The First Amendment and the Internet

Politics 119 is an introduction to American constitutional law, through the study of the impact of the Internet on First Amendment rights of freedom of speech, dissent, and academic inquiry, using the case study method. What constitutes political, offensive, pornographic, harassing, hateful, and subversive speech?

Should the Supreme Court rethink First Amendment speech principles because of the special qualities of the Internet, that is, because it is quite different from the street, parks, and the home, the venues in which First Amendment principles were developed? Should the Supreme Court be robust or minimalist in its decision-making as it takes up issues of free speech on the Internet? When should the Internet be viewed as public space like streets and parks or as private space like the home? Does the fact that the world wide web brings together individuals, institutions, and governments from around the world in (almost) instantaneous and unmediated communication change the role of government as a regulator of speech and actions that are associated with speech?

Have individual rights to privacy, speech, association, and property changed because of the Internet? How have the new technologies and software that are available to the Government impacted the rights of citizens to speak and organize politically, “the press” to inform the public, and to criticize government in this “age of terrorism?” Have First Amendment principles, the Supreme Court and lesser federal courts, and ability of citizens been up to the task of protecting rights that traditionally have been associated with the First Amendment? Should rules of copyright be changed for speech on the Internet?
In exploring the above questions, we study landmark First Amendment cases and compare them with contemporary landmark cases involving speech on the Internet. We are most concerned with whether the government should be permitted to regulate speech on the Internet with regard to 1) “threats” to individuals; 2) hateful speech; 3) obscene, lewd and indecent speech; 4) the threat to privacy, political speech, and political organization because of the ever-increasing surveillance capabilities of government; 5) political speech that constitutes intellectual property; 6) the impact of Google, Facebook, and other social network tools on privacy and reputation.

To what degree does the nature of the Internet force scholars, government, private institutions, and citizens to rethink traditional First Amendment principles? Should the Supreme Court and lesser federal courts be minimalist (quite measured and incremental) or maximalist (aggressive with cases built on big principles) in deciding constitutional questions involving the Internet? Finally, given the nature of the Internet, is the nation more or less able to engage in meaningful public deliberation compared with the streets and park where such deliberations took place in the past?

Section I of the Seminar will meet on Tuesdays and Thursdays at 11:00-12:15, in King 235; Section II will meet from 1:30-2:45 in King 243, also on Tuesdays and Thursdays. Preparation for class, attendance, and active participation by all students are central to your learning experiences and to the day-to-day dynamics of the class. This is because the case method of instruction is used, which I have called the “Socratic Method with Love.” In the case method we read Supreme Court and lesser federal court cases.

On most topics that we will discuss, such as subversive advocacy, hate speech, privacy, speech, and surveillance as related to national security and “war on terrorism,” intellectual property, and pornography, we will first study landmark First Amendment constitutional law cases. We then consider the application of these principles as individuals and groups use of the Internet.

My office hours will be in Rice Hall, Room 232, Tuesday, 2:50-4:00 and Thursday, 2:50-4:00, or by appointment. I can be reached at my office number, 775-8495, cellphone, 440-935-1999, or by e-mail (Ronald.Kahn@oberlin.edu). On my door I will have a sign-up sheet for office hours.

**Course Requirements**

**Written Work:** The written work will consist of three essays, one of which will include a research component. The three essays will count for 75% of your grade; 25% of your grade will be based on the quality and quantity of your class participation. The first essay will be due before Fall Recess, which this year starts on Saturday, October 19, at 12:00 Noon. The two other essays will be due after Fall Recess. In order to help you develop your skills of information literacy, your final essay assignment will have a mini-research component. You will also be asked to choose and draw upon two articles and/or books, in addition to those listed in the syllabus, in writing the final essay. Be sure to locate articles and book chapters with opposing viewpoints.
On Thursday, November 7, the class will meet with Cynthia Comer, Head of Reference & Instruction, to review sources and reference skills with regard to collecting legal materials.

The final essay must be submitted to my office, Rice 232, on or before the time scheduled for the final examination: For Section I, Wednesday, December 18, between 9:00-11:00 AM; for Section II, Wednesday, December 18, between 2:00-4:00 PM. All essays will be written in response to a question that you have chosen from a list of at least five questions that I will have handed out at least two weeks in advance.

**Class Participation:** Twenty-five per cent (25%) of your grade will be based on the quality and amount of participation in class discussions, including reporting on readings when they are divided up among groups and students.

**The following required readings are available for purchase at Oberlin Bookstore.**


Saul Levmore and Martha C Nussbaum (Editors) *The Offensive Internet: Speech, Privacy, and Reputation* (Harvard University Press, 2010).


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Lawrence Lessig, *Code: Version 2.0* (New York: Basic Books, 2006) is licensed under a Creative Commons License, and as such it is free and available to download at Lessig’s website at [http://www.code2.ccl/](http://www.code2.ccl/).

**Course Readings on Blackboard**

The other required readings are on Blackboard under library readings for your section of FYSP 119: The First Amendment and the Internet. Readings may be listed in different ways: such as by author(s) or by first few words of the title. Sometimes readings from a specific work are in two parts, such as Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, and Mark V. Tushnet, *The First Amendment, 2nd Edition* (New York: Aspen Law & Business Publisher, 2003), which will be listed as Stone, First Amendment, 2nd Edition, 2003, Part I, for readings in pages 3-133, and Stone, First Amendment, 2nd Edition, 2003, Part II, for readings in pages 139-280. If you can't find a reading, please call or email Michael Palazzolo, the Reserve Supervisor, at 775-5036, between 8 and 4:30.

**It will help your learning to read the readings in the order I have listed them, which, at times, may be different from the order in the text.** The readings are listed by class period. However, a topic may, at times, be completed in the following class. In class I will tell which readings are due for upcoming classes. I repeat class attendance is mandatory for success in this course. This is not a course that one can take successfully as a correspondence course.
Information Literacy

In order to help you successfully complete the mini-research component for the second essay, I have arranged for each section to meet with Cynthia Comer, Head Reference and Instruction Librarian, on Th. Nov. 7, 2013, the first class period after fall break. She will review the resources and methods for identifying additional materials for the second essay. In addition to Lexis-Nexis you may want to look at Legal Trac, an electronic database of law periodicals that have been published since 1980. It is available on the web among the library electronic databases to which Oberlin College has access.

Additional Sources

If you wish to read the full text of Supreme Court or lower federal court cases, they are available on the Lexis-Nexis Information Service, which can be accessed on the web by going to obis.oberlin.edu and searching for “Lexis-Nexis”. In addition, there are numerous other sites on the Internet at which you can read Supreme Court cases, and which offer other basic cases and documents in constitutional law: www.findlaw.com, which is a particularly user friendly venue, and www.supremecourtus.gov, which is the official web site of the United States Supreme Court. Oyez.nwu.edu is a site at which you can hear oral arguments on major Supreme Court cases. In Madeline Schachter and Joel Kurtzberg, Law of Internet Speech, Third Edition, (Durham, North Carolina: Carolina Academic Press, 2008), let me call attention the very useful Glossary (of Internet and Cyberspace terms), 965-977, Table of Cases, 983-998, and Index, 999-1-12.

Class Tutors

Working on your writing is an important component of First Year Seminars. I urge you to show drafts of your essays to the class tutor prior to your writing the final drafts. However, students may make appointments to meet with the class tutor at any time. Both tutors have taken FYSP 119 and American Constitutional Law (Politics 202),

The class tutor for Section I, is Miranda Rutherford, who can be reached by e-mail at mirnada.rutherford@oberlin.edu or by phone at 619-723-9395.

The class tutor for Section II, is Rose Stoloff, who can be reached by e-mail at rstoloff@oberlin.edu or by phone at 510-501-2802
I. Introduction: First Amendment Freedom of Expression and the Internet

Class 1
Organizational Class (Tu. September 3, 2013)

No Class Thursday, September 5, 2013: Jewish Holiday-Rosh Hashanah

Class 2
First Amendment and Freedom of Expression
(Tu. September 10, 2013)

A. Why Should Freedom of Expression Be Protected?


Chapter I, The History and Philosophy of Free Expression, 9-18.

Note: The Philosophy of Free Expression


Chapter 2, Philosophical Foundations of Freedom of Speech

“Search for Truth: The Marketplace of Ideas”

Frederick Schauer, "Free Speech: A Philosophical Enquiry, 65-71.

“Self-Governance”


“Self- Fulfillment and Autonomy”


B. First Amendment Principles When the Supreme Court Decides Cases


Chapter II, Regulation of Internet Content

First Amendment Analytical Frameworks, 167-177

Prior Restraints
Regulation of Content as Communicative Expression
Content Neutral Versus Content Based Regulations
Categories of Speech Receiving No First Amendment Protection
Regulations Encompassing Speech and Non-Speech Elements
Over breadth and Under-Inclusiveness
Vagueness

Do You See Any of The Above Principles In The Cases Listed Below?; How Does the Supreme Court View Its Role in Considering First Amendment Issues on the Internet?: 278-281; 286-291.

(Should the Child Online Protection Act (COPA) be enjoined (that is, stopped from being applied as a law by government) because the statute is likely to violate the First Amendment?)

*ACLU el. al. v. Alberto Gonzales in his official capacity as Attorney General of the United States* (2007),
(Should the Supreme Court issue a permanent injunction against the enforcement of COPA because of its alleged constitutional infirmities?)

II. Protecting Political Speech Off the Internet:
Defining The Relationship Between Speech and Action

Class 3  A. The Historical Development of the Relationship of Speech and Action:
Dangerous Ideas and Information (Th. September 12, 2013)

From the *Schenk* “Clear and Present Danger Test” to the *Brandenburg’s Incitement of Imminent Lawlessness”

Schaffer v. United States (1919)
Masses Publishing Co. v. Patten (1917)
Schenck v. United States (1919)
Note: Shaffer, Masses, and Schenck

Abrams v. United States (1919) (Holmes Dissent, especially important)
Note: Abrams and the Emergence of the Homes/Brandeis Tradition

B. Expression That Provokes a Hostile Audience Reaction: What Constitutes Speech Compared to Non-Permitted “Fighting Words”?; Should the Nazis March in Skokie,


Terminello v. Chicago (1949)
Cantwell v. Connecticut (1940)
Note: Cantwell, the Hostile Audience, and Subversive Advocacy
Chaplinsky v. New Hampshire (1942)
Note: Fighting Words
Note: The Skokie Controversy

Class 4 C. The Modern Day Brandenburg Standard of Incitement of Imminent Lawlessness (Tu. September 17, 2013)


Note: The Road to Brandenburg
Brandenburg v. Ohio (1969)
Note: The Brandenburg Formulation (applications)

D. Hate Speech, Hateful Actions, and Burning Crosses: “Fighting Words” or “Protected Political Speech”-A Modern Testing of Brandenburg Principles


Before Brandenburg, 255-263

Beauharnais v. Illinois (1952) (Hate Speech Ordinance)
Note: Group Defamation and "Hate Speech"
After *Brandenburg*, 263-271

*R.A.V. v. City of St. Paul* (1992) (Hate Speech Ordinance)


**III. Protecting Political Speech On the Internet and in Cyberspace**

(Th. Sept. 19, 2013)

Class

5. A. What is Special about the Internet as a First Amendment Forum for Political Speech? Freedom, Democracy, Anarchy (Th. Sept. 19, 2013)


Chapter 9, “Translation,” 157-168, (Blackboard title: “Code and other law of cyberspace”)


Chapter 3, What is New and Unique about Internet Activities?, 47-63.

Saul Levmore and Martha C Nussbaum (Editors) *The Offensive Internet: Speech, Privacy, and Reputation* (Harvard University Press, 2010)

Introduction Saul Levmore and Martha C. Nussbaum, 1-11.


Chapter 7, The Difference Between Online and Offline Communication as a Factor in the Balancing of Interests in the Freedom of Speech, (Indra Spiecker genannt Dohlmann), 91-106


Chapter 1, Controlling the Internet: Is Anyone in Charge?, 3-23.
Chapter 2, Just How Different is Cyberspace?, 25-49.
Chapter 3, Is there Really a Problem Here? Sorting Out Categories of Allegedly Problematic Conduct, 51-95.
Chapter 4, The Inherent Limits of Our Legal System, 97-119.
B. What Constitutes Protected and Unprotected Political Speech? On the Internet?
The ACLA, Jake Baker, and Hit Man Cases (Are Brandenburg and Basic First Amendment Principles Always Supported? (Tu. Sept. 24. 2013)

1. The ACLA Case


Chapter 2, Regulation on Internet Content, 177-195


The whole ACLA case is available on line at LexisNexis.com (Lexis-Nexis Academic, Citation, 290 F3d 1058 (2002) or on Blackboard as ACLA Case.

2. The Jake Baker Case

*United States of America v. Abraham Jacob Alkhabaz, also known as Jake Baker* (or **Jake Baker Case**) (1997) Read whole case on-line in Lexis-Nexis Academic (See List of Electronic Databases of Oberlin Library)

Put Citation (104 F.3d 1592) where requested in Lexis-Nexis Academic or On Blackboard Under “Jake Baker Case”


Chapter 3, A Stalker in Cyberspace, 63-81.


3. The Hitman Case


Chapter 2, Regulation on Internet Content, 197-206.

*Vivian Rice v. The Paladin Enterprises, Incorporated, a/k/a The Paladin Press* (1997) (The Hit Man Case)
Class
7  C. Should the Regulation of Racially Hateful and Sexually Demeaning Speech Be Different in Campus and Cyberspace? (Th. Sept. 26, 2013)

1. Regulation on Campus: Two Views


Chapter 4, Recurring Issues of the Speech and Press Clauses,


Chapter 3, Why Call Hate Speech Group Libel?, 34-64.
Chapter 4, The Appearance of Hate, 65-104.
Chapter 5, Protecting Dignity or Protection from Offense?, 105-143


2. Regulation on the Internet

Saul Levmore and Martha C Nussbaum (Editors) *The Offensive Internet: Speech, Privacy, and Reputation* (Harvard University Press, 2010)

Chapter 2, Civil Rights in Our Information Age (Danielle Keats Citron), 31-49
Chapter 3, The Internet's Anonymity Problem (Saul Levmore), 50-68
Chapter 4, Objectification and Internet Misogyny (Martha C. Nussbaum), 68-87
Chapter 9, Cleaning Cyber-Cesspools: Google and Free Speech (Brian Leiter), 155-173


Chapter 12, Confronting Inappropriate Conduct in Cyberspace: On Line Hate and the Inherent Limits of Law, 321-352.

Conclusion, 353-364.

Class 8  Tu., October 1, 2013 *(Readings and topics above to be spread out to include class 8 and 9)*

Class 9  Th., October 3, 2013

**First Essay: Questions on Material through Section III**

Due by Saturday, October 19, 2013, at 12:00 PM Noon, or postmarked on that date.

**IV. Speech Related to Matters of National Security: Anti-Terrorism, the Internet and Expectations of Privacy Before and After 911**


Chapter 2, Regulation of Internet Content,


*United States of America v. The Progressive, Inc.*
Notes and Questions

Notes and Questions


Chapter 7, Bomb Speech, 153-172.

Class 11  B. National Security After 911: The Patriot Act-Past and Present


Chapter 3, Tracking al Qaeda: Foreign Intelligence Searches and Surveillance 29-53.
Chapter 4, Assessing Documents and Records, 55-78.

Class 12

2. The Surveillance State and First Amendment Rights to Political Speech, Association, and Privacy (Tu. Oct. 15, 2013)


Chapter 16 (Susan J. Drucker and Gary Gumpert), Of Firewalls and Unlocked Doors: Expectations of Privacy, 325-347. (Listed on Blackboard as *Real Law @ Virtual Space*).

From Carnivore:


Also, please read the handout on the Patriot Act Today

To Modern Day Government Surveillance

“Twitter Shines a Spotlight on Secret F.B.I Subpoenas,” January 9, 2013. (NYTIMES)
“Obama Signs Patriot Act 4-Year Extension from France,” May 27, 2013 (USATODAY)


Chapter 2, Is the Fourth Amendment Relevant in a Technological Age?, 11-31. (Christopher Slobogin)
Chapter 3, Use Restrictions and the Future of Surveillance Law 37-46 (Orin S. Kerr)
Chapter 4, Cyberthreat, Government Network Operations, and the Fourth Amendment (Jack Goldsmith), 47-63.

Chapter 9, Combating Dangerous Conduct in Cyberspace: A Focus on Cyberterrorism, 227-258


Part 2: Data, Technology, and Privacy

Chapter 4, The Data Question: Third party Information (Greg Nojeim and Orin Kerr), 73-88.
Chapter 5, National Security Letters (Michael German, Michelle Richardson, Valarie Caproni, and Steven Siegel), 89-113.
Chapter 6, Einstein 3.0 (Paul Rosenzweig and James X. Dempsey), 115-134

Political Speech and the Right to Associate


Chapter 2, Regulation of Internet Content, 252-260.


Chapter 5, The Promise and Peril of Protesting in the Internet Era (Christina Wells), 65-76

You Will Read Several Chapters Chosen From:


Chapter 1, The Google Doctrine, 1-31
Chapter 2, Texting Like It's 1989, 33-56
Chapter 3, Orwell's Favorite Lolcat, 57-84
Chapter 4, Censors and Sensibilities, 85-112
Chapter 5, Hugo Chavez Would Like to Welcome You to the Spinternet, 113-141.
Chapter 6, Why the KGB Wants You to Join Facebook, 143-178
Chapter 7, Why Kierkegaard Hates Slacktivism, 179-203
Chapter 8, Open Networks, Narrow Minds: Cultural Contradictions of Internet Freedom, 205-244
Chapter 9, Internet Freedoms and Their Consequences, 245-275
Chapter 10, Making History (More Than a Browser Menu), 275-299
Chapter 11, The Wicked Fix, 301-320.

V. The Pornographic, Obscene, Lewd, Profane, and Indecent: Off and On the Internet

A. Content-Based Restrictions OFF the Internet: Government Regulation of Obscene And (Non-Obscene) Lewd, Profane, or Indecent Speech (Th Oct. 17, 2013)


   *Roth v. United States; Alberts v. California* (1957)
   
   Note: Obscenity and Free Expression
   
   
   *Miller v. California* (1973)
   
   Note: The 1973 Reformulation and Its Aftermath.

2. Government Regulation of (Non-Obscene) Lewd, Profane, or Indecent Speech in a County Courthouse Corridor, Driving in a Car, and on the Radio—What is Public and Private Space—Context Makes a Difference


   *Cohen v. California* (1971) (Dirty words on jacket)
   
   Note: Profanity, *Cohen*, and the Captive Audience
   
   *Erznoznik v. Jacksonville* (1975) (Nudity at drive in movie theatre)
   
   *FCC v. Pacifica Foundation* (1978) (Dirty words on radio)

Saul Levmore and Martha C Nussbaum (Editors) *The Offensive Internet: Speech, Privacy, and Reputation* (Harvard University Press, 2010)

Chapter 11, Foul Language: Some Ruminations on *Cohen v. California* (John Deigh) 195-213

Fall Break: Sat. October 19, 2013- Sunday, October 27, 2013
B. Government Regulation of Lewd, Profane, or Indecent (The Non-Obscene)
On the Internet (Tu. Oct. 29, 2013)


Chapter 2, Regulation of Internet Content

*Janet Reno v. American Civil Liberties Union* (1997) (Constitutionality of 1996 Communications Decency Act or CDA)

(Constitutionality of the Child Online Protection Act’s (COPA’s) use of community standards to identify material harmful to minors)

(Should the Child Online Protection Act (COPA) be enjoined because the statute likely violates the First Amendment?)

Application of “Community Standards” to Internet Speech

ACLU *et. al.* v. Alberto Gonzales in his official capacity as Attorney General of the United States (2007) (Should the Supreme Court issues a permanent injunction against the enforcement of COPA because of its alleged constitutional infirmities?)


Chapter 11, Obscenity, Community and the Internet (Kevin W. Sanders), 145-161

Susan J. Drucker and Gary Gumpert, eds., *Real Law @ Virtual Space: Regulation in Cyberspace* (Cresskill, New Jersey: Hampton Press, Inc., 1999)

Chapter 7 (Joseph S. Tuman), The Old Rules May Not Apply Anymore: Technology Aversion, Virtual Communities, and the Need for Innovation in Evaluating Restrictions of Cyberspace, 151-166.

Chapter 9 (Sharon Doctor), Regulation of Indecency in Electronic Communications, 183-201.
Class  
15  
C. Arguments For and Against the Regulation of Pornography (Th. Oct. 31, 2013)


Chapter 4, Recurring Issues of the Speech and Press Clauses, (Garvey2)

Frederick Schauer, Speech and “Speech” Obscenity and “Obscenity”: An Exercise in the Interpretation of Constitutional Language, 348-349.


Chapter 6, Policing the Internet (Pornography), 103-127.

Class  
16  
D. Child Pornography (Tu. Nov. 5, 2013)

1. Child Pornography Off the Internet


Chapter 4, Content-Based Restrictions: “Low” Value Speech, 218-221.


2. Child Pornography and Virtual Child Pornography


Chapter 2, Regulation on Internet Content,” 291-299.


3. Video Games and Virtual Violence


(On Blackboard as *Brown v. Entertainment Merchants Assn.* (2011)

Andrew L. Schlafly, *Rutgers Computer & Technology Journal*, 38.2 (Fall, 2012): 173


Chapter 17, Democracy----The Video Game: Virtual Worlds and the Future of Collective Action (Beth Simone Noveck): 257-279.

Class **Class Meets with Cynthia Comer, Head Reference and Instruction Librarian,**  
**Mudd Library, Room 113 (Th. Nov. 7, 2013)**

Class **E. First Amendment Speech and Filtering Devices in Libraries (Tu. Nov. 12, 2013)**


*Mainstream Loudoun, et al. v. Board of Trustees of the Loudoun County Library* (1998) (Can a library restrict access to certain content-based categories of Internet publications?)

*Kathleen R v. City of Livermore* (2001) (Can a library be sued by an individual for offering unrestricted access to the web on its computers?)

(May Congress refuse to give federal aid for computers unless the library installs software to block images that constitute obscenity or child pornography, and prevents minors from accessing material that is harmful to them?)

Jeffrey Rosen and Benjamin Wittes, *Constitution 3.0: Freedom and Technological Change*


### VI. Copyright Law: Expressive Freedom, Property Rights, Right to Listen/Learn in Conflict

#### Class 19

A. Direct, Contributory, and Vicarious Copyright Infringement Claims and File-Sharing on the Internet (Th. Nov. 14, 2013)


Chapter 5, Proprietary Interests in Content

First Amendment Principles of Copyright and First Amendment Interests, What copyright protections?; What First Amendment rights issues arise by copyright laws? 681-694.

Direct, Contributory, and Vicarious Copyright Infringement Claims, 698-702

Responses to Infringements of Music and Video, 702-728

File Sharing and Copyright Infringement


*Metro-Goldwyn Studios v. Grokster* (2005) (Supreme Court)

(Note impact of *Sony Corp. v. Universal City Studios* (1984) in cases)

Is Google Liable for Illegal Use of Google Search Technology? 729-731


#### Class 20

B. Copyright, Speech, Property Rights and the Public Interest

(Tu. Nov. 19, 2013)


Chapter 1, Code is Law, 1-8.


- Chapter 10, “Property,” 116-173.


Class

21  C.  Lessig, Ku, and Fishman (Th Nov. 21, 2013)


Susan J. Drucker and Gary Gumpert, eds., *Real Law @ Virtual Space: Regulation in Cyberspace* (Cresskill, New Jersey: Hampton Press, Inc., 1999) (Reallaw@virtual space)

- Chapter 10 (Donald Fishman), Copyright in a Digital World: Intellectual Property Rights in Cyberspace, 205-226.


- Chapter 11, Coming to Terms with Unlawful Anarchic Conduct in Cyberspace: A Focus on Private Digital Copying by the Average Netizen, 279-320

**VII. First Amendment Speech, The Internet, and Democracy**

A. Lessig’s Take on First Amendment Issues Created by the Internet

Class

22  1.  Regulability and Regulation by Code (Tu. November 26, 2013)


- Part 1: Regulability
  - Chapter 4, Architectures of Control, 38-60.
  - Chapter 5, Regulating Code, 61-82.

- Part 2: Regulation by Code
  - Chapter 7, What Things Regulate, 120-137.

Chapter 7, Changing the Architecture of the Internet: Code-Based Regulation and Its Implications,” 187-211.


Part 3 : Latent Ambiguïtés

Chapter 9, Translation, 157-168. [Reread this chapter.]
Chapter 12, Free Speech, 233-275.
Chapter 13, Interlude, 276-277.

Part 4, Competing Sovereigns

Chapter 16, The Problems We Face, 313-324
Chapter 17, Responses, 325-334.
Chapter 18, What Declan Doesn’t Get, 335-339.


Chapter 1, The Internet and the “Democratization” of Politics, 1-19.
Chapter 4, Political Traffic and the Politics of Search, 58-81.
Chapter 5, Online Concentration, 82-101.
Chapter 6, Blogs: The New Elite Media, 102-128.
Chapter 7, Elite Politics and the “Missing Middle,” 129-142.

Class 25 C. Sunstein’s Vision of First Amendment Issues and Regulation of the Internet (Tu. Dec. 10, 2013)

1. The Hopes For and Problems with the Internet: Civic Republicanism, Polarization, and Cybercascades

Chapter 2, An Analogy and an Ideal, 19-45.  
Chapter 3, Polarization and Cybercascades, 46-96.  
Chapter 4, Social Glue and Spreading Information, 97-118.

Class 26  2.  
Sunstein: What Is To Be Done?: What Do You Think? (Th. Dec12, 2013)


Chapter 5, Citizens, 119-137.  
Chapter 7, What’s Regulation? A Plea, 151-164.  
Chapter 8, Freedom of Speech, 165-189.  
Chapter 9, Policies and Proposals, 190-211.  
Chapter 9, Republic.com, 212-223.

File: 119syl2013draft1 (fromLaborDay)