

AMH 3558

American Legal History

MWF Period 7

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Office Hours: MW 12:30pm-1:30pm , FLI205

3 Credits

Books:

Collins, Creeley, Hudson, *First Things First*

Geoffrey R. Stone, *Perilous Times*

Jeff Kosseff, *The Twenty-Six Words That Created the Internet*

David L. Hudson Jr., *Let the Students Speak!*

Edward Larson, *Summer for the Gods*

Phillippa Strum, *Speaking Freely*

Catalog Description: Nontechnical survey of American legal development from its English common law origins to the present.

American Legal History follows the tradition of focusing on one issue for each course. This term the issue is the First Amendment. I chose it because it is both lively and relevant. This course will also follow the tradition of posing the question of how law relates to society. By the end of the course, students will have been introduced to the idea that law works in society, sometimes shaping it, and sometimes being shaped by it. They will explore the ways in which law in the United States has evolved through time and space, considered the sources of legal claims, and explore key issues, examining how legal claims have been asserted, and by whom.

Assignments:

Class participation: I will appoint one student to guide the class for each of the readings. Every student will have his or her turn. I will ask each to summarize the readings, and to introduce two questions for the class. Every other student should nevertheless be prepared to answer the questions and participate in the class.

Written assignments: Each student will hand in four short summaries of the readings. Each should be about 1,000 words double-spaced. That's about a page and a half. At least two will be due before Spring Break.

Final assignment: I will pose several hypotheticals, and each student should choose one and turn in a 5-page paper. I will post these after the Spring Break.

**Materials Fee:** None.

**Grading Scale**

| <b>Letter Grade</b> | <b>Number Grade</b> |
|---------------------|---------------------|
| A                   | 100-93              |
| A-                  | 92-90               |
| B+                  | 89-87               |

|    |       |
|----|-------|
| B  | 86-83 |
| B- | 82-80 |
| C+ | 79-77 |
| C  | 76-73 |
| C- | 72-70 |
| D+ | 69-67 |
| D  | 66-63 |
| D- | 62-60 |
| E  | 59-0  |

All non-whole number grades .5 and above will be rounded up (for example, an 89.5 will be rounded up to a 90)

See the UF Catalog's [Grades and Grading Policies](#) for information on how UF assigns grade points.

## University Assessment Policies

### University Policies

This course complies with all UF academic policies. For information on those policies and for resources for students, please see [this link](#).

Requirements for make-up exams, assignments, and other work in this course are consistent with university policies that can be found in the [Catalog](#).

### Week

1 – 1/12; 1/14; 1/15

Introduce course

Explaining the First Amendment

*First Things First* – Chap. 1-4 (pp 1-16)

Stone: Intro (pp 4-14)

2 – 1/21; 1/23

John Peter Zenger

Read: <https://history.nycourts.gov/case/crown-v-zenger/>

Act out “Trial of John Peter Zenger”

Watch “Unexpected Verdict” <https://www.youtube.com/watch?v=Ab8lPjHlk0I>

3 – 1/26; 1/28; 1/30

Alien and Sedition Acts 1798

Stone – Chapter 1 (pp 16-77)

4 – 2/2; 2/4; 2/6

World War I

Stone: Chap. 3 (pp 135-176; 192-211)

5 – 2/9; 2/11; 2/13

World War I (continued)

*First Things First*: Chap. 7 (pp 87-97) (*Abrams* (1919), focus on Holmes' dissent)

Strum, *Speaking Freely – Whitney v. Calif.* (1927) (pp 1-48; 106-155)

6 – 2/16; 2/18; 2/20

Civil Rights Era and the Press

*First Things First* -- Chap. 9 (pp 135-145) *NY Times v. Sullivan*

*McKee v. Cosby* (Thomas dissent) [https://www.supremecourt.gov/opinions/18pdf/17-1542\\_ihdk.pdf](https://www.supremecourt.gov/opinions/18pdf/17-1542_ihdk.pdf)

7 – 2/23; 2/25; 2/27

Student Rights

Hudson – pp 1-42 (early issues in education rights)

Hudson – pp 58-104 (the protest era)

*First Things First* – Chap. 11 (pp 195-217) *Tinker v. Des Moines* (1969)

*Hazelwood School Dist. v. Kuhlmeier* (1988)

<https://supreme.justia.com/cases/federal/us/484/260/>

8 – 3/2; 3/4; 3/6

Student rights (continued)

Hudson – 104-119 (Bong Hits)

*Morse v. Frederick* (2007) (“Bong Hits 4 Jesus”) <https://www.oyez.org/cases/2006/06-278>

Contemporary issues

“Federal Judge Reins In Crackdown on Pro-Palestine Campus Protests”

<https://www.findlaw.com/legalblogs/federal-courts/federal-judge-reins-in-crackdown-on-pro-palestine-campus-protests/>

“Free Speech on College Campuses”

<https://bostonbar.org/journal/free-speech-on-college-campuses-legal-analysis-post-2023-24-pro-palestine-protests/>

9 – 3/9; 3/11; 3/13

Prior Restraint – Pentagon Papers

Stone – pp 500-521

*First Things First* – Chap. 15 (pp 263-281) – *NY Times v. United States* (1971) (Pentagon Papers Case)

10 -- SPRING BREAK

11—3/23; 3/25; 3/27

Section 230 – the Internet

Hudson – pp 159-181 (the New Frontier)

Kosseff – pp 1-76 (early privacy rulings)

12 – 3/30; 4/1; 4/3

Section 230 – the Internet (continued)

Kosseff – pp 77-102 (*Zoran v. AOL*)

Overview --

[https://www.congress.gov/crs\\_external\\_products/R/PDF/R46751/R46751.8.pdf](https://www.congress.gov/crs_external_products/R/PDF/R46751/R46751.8.pdf)

Kosseff – pp 208-227 (the future of the Internet)

13 – 3/6; 3/8; 3/10

Freedom of Religion

Hudson – pp 45-58 (early religion cases in schools)

Edward Larson, *Summer for the Gods*

*Kennedy v. Bremerton School Dist.* (2022) -- <https://www.oyez.org/cases/2021/21-418>

14 – 3/13; 3/15; 3/17

Freedom of Assembly

*First Things First* – Chap. 4 (pp 26-44) – *NAACP v. Alabama* (1958)

Michele Pacifico, “Don’t Buy Where You Can’t Work” – TK

*Hague v. CIO* (1939) -- <https://www.oyez.org/cases/1900-1940/307us496>

*Cox v. Louisiana* (1965) -- <https://www.oyez.org/cases/1964/24>

15 -- REVIEW

Review: Watch: <https://www.youtube.com/watch?v=fnp0YfaKnIA>