CRIJ 4310.001: Constitutional Law

It is emphatically the province of the judicial department to decide what the law is.
- John Marshall, Marbury v. Madison

The practice of Judge Marshall, of travelling out of his case to prescribe what the law would be in a moot case not before the court, is very irregular and very censurable.
- Thomas Jefferson on Marbury v. Madison

Whether or not the Constitution follows the flag, the supremecourt follows the election returns.
- Finley Peter Dunne

The Constitution is not a suicide pact.
- Justice Robert H. Jackson

Course Description: The course is intended to familiarize students with the main provisions of the United States Constitution and how Constitutional Law is created, determined, and applied. Topics include: the hierarchy of laws, federalism, the Bill of Rights, and the role of the U.S. Supreme Court in interpreting the Constitution. Legal reasoning and case study are also emphasized. General Constitutional principles are covered with particular emphasis on those which directly relate to criminal justice.

Learning Outcomes: By the end of the semester, students should be able to:

1. Understand the Operation and Purpose of the United States Constitution, including its relation to the criminal justice system
2. Critically analyze US Supreme Court doctrines as they control the formal outcomes of the criminal justice system
3. Apply professional standards of case analysis, legal writing, test taking, and classroom deportment.

Required Texts:


Additional readings will be distributed throughout the course. **A large proportion of each test will be drawn from such readings and lecture material rather than the textbooks.**

**Grading:** The student’s grade will be based on the completion of three examinations, two case briefs, and on class participation. The percentages of each of these of the final grade are:

- Exam #1: 25%
- Exam #2: 25%
- Exam #3: 25%
- Final Exam: 25%
- Case Brief #1: 5%
- Case Brief #2: 10%
- Attendance/Participation 10%

The examinations will be objective. The final examination will be cumulative. The lowest scoring exam will be omitted from the calculation of the student’s final grade.

All **makeup exams** will be given the final week of the semester. Makeup exams will be in essay format. It is the student’s responsibility to schedule the makeup with the instructor.

The case briefs will be written analyses of leading U.S. Supreme Court cases conforming to standard principles of legal writing followed in law school and in the legal profession. Specific guidelines for the case briefs will be distributed in class.

**Attendance:** Roll will be taken. Excessive absences may adversely affect a student’s grade.

**Academic Integrity:** Plagiarism or Cheating will result in failure of the course and be reported to the Dean of Students.

**ACADEMIC ADVISING**
The College of Liberal Arts requires that students meet with an Academic Advisor as soon as they are ready to declare a major. Degree plans are prepared in the CLA Academic Advising Center. The University uses an online Degree Audit system. Any amendment must be approved by the Department Chair and the Office of the Dean. All courses and requirements specified in the final degree plan audit must be completed before a degree will be granted. The CLA Academic Advising Office is located in Driftwood #203. For more information please call 361-825-2466.

**DISABILITY SERVICES**
The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please call or visit Disability Services at (361)825-5816 in Corpus Christi Hall, Room #116.
If you are a returning veteran and are experiencing cognitive and/or physical access issues in the classroom or on campus, please contact the Disability Services office for assistance at (361)825-5816. **Military Reserve, National Guard, and active duty military personnel** with special circumstances (e.g. upcoming deployments, drill requirements, disabilities) are welcome and encouraged to communicate these in advance if possible to the instructor.

**Veterans and eligible family members:** The TAMU-CC Office of Veterans Affairs is dedicated to assisting veterans and eligible family members in achieving their educational goals efficiently and without impediments. If you are a veteran or eligible family member, please contact the Office of Veterans Affairs at 361-825-2331 for information regarding educational benefits and opportunities. The Office of Veterans Affairs is located on the first floor of the Student Services Center.

**Sex Discrimination:** Texas A&M University-Corpus Christi fully complies with Title IX, 20 USC 1681 et. seq., which provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.]

All complaints of sex discrimination must be made or referred to the Director of Equal Opportunity for TAMU-CC. Office number: 361-825-2765. Email: Samuel.Ramirez@tamucc.edu

**GRADE APPEALS PROCESS**

**Grade Appeals Process:** As stated in University Procedure 13.02.99.C2.01, Student Grade Appeal Procedures, a student who believes that she or she has not been held to appropriate academic standards as outlined in the class syllabus, equitable evaluation procedures, or appropriate grading, may appeal the final grade given in the course. The burden of proof is upon the student to demonstrate the appropriateness of the appeal. A student with a complaint about a grade is encouraged to first discuss the matter with the instructor. For complete details, including the responsibilities of the parties involved in the process and the number of days allowed for completing the steps in the process, see University Procedure 13.02.99.C2.01, Student Grade Appeal Procedures, (available at [http://academicaffairs.tamucc.edu/rules_procedures/assets/13.02.99.C2.01_student_grade_appeal_procedure.pdf](http://academicaffairs.tamucc.edu/rules_procedures/assets/13.02.99.C2.01_student_grade_appeal_procedure.pdf)). For complete details on the process of submitting a formal grade appeal, please visit the College of Liberal Arts website, [http://cla.tamucc.edu/about/student-resources.html](http://cla.tamucc.edu/about/student-resources.html). For assistance and/or guidance in the grade appeal process, students may contact the Associate Dean’s Office.

**Miscellaneous:** Smart phones must be on mute during class. Laptops are permitted, but not encouraged. Students who wish to bring guests to class should first obtain the consent of the instructor. Be aware that the study of criminal justice often involves the discussion of topics which are unsuitable for minors.

The University Counseling Center is free for students facing emotional difficulties (825-2703).

If a hurricane warning is in effect for the coastal bend area, class will not be held.
## Schedule of Topics/Readings/Due Dates

<table>
<thead>
<tr>
<th>Week beginning:</th>
<th>Topic</th>
<th>Readings</th>
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<tbody>
<tr>
<td>January 17 (Wednesday)</td>
<td>Introduction</td>
<td>Syllabus</td>
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<tr>
<td>January 23</td>
<td>Historical roots</td>
<td>Chapter 1</td>
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<tr>
<td>Jan 30</td>
<td>Structure of the Courts/Hierarchy</td>
<td>Chapter 2</td>
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<td></td>
<td>Of law</td>
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<td>Feb 6</td>
<td>Criminal Justice; <strong>First Exam</strong></td>
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<tr>
<td>Feb 13</td>
<td>Judicial Review/Legal Reasoning</td>
<td>Chapter 3</td>
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<td>Feb 20</td>
<td>Separation of Powers; Case Brief #1 due</td>
<td>Chapter 4</td>
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<td>Feb 27</td>
<td>Federalism;</td>
<td>Chapter 5</td>
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<tr>
<td>Mar 6</td>
<td>Bill of Rights; <strong>Second Exam</strong></td>
<td>Chapter 6</td>
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<td>Mar 13</td>
<td>Spring Break</td>
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<td>Mar 20</td>
<td>Freedom of Speech</td>
<td>Chapter 7</td>
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<td>Mar 27</td>
<td>Freedom of Religion</td>
<td>Chapter 8</td>
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<td>Apr 3</td>
<td>The right to privacy; <strong>Third Exam</strong></td>
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<td>Apr 10</td>
<td>Due Process &amp; Equal Protection</td>
<td>TBD*</td>
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<td>Apr 17</td>
<td>Economic Rights</td>
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<td>Apr 24</td>
<td>Review and Conclusion</td>
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<tr>
<td>MAY 1</td>
<td>Last class day: Case Brief #2 due</td>
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Final Exam as scheduled on SAIL

*TBD- To be distributed.

Students must have read pp. 1-87 of Hennessey and McConnell by Feb 6 and pp. 88-184 by March 6.