

VOTING, VOICE, AND VIRTUAL FREEDOM IN THE INTERNET AGE
POLITICAL SCIENCE 244
SPRING 2023

Introduction

- 1-11 Receive syllabus; get acquainted; receive course pack; why free speech?
- 1-18 *SPECIAL EVENT*: Martin Luther King Jr. Day Teach-in
11am Hansen: Menah Pratt-Clark “Filling Place and Spaces with Our Voices”

Part One: Debates over the Voting Rights Act (VRA)

- 1-18 The Voting Rights Act of 1965 in context
Ari Berman, *Give Us the Ballot*, 3-38
Course Pack: *South Carolina v. Katzenbach* 383 US 301 (337-355)
- 1-23 The constitutional debate over the VRA
Ari Berman, *Give Us the Ballot*, 39-64
Course Pack: *South Carolina v. Katzenbach* 383 US 301 (307-337; 355-362)
- 1-25 The southern strategy and the first political challenge
Ari Berman, *Give Us the Ballot*, 65-158
- 1-26/1-29 Sign up for case brief individual presentation conferences on *Katzenbach*
- 1-30 CLASS DEBATE: *Is Section 5 of the Voting Rights Act constitutional?*
- 2-1 The second wave conflict over the VRA
Ari Berman, *Give Us the Ballot*, 158-182
Course Pack: *Thornburg v. Gingles* 478 US 30 (34-79)
- 2-3 **Micro-essay #1 due in the Google docs folder by 4 pm**
- 2-6 Republicans take the House
Ari Berman, *Give Us the Ballot*, 183-244
- 2-8 From voter ID laws to *Shelby County*
Ari Berman, *Give Us the Ballot*, 245-285
Course Pack: *Shelby County v. Holder* (Slip opinion 2012:1-24)
- 2-13 The *Shelby County* dissent
Course Pack: *Shelby County v. Holder* (Slip opinion 1-37)
- 2-15 CLASS DEBATE: *should the Voting Rights Act be retired?*
Ari Berman, *Give Us the Ballot*, 286-314

2-17 **Micro-essay #2 due in the Google docs folder by 4pm**

Part Two: Voice and the First Amendment

- 2-20 First Amendment constitutional law
Smolla, *Free Speech in an Open Society*, 3-42
- 2-22 Illegal advocacy: World War I
Course Pack: *Schenck* 249 US 48 (48-53); *Abrams* 250 US 616 (616-631)
- 2-27 Symbolic political advocacy and time, place, and manner restrictions
Course Pack: *O'Brien* 391 US 367 (369-386); *Tinker v. Des Moines* 393 US 503 (504-526)
- 3-1 Street protests and time, place, and manner restrictions
Course Pack: *Clark* 468 US 288 (289-316); *City of Chicago v. Alexander* (district) 1-30
Smolla, *Free Speech in an Open Society*, 43-65
- 3-6 Distribution of political literature in university dorms
Course pack: *James v. Nelson* (1972)
- 3-8 CLASS DEBATE: *does the marketplace theory allow IWU to ban canvassing in dorms?*

3-10 **Micro-essay #3 due in the Google docs folder by 4pm**

3-13/3-19 SPRING BREAK

- 3-20 The two-tier theory and "unprotected" exceptions: fighting words and group libel
Course Pack: *Chaplinsky* 315 US 568 (569-574); *Beauharnais* 343 US 250 (251-259; 266-275; 302-305)
- 3-22 Campus speech codes
Chemerinsky and Gillman, *Free Speech on Campus*, 1-48; 82-110
- 3-27 CLASS DEBATE: *is posting anti-gay signs protected expression or harassment?*
Chemerinsky and Gillman, *Free Speech on Campus*, 111-152
Course Pack: IWU's "University Policy and Regulations: Campus Environment"; and
IWU's "Campus Posting Policy"

3-31 **Micro-essay #4 due in the Google docs folder 4pm**

Part Three: Virtual Freedom, Digital Reality: Free Speech and the Internet

- 3-29 Free speech in the era of Facebook and Twitter
Susskind, *The Digital Republic*, 115-131; 293-305
Sunstein, *#Republic*, 1-22

- 4-3 Social media: The daily me
Sunstein, *#Republic*, 59-97
- 4-5 Search engine work in class/Presentations
- 4-10 Presentations
- 4-12 Presentations
- 4-17 Presentations
- 4-19 Presentations
- 4-24 An affirmative First Amendment for the digital age
Sunstein, *#Republic*, 31-58
- 4-26 CLASS DEBATE: Should we view the Internet as a public forum or a marketplace?
Sunstein, *#Republic*, 157-212
Nunziato, *Virtual Freedom*, 24-40
- 4-28 **Analytical essay due in the Google docs folder by 4 pm**
- 5-1 Final Exam 10:15-12:15

CLASS READING

A course pack, available at the bookstore, is a required text. It contains selections from every case to be read for this class. The following books should also be purchased.

- Ari Berman, *Give Us the Ballot: The Modern Struggle for Voting Rights in America* (New York: Farrar, Straus, & Giroux, 2015)
- Edwin Chemerinsky and Howard Gillman, *Free Speech on Campus* (New Haven: Yale University Press, 2017)
- Cass R. Sunstein, *#Republic: Divided Democracy in the Age of Social Media* (Princeton: Princeton University Press, 2017)

Additional chapters from the following books listed in the class schedule can be found on the class Moodle page.

- Dawn C. Nunziato, *Virtual Freedom: Net Neutrality and Free Speech in the Internet Age* (Stanford, Ca.: Stanford Law Books, 2009)
- Rodney A. Smolla, *Free Speech in an Open Society* (New York: Vintage Books, 1992)
- Jamie Susskind, *The Digital Republic: On Freedom and Democracy in the 21st Century* (New York: Pegasus Books, 2022)

SOCIAL CONTRACT

Students are required to complete four (750 word) micro-essays, a case presentation, and a class presentation. Single-space your essay and print on both sides of a single sheet of paper. All assignments and the final exam will be posted on my homepage: <http://www.iwu.edu/~jsimeone>: on the menu page, click on ASSIGNMENTS below the list of syllabi.

Every student is required to present a case brief in conference with me (scheduled for 1/26 to 1/29) and to make a class presentation (scheduled for 4/5 to 4/19). Students may also revise the first two essays. Revisions must be thorough and all drafts must be handed in together. I will average the grade of the original and the re-write. Revisions will be accepted until the last day of class, 4/26.

Course grades will be based on the following:

40% micro-essays (10% each)

5% case brief conference presentation

15% analytical essay

25% final exam

15% class participation (includes participation in five class debates and one class presentation)

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