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 supremaecourt 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.

*University Integrity/Plagiarism*

University students are expected to conduct themselves in accordance with the highest standards of academic honesty. Academic misconduct for which a student is subject to penalty includes all forms of cheating, such as illicit possession of examinations or examination materials, falsification, forgery, complicity or plagiarism. (Plagiarism is the presentation of the work of another as one’s own work.) In this class, academic misconduct or complicity in an act of academic misconduct on an assignment or test will result in an F in the course and referral to the Office of Student Life.

**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 361-825-3466.
Statement of Academic Continuity *
In the event of an unforeseen adverse event, such as a major hurricane and classes could not be held on the campus of Texas A&M University–Corpus Christi; this course would continue through the use of Blackboard and/or email. In addition, the syllabus and class activities may be modified to allow continuation of the course. Ideally, University facilities (i.e., emails, web sites, and Blackboard) will be operational within two days of the closing of the physical campus. However, students need to make certain that the course instructor has a primary and a secondary means of contacting each student.

Dropping a Class *
I hope that you never find it necessary to drop this or any other class. However, events can sometimes occur that make dropping a course necessary or wise. Please consult with your academic advisor, the Financial Aid Office, and me, before you decide to drop this course. Should dropping the course be the best course of action, you must initiate the process to drop the course by going to the Student Services Center and filling out a course drop form. Just stopping attendance and participation WILL NOT automatically result in your being dropped from the class. April 6 is the last day to drop a class with an automatic grade of “W” this term.

Disabilities Accommodations ***
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 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.

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**

As stated in University Procedure 13.02.99.C2.03, *Student Grade Appeals*, a student who believes that he 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.C2.03, *Student Grade Appeals*. These documents are accessible online at: [http://academicaffairs.tamu.edu/rules_procedures/assets/13.02.99.C0.03_student_grade_appeals.pdf](http://academicaffairs.tamu.edu/rules_procedures/assets/13.02.99.C0.03_student_grade_appeals.pdf).

For assistance and/or guidance in the grade appeal process, students may contact the Associate Dean’s office in the college in which the course is taught. For complete details on the process of submitting a formal grade appeal in CLA, please visit the College of Liberal Arts website, [http://cla.tamucc.edu/about/student-resources.html](http://cla.tamucc.edu/about/student-resources.html).

**Classroom/professional behavior**

Texas A&M University-Corpus Christi, as an academic community, requires that each individual respect the needs of others to study and learn in a peaceful atmosphere. Under Article III of the Student Code of Conduct, classroom behavior that interferes with either (a) the instructor’s ability to conduct the class or (b) the ability of other students to profit from the instructional program may be considered a breach of the peace and is subject to disciplinary sanction outlined in article VII of the Student Code of Conduct. Students engaging in unacceptable behavior may be instructed to leave the classroom. This prohibition applies to all instructional forums, including classrooms, electronic classrooms, labs, discussion groups, field trips, etc.

**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).

**Schedule of Topics/Readings/Due Dates**

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<thead>
<tr>
<th>Week beginning:</th>
<th>Topic</th>
<th>Readings</th>
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<tbody>
<tr>
<td>January 16 (Tuesday)</td>
<td>Introduction</td>
<td>Syllabus</td>
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<td>January 22</td>
<td>Historical roots</td>
<td>Chapter 1</td>
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<td>Jan 29</td>
<td>Structure of the Courts/Hierarchy of law</td>
<td>Chapter 2</td>
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<td>Feb 5</td>
<td>Criminal Justice; <strong>First Exam Thursday</strong></td>
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<tr>
<td>Date</td>
<td>Topic</td>
<td>Chapter</td>
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<td>Feb 12</td>
<td>Judicial Review/Legal Reasoning</td>
<td>Chapter 3</td>
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<td>Feb 19</td>
<td>Separation of Powers; <strong>Case Brief #1 due</strong> Thursday</td>
<td>Chapter 4</td>
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<td>Feb 26</td>
<td>Federalism</td>
<td>Chapter 5</td>
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<td>Mar 5</td>
<td>Bill of Rights; <strong>Second Exam Thursday</strong></td>
<td>Chapter 6</td>
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<td>Mar 12</td>
<td>Spring Break</td>
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<td>Mar 19</td>
<td>Freedom of Speech</td>
<td>Chapter 7</td>
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<td>Mar 26</td>
<td>Freedom of Religion</td>
<td>Chapter 8</td>
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<td>Apr 2</td>
<td>The right to privacy; <strong>Third Exam Thursday</strong></td>
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<td>Apr 9</td>
<td>Due Process &amp; Equal Protection</td>
<td><strong>TBD</strong></td>
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<td>Apr 16</td>
<td>Economic Rights</td>
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<td>Apr 23</td>
<td>Review and Conclusion</td>
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<td>Apr 30</td>
<td>Last class day May 1: <strong>Case Brief #2 due</strong></td>
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Final Exam as scheduled on SAIL

* **TBD**- To be distributed.

Class meets Tuesdays and Thursdays, but weekly starting dates are given as Mondays for planning purposes.

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