

**Constitutional Law
Spring 2022**

Syllabus

Meeting Time and Location:	M 1-2:30pm & T, Th 9-10:30am
Faculty Information:	Professor Daniel I. Morales dimoral2@houston.edu 226-TUII Office Hours: Wednesday 10:30-11:45, and by appointment
Course Materials:	Richard D. Friedman & Julian Davis Mortenson, Constitutional Law: An Integrated Approach (2021)
Course Description:	

Course Requirements: Class attendance and participation are mandatory. If you are unprepared you must send me an e-mail (please don't give me any reasons) by 9:30 a.m. the day of class. You may do this only four times over the course of the semester, after that your grade will be lowered. If I find that you are unprepared when I call on you and you have not e-mailed me by 9:30, I will dock your grade. Should an illness or an event in your personal life interfere with your ability to prepare over an extended period of time (i.e., more than four classes), see me privately, please.

Method of Instruction: I will teach this course using a combination of case analysis, statutory interpretation, lecture, and problem-solving. Some of your reading assignments ask you to complete problems ahead of class. You should be prepared to discuss your answers during our class time. Working the problems ahead of time will not only enrich our class discussion but will also serve as good practice for the exam.

Method of Evaluation: Your grade for this course will be based on a final schedule3d exam at the end of the semester and the quality of your class participation. Your grade also may be lowered for consistently poor participation or for multiple absences. I will grade your exam essay answers based on the following criteria:

- knowledge of the material in the course
- analysis of the legal and factual issues presented
- clarity, cogency, and organization of argument
- accurate and appropriate use of legal terminology
- quality of expression

How to Reach Me: My regular office hours are Wednesday 10:30-11:45, but I am happy to make alternate arrangements. As exam time approaches, I will schedule additional hours. I will also typically be available immediately after each class.

Schedule of Assignments: Each class moves at its own pace. I will give the next class assignment at the end of each class. If you miss class, please get the assignment from a classmate. If you are out of town and need to read ahead, please contact me and I can give you an estimate of where I think we will be. Readings listed here are tentative and subject to change

Class 1: The Constitutional Text and What Came Before

CB XIV-LXV and 1-24

What portions of the text of the Constitution stand out to you? Why?
What were the main shortcomings of the Articles of Confederation?
What was the process put forward to Amend the Articles of Confederation?

Class 2: Ratification Debates, Adoption, and the Scope of Ennumerated Powers
CB 24-52

Class 3: Getting the Constitution off the Ground
CB 53-71

Class 4: Antebellum Controversies and Equilibrium
CB 71-93

Class 5: Native Americans and the Republic
Native American Status and Johnson v. McIntosh, 21 U.S. (8 Wheat.) 543 (1823)
and case selections
Cherokee Nation v. Georgia 30 U.S. (5 Pet.) 1 (1831)

Class 6: Antebellum Slavery
CB 94-127
Wendell Phillips, "The Constitution: a Pro-Slavery Compact," in *Against Slavery: An Abolitionist Reader*, ed. Mason Lowance (2000), pp. 241-245

Class 7: Succession and the Civil War
CB: 127–156

Class 8: Reconstruction and Its Failure
CB 156-184

Class 9: Regulatory Demands and Developments and the New Deal
CB 184-206

Class 10 Who Can be American?
Chae Chan Ping v. United States, 130 U.S. 581 (1889)
Downes v. Bidwell, 182 US 244 (1901)
Balzac v. Porto Rico, 258 U.S. 298 (1922)

Class 11: Reconsidering Judicial Review
CB 253-263
Niko Bowie Remarks

Class 12: Congressional Power and the Commerce Clause
CB 349-353, 375-400

Class 13: The New Deal Commerce Clause
CB 413-453

Class 14: The Rehnquist Court Commerce Clause and the Taxing Power
CB 453-485

TO BE CONTINUED