

**VOTING, VOICE, AND VIRTUAL FREEDOM
IN THE INTERNET AGE
POLITICAL SCIENCE 244
FALL 2016**

Introduction

8-30 Receive syllabus and course pack; get acquainted

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

9-1 The Voting Rights Act of 1965 in context

Ari Berman, *Give Us the Ballot*, 3-48

Course Pack: *South Carolina v. Katzenbach* 383 US 301 (337-355)

9-6 Six modes of constitutional interpretation

Philip Bobbitt, *Constitutional Interpretation*, 11-30

Course Pack: *South Carolina v. Katzenbach* 383 US 301 (307-337; 355-362)

9-8 CLASS DEBATE: *does Warren or Black have the better constitutional argument?*

Ari Berman, *Give Us the Ballot*, 48-64

9-12 **Micro-essay #1 due in CLA 251 by 4 pm**

9-13 The Southern Strategy and the first political challenge

Ari Berman, *Give Us the Ballot*, 65-158

9-15 The VRA in the 1980s: the debate over racial polarization

Course Pack: *Thornburg v. Gingles* 478 US 30 (34-108)

9-20 Race-based districts and color-blind arguments

James Glaser, *Race, Campaign Politics, and the Realignment in the South*, 142-174

David T. Canon, "The Representation of Racial Interests in the US Congress," 281-313

9-22 CLASS DEBATE: *is race-based districting or color blind districting the better ideal?*

Charles Fried, *Order and Law*, 89-131

Carol Swain, *Black Faces, Black Interests*, 1-22

9-26 **Micro-essay #2 due in CLA 251 by 4 pm**

9-27 The contemporary conflict over the VRA: necessary in the age of Obama?

Ari Berman, *Give Us the Ballot*, 158-206

Robert Huckfeldt and Carol W. Kohfeld, *Race and the Decline of Class in American Politics*, 44-61

9-29 CLASS DEBATE: *should the Voting Rights Act be retired?*
Course Pack: *Shelby County v. Holder* (slip opinion 2012:1-24; 1-3; 1-37)
Ari Berman, *Give Us the Ballot*, 207-314

10-3 **Micro-essay #3 due in CLA 251 by 4pm**

Part Two: Voice and the First Amendment

10-4 Illegal advocacy: World War I
Course Pack: *Schenck* 249 US 48 (48-53); *Abrams* 250 US 616 (616-631)

10-6 Holmes and Brandeis dissent and concur
Course Pack: *Gitlow* 268 US 652 (654-673); *Whitney* 274 US 357 (372-379)

10-11 Political advocacy and time, place, and manner restrictions
Course Pack: *O'Brien* (391 US 367) 369-386; *Clark* (468 US 288) 289-316

10-13 CLASS DEBATE: *did the city of Chicago have the right to limit Occupy Chicago?*
Course Pack: *City of Chicago v. Alexander* (2014)

10-17 **Micro-essay #4 due in CLA 251 by 4pm**

10-18 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)
Lee Bolinger and Geoffrey Stone, "A Dialogue," 1-31 in *Eternally Vigilant*

10-20 Content-based and viewpoint-based discrimination
Course Pack: *R. A. V. v. St. Paul* 505 US 377 (379-411)

10-25 The importance of facts in the analysis of values: the explanatory essay
Wiki.edu, "Choosing an Article" and "Citing Sources" on Wikipedia

10-27 CLASS DEBATE: *is posting anti-gay signs protected expression or harassment?*
Course Pack: IWU's "University Policy and Regulations: Campus Environment";
IWU's "Campus Posting Policy"

10-31 **Micro-essay #5 due in CLA 251 by 4 pm**

Part Three: Virtual Reality: Free Speech and the Internet

11-1 Free speech in the era of Facebook and Twitter
Course Pack: *Elonis v. United States* (slip opinion) 1-17
Dawn Nunziato, *Virtual Freedom*, 1-23

11-3 An Affirmative First Amendment for the Digital Age
Dawn Nunziato, *Virtual Freedom*, 24-69

- 11-8 Framing “Net Neutrality” as a First Amendment issue
Dawn Nunziato, *Virtual Freedom*, 70-133
- 11-10 CLASS DEBATE: *does the market place or democratic deliberation better defend net neutrality as a First Amendment ideal?*
Cass Sunstein, “The Future of Free Speech,” 285-310 in *Eternally Vigilant*
Dawn Nunziato, *Virtual Freedom*, 133-156
- 11-14 **Micro-essay #6 due in CLA by 4 pm**
- 11-15 Wikipedia article researching and writing as a genre: Special Library Session
Ames Library Room 129
- 11-17 Wikipedia editing session
Examples: racial polarization; Section 5 of the VRA
James Glazer and Timothy Ryan, *Changing Minds, if Not Hearts*, 1-29
- 11-22 **Wiki proposal due**
Wikipedia editing session
Example: Viewpoint-based discrimination; time, place, and manner restrictions
Stephen Ansolebere, Nathaniel Persily, and Charles Stewart III, “Race, Region, and Vote Choice,” *Harvard Law Review* Vol. 123 (2010):1386-1436
- 11-23-11-27 Thanksgiving break
- 11-29 **Wiki article draft due**
Wikipedia editing session
Example: net neutrality; common carrier law
US Telecom v. FCC (2016) US Federal Court DC Circuit (slip opinion) 7-24; 106-115
- 12-1 Wikipedia article presentations:
- 12-2 Office Conferences
- 12-6 Wikipedia article presentations:
- 12-8 Wikipedia article presentations:
Final wiki article publication deadline
- 12-15 Final Exam 1:15-3:15

CLASS READING

A course pack, passed out on the first day of class, is a required text. It contains selections from every case to be read for this class. Each student will be billed for a copy; those who drop the class after September 2 will still be billed.

The following books should be purchased.

- Ari Berman, *Give Us the Ballot: The Modern Struggle for Voting Rights in America* (New York: Farrar, Straus, & Giroux, 2015)
- Dawn C. Nunziato, *Virtual Freedom: Net Neutrality and the Free Speech Internet Age* (Stanford: Stanford Law Books, 2009)

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

- Stephen Ansolebehere, Nathaniel Persily, and Charles Stewart III, "Race, Region, and Vote Choice," *Harvard Law Review* Vol. 123 (2010):1386-1436
- Philip Bobbitt, *Constitutional Interpretation* (Oxford: Blackwell, 1991)
- Lee C. Bolinger and Geoffrey R. Stone, eds. *Eternally Vigilant: Free Speech in the Modern Era* (Chicago: University of Chicago Press, 2002)
- David T. Canon, "The Representation of Racial Interests in the US Congress," pp. 281-313 in Christina Wolbrecht and Rodney Hero, eds. *The Politics of Democratic Inclusion* (Philadelphia: Temple University Press, 2005)
- Charles Fried, *Order and Law: Arguing the Reagan Revolution—A First-hand Account* (New York: Simon & Schuster, 1991)
- James M. Glaser, *Race, Campaign Politics, & the Realignment in the South* (New Haven: Yale University Press, 1996)
- James M. Glaser and Timothy Ryan, *Changing Minds, if Not Hearts* (Philadelphia: University of Pennsylvania Press, 2013)
- Robert Huckfeldt and Carol W. Kohfeld, *Race and the Decline of Class in American Politics* (Urbana: University of Illinois Press, 1989)
- Carol M. Swain, *Black Faces, Black Interests: The Representation of African-Americans in Congress* (Cambridge, Ma.: Harvard University Press, 1993)

SOCIAL CONTRACT

Students are required to complete six (750 word) micro-essays. Help conserve paper by single-spacing your essay and printing on both sides of a 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. Re-writes are allowed and encouraged. Revisions must be thorough, students must visit me during office hours, and all drafts must be handed in together. I will accept revisions until the last day of class, December 8. For the wiki assignment, create your Wikipedia user name and visit our course at [https://dashboard.wikiedu.org/courses/Illinois_Wesleyan_University/PSCI_244_Voting_Voice_and_Virtual_Freedom_\(Fall_2016\)?enroll=qhumkipx](https://dashboard.wikiedu.org/courses/Illinois_Wesleyan_University/PSCI_244_Voting_Voice_and_Virtual_Freedom_(Fall_2016)?enroll=qhumkipx).

- 50% micro-essays (10% each; lowest grade dropped)
- 15% wiki article (original proposal, draft, presented version, final version)
- 25% final exam
- 10% class participation (includes participation in six class debates)

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