

# CONSTITUTIONAL LAW

LAW 540-1

FALL 2015

MARTIN LEVY

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## **THE PROFESSOR**

**NAME:** Martin Levy

**TELEPHONE:** 713.313.7368

**EMAIL:** mlevy@profmlevy.com; mlevy@tmslaw.tsu.edu

**LOCATION:** 221-B

**OFFICE HOURS:** MWF: 12-1; 2-3  
T:2-3  
(All other times by appointment only)

**NOTE FROM THE PROFESSOR:**

Web Sites for course: [www.profmlevy.com](http://www.profmlevy.com); West “Twen;”

## COURSE BOOKS & MATERIAL

### REQUIRED MATERIALS:

1. Levy, Jackson, *Constitutional Law, Cases and Materials*, ASPEN (2013) ISBN: 9781454839057\*
2. Levy, Jackson, *2015 Supplement.*, ASPEN (2015) This will be published and made available Online, by the start of class. You will be informed as to how to download and print it, please remember that it is copyright material. The Casebook should be updated wherever the Supplement so instructs.

\*These materials will be available from the TSU Bookstore. This is a brand new edition of this book, replacing the West Publication. Please note, as per ASPEN: **This is a hardbound book with print ISBN 9781454839057, with retail student price of \$175. When students purchase the book, they also receive a free download of the book through a free software called Adobe Digital Editions. Digital access codes will be included in the book shrink wrap.**

### SUGGESTED MATERIALS:

1. Tribe, *American Constitutional Law*, Foundation.
2. This subject matter abounds with numerous and specific articles detailing most every aspect of the field. From time to time I will be suggesting several articles in class for your individual exploration. Should you feel the need for further insight "let your mind do the walking" in the library, for this mental "exercise" will be quite rewarding.

## COURSE DESCRIPTION, LEARNING OBJECTIVES & STUDENT LEARNING OUTCOMES

A study of the United States Constitution including judicial review, national power, state power, executive and congressional relations, substantive due process, procedural due process and equal protection..

This is the initial offering of this course with a Casebook I have published with ASPEN. Any publication of this kind is truly a work in progress. As with the West editions, this edition allows me to add text and background materials to support the cases presented in the 1<sup>st</sup> Edition. If the cases are the “heart” of the materials, I have hopefully added the “soul.” I have also been able to update the materials with cases from the intervening Supreme Court terms. **The ASPEN edition is updated by a 2015 Supplement. These materials are available for download at my West Twen Site. You may print them and should automatically insert them into the Casebook wherever the Supplement so indicates.** This process allows updating without any additional student cost, so please remember that the materials are copyrighted.

A word of explanation concerning this effort and these materials is appropriate. I am committed to this work in order to unify classroom presentation with materials that reflect my approach to this subject matter. My in-class presentation and this book might be considered unique, for example, in commencing the course with a study in constitutional decision making before coverage of the conventional case law. These materials, including several significant law review articles, are detailed in the syllabus below as “Constitutional Interpretation: A Head Start.” Though the book is and will be available to the market as a whole, my commitment to this endeavor is based upon my hope that the integration provided by such will be beneficial to my students. Let me thank you in advance for working with me on developing this casebook. I think you will find the coordination of materials and class discussion of significant benefit. Feel free to provide open and robust feedback in regard to your opinions of the materials and my design of the course. One luxury of having a casebook published by your Instructor is that the Table of Contents automatically becomes your syllabus, though I do repeat it below for your convenience.

The student should be advised that because of the voluminous materials and ever expanding nature of the field known as "Constitutional Law," inclusion of all materials that could be covered in the course is extremely difficult, if not impossible. Thus, the present four hour course will provide a broad survey offering that will prepare students for the numerous law school courses which benefit from a background in this subject matter, while also allowing the students additional time (three semesters) to take other necessary offerings in the area. (i.e., The “First Amendment”) The student should consequently be put on notice that additional course offerings and/or private study may be necessary to attain a working knowledge in this area. The materials listed below have been selected with a goal of providing the student with the best possible background to achieve these objectives. Particular attention should be paid to further study in regard to the First Amendment and civil rights enforcement legislation. Coverage or deferral of the same in these areas speaks more to their importance, rather than appearances to the contrary. It underscores the need for further exploration in additional course offerings where time will permit adequate coverage.

As you might well assume by now, the course as presently structured will carry a substantial reading load for the student, and it is expected that this will be handled in a professional manner.

## **GRADING**

There will be a comprehensive final examination. The instructor reserves the right to have a "mid-term" examination, with its relative weight to be announced at that time. Please note that the Instructor reserves the right to hold additional examinations as may be deemed necessary. Students will be notified of the value of these exams at said time.

## **ACCOMMODATIONS**

Accommodation will be provided and administered as dictated by the Dean's office. If you require accommodation please provide approval and guidelines from the Dean's office.

## **PARTICIPATION, ATTENDANCE & PROFESSIONALISM**

Because verbal articulation of ones' ideas is an essential commodity in the practice of law, class participation is encouraged. With such in mind both the quality and quantity of class participation will be evaluated and applied as an *added* value of up to **two (2)** points in determination of your final grade. Further to such, the Instructor may assign specific class sessions for students participation, which may be applied as up to 10% of the "Professor's" final grade.

**ATTENDANCE:** Will be applied as required for a 4 hour class via a sign-in roll sheet disseminated at the commencement of class.

## **POLICIES & PROCEDURES**

All policies and procedures relative to this course are articulated in the Law School Student Rules. All such rules will be complied with by both students and the Instructor.

## ACADEMIC CALENDAR 2015 – 2016

### **FALL SEMESTER 2015 (SEVENTY DAYS OF CLASSES)**

Orientation Monday-Friday August 10-14, 2015

**First Day of Class Monday August 17, 2015**

Last Day to ADD/DROP Wednesday August 19, 2015

**Labor Day (NO CLASSES) Monday September 7, 2015**

*Purge of all unpaid course selections* Thursday September 17, 2015

Mid Term Examinations Mon – Fri October 12-16, 2015

**VETERANS DAY (NO CLASSES) Wednesday NOVEMBER 11, 2015**

Last Day of Classes Tuesday November 24, 2015

Last Day to Drop a Class Tuesday November 24, 2015

First Year Professors' Grades due Tuesday November 24, 2015

Reading Period (NO CLASS) Wednesday November 25, 2015

**Thanksgiving Holiday Thurs – Fri November 26-27, 2015**

Reading Period Sat-Sun November 28-29, 2015

Final Examinations Mon –Fri November 30-Dec. 11, 2015

Commencement Saturday December 12, 2015

### **SPRING SEMESTER 2016 (SEVENTY DAYS OF CLASSES)**

School Opens Monday January 4, 2016

First Day of Class Monday January 11, 2016

Last Day to ADD/DROP Wednesday January 13, 2016

**M L K Holiday (No Classes) Monday January 18, 2016**

*Purge of all unpaid course selections* Wednesday February 10, 2016

**President's Day Holiday (No Classes) Monday February 15, 2016**

Mid Term Examinations Mon – Fri March 7– 11, 2016

Spring Break Mon – Fri March 14 – 18, 2016

**Good Friday (No Classes) Friday March 25, 2016**

Last Day of Classes Wednesday April 27, 2016

Last Day to Drop a Class Wednesday April 27, 2016

First Year Professors' Grades due Wednesday April 27, 2016

Reading Period (**No Classes**) Thur. – Sun April 28 - May 1, 2016

Final Examinations Mon- Fri May 2 – May 13, 2016

Hooding Ceremony Friday May 13, 2016

Commencement Saturday May 14, 2016

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

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John C. Yoo, <i>In Defense of the Court’s Legitimacy</i> .....	27
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7 Harv. L. Rev. 129 (1893)	
<b>Eugene V. Rostow, The Democratic Character of Judicial Review</b>	
66 Harv. L. Rev. 193 (1952)	
<b>HERBERT WECHSLER, TOWARD NEUTRAL PRINCIPLES OF CONSTITUTIONAL LAW</b>	
73 Harv. L. Rev. 1 (1959)	
<b>ALEXANDER BICKEL, THE SUPREME COURT 1960 TERM FORWARD: THE PASSIVE VIRTUES</b>	
75 Harv. L. Rev. 40 (1960)	
<b>THOMAS GREY, DO WE HAVE AN UNWRITTEN CONSTITUTION?</b>	
27 Stan. L. Rev. 703 (1975)	
<b>WILLIAM H. REHNQUIST, THE NOTION OF A LIVING CONSTITUTION</b>	
54 Tex. L. Rev. 693 (1976)	
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