

THURGOOD FACULTY SPOTLIGHT



TEXAS SOUTHERN UNIVERSITY

Thurgood Marshall School of Law



December 1, 2019



Professor Shaundra Kellam Lewis has been invited to speak at the annual 2020 Association of American Law Schools (“AALS”) Conference, in Washington, D.C., at a Hot Topic Program, *The Second Amendment at the Supreme Court and the Future of Heller*. This session will take place on January 4, 2020, from 10:30 a.m. to 12:15 p.m. at the Washington Marriott Wardman Park Hotel, Delaware Suite B, Lobby Level.

Recently, Lewis discussed notable U.S. Supreme Court decisions from the 2018 and 2019 Supreme Court terms at the Thurgood Marshall School of Law Faculty Lecture Series and the U.S. Fifth Circuit Bar Association’s Appellate Advocacy Seminar in New Orleans. During her presentations, Lewis highlighted several recent U.S. Supreme Court decisions reversing decades long precedents and contemplated what landmark cases would be reversed next by the now majority conservative court.

Lewis’s articles continue to make a scholarly impact. Most recently, she has been cited by Ronna Greff Schneider, in a Civil Rights Treatise, *Education Law: First Amendment, Due Process and Discrimination Litigation*, 2 EDUC. L. APPENDIX D (2019); Cameron Arnold, in *Standing in the Line of Fire: Compulsory Campus Carry Laws and Hostile Speech Environments*, 49 SETON HALL L. REV. 807, 846 n. 3, 908 n. 223 (2019); Jeremiah Todd Koester, Attitudes and Perceptions of Concealed Carry on Campus: A Case Study of Doctoral Dissertations and Projects, <https://digitalcommons.liberty.edu/doctoral/2082> (2019); Diana Barfield, *Concealed Campus Carry: Perspectives from Administrators, Faculty and Firearms Instructors on Generating Campus Policy*, <https://digitalcommons.acu.edu/etd/122>; and D’Andra Millsap Shu, *When Food is a Weapon: Parental Liability for Food Allergy Bullying*, -- MARQUETTE L. REV. -- (forthcoming 2019).

Professor Maurice Hew was invited and presented at the Tenth Annual Constitutional Law Colloquium on November 9-10 2019, at Loyola University's Chicago School of Law. Hew's work in progress entitled, "Child-Bearing Is Not A Father's Job, Please Issue the Passport and Leave Me Out!" is the result of a 2019 Thurgood Marshall School of Law Faculty research stipend.



This piece is centered on the High Court's decision in *Sessions v. Morales* 137 S.Ct. 1678(2017), overturning a seventy years old statute granting United States citizens mothers a gender advantage in transmitting U.S. citizenship to their foreign born out of wedlock children. In granting United States citizen men an equal protection right without a remedy, approximately 3000 infants annually could be born "stateless" or without United States citizenship to United States citizen mothers residing abroad. An unintentional consequence leaves United States citizen mothers, generally the sole legal guardian of the out of wedlock child, unable to travel home to the United States of she chooses to associate with her stateless child. In *Morales*, Justice Ginsburg directs Congress to pass a gender-neutral law.

Hew's thesis is that Congress should create a statute substituting the word, *mother* for the term "sole legal guardian," a gender-neutral term, and make the statute retroactive to June 12, 2017, the date of the *Morales* decision to cure this problem. Hew presents test suites which he believes to recapture the original intention of Congress. In using the term "sole legal guardian" in his proposed statute, Hew also removes the biological technology (ART) to transmit citizenship to their children. Hew concludes with *Carolene Products* famous footnote 4, urging the Court to exercise restraint in overturning naturalization statutes, which are categorically enumerated sovereign powers of the political branches.



Associate Dean for Research & Faculty Development and Roberson King Professor of Law L. Darnell Weeden presented at the Thurgood Marshall School of Law Fall 2019 Faculty Lecture Series on the subject entitled "Censuses, Congressional Seats, Citizenship Questions, And Known Falsehoods or Reckless Disregard for the Truth Justifications" on Wednesday, November 20, 2019. In a recent poll, Americans largely accept President Trump position that the approaching 2020 census is duty-bound to ask a citizenship question. Probably, most Americans may innocently support the inclusion of the citizenship question on the census form because they are unaware of the advantage that the question was intended to give to white Republicans in the battle for congressional seats A number of calculations indicate as many as six million people could be eliminated from the census total if the citizenship question is included. Weeden said one commentator has suggested that the Supreme Court initially gave the impression that it would permit the citizenship question during oral arguments in April of 2019.

"The dispute was upended at a late stage, however, when the plaintiffs claimed to uncover decisive evidence proving the administration means to use granular citizenship data to give a boost to Republicans during the redistricting process — and that government witnesses concealed as much during the litigation." The commentator believes that plaintiffs allegations that it now possessed decisive evidence to show that the principal census advisors worked with a Republican redistricting expert who established that redistricting on the basis of voting age population—more readily than counting the total sum of people—would produce an advantage for Republicans and white people who are not-Hispanic. The population count based on the census is used to apportion representatives, to allocate federal cash to the States, and to create electoral districts.

Please send any announcements you would like to include in the next Thurgood Faculty Spotlight to Ms. Toyann Timmons (Toyann.Timmons@tmslaw.tsu.edu) and Dean Weeden (Larry.Weeden@tmslaw.tsu.edu) by 3p.m. Friday, January 10, 2020



Thurgood Faculty Spotlight is a twice Monthly journal (the 1st and 15th during the fall and spring semester) recording the achievements, experience, and awards of The Texas Southern University Thurgood Marshall School of Law faculty of distinction.

**L. Darnell Weeden, Associate Dean for Faculty Development & Research,
is the editor of Thurgood Faculty Spotlight**