that the maximum occupancy for COVID-19 social distance protocol has not been exceeded.
   g. Students who do not comply with the rules for social distancing, social health etiquette, and general cleanliness may be subject to discipline up to expulsion from law school.
ATTENDANCE POLICY

5. Students are required to attend classes consistent with the format of the enrolled course.
   a. Hybrid – instruction for courses in this format is delivered in person and simultaneously online. Enrolled students are divided into groups and required to attend weekly in-person classes on the weekday(s) predetermined by administration for the designated group. Students may only attend in-person classes on the administration-determined day to ensure that all enrolled students are guaranteed a physical seat for the class. Other class days for the week are to be attended online. Students who have COVID-related health and safety concerns in attending in-person classes must obtain a remote-instruction waiver from the Office of Student Affairs. The waiver can be requested for the entire semester or temporary, based upon the personal circumstance of the affected student.
   b. Online – instruction for courses in this format is delivered 100% online.
   c. For the 100% online course and the hybrid course online instruction component, both the American Bar Association and the Law School rules obligate the professor to obtain assurance that the person who logs into the course online, participates in class, takes quizzes and exams, and engages in collaborative exercises, is the student enrolled in the course. Without being limited to the following methods of attendance verification, professors may require attendance to be contingent upon confirmation of identity via webcam or require webcams to remain on for the entire class period.