

# Advanced Topics in Constitutional Law

7397-26004 Fall 2026

Professor Seth J. Chandler

University of Houston Law Center

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*1:00p-2:30p M/W (Face-to-Face w/ some SDE)*

**DRAFT:** This syllabus is a preliminary sketch. Topics, schedule, and assignments will be substantially revised as constitutional developments unfold between now and Fall 2026. Treat everything below as directional, not final.

## The Constitutional Landscape Entering Fall 2026

This course arrives at an extraordinary moment. The Supreme Court's October Term 2025 has produced or will soon produce landmark decisions across nearly every major area of constitutional law, and the political branches are generating constitutional conflict at a pace not seen in generations. Here is a partial inventory of the terrain we will be navigating:

### Executive Power and Independent Agencies

### War Powers

### Immigration and Citizenship

### The Voting Rights Act and Election Law

### The Emergency Docket

### Transgender Rights and Equal Protection

### The First Amendment

### Second Amendment issues

### Texas Constitutional Flashpoints

### Unconstitutional Conditions

## Course Description

Constitutional law is evolving in real time, and so is the way we research and write about it. This writing seminar teaches you to produce serious legal scholarship using the full power of modern AI—Claude, Midpage, Gemini, NotebookLM—not as shortcuts, but as genuine collaborators in the research and writing process. If you want to learn to write like it's 2021, this is not your course.

You will develop an original thesis on a constitutional law topic, draft and defend it through multiple rounds of peer critique, and refine it into a polished paper. Qualifying papers will, as last year, be compiled into a published anthology—giving you a real publication before you graduate, something that distinguishes you from many other students.

Beyond your paper, you'll build reading packets for your classmates using AI-powered tools, lead class discussions on live constitutional controversies, and learn to synthesize complex legal materials into accessible formats including websites, podcasts, and visual presentations.

Professor Chandler works closely with every student at each stage, from topic selection through final defense. The class is deliberately kept discussion-intensive and reading-moderate, because the emphasis is on *doing*—writing, presenting, arguing, and building—not passively absorbing. Vigorous participation isn't optional; it's the engine that makes the course work.

## Materials

**AI Subscriptions:** Students must have access to the following AI tools. Exact subscription requirements will be updated before the semester begins, but plan on:

- Claude (Anthropic) — paid subscription required
- **Midpage AI** — for legal research and citation verification
- Gemini Advanced (Google) — free for university students
- NotebookLM (Google) — free

### Books:

- Eugene Volokh, *Academic Legal Writing* (Foundation Press). Available on Amazon. Our primary guide to the structure and craft of scholarly legal writing.
- Seth J. Chandler, *The Unstudied Constitution: Cases, Materials, and Problems on the Forgotten Clauses, Structures, and Doctrines of American Constitutional Law* (forthcoming). Selected chapters will be assigned as course readings. We will use Chapter 4 (Origination, Appropriations, and the Power of the Purse), Chapter 7 (Full Faith and Credit, Choice of Law, and Privileges and Immunities), Chapter 8 (Extradition and Rendition), Chapter 9 (The Guarantee Clause and Republican Government), and Chapter 21 (War Powers, Political Question Doctrine, and Treason). Materials will be provided electronically.

[Note: Specific subscription links, pricing, and any additional tools will be confirmed before the semester. The AI landscape may shift over the summer.]

## Syllabus

### Class Organization

Classes fall into five categories. The approximate allocation below totals roughly 28 class sessions; the exact distribution will depend on enrollment and events.

#### Tooling Days (approximately 7–8 classes)

**Writing an Academic Paper (2 classes).** How to write a good academic paper, using the Volokh book and AI-assisted claim development tools.

**Library Resources (1 class).** A law librarian will discuss best practices for constitutional law research: monographs, historical materials, primary sources, and interdisciplinary documents. Non-electronic research still exists.

**AI for Legal Research and Writing (3–4 classes).** Hands-on instruction in the AI toolkit: prompting technique, retrieval-augmented generation, deep research, search, editing workflows (Canvas, Artifacts, etc.), and integration of AI with traditional legal research platforms (Westlaw, and possibly Lexis and other tools). Emphasis on using AI as a genuine collaborator—not a shortcut.

**Accessible Synthesis (1 class).** How to use AI tools to transform legal scholarship into accessible formats: websites, podcasts (NotebookLM), visual presentations, and other media. These are skills you will deploy for your reading packets and beyond.

#### Problem Days (approximately 10–12 classes)

The professor will produce a legal problem grounded in a current or emerging area of constitutional law. One student (the “Panel Student”) will be assigned to each problem and will work with the professor to build a reading packet for the class. Problems will be drawn from the following areas, all of which are shaped by developments described in the Constitutional Landscape section above.

Several problem clusters draw on chapters from Professor Chandler’s forthcoming casebook, *The Unstudied Constitution*. These chapters provide the doctrinal foundation—the cases, notes, and problems—that we will then connect to live constitutional controversies. Assigned readings from the book are indicated below.

#### Substantive areas will include (subject to revision):

##### War Powers and the Military Constitution

*Reading: The Unstudied Constitution, Chapter 21 (War Powers, Political Question Doctrine, and Treason)*

- The constitutional allocation of war powers between Congress and the President: the Prize Cases, Youngstown’s three-category framework, Hamdi, and Zivotofsky

- Application to current events: the Iran airstrikes, the capture of President Maduro in Venezuela, the enforceability of the War Powers Resolution, and the failed congressional resolutions of 2025–2026
- The Treason Clause as the only constitutionally defined crime: Cramer’s two-witness requirement and its modern relevance
- The political question doctrine as applied to war powers disputes: when (if ever) will courts intervene?

### **Executive Power, Appropriations, and the Power of the Purse**

*Reading: The Unstudied Constitution, Chapter 4 (Origination, Appropriations, and the Power of the Purse)*

- The Appropriations Clause as a structural constraint on executive spending: CFPB v. Community Financial Services (2024) and the requirement of affirmative congressional authorization
- Presidential impoundment: Clinton v. City of New York, the constitutional status of refusing to spend appropriated funds, and the DOGE experiment in executive restructuring
- The Major Questions Doctrine after the IEEPA tariffs decision: what counts as a “major question,” and what does clear congressional authorization require? (Building on Learning Resources v. Trump)
- Presidential removal power and independent agencies: the future of Humphrey’s Executor after Trump v. Slaughter and Trump v. Cook
- Jurisdiction stripping and court reorganization

### **Full Faith and Credit, Interstate Conflict, and Extradition**

*Reading: The Unstudied Constitution, Chapters 7 (Full Faith and Credit, Choice of Law, and Privileges and Immunities) and 8 (Extradition and Rendition)*

- The Full Faith and Credit Clause as the constitutional framework for interstate respect of judgments: Nevada v. Hall, Franchise Tax Board v. Hyatt, Baker v. General Motors, and Shutts
- Interstate conflict in politically contested domains: can State S2 refuse to enforce a sister-state judgment from State S1 on abortion, firearms, or other divisive issues? What remedies exist?
- Extradition and rendition: Hyatt v. Corkran’s physical-presence requirement, Puerto Rico v. Branstad, and the modern breakdown of interstate comity over abortion, gender-affirming care, and other flashpoints
- The Privileges and Immunities Clause and the right to travel: Saenz v. Roe and its application to interstate regulatory conflict
- Choice-of-law constraints under the Due Process and Full Faith and Credit Clauses: Allstate v. Hague and Phillips Petroleum v. Shutts

### **The Guarantee Clause, Election Law, and Republican Government**

*Reading: The Unstudied Constitution, Chapter 9 (The Guarantee Clause and Republican Government)*

- The Guarantee Clause as a neglected constitutional provision: *Luther v. Borden*, *Pacific States*, and the political question doctrine
- The modern revival: *New York v. United States* and Justice O'Connor's suggestion that the Clause may be justiciable in some circumstances
- *Rucho v. Common Cause* and the Guarantee Clause as a potential home for partisan gerrymandering challenges—especially if *Callais* narrows the Voting Rights Act
- *Louisiana v. Callais* and the constitutionality of Section 2 of the VRA: what survives, and what does redistricting look like after the decision?
- Gerrymandering—federal and state constitutional constraints, including the Texas angle
- The broader landscape of election administration and ballot access disputes heading into the 2026 midterms

### **Immigration and Citizenship**

- Birthright citizenship and the Fourteenth Amendment: the arguments in *Trump v. Barbara* and the original meaning of “subject to the jurisdiction thereof”
- Commandeering doctrine and immigration enforcement: can the federal government compel state and local cooperation?
- Immigration detention, due process, and the limits of executive enforcement discretion

### **The Emergency Docket**

- The shadow docket as a vehicle for constitutional adjudication: procedure, substance, and institutional legitimacy
- Universal injunctions after *Trump v. CASA*: what's left, and how are litigants adapting through Rule 23(b)(2) class actions?
- Stays, emergency relief, and the relationship between the merits and emergency dockets

### **The Unconstitutional Conditions Doctrine**

- Foundations of the doctrine and its modern applications
- Unconstitutional conditions in federal spending (including funding conditions on states and universities), licensing, and public benefits
- The doctrine's role in evaluating school voucher programs, selective religious inclusion, and executive spending conditions

### **Texas Constitutional Law**

- The Texas school voucher program (SB 2): Establishment Clause questions, the Texas Constitution’s Blaine-type provision, and the selective exclusion of Islamic schools
- SB 17 and foreign property ownership: equal protection, animus under *Romer v. Evans*, federal preemption, and Fair Housing Act challenges
- Distinctive features of the Texas Constitution and underexplored state constitutional provisions
- Texas as a generator of nationwide constitutional litigation

### **Equal Protection and Due Process**

- Transgender rights after *Skrmetti*, *Little v. Hecox*, and *West Virginia v. B.P.J.*: the emerging framework for sex- and gender-based classifications
- Remaining constitutional challenges to abortion regulation
- Parental rights and religious accommodation in public schools

### **The First Amendment**

- Professional speech and state regulation after *Chiles v. Salazar*: when does regulating professional conduct become regulating speech?
- Government speech doctrine and public institutions (museums, zoos, the Smithsonian)
- Higher education, free speech, and institutional autonomy

### **Other Potential Topics**

- The Constitution and territories
- Religious subdivisions, land use, and the Establishment Clause
- Second Amendment limitations on products liability
- The Commerce Clause and federal time regulation
- Constitutional limitations on mandatory clergy reporting of child abuse

*[This list is deliberately expansive. Final problem assignments will depend on enrollment, student interests, and the shape of the constitutional landscape as it develops through summer 2026.]*

### **Panel Assignments**

The Panel Student will work with the professor beginning at least two weeks before the applicable class day to prepare a reading packet. Packet preparation requires considerable work. The process:

1. Submit a draft packet to the professor for review at least one week before class.
2. Make revisions and distribute the packet to classmates no fewer than four days before class.
3. The packet will consist of a NotebookLM notebook containing Supreme Court decisions, edited statutes, and other relevant material. It should include a pre-

built mind map and a synthetic podcast (not to exceed 22 minutes) customized to focus on the most relevant material.

4. Prepare a 5-page summary document synthesizing the key issues. Collaborate with AI to produce this—but collaborate means you interact, question, criticize, and iterate. You verify that citations actually exist and support what is claimed. You cannot take your hands off the steering wheel.
5. Optionally prepare a short slide deck or other visual aid for use in class.

Non-panel students should interact with the notebook before class, enter study-and-learn mode, and come prepared to discuss issues, suggest alternative solutions, and ask questions.

Each student will produce one packet during the course. The professor will produce two exemplar packets early in the semester.

### **Current Events Days (approximately 3–4 classes)**

Constitutional law is happening in real time. These sessions will address major developments as they occur—decisions handed down by the Supreme Court in June and beyond, executive actions, military operations, legislative initiatives, or other events with constitutional significance. The professor will develop reading packets for these sessions.

Expect at least one session devoted to the aftermath of the Supreme Court’s late-June decisions (Callais, Slaughter, Cook, the transgender athletics cases, Chiles, and Barbara if decided by then). At least one session will focus specifically on the emergency docket and its evolving role in constitutional governance.

### **Paper Days (approximately 6–7 classes)**

**Topic Presentation (1–2 classes).** Students present their topics. Each student should prepare a 250-word document outlining the topic and distribute it one day in advance. Fellow students should critique the topics, ask questions, and suggest ways to sharpen, limit, or generalize.

**Midstream Draft Presentation (2–3 classes).** Students present their first drafts with a 1,000-word summary and a slide deck or other visual aid. They should discuss research and writing challenges. Fellow students provide constructive feedback.

**Final Draft Presentation (2–3 classes).** Students present their second drafts with a 1,000-word summary. By this point the paper must have a clear thesis and a clear solution that can be subjected to challenges and test cases. Fellow students provide constructive feedback.

### **Synthesis and Multimodal Projects**

In addition to traditional academic writing, students will learn to present legal scholarship in accessible formats. Over the course of the semester, each student will produce at least one non-traditional synthesis of their research—a podcast segment, a website, a visual explainer, or similar output—designed to make complex constitutional material accessible to a broader audience. Details will be provided early in the semester.

## Learning Objectives

1. Develop advanced critical thinking abilities to analyze complex constitutional issues from multiple perspectives and identify underlying assumptions in legal arguments.
2. Understand the profound role of history in constitutional law.
3. Appreciate the importance of state constitutions in addition to the federal constitution.
4. Master sophisticated research methodologies that blend traditional legal research with modern AI tools—including Claude, Midpage, Gemini, and NotebookLM—for research, writing, and citation verification.
5. Refine persuasive writing abilities to construct well-reasoned scholarly arguments supported by appropriate evidence and authority.
6. Strengthen oral communication and presentation skills for articulating complex legal concepts to both expert and non-expert audiences.
7. Learn to synthesize complex legal materials into accessible, non-textual formats: audio, video, websites, diagrams, and visual presentations.
8. Build collaborative competencies through providing constructive feedback and engaging in scholarly dialogue with peers.
9. Enhance project management capabilities by developing research plans, meeting deadlines, and producing high-quality deliverables.
10. Cultivate intellectual curiosity and self-directed learning habits that extend beyond formal education. The study of constitutional law should be fun.

## Grading

- 5% — Topic selection and presentation
- 5% — Midstream presentation
- 10% — Final presentation
- 20% — Packet creation
- 20% — First draft
- 40% — Final draft

The professor reserves the right to raise or lower student grades by one unit based on class participation. Grading will not be anonymous in this course.

*[Note: Grading weights may be adjusted to reflect the addition of multimodal synthesis projects. Any changes will be announced before the semester begins.]*

## Policies

### Attendance

- Students must attend at least 80% of class sessions.
- Attendance must be in person unless (1) the professor has designated the class as a Zoom class, or (2) it is one of the limited number of classes per semester that a student may attend via Zoom. Students may not Zoom in on a presentation day.
- If you observe religious or cultural holidays that will coincide with class sessions, please let me know as soon as possible so that we may make arrangements. I follow state law on the subject.

*[Attendance link will be provided at the start of the semester.]*

## **Civility**

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, gender, political affiliation, marital status, and other diverse identities that we each bring to class. Constitutional law involves issues about which people care deeply. A skill I want you to develop is an ability to really hear positions and arguments with which you may disagree, and to develop ways of persuading a broad spectrum of people of your position. Yelling or ad hominem attacks are seldom effective in this regard.

If you have a name or form of address that you prefer, let me know. I like to go by “Professor Chandler” in class. I don't like the “Hey” salutation, as in “Hey, Professor Chandler.”

## **AI Policy**

AI and Large Language Models are central to this course—not as a crutch, but as a collaborator. Here are the rules:

- You should use AI in drafting, editing, and research. Unless I tell you otherwise, I do not consider the use of AI to be cheating.
- But you must know how to use AI well. Most failures of AI are due to humans not understanding their capabilities, how to communicate with them, and their limitations.
- Large Language Models can hallucinate. They are not yet as good as skilled humans in all areas of expertise. You are responsible for anything you say or write, regardless of its source.
- It is your job to verify information fully and sensibly. Collaborate means you interact, question, criticize, and iterate—you do not accept what the AI produces at face value.
- Ultimately, the information and ideas have to get into your brain. AI accelerates and enhances the work; it does not replace your thinking.

## **Disabilities**

If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), please feel free to reach out to me so that we may discuss options. If you require support services, you may contact the

Academic Records Coordinator in the Office of Student Services. Requests for accommodation that involve graded assignments should be made as soon as possible to allow adequate time to process the request.

*[Contact information will be updated for the 2026–2027 academic year.]*

## **Office Hours**

I will hold in-person office hours on a regular schedule to be announced. My office is 340N in the third-floor faculty suite. Students unable to meet at the scheduled time should email me and suggest three alternative half-hour blocks. These meetings may be by Zoom.

*[Office hours schedule and faculty assistant contact information will be confirmed before the semester.]*

*Please note that the instructor may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through email or a learning platform.*

*In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse components of our identities that we each bring to class.*

*I go by Professor Chandler. I generally call students by their first name as indicated on the syllabus. If you would prefer I call you by some nickname, let me know.*

*The University of Houston provides information to optimize the online learning experience through the Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips. For questions or assistance contact UHOnline@uh.edu.*

*Please check and use your CougarNet email for communications related to this course. Faculty use the CougarNet email to respond to course-related inquiries for reasons of FERPA.*

*UHPD provides a security escort service for community members who have safety concerns. Call 713-743-3333. Parking and Transportation Services also offers a late-night shuttle service called “Cougar Ride” available through the UH Go app.*

## **Required Syllabus Language**

### **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.

### **The University Of Houston 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](http://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](http://988lifeline.org).*

### **Recording Of Class**

*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.*

### **Anti-Discrimination**

*UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment in which students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced*

*an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University system’s Anti-Discrimination Policy webpage, Anti Discrimination Policy, Sexual Misconduct Policy webpage, and Sexual Misconduct Policy.*

## **Title IX/Sexual Misconduct**

*Under the University 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/>.*