

CONSTITUTIONAL LAW (Syllabus)
Spring 2024

Professor Tracey Maclin, Spring 2024

Office Location: Holland Hall 312L

Class: Mondays, Tuesdays & Wednesdays 1:45 – 3:00pm in Holland Hall 355B.

Office Hours: Wednesday after class. If that time is inconvenient, please call or e-mail me to make an appointment for an alternative time.

E-mail address: maclin@law.ufl.edu.

Office phone: 352 273 0917.

The following is a general guide regarding the requirements of the course. For specific questions regarding law school rules, students should consult the University of Florida Student Handbook and Academic Policies. A link to the handbook is here:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

Attendance and Preparation:

Regular attendance is expected of every student. In other words, unless you have a very good excuse for missing a class, you must attend class every day. Attendance in class is required by both the ABA and the Law School. If you miss more than six classes, your grade for the semester will be adversely affected. If you have a legitimate reason for missing class, you should contact me before or soon after class ends for your absence to be excused.

Preparation of class assignments and informed participation in class discussion is expected of each student.

Students should devote at two hours or more outside of class reading and preparing for each hour of class.

Each student must make sure that his or her name is on the professor's seating chart. The average reading assignment for each class is approximately 30-35 pages a day. On certain days, we may discuss more than 30 pages of reading. For example, the handouts for *New York v. United States* and *Planned Parenthood of Southeastern Pa. v. Casey* are much longer than most of the cases we read. ***Students should come to class on time. Turn off your cell phone while in class.***

Observance of Religious Holidays:

UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

Final Grade:

The student's attendance, class preparation, and classroom participation will be considered by the professor in determining each student's final grade. This may include either RAISING or LOWERING a student's final grade on account of class attendance, preparation, and participation. **IF YOU ARE CALLED UPON TO DISCUSS THE ASSIGNED MATERIALS, AND YOU ARE NOT PREPARED, YOUR GRADE WILL AUTOMATICALLY BE LOWERED ONE LEVEL. PERIOD.**

If you are unprepared for a specific class and do not want to be called on, e-mail me at least one hour *before* class and I will not call on you for that class. **DO NOT ABUSE THIS PRIVILEGE.** In other words, only use this privilege once or twice this semester.

Grading Evaluation:

Students final grade will be based upon a final exam and class participation. This course follows the Levin College of Law's grading policies found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>. The law school policy on exam delays and accommodations can be found there.

Information on UF Law Grading Policies:

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy.

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#grading-and-examinations>.

Exam:

The final examination will be an open book exam. The exam **MUST BE TYPED.**

Statement Related to Accommodations for Students with Disabilities:

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs. Students with disabilities should follow this procedure as early as possible in the semester, as accommodations are not retroactive. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

Questions about exam delays and accommodations can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Course Description and Objectives:

This course will study the United States Supreme Court's rulings on the Constitution of the United States. Specifically, the course will study decisions on the Commerce Clause; the Tenth and Eleventh Amendments, Article IV's Privileges and Immunities Clause; the Thirteenth Amendment; the Privilege or Immunities, Due Process and Equal Protection Clauses of the Fourteenth Amendment; the Fifteenth Amendment and Congress' power to enforce the Civil War Amendments. Upon completion of the course, students will be well-versed on these topics.

Student Course Evaluations:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click here (<https://gatorevals.aa.ufl.edu/students/>) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students here: <https://gatorevals.aa.ufl.edu/public-results/>.

Recordings of Class:

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time, and it is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

Book:

Noah Feldman & Kathleen Sullivan, Constitutional Law, 21th Edition.

Reserve Materials:

If you want to consult additional materials to assist your understanding of Constitutional Law, I have placed at the reserve desk in the Law Library the following books:

- Erwin Chemerinsky, *Constitutional Law: Principles and Policies* (6th edition) (soft-bound version);
- Nowak & Rotunda, *Constitutional Law* (7th edition);
- Laurence Tribe, *American Constitutional Law* (3d edition).

Old Exams

Prior Constitutional Law exams and the model answers are available in the Law Library.

Syllabus for Constitutional Law- Spring 2024

Professor Tracey Maclin

Monday, Tuesday & Wednesday 1:45 – 3:00pm; Room: Holland Hall 355B

Week 1 – January 16 - 17 (two days)

Read the United States Constitution (Casebook pages lix-lxxiii) and Casebook pages 1-34 (Marbury v. Madison; Impact of Marbury; Cooper v. Aaron and Ex Parte McCordle);

Casebook p. 77-93 (McCulloch v. Maryland);

Casebook p. 103-114 (U.S. Term Limits v. Thornton and related materials)

Week 2 – January 22 - 24 (three days)

Casebook p. 93-103 (United States v. Comstock; U.S. v. Kebodeaux) (discussion on “The Limits of the Necessary and Proper Clause”);

Commerce Clause Powers of Congress:

Casebook p.115-117 (Gibbons v. Ogden); Casebook p. 122 Hoke v. United States (Mann Act case)

Casebook p. 135-141 (Wickard v. Filburn; Heart of Atlanta Motel v. United States; Katzenbach v. McClung)

Casebook p. 141-149 (United States v. Lopez)

Week 3 – January 29 – 31 (three days)

Casebook p. 149-162 (United States v. Morrison, Gonzales v. Raich);

Casebook p. 162 – 170 (National Fed. of Ind. Bus. v. Sebelius); Casebook 97-98 (Sebelius on the Necessary and Proper Clause)

Casebook p. 170-175 (Tenth and Eleventh Amendment Cases)

Substitute the New York v. United States handout for pages 175 – 179 of the casebook. The handout can be found on the course website.

Casebook p. 459-480 (Fundamental Rights: Barron v. Baltimore; Dred Scott v. Sandford; Slaughter-House Cases and Saenz v. Roe).

Week 4 – February 5 - 7 (three days)

Casebook p. 507 - 531 (Substantive Due Process: Economic Cases), Day-Brite Lighting, Inc. v. Missouri (Handout); (Punitive Damages Cases);
Casebook p. 531-542 (Substantive Due Process: Privacy Cases)

Week 5 – February 12 - 14 (three days)

Casebook p. 542-552 (Roe v. Wade and its progeny)
Planned Parenthood of Southeastern Pa. v. Casey (handout)
Casebook p. 562-565

Casebook p. 565-578 (Dobbs v. Jackson Women's Health Org.)

Casebook p. 578-585 (Family Cases; Sexuality Cases);
Casebook p. 595- 624 (Lawrence v. Texas; United States v. Windsor; Obergefell v. Hodges)

Week 6 – February 19 - 21 (three days)

Casebook p. 624 – 635 ("Right to Die" Cases)
Casebook p. 636 - 642 (Procedural Due Process Cases);
Casebook p. 677 – 688 (Equal Protection: Economic Cases-Rational Review); Enquist v. Oregon Dept. of Agriculture (handout);
Casebook p. 688 - 699 (Equal Protection: Race Cases, Brown v. Bd. of Education)

Week 7 – February 26 – 28 (three days)

Casebook p. 703 - 712 (Loving v. Virginia, Palmore, Johnson v. California, Korematsu)
Casebook p. 712 - 723 (Purposeful Discrimination Cases);
McCleskey v. Kemp (Handout)

Week 8 – March 4 - 6 (three days)

Casebook p. 723 - 730 (Affirmative Action Cases: Bakke);
Casebook p. 730 - 742 (post-Bakke cases);
Casebook p. 742 - 760 (Grutter v. Bollinger, Gratz v. Bollinger)
Casebook p. 760 - 765 (Fisher v. University of Texas I and Fisher v. University of Texas II)
Casebook p. 767 - 776 (Parents Involved v. Seattle School District)

Spring Break - March 10 - 16

Week 9 – March 18 - 20 (three days)

Casebook p. 776 - 787 (Race Conscious Redistricting Cases);
Casebook p. 787 - 820 (Gender Cases & Sessions v. Morales-Santana)
Casebook p. 588 - 595 (Romer v. Evans);
Casebook p. 820 - 836 (Alienage and Other Classifications)

Week 10 – March 25 - 27 (three days)

Casebook p. 836 - 845 (Voting Cases); p. 863 - 876 (Access to the Courts Cases; Non-Fundamental Rights Cases);

Casebook p. 876 - 887 (San Antonio Ind. Sch. Dist. v. Rodriguez; Plyer v. Doe)

Week 11 – April 1 - 3 (three days)

Zobel v. Williams (Handout)
Casebook p. 889 - 913 (State Action Cases)
United States v. Guest (Handout);
Casebook p. 916 - 923

Week 12 – April 8 - 10 (three days)

Casebook p. 923 - 937 (Congressional Power Under the Civil War Amendments to Reach Private Action) (Jones v. Alfred H. Mayer Co.; Runyon v. McCrary (handout)) (Congressional Power to Enforce § 5 of the 14th Amendment) (South Carolina v. Katzenbach; Katzenbach v. Morgan and Oregon v. Mitchell)

Week 13 – April 15 - 17 (three days)

U.S. v. Rome (Handout)
Casebook p. 937 - 944 (City of Boerne v. Flores)
Casebook p. 954 - 969 (Impact and Aftermath of City of Boerne v. Flores and its progeny)

Week 14 – April 22 (one day)

Shelby County v. Holder (handout)