

ADVANCED TOPICS IN CONSTITUTIONAL LAW (7397/25997)
DOW, FALL 2026
(FIRST REVISED) SYLLABUS AND COURSE DESCRIPTION

INSTRUCTOR/ASSISTANT INFORMATION

Instructor:	Professor David R. Dow
e-mail:	ddow@central.uh.edu
phone:	713-743-2171
Office:	John O'Quinn Law Building 343A
Office Hours:	Mondays 2:30pm–4:00pm and/or by appointment
Prof. Dow's Assistant:	Cassandra Jeu
e-mail:	ccjeu@central.uh.edu
Office:	John O'Quinn Law Building 121L

COURSE INFORMATION

In this class, we will examine in detail four areas of constitutional doctrine or theory. Reading material for the class includes both caselaw and scholarship. Citations are provided on this syllabus; you are responsible for acquiring the materials. I will expect you to have read the assigned materials carefully by the date they are discussed in class. The four doctrinal domains we will examine this semester are: (1) constitutional interpretation, primarily originalism, and how it drives judicial outcomes; (2) the Thirteenth Amendment; (3) legislative (re)districting and gerrymandering; and (4) separation of powers.

CLASS MEETINGS/ATTENDANCE (GENERAL POLICIES) AND MODE OF INSTRUCTION

Supreme Court Term is a face-to-face class that will be held on Mondays and Wednesdays from 1:00pm – 2:30pm in room 200. Per American Bar Association standards, each of the 27 classes will meet for a total of 78 minutes/week over the Fall semester. Pursuant to UHLC policy, students must attend at least 80% of all classes. Attendance will be kept by sign-in-sheet. Nonadherence to UHLC's attendance policy will be reported to the Office of Student Affairs and may result in a lowering of a student's final grade, an incomplete in the class, or a failing grade. Any needed make-up classes will be scheduled in accordance with UHLC policy.

GRADING AND ASSESSMENT

Students will be required to write one paper for each of the units we cover other than the initial unit. Each paper will constitute 25-30 percent of your grade; class participation will constitute 10 to 25 percent of your grade. I will discuss in greater detail the content and length (i.e., word count) of these papers during the first class session, and I will not repeat that discussion, so it is important you attend the first class if you intend to take the class for credit. This syllabus, however, provides a summary of the rules for the papers, and those rules are as follows:

- (1) Subject to exceptions announced in class or by email from me to the class, papers are due by 5 p.m. on the Thursday of the final week in which we cover each individual area of doctrine; *absolutely no late papers will be accepted*. For grading purposes, a late paper is equivalent to no paper.
- (2) Papers must be delivered either in hard copy to me or Cassandra Jeu, Clinical Supervising Attorney and Director of the Texas Innocence Network. You may also email papers to Prof. Jeu at CCJeu@central.uh.edu. *Do not email papers to me.*
- (3) Each paper should be in the neighborhood of 1500-2000 words; papers should not exceed 2000 words, including notes, without obtaining from me advance permission; the aggregate of all three papers must be between 5000 and 6000 words, including notes.
- (4) Content of the papers will be covered during the first class.
- (5) Grading will be on the following scale: a, a/m, m, m/b, b.

DOCTRINAL AREAS / READING ASSIGNMENTS / PAPER DEADLINES

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Group 1: Interpretation (primarily Originalism).

Week of Aug 24:

Introduction.

Amy Coney Barrett, Originalism and Stare Decisis, 92 Notre Dame L. Rev. 1921 (2017).

Week of Aug 31:

Paul Brest, The Misconceived Quest for Original Understanding, 60 Boston Univ. L. Rev. 204 (1980);

H. Jefferson Powell, The Original Understanding of Original Intent, 98 Harv. L. Rev. 885 (1985)

Antonin Scalia, Originalism: The Lesser Evil, 57 Univ. Cinc. L. Rev. 849 (1989).

Week of Sep 7 (Labor Day week; class on Wednesday only):

District of Columbia v. Heller, 554 U.S. 570 (2008);

McDonald v. City of Chicago, 561 U.S. 742 (2010);

NYSRPA v. Bruen, 597 U.S. 1 (2022).

Group 2: The Thirteenth Amendment and the Appurtenances of Slavery.**Week of Sep 14:**

Slaughter-House Cases, 83 U.S. 36 (1873);

Bailey v. Alabama, 219 U.S. 219 (1911);

U.S. v. Gaskin, 320 U.S. 527 (1944).

Week of Sep 21:

Civil Rights Cases, 109 U.S. 3 (1883);

Jones v. Alfred H. Mayer, 392 U.S. 409 (1968);

Runyon v. McCrary, 427 U.S. 160 (1976).

Week of Sep 28:

TBA (probably legislative history).

Group 3: Democracy and (Re)Districting**Week of Oct 5:**

Rucho v. Common Cause, 588 U.S. 684 (2019);

Allen v. Milligan, 599 U.S. 1 (2023);

Week of Oct 12:

Developments, Moore v. Harper, Voting Rights Act 1965, 137 Harv. L. Rev. 480 (2023);

<https://www.nytimes.com/2025/08/17/us/politics/redistricting-polarization-congress.html>

<https://www.pewresearch.org/short-reads/2024/10/30/decade-after-decade-more-than-three-quarters-of-us-house-districts-have-consistently-been-won-by-the-party-that-holds-them/>

<https://www.cookpolitical.com/ratings/house-race-ratings>

Altman & MacDonald, Redistricting and Polarization (2016);

Alexander v. South Carolina Conf. of NAACP, 602 U.S. 1 (2024).

Week of Oct 19:

TBA (comparative law).

Group 4: Separation of Powers; Executive Power.

Week of Oct 26:

Humphrey's Executor v. United States, 295 U.S. 602 (1935).

Week of Nov 2:

Trump v. Slaughter, ____ U.S. ____ (2026).

Week of Nov 9:

Trump v. United States, 603 U.S. ____ (2024).

Week of Nov 16:

West Virginia v. EPA, 597 U.S. 697 (2022);

Biden v. Nebraska, 600 U.S. 477 (2023).

Week of Nov 23:

Thanksgiving week; no class.

Week of Nov 30:

Paper discussions.

ASSIGNED BOOKS AND/OR SUPPLEMENTAL MATERIALS

This course does not have a required casebook. I will assign cases and articles available on Westlaw and/or LexisNexis. You are responsible for securing for yourselves both the cases and articles identified on this syllabus.

COURSE OBJECTIVES AND LEARNING OUTCOMES

Through and as a result of this course, students will: (1) acquire and demonstrate knowledge and understanding of constitutional law and doctrines; (2) develop skills in legal analysis and critical reasoning; (3) develop skills in written and oral communication; (4) and demonstrate an understanding of the interdisciplinary nature of law and the interplay between the branches of government.

SYLLABUS CHANGES

Please note that I may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through email.

HONOR CODE

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

RECORDING OF CLASSES

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

WEBCAMS

In the event a remote option is permitted at any point during the semester, access to a webcam is required for students participating remotely in this course. The webcam must be turned on at all times to ensure student participation.

ARTIFICIAL INTELLIGENCE (AI) TEXT AND WORK PRODUCT POLICY

The software technology known as artificial intelligence has recently expanded its capability to generate text and other work product (AI Generated Work Product). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text and other work product in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Work Product, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for material one might generate themselves. AI Generated Work Product can include computer code or programs as well as human language content and materials.

Your continuing enrollment in this course obligates you to not knowingly prompt, generate, or use any AI Generated Work Product in relation to any activity or assessment in this course. This applies to AI Generated Work Product from yourself or others. This obligation includes that your assessment materials in the course be without any contribution from AI Generated Work Product. This obligation specifically extends to not plagiarize any writing required of you for assessment in the course: AI Generated Work Product will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any material generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Work Product may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination.

TITLE IX / SEXUAL MISCONDUCT

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact,

sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

WOMEN AND GENDER RESOURCE CENTER (WGRC)

The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.

MENTAL HEALTH AND WELLNESS RESOURCES

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

RESOURCES FOR ONLINE LEARNING

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a

comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

REASONABLE ACADEMIC ADJUSTMENTS / AUXILIARY AIDS

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call (713) 743-5149 during clinic hours, Monday through Friday 8 a.m. – 4:30 p.m. to schedule an appointment.

The A.D. Brue Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through CSAC's Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, CSAC provides 1:1 appointments to get you connected to on-and off-campus resources related to essential needs, safety, advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. CSAC also hosts a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow CSAC on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.