

**FALL SEMESTER 2019 CONSTITUTIONAL LAW SYLLABUS THURGOOD
MARSHALL SCHOOL OF LAW**

LAW 512 SECTION 2

NAME: Associate Dean of Research & Faculty Development Professor L. Darnell Weeden

Telephone: (713) 313-4249

E-mail address: lweeden@tmslaw.tsu.edu

Location: Suite #223D

Professor Office Hours: M W F 11:00 A.M. - 12:00 P.M. & 2:00 P.M. – 4:00 P.M. Tuesday & Thursday 10:00 A.M. – 3:00 P.M. (Other times are available by appointment or walk-in)

Class meets in Room #206 Monday, Wednesday & Friday 10:00 A.M. - 10:50 A.M.

TWEN Page

Please be sure to sign up for the TWEN page because information relevant to this class will be posted on the TWEN page during the semester.

Course Book:

Constitutional Law Twentieth Edition (2019) by Noah Feldman and Kathleen M. Sullivan and latest available supplement

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:

Midterm	25%
Final Examination	75%
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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 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 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 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

(Include Corresponding Pages in the Latest Supplement)

WEEK 1 (August 19-23) pp. 1- 57

The Supreme Court's Authority and Role

WEEK II (August 26-30) pp.58- 120

The Supreme Court's Authority and Role, Federalism: History and Principles
& the Commerce Power and Its Federalism Based Limits

WEEK III (Sept 2-6) pp. 120-160

*No class Monday Labor Day

The Commerce Power and Its Federalism Based Limits

WEEK IV (September 9- 13) pp. 160-219

The National Taxing and Spending Power and Their Federalism Based Limits & Federal Limits
on state regulation of Interstate Commerce

WEEK V (September 16-20) pp. 221-287

Federal Limits on state regulation of Interstate Commerce & Separation of Powers

WEEK VI (September 23-27) pp. 287 -359

Separation of powers

WEEK VII (September 30 - October 4) pp. 360 - 435

Separation of powers & The Post Civil War Amendments and the "Incorporation of Fundamental
Rights (See updated memo to text 20th edition. Insert on page 391, bottom of page).

WEEK VIII (October 7-11) pp. 435-504

Separation of powers, and Fundamental Rights & Due Process

WEEK IX (October 14-18) pp. 504-546

Due Process

***Mid-term Exam Friday October 18**

WEEK X (October 21-25) p. 547 - 622

Due Process & Equal Protection

WEEK XI (October 28 – Nov 1) pp. 622 - 698

Equal Protection

WEEK XII (November 4-8) pp. 698 – 768

Equal Protection

WEEK XIII (November 11-15) pp. 769- 832

Equal Protection *(See updated memo to text 20th edition. Insert at the end of note 3 on page 825).*

WEEK XIV (November 18- 22) pp. 832-901

Congress's Civil Rights Enforcement Powers

WEEK XV (November 25 – 29)

Congress's Civil Rights Enforcement Powers pp. 901 - 929

*Last Day of Classes Tuesday November 26

*Reading Period November 27 (No Class Wednesday)

***Thanksgiving Holiday 28 -29**

* Reading Period November (No Class) Saturday-Sunday November 30-December 1

WEEK XV1 Final Examinations First Week (Dec. 2-6)

WEEK XV11 Final Examinations Second Week (December 9-13)

* Student Semester Ends Dec. 13 *Winter Commencement Saturday Dec.14

WEEK XVIII (December 16 – 20)

WEEK XIX (December 23- 27)

WEEK X *Christmas Holiday Wednesday December 25

Supplemental Recommended 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 clarifying the process of identifying specific legal issues. From time to time, other reading material may be assigned.

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:

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

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. 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 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 will 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 one mid-semester examination on Friday October 18 which will include objective questions and a timed essay. The final examination at the end of the fall semester will also contained both objective questions and a timed essay. Your fall semester score for this course will be based on those two examinations. There will be one Midterm 15 - 20 objective (multiple choice) questions and with one timed essay. The midterm exam on October 18 is worth 25 points. The fall semester Final Exam in December will consist of at least 70 objective (multiple choice) questions and a 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. Both the mid-semester and the end of semester exams are mandatory. Failure to take a mandatory exam may result in a reduced final grade. Excessive absences and lack of preparations may result in a lower grade in this course.

INFORMATION ITEM: Listed below are 13 selected publications discussing issues with constitutional implications authored by Professor Weeden since 2014.

1. *Using Rational Basis Review in an Establishment Clause Challenge to an Alleged Muslim Travel Ban Undermines Religious Liberty*, 38 Conn. Pub. Int. L.J. 167 (2019).
2. *Equal Voting Rights Require Removing Race And Partisan Discrimination From Elections And Legislative Gerrymandering*, 79 LA. L. REV. 781 (2019).
3. *A Functional Free Exercise Clause Analysis Requires A State To Prove A Compelling Interest Before Interfering With An Individual's Faith-Based Same-Sex Marriage Participation Objections*, 18 APPALACHIAN J.L. 113 (2019).
4. *Unreasonably Restrictive Voter Photo Identification Requirements Are Unequal Economic Barriers To Equal Access To The Right To Vote*, 27 S. Cal. Rev. L. & Soc. Just. 73 (2018)
5. *A Growing Consensus: State Sponsorship of Confederate Symbols is an Injury-in-Fact as a Result of Dylann Roof's Killing Blacks in Church at a Bible Study*, 32 BYU J. Pub. L. 117 (2017).

6. *Marriage Equality Laws Are A Threat To Religious Liberty*, 41 S. Ill. U. L.J. 211 (2017))
7. *Transgender Bathroom Rights And President Obama's Unauthorized Scheme To Transform Title IX*, 44 W. St. L. Rev. 1 (2016)
8. *In Fisher V. University Of Texas Derrick Bell's Interest Convergence Theory Is On A Collision Course With The Viewpoint Diversity Rationale In Higher Education*, 2016 Utah L. Rev. OnLaw 101, (University of Utah S.J. Quinney College of Law)
9. *The Problematic Right to an Abortion Under a Natural Law Perspective*, 2 INDONESIAN J. INT'L & COMP. L. 803 (2015)
10. *Good Public Policy Occurs Under Plyler When In-State College Tuition Rates Are Awarded To Undocumented Bona Fide Resident Immigrants*, 25 GEO. MASON U. CIV. RTS. L.J. 191 (2015)
11. Lead Article *Leadership Matters: Saving Judge Scheindlin's NYPD Racial Profiling Remedy In Floyd V. City Of New York*, 36 WHITTIER L. REV. 95 (2014)
12. *May Traditional Deference To State Sovereignty Serve As A Rational Basis To Deny Marriage Equality To Same-Sex Wedding Vows?* 16 LOY. J. PUB. INT. L 201 (2014)
13. *The Supreme Court's Rejection Of The Rational Basis Standard In Shelby County V. Holder Invites Voter Suppression*, 33 MISS. C. L. REV. 219 (2014)



FALL SEMESTER ACCELERATED (TURBO)

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

FALL SEMESTER 2019 (SEVENTY-ONE DAYS OF CLASSES)

Orientation	Monday–Friday	August 12–16, 2019
First Day of Class	Monday	August 19, 2019
Last Day to ADD/DROP	Wednesday	August 21, 2019
Labor Day (NO CLASSES)	Monday	September 2, 2019
<i>Purge of all unpaid course selections</i>	Wednesday	September 18,
2019 Mid Term Examinations	Monday–Friday	
October 14–18, 2019 Last Day to Drop a Class	Friday	
November 8, 2019		
Last Day of Classes	Tuesday	November 26, 2019
First Year Professors' Grades due	Tuesday	November 26, 2019
Reading Period (NO CLASS)	Wednesday	November 27, 2019
Thanksgiving Holiday	Thursday–Friday	November 28–29,
2019		
Reading Period (NO CLASS)	Saturday–Sunday	November 30–December
1, 2019 Final Examinations	Monday–Friday	December 2–December 13, 2019
Commencement Exercises	Saturday	December 14, 2019

SPRING SEMESTER 2020 (SEVENTY DAYS OF CLASSES)

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
M L K Holiday (NO CLASSES)	Monday	January 20, 2020

<i>Purge of all unpaid course selections</i>	Friday	February 7,
2020 Mid Term Examinations	Monday–Friday	
March 9–13, 2020 Spring Break		Monday–Friday
March 16–20, 2020 Spring Break (University Closed)		Wednesday–Friday
March 18–20, 2020 Last Day to Drop a Class		Thursday
April 9, 2020		
Good Friday (NO CLASSES)	Friday	April 10, 2020
Last Day of Classes	Tuesday	April 28, 2020
First Year Professors' Grades due	Tuesday	April 28, 2020
Reading Period (NO CLASSES)	Wednesday–Thursday	April 29–
April 30, 2020 Simulated Bar Exam*	Friday	
May 1, 2020 (<i>tentative</i>) Reading Period (NO CLASSES)		Saturday–Sunday
May 2–May 3, 2020 Final Examinations		Monday–Friday
May 4–May 15, 2020		
Hooding Ceremony	Friday	May 15, 2020
Commencement Exercises	Saturday	May 16, 2020

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

Updated August 6, 2019