

**THURGOOD MARSHALL SCHOOL OF LAW 2018 SPRING SEMESTER
CONSTITUTIONAL LAW II SYLLABUS PROF. WEEDEN LAW 513 SECTION 2**

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Office Hours: Office Hours:M W F 1:00 P.M. - 4:00 P.M.

CLASS MEETS - M W F 10:00 - 10:50 A.M. in ROOM 208

REQUIRED TEXT(S) **Required textbook:** Constitutional Law Nineteenth Edition
(2016) by Kathleen M. Sullivan and Noah Feldman and Latest Available Supplement

Recommended Reading: Case Analysis and Fundamentals of Legal Writing, by Williams P. Statsky & R. John Wernet, Jr. (any available edition)

COURSE CONTENT The goal of the course content is to examine constitutional law cases and other materials to study the policy issues involving rights implicated by the First and Fourteenth Amendments of the United States Constitution. One purpose of examining constitutional law cases is to motivate a learner to reflect analytically about First and Fourteenth Amendments questions. This class will attempt to engage in the process of philosophical thinking, problem solving and case analysis about a variety of relevant constitutional law issues. Hypothetical problems and newspaper articles may be distributed and discussed in class periodically. We will focus on some of the constitutional issues facing policy makers who attempt to tackle the growing problem of balancing free speech and homeland security with advances in technology. We shall debate some of the major legal and social issues presented in circumstances implicating the clear and present danger test and commercial speech under the Constitution. This class evaluates how government restricts freedom of speech. In this course the students explore how the First Amendment restricts the government's ability to suppress complementary freedom of expression rights. Complementary freedom of speech rights include the right not to speak, freedom of association, the role of money in political campaigns and the freedom of the press. Students study the religion clauses: free exercise and establishment. Students learn that the First

Amendment guarantees are “incorporated” as against the states through the Due Process Clause of the Fourteenth Amendment.

COURSE REQUIREMENTS each student is expected to have read the assigned materials before they are discussed in class. Some of the cases may be assigned to individual students in advance. In addition, students are expected to read the notes following the cases. Students are expected to attend class on a regular basis. The grade of any student who has been absent from class more than five (5) times during the semester may be lowered one (1) or two (2) grades depending on the number of excess absences. Excessive absences and lack of preparation may result in the course grade being lowered.

Course Objective

An objective of this course is to identify specific legal issues in order to analyze some of the public policy considerations involved in the establishment and the development of constitutional principles under relevant provisions of the First and Fourteenth Amendments of the Constitution.

Student Learning Outcomes

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

- 1) Analyze appellate opinions involving relevant provisions of the First and Fourteenth Amendments in order to extract relevant principles and rules, draw analogies and distinctions, and develop applicable legal arguments.
- 2) Articulate important doctrinal rules, standards and principles of relevant provisions of the First and Fourteenth Amendments from memory, explain what they mean and provide appropriate examples.
- 3) Exhibit a practical understanding of relevant provisions of the First and Fourteenth Amendments by recognizing commonly encountered issues and applying relevant standards and rules when presented in a hypothetical or 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 involving an analysis of relevant provisions of the First and Fourteenth Amendments of the Constitution.
- 5) Show knowledge of a covered constitutional law concept; student will learn how to identify relevant First and Fourteenth Amendments issues.
- 6) Display that they have acquired the necessary skills set to apply the relevant First and Fourteenth Amendments provisions to a specific problem or case.
- 7) Describe and recognize the relevant First and Fourteenth Amendments policy rationales for a plausible outcome in a specific problem or case.

GRADING & EXAMINATION Your professor will give one cumulative mid term examination this semester before the final comprehensive examination on Wednesday March 7, 2018, which will consists of 25 objective questions worth one point each for a total of twenty-five (25) points. The final comprehensive examination will consists of 75 objective questions worth one point each for a total of seventy five (75) points and a short five point essay worth five points for a total of 80 points. A student may earn a total of 105 examination points during the semester in this course. Practice exams with either objective or essay questions may be administered throughout the semester to aid a student in preparing for the mid-term and final exam. Both the mid-term and the final exam are mandatory. The mid-term exam and the final exam represent 100 percent of the final grade in the absence of compelling circumstances.

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.

Please see:

http://www.tsulaw.edu/student_affairs/docs/2011-2012AccommodationsHandbook.pdf

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Class Participation: Each student is expected 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. Students are expected to read the notes following the cases in the textbook. Supplementary material listed under “Recommended Reading Material” on page 1 of this syllabus may be helpful in clarifying the process of identifying a specific legal issue. From time to time other reading material may be assigned.

Attendance Students are expected to attend 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 class. The number of absences permitted in this three-hour course this semester is five.

Professionalism: Students are expected to demonstrate reasonable progress in developing legal skill and competence while participating in class discussions.

ACADEMIC CALENDAR

SPRING SEMESTER 2018 (SEVENTY DAYS OF CLASSES)

School Opens Tuesday January 2, 2018

First Day of Class Monday January 8, 2018

Last Day to ADD/DROP Wednesday January 10, 2018

M L K Holiday (No Classes) Monday January 15, 2018

Purge of all unpaid course selections Wednesday February 7, 2018

Mid Term Examinations Mon – Fri March 5– 9, 2018

Spring Break Mon – Fri March 12 – 16, 2018

Good Friday (No Classes) Friday March 30, 2018

Last Day of Classes Wednesday April 25, 2018

Last Day to Drop a Class Wednesday April 25, 2018

First Year Professors' Grades due Wednesday April 25, 2018

Reading Period (**No Classes**) Thur. – Sun April 26 -29, 2018

Final Examinations Mon- Fri April 30 – May 11, 2018

Hooding Ceremony Friday May 11, 2018

Commencement Saturday May 12, 2018

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

TMSLAW REGISTRAR

Academic Calendar Approved May 31, 2017 and updated November 14, 2017

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 and compliance with these rules is required by Texas Southern University and the Faculty of Thurgood Marshall School of Law. The rules were adopted by the Faculty and can only be amended by a majority vote of the faculty. It is strongly recommended that, 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. It is also available on the flash drive Distributed to 1L students during Fall Orientation.

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 the TMSL’s Student Rules and Regulations. A copy may be posted on the law school web site and may remain throughout each Academic Year. Hard copies may be available 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 each member of the faculty.

NINETEENTH EDITION TEXT & LATEST SUPPLEMENT READING

ASSIGNMENTS (include corresponding pages in supplement)

<p>Week 1 (January 8-12)</p> <p>Pages 931-987 Free Speech: An Overview & Incitement to Violence</p>	<p>Week 10 March 12-16 Spring Break</p>
<p>Week 2 (January 15-19)</p> <p>Pages 987-1025 Fighting Words and Hostile Audiences & Injury to Reputation and sensibility ** No class Monday MLK Birthday</p>	<p>Week 11 (March 19-23)</p> <p>Pages 1403-1454 Impermissible Methods of Restricting Speech: Overbreadth, Vagueness and Prior Restraint; Compelled Speech: The Right Not to Speak; Freedom of Expressive</p>
<p>Week 3 (January 22- 26)</p> <p>Pages 1025 - 1087 Injury to Reputation and sensibility & Sexually Explicit Expression</p>	<p>Week 12 (March 26 – 30) Pages 1454-1497 Freedom of Expressive Association & Money and Political Campaigns Friday March 30 No Class Good Friday</p>

<p>Week 4 (January 29 - February 2)</p> <p>Pages 1087 - 1144 Sexually Explicit Expression</p>	<p>Week 13 (April 2-6) Money and Political Campaigns & Freedom of the Press</p> <p>Pages 1497-1558</p>
<p>Week 5 (February 5-9)</p> <p>Pages 1144-1198 Commercial Speech & The Distinction Between Content Based & Content Neutral Regulations</p>	<p>Week 14 (April 9 - 13)</p> <p>Pages 1558-1614. Freedom of the Press, An Overview of the Religious Clauses, & The Free Exercise of Religion Good Friday No Classes</p>
<p>Week 6 (Feb 12-16)</p> <p>Pages 1199-1259 The Distinction Between Content Based and Content Neutral Regulations & The Government's Power to limit speech in its capacity as Landlord, Educator, Employer and Patron</p>	<p>Week 15 (April 16-20) Pages 1614-1671 The Free Exercise of Religion & The Establishment Clause</p>
<p>Week 7 (February 19-23)</p> <p>Pages 1259-1309 The Government's Power to limit speech in its capacity as Landlord, Educator, Employer and Patron</p>	<p>Week 16 (April 23- 27)</p> <p>Pages 1671 – 1699 The Establishment Clause ***Last day of class Wednesday April 26-29 ***Reading Period no classes</p>
<p>Week 8 (February 26 – March 2)</p> <p>Pages 1309-1364 The Government's Power to limit speech in its capacity as Landlord, Educator, Employer and Patron</p>	<p>Weeks 17 & 18 (April 30-May 11)</p> <p>Final Exams Period</p>
<p>Week 9 (March 5-9) * Wed Mid-term Exam</p> <p>Pp 1364 -1403 Government's Power to limit speech & Impermissible Speech Restrictions Overbreadth, Vagueness and Prior Restraint</p>	<p>Hooding Ceremony May 11</p> <p>Commencement May 12</p>

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