

Constitutional Law I

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Law 602 | Spring 2026 | Room 352 | Tues/Thurs 10:30 a.m.-11:45 a.m.

Class Overview

Welcome to Constitutional Law. This class will help you understand the many ways in which the Constitution determines how the federal government functions, and how the United States has been shaped by key Supreme Court decisions regarding the scope and limits of federal power. It is an exciting, fascinating, and, at times, frustrating course of study that I thoroughly enjoy embarking on with students. In this course, we will study the language of the Constitution itself, as well as judicial decisions that interpret and apply our foundational text to a changing society. We will pay particular attention to the separation of powers among the three branches of our national government (legislative, executive, and judicial) and the system of federalism that defines the relationship between the national and state governments. Because this area of law is currently in flux, we will also discuss how pending cases and current events impact the concepts we study.¹

First Day of Class and How to Prepare

On the first day of class, we will begin to cover material relevant to the federal judiciary, and will also review course goals and expectations, as well as the syllabus. To prepare for our first day, please read the assigned pages and brief the cases found within. Please also review the syllabus. I would love to learn a little more about you before our first meeting, and to tell you a little bit about myself. To that end, please add the following information to our [class directory](#) before our first day of class: your first and last name, your preferred first name or nickname and how to pronounce it, your hometown, and one piece of information that will help us get to know you better. If you would like to do so, please feel free to provide your preferred pronouns.² Finally, we will conclude our first day by working on a classroom engagement agreement, which will establish mutually agreeable standards to govern how we interact with each other.³

Required Text

Erwin Chemerinsky, Constitutional Law (7th ed. 2023). I have chosen this text because of the author's expertise, the way it covers key subjects in as few pages as possible, and the frequency with which Dean Chemerinsky updates his book.⁴

¹ This new section conveys my excitement about the course, and confronts one of the main sources of student anxiety (how much Constitutional Law is changing) head on. It also acknowledges that the course is complex but also interesting, and that I enjoy teaching it for both reasons.

² This is a new section as well. I realize that I've taken formality to an extreme (in an attempt to hold on to credibility), and need to infuse my syllabus with a bit of my personality. I will use a class directory, which I've hyperlinked to above. I've also added new information about how to prepare for class, and what the first class will entail. This section is almost uncomfortably informal for me, but I'm willing to give it a try.

³ This is also a new section. I will ask for volunteers to share their ideas about how to ensure that we treat each other respectfully and with civility. Before I solidify our agreement, I will ask students who didn't have a chance to provide input during class to email it to me. Then, I will share it in a Google doc and allow students to provide further comments to ensure that their intent is fully captured.

⁴ I added information about why I selected the required and recommended texts so that students know that both choices are intended to help their learning.

Recommended Text

Allan Ides, Simona Grossi & Christopher N. May, *Examples and Explanations: Constitutional Law, National Power and Federalism*. Allan Ides and Chris May taught me Constitutional Law and Civil Procedure. This book provides helpful summaries of thorny concepts as well as concrete illustrations of the same. I referenced an earlier edition of it as a student myself.

Office Hours & Questions

Office hours and emails are opportunities to ask me for help, and also help me understand how the class is doing. I will hold office hours by appointment every Wednesday from 12:00 – 2:00 p.m. in Room 405, or by Zoom. Please use [Calendly](#) to reserve an appointment during this timeframe. You will be asked to describe what you would like to talk about during our meeting. Please be as specific as possible. For example, rather than stating that you would like to review the judicial power unit, identify a case or concept that you would like to discuss. I understand that you may need to schedule a meeting at a time that is not listed on Calendly. To do so, please send me an email listing your availability. I am happy to meet with you in person or over Zoom (however, if you are ill or have been exposed to someone who is ill, please plan to meet over Zoom). Emailed questions are welcomed and encouraged. During the semester, I aim to answer emails within two business days. If I have inadvertently overlooked your message, please feel free to forward it to me again—I will appreciate the reminder.⁵

Learning Objectives⁶

The below objectives describe the substantive skills that, by the end of the semester, you should be able to complete.

- Restate the holding and explain the reasoning in *Marbury v. Madison*.
- Restate the holding and explain the cases that create limits on judicial power, including the cases that explain justiciability doctrines.
- Identify the Constitutional provisions that create limits on judicial power, including those relevant to the justiciability doctrines.
- Name each of Congress's major enumerated powers.
- Determine what power/s Congress has relied on to pass a particular law and state and apply the correct test to determine whether it has done so constitutionally.
- Identify and describe the express and implied limitations on Congress's major enumerated powers.
- Describe executive power in the context of foreign and domestic affairs, identify the cases that interpret the scope of executive power in both contexts, and explain the cases' holdings and reasoning.

⁵ I added first-person statements to this section and information intended to convey the purpose of office hours meetings and emails. I also included language about the timeframe in which students should expect a response to an email. I have held walk-in office hours appointments in the past, but have found that using Calendly to schedule appointments incentivizes students who plan to come to office hours to follow through and do so.

⁶ This section is completely revised. I realized that my objectives were abstracted to the point of confusion. These learning objectives cover specific, substantive material, and track what I want students to learn and what I will assess them on (thank you, course mapping!). I've also included professional goals that incorporate classroom expectations and also speak to how the substantive material will further their overall learning.

- Describe executive privilege and identify how it applies in criminal and civil proceedings.
- Describe how the Supremacy Clause allows federal law to supplant state law, and identify scenarios in which the Supreme Court has concluded that state law is preempted, including conflict, objective, and field preemption.
- Identify instances in which the Dormant Commerce Clause applies and name and describe exceptions to the doctrine's application.
- Describe the purpose of the Privileges and Immunities Clause of Article IV, the rights it protects, and how state laws that impact those rights may nevertheless be upheld.
- Describe the holdings in the Slaughter-House Cases and the Civil Rights Cases, and their impact on the scope of the Fourteenth Amendment and Congress's Section 5 power.
- Describe the kind of laws that Congress may pass pursuant to its Thirteenth, Fourteenth, and Fifteenth Amendment powers.
- Identify instances in which the Supreme Court has treated private individuals or entities as state actors and held that one or more of the Reconstruction Amendments bars their conduct.
- Describe the rule developed by the Supreme Court in *City of Boerne v. Flores*.
- Identify the difference between the Supreme Court's holding in *City of Boerne v. Flores* and *Tennessee v. Lane*.

The below objectives speak to the professional, reasoning, and writing skills that I would like you to develop throughout the semester.

- Practice your speaking skills by volunteering in class when the professor poses a question to the class as a whole and participating during in-class group exercises and presentations.
- Analyze a fact or series of facts using the IRAC method, which involves spotting a discrete issue (I); stating the rule that determines how the issue will be resolved (R); applying the rule to the facts using the reasoning derived from the cases we cover in class (A); and reaching a one-sentence conclusion informed by your analysis (C).
- Create a rule for key issues discussed across several cases by combining the Supreme Court's reasoning in each case into one multi-part rule statement.
- Explain how certain Supreme Court decisions are influenced by reasons that the Court does not expressly state, such as political or social pressure.
- Describe the role of each of the three branches of the federal government in making, interpreting, or enforcing the law.
- Identify the key facts, reasoning, holdings, and policies that underlie a Supreme Court decision interpreting or applying the Constitution.

Class Recordings

All classes will be recorded and uploaded automatically to our Blackboard page. To find the recordings, on the main Blackboard menu, locate the "Zoom Meeting" link and then click on the "Cloud Recordings" tab. To encourage candid discussion, and to preserve the integrity of your educational experience, class recordings may not be shared with anyone who is not enrolled in the class. If you attend class over Zoom, use this [link](#).

Grading

This class is graded on the lower-division Grading Curve. Your grade will be based on in-class participation (5%); an in-class drafting assignment (2%); a group presentation (8%); completion of a midterm (5%); and a closed-book final examination (80%). Additional information about graded assignments is included below. Please note that I reserve the right to lower final grades for exceptionally poor participation or unprofessional behavior in the classroom, though such a decision is rare.⁷

Attendance

Attendance is key to succeeding in this course. Your regular and punctual attendance will ensure that you are aware of all key material. Your participation will also help your classmates learn from your insights.⁸ You may attend up to five (5) classes over Zoom, but thereafter, must obtain my express, written permission to continue attending over Zoom. Exceptional circumstances may require you to miss class, be late on a few occasions, or leave in the middle of class, but excessive and regular absences, tardiness, or class disruptions may lower a student's grade and result in being administratively dropped from the class. It is your responsibility to keep track of your attendance and absences.

Community Well-being

It is my goal to hold class at our regular times each week with as few rescheduled classes as possible. Keeping everyone healthy, including your professor, is key to staying on schedule. If you are sick, please do not attend class in person. You may either attend over Zoom or watch a class recording once you are well. Err on the side of caution and take good care of yourself.

Internet Use

Internet use in class is permitted, so long as it does not interfere with the learning environment.

Sensitive Subject Matter

This course covers controversial and at times sensitive subject matter. Though we will not avoid difficult discussions, I understand that you may be concerned about your ability to participate in certain discussions involving matters with which you have complex personal experience. Please do not hesitate to inform me by email or in person if there is a particular case or subject you would prefer to be excused from discussing.

Hours

This is a 3-credit course. Pursuant to ABA Standard 310, in addition to time spent in class, you will spend, on average, an additional 6 hours per week on course-related work. This time may include reading the assigned material, briefing cases, and completing assignments.⁹

⁷ I added the last six words to this section to indicate that it's difficult to engage in conduct that results in a grade reduction.

⁸ Poor attendance is less of an issue in law school, but I did add a few softer sentences at the beginning of this section to emphasize how important it is.

⁹ This is department-mandated language that is difficult to warm up without changing its meaning.

Accommodations

Accommodations ensure educational equality. If you are a student with a disability and would like to discuss receiving accommodations in class, on exams, or in another setting, please contact Annette Jenner-Matthews, Senior Disability Access Counselor at the College of Law, at 315-443-9409 or arjenner@syr.edu. The [National Disabled Law Students Association](#) also provides resources for law students with disabilities. Our College of Law Disabled Law Students Association provides programming, mentoring, and support for students with disabilities.

Religious Observances

SU recognizes the diversity of faiths represented among the campus community and protects the rights of students, faculty, and staff to observe religious holidays according to their tradition. Students are provided an opportunity to make up any examination, study, or work requirements that may be missed due to a religious observance provided they notify their instructors before the end of the second week of classes. The religious observance policy may be found [here](#).

Agenda

Date	Coverage	Assigned Reading	Other Assignments
Jan. 12			Please introduce yourself by entering information into our class directory
Jan. 13	Introduction to Con Law; Judicial Power I	xxxvii-xlvi; 1-9	Review syllabus
Jan. 15	Judicial Power II ¹⁰	10-29	
Jan. 20	Judicial Power III	29-44	Locate “Civil Rights Stories” in the Library Catalogue ; click on “Electronic Resource” and read Ch. 7 “The Story of City of Los Angeles v. Lyons” (131-149)
Jan. 22	Judicial Power IV ¹¹	47-62	Presentation Topic & Group List Due
Jan. 27	Judicial Power V; in-class drafting exercise	62-77; 89-93	
Jan. 29	Judicial Power VI; Review	93-97	
Feb. 3	Legislative Power I	99-119	Presentation 1
Feb. 5	Legislative Power II	129-147	
Feb. 10	Legislative Power III	147-153 (omit Garcia); 157-167	Presentation 2

¹⁰ Will incorporate “mind dump” activity at the beginning of class and will ask students to restate everything they know so far about judicial power and the Marbury v. Madison case, which has a tendency to lead students astray and merits additional, careful review.

¹¹ Will ask for in-class shoutouts for those classmates who have gone above and beyond in helping to select a presentation topic and completing the first step of the group presentation assignment.

Date	Coverage	Assigned Reading	Other Assignments
Feb. 12	Legislative Power IV ¹²	167-171; 173 (start at Gonzalez)-180	
Feb. 17	Legislative Power V	181-193 (omit dissent); 196-201	Presentation 3
Feb. 19	Legislative Power VI; Review	201-207	
Feb. 24	No class; email cut-off for midterm-related questions: 2:00 p.m.		
Feb. 26	Midterm		
March 3	Legislative Power VII	207-218	Tennessee v. Lane, available here (majority opinion only)
March 5	Executive Power I	229-243	Trump v. US (on Blackboard (pgs. 13-30 of PDF only) Presentation 4
March 17	Midterm Debrief ¹³		
March 19	Executive Power II	253-266 (omit dissent); 269-276	Presentation 5
March 24	Executive Power III	288-296 (omit dissents); 298-301; 336-345	Presentation 6
March 26	Executive Power IV; Review	345-351 (omit dissents); 364-368	
March 31	Limits on State Regulatory & Taxing Power I	369-383	Presentation 7
April 2	Limits II	383-398	
April 7	Limits III	398-420	Presentation 8
April 9	Limits IV ¹⁴	420-425; 428-444	
April 14	State Action I	447-460	

¹² Will ask students to write a one-minute paper summarizing their understanding, to date, of the Commerce Clause cases. Will then ask for 2-3 volunteers to share what they discovered regarding their retained knowledge and what they may need to review as a result of the assignment.

¹³ I have cut about 20 pages of casebook reading and one full class of related content from my syllabus to make time for a midterm debrief. During the debrief class session, I will provide general feedback to the class about (1) strengths and (2) areas for improvement. I will also provide time for the class to ask questions. Finally, I will solicit anonymous feedback from the class about the amount of time spent studying for the midterm; the number of office hours visits; one change they will make going forward to improve their studying techniques; and how they used practice questions. In the past, I've made answering those questions a condition to meeting with me to discuss the midterm, but I'd like everyone to answer them.

¹⁴ Will ask students to write a one-sentence summary of the exceptions to the Dormant Commerce Clause, material that I cover quickly but that could use some additional emphasis.

Date	Coverage	Assigned Reading	Other Assignments
April 16	State Action II ¹⁵	463-465 (omit McDonald); 474-483	Presentation 9
April 18	Save the date: Prof. Joanna Schwartz discusses “ Shielded ”		
April 21	State Action III	483-488 (omit dissent); 492-500	
April 23	State Action IV; Review	501-508	
TBD	Final Office Hours		
TBD	Email Cut-off		

Assignment Information

Participation (5 points total)

In class, I will call on students at random and ask them questions about the assigned reading to develop the class’s understanding of a case’s facts, issues, reasoning, holding, and reliance on policy. Please be prepared to be called on at random 2-3 times throughout the semester to share your understanding of the identified aspects of assigned cases. You should feel free to ask me to restate a question that you do not understand. Being prepared to answer questions when called upon at random will help you earn participation points, though perfection is not expected. I will also ask for volunteers to answer questions from time to time, and will call on students at random following in-class group work, providing you with additional opportunities to earn participation points. Each time I call on you or you volunteer to speak is a chance to work on and hone your public speaking and presentation skills. Wrong answers improve your understanding of the law just as much as correct answers do. No matter how prepared you think you are, my class is the place to practice and I am committed to ensuring that everyone feels welcome to participate. This law review [article](#) addresses how social context may affect classroom participation in law school.¹⁶

Drafting Assignment (2 points total)

On January 27, you will complete a 1-2 paragraph drafting exercise in class focused on practicing the IRAC method. Working in groups of 5 or 6, you will read and discuss a short essay question, identify the issues raised by the call of the question, and select one issue to IRAC. By the end of class, email the professor your IRAC, which should be no longer than 150 words, in the body of an email. The subject of the email should identify the names of your group members, who will

¹⁵ Will incorporate a self-reflection exercise that asks students to return to the answers they provided after the midterm and create new goals headed into the final examination about (1) a class-related matter they would like to work on and (2) a matter outside of class they have excelled at.

¹⁶ This is a new section—I had previously treated the participation grade as self-explanatory. To increase transparency, I’ve outlined how students can earn participation points and some language intended to encourage them to give speaking in class a try.

also be copied on the email. In the body of the email, in addition to the IRAC itself, please provide your total word count, and how you would like to receive feedback (over email or in person).¹⁷

Group Presentation (8 points total)

Group presentations provide you with an opportunity to dig deeper into a subject that interests you and practice your presentation and communication skills. I am always impressed by the material my students choose to present and the manner in which they do so.¹⁸

You may, but are not required to, use AI to create the materials that you submit in connection with your group presentation so long as your use of AI is disclosed. If you use AI to generate a list of potentially relevant cases, statutes, or other sources that you cite or reference in your presentation or related materials, please verify that the source is not a hallucination. Some risks associated with lawyers' use of AI are described [here](#).¹⁹

The presentations will be 10-12 minutes in length. Your topic should be inspired by a case or doctrine we cover in class. In selecting your topic, consider cases and doctrines we have already covered as well as those we will cover in the future. Past presentations have examined executive power and the Obama administration's DACA policy; pending Supreme Court cases regarding the removal of agency heads; *City of Los Angeles v. Lyons* and its impact on excessive force litigation; the Green Book and its influence on federal civil rights legislation; the impeachment of Presidents Clinton and Trump; and state courthouse access after *Tennessee v. Lane*. Presentations focusing on attorneys and/or judges whose work shaped constitutional law are also welcome. I am also open to creative formats; for example, students have incorporated songs into presentations, filmed a short video, and staged a mock school board meeting.²⁰ To receive full points, please follow each of the instructions below.

Topic Selection (1 point): Form a group with 6-7 members. Working as a group, research and select a presentation topic. Send the professor an email with the subject "Presentation Topic" copying each group member, and in the body of the email, in 2-3 sentences, describe the topic and explain its connection to material we have covered or will cover. The professor must approve each group's topic.

Before class begins on the date of your presentation (3 points): Send the professor an email copying each group member and attaching (1) a summary of your presentation in 100 words or less and (2) a group timesheet.

¹⁷ This is a new, low-stakes assignment intended to provide essay practice about one month before the midterm, which will also feature an essay question. It is student-centered in that it requires group work. I have given the students an option with respect to how they receive their feedback. Finally, each group will receive individualized feedback focused on how to improve their written product going forward. Having students complete this assignment in groups is feasible because I will only review 10-12 short paragraphs, as opposed to 60 individual submissions.

¹⁸ This is new "warmed up" language intended to convey the importance of and fun associated with group presentations.

¹⁹ This new section was inspired by the Office of Academic Integrity's presentation. I want to convey my awareness that using AI is both a common practice and one students should be familiar with, while also highlighting some of the risks posed by using it for research as opposed to, for example, the enhancement of a slide's design.

²⁰ This is new language intended to inspire creativity—often, the format of the first presentation is followed by every group.

Your group timesheet should include an entry for each task performed by each group member. Measure your time in 6-minute intervals and round up. Each 6-minute interval corresponds to 1/10 of an hour, therefore, a task that takes 15 minutes to complete would result in a 0.3 time entry. If five group members attend a 30-minute meeting, each group member should have their own individual 0.5 time entry. Below are a few sample timesheet entries for a hypothetical group.²¹

Group Member	Date	Task	Time in Hours
Sonia Sotomayor	1/1/2025	Researched potential group topic	0.3
Ketanji Brown Jackson	1/3/2025	Attended meeting re: potential topics	0.4
Samuel Alito	1/3/2025	Attended meeting re: potential topics	0.4
Amy Coney Barrett	1/7/2025	Drafted email to professor re: group topic	0.7
Neil Gorsuch	1/9/2025	Drafted presentation slides and prepared notes re: same	0.3

Presentation (4 points): Students are responsible for keeping time and for learning how to use classroom technology if they wish to share a video/audio clip and/or use PowerPoint or other software. You will receive points based on: professionalism (whether the presentation adheres to timing requirements and uses formal, legal terms of art); research (whether the presentation demonstrates original, relevant research); accuracy (whether the presentation accurately represents law and sources); and engagement (whether the presentation engages the audience through a compelling narrative and/or audio/visual materials).

Midterm (5 points)

You will take a timed, closed-book midterm, designed to provide you with an opportunity to practice your exam-taking skills and to help you stay on top of the material you learn throughout the semester.²² I will provide general feedback about the class's performance through a review PowerPoint approximately two weeks after the midterm. You will receive full (5) points if your essay answers are organized in an IRAC or similar format and rules derived from cases are applied accurately to the facts in the fact patterns.

Final Examination (80 points total)

The final exam will test material we cover throughout the semester and will consist of multiple choice/true or false questions, as well as a multi-part essay question. The essay question will require you to spot multiple issues and then IRAC them in accordance with the methods we have practiced in class and on the midterm. In past years, the essay question

²¹ I realize that this portion of the exercise needs to be demonstrated in class and I will do so before the first group presents and also allow time for students to ask questions about it.

²² I have revised this description to include less formal phrasing.