

Can Antisemitic and other Hateful Content be Moderated on Social Media?

March 7, 2024

Moderator:

Jeffrey I. Abrams, Los Angeles and SoCal Regional Director

Los Angeles, California



Jeffrey Abrams is the Regional Director of ADL's Los Angeles office, which covers Los Angeles, Riverside, San Bernardino and Kern counties, a territory with over 15 million people and the second largest Jewish community in the country, with over 750,000 people living in Jewish households. Prior to assuming his role in August 2020, Jeff practiced law in Los Angeles for over 25 years as an entertainment attorney, business advisor and mediator. Jeff currently is a director and trustee of The Washington Institute for Near East Policy, a member of the President's Advisory Council of Bet Tzedek Legal Services, a past director the Jewish Federation of Greater Los Angeles and is a co-trustee of the Samuel and Helene Soref Foundation. Jeff also is a graduate of the Wexner Heritage

Foundation leadership program and a Peabody Award winner. A native of Los Angeles, Jeff and his wife are proud parents of three sons, one high-schooler, one college student and one law student.

Panelists:

Koustubh "K.J." Bagchi, Vice President, Center for Civil Rights & Technology



Koustubh "K.J." Bagchi served as vice president of technology policy at the Chamber of Progress. He is a veteran of Capitol Hill and public interest organizations, which includes his role as senior policy counsel at New America's Open Technology Institute. Bagchi has more than 10 years of experience in public policy and legislative strategy at the local, state, and federal levels and led the re-establishment of the technology, telecommunications, and media program during his tenure as senior counsel for our coalition partner Asian Americans Advancing Justice | AAJC. In addition to advising members of the Washington State Senate, Bagchi worked as legislative counsel for a D.C. city councilmember and former Rep. Mike Honda (D-CA), a member of Congress who served on the influential House Appropriations Committee. Bagchi graduated from the University of California Davis and received his law degree from Seattle University School of Law. He resides in Northern Virginia with his wife.

Carrie Goldberg, founder of C. A. Goldberg, PLLC

New York, New York



Carrie Goldberg is the founder of Victims' Rights law firm C. A. Goldberg, PLLC, which does groundbreaking work nationally fighting for survivors of sexual violence and representing victims of catastrophic injuries caused by tech giants. The firm leads the nation in landmark cases challenging Section 230 immunity against big tech. As lead counsel in Herrick v. Grindr, Carrie introduced the novel legal approach of applying product liability law to dangerous tech products. The firm presently represents 12 families suing Amazon for selling a suicide poison to their children.

In November 2023 the firm's monumental settlement in A.M. v. Omegle resulted in the platform shuttering forever. The case created new precedent in the realm of product liability and sex trafficking, the first case to overcome Section 230 where the plaintiff sued a platform for injuries caused by a malicious user. The firm overcame 230 immunity in January 2024 against Snap for its role in fentanyl deaths in Neville, et al. v Snap and is appealing to the 9th Circuit in Doe v Grindr relating to the foreseeable child rapes caused from the app marketing to children. Carrie proudly serves on the plaintiff steering committee in the multi-district litigation against Snap, Google, TikTok, and Meta regarding the platforms designing products intended to addict children.

Among the firm's better-known clients are former Congresswoman Katie Hill and five Weinstein accusers, including Lucia Evans whose accusations helped launch the #MeToo movement and resulted in Weinstein's arrest. Some of the firm's proudest successes, though, are the ones that stay out of the headlines – recoveries for adult survivors of child sexual abuse and restraining orders for A-list celebrities against their stalkers. In K.M. v. City of New York, C.A. Goldberg, PLLC achieved the highest known recovery in a Title IX case in NYC.

Carrie's well-known work for victims of nonconsensual porn is featured in the documentary Netizens and her work is profiled in The New Yorker, Elle, Cosmo, Wired, Glamour and more. Carrie is the author of "Nobody's Victim: Fighting Psychos, Stalkers, Pervs & Trolls" a 2019 NYT Editor's Choice and Paramount TV is developing a fictionalized series about Carrie and the firm. She attended Vassar College and Brooklyn Law School.

Ellen P. Goodman, Florence Rogatz Visiting Professor of Law at Yale Law School

Philadelphia, Pennsylvania



Ellen P. Goodman is a Florence Rogatz Visiting Professor of Law at Yale Law School and a Distinguished Professor at Rutgers Law School. She has just completed a stint as Senior Advisor for Algorithmic Justice at NTIA, U.S. Dept. of Commerce. Goodman's research focuses on information policy and law, including AI and digital platform policy, smart cities, free speech, media policy, data ethics, and advertising law. She is co-director and co-founder of the Rutgers Institute for Information Policy & Law. Goodman has been a Senior Visiting Fellow at the German Marshal Fund, a Visiting Scholar at the Federal Communications Commission, and has visited at the University of Pennsylvania's Carey Law School, Wharton School of Business, Annenberg School of Communications, and the London School of Economics. She is the recipient of grants from the Knight Foundation, the Ford Foundation, and the Geraldine R. Dodge Foundation for work on digital public media, digital platform transparency, and digital journalism law. Prior to joining the Rutgers faculty in 2003, Goodman was a partner in the Washington, D.C. law firm of Covington & Burling LLP and served as Of Counsel with the firm until 2009. She clerked for Judge Norma L. Shapiro on the U.S. Federal District Court for the Eastern District of Pennsylvania, after graduating from Harvard Law School and Harvard College. She lives in Philadelphia with her family.

Topics:

In the ever-evolving landscape of digital platforms, new critical legal questions have surfaced about content moderation and the impact on the spread of antisemitism and hate. Last year marked a significant milestone as the Supreme Court examined whether internet platforms should be immune from liability when their algorithms recommend problematic content. This year, the Court considers two additional cases, grappling with the question of holding platforms accountable for unlawful harms stemming from their own tools. Join us as we explore the established legal framework designed to combat antisemitism in the digital realm and peer into the future, where we anticipate emerging legal trends, novel challenges, and global perspectives. Equip yourself with invaluable insights to champion the fight against online antisemitism and hate, all while preparing for the changing legal landscape in the US and abroad.

AGENDA

10:50 am **Introduction**

11:00 am **Background on Social Media Accountability**

- **Section 230 and Transparency**
- **Litigating Against Platforms**
- **Beyond 230: Civil Society's asks**

11:20 am **Looking to the Future**

- **AI and Social Media Accountability**
- **AI as a tool: Failings and Consequences**
- **The intersection of AI and Civil Rights**

11:40 am **Looking Abroad: How Other Countries Are Handling Platform Accountability**

11:50 am **Q&A**

Materials

1. Court Orders and Decisions

[21-1496 Twitter, Inc. v. Taamneh \(05/18/2023\) \(supremecourt.gov\)](#)

[21-1333 Gonzalez v. Google LLC \(05/18/2023\) \(supremecourt.gov\)](#)

[x-corp-injunction-ruling.pdf \(courthousenews.com\)](#)

2. ADL Research and Amicus Briefs

[Gonzalez v. Google \(U.S. Supreme Court, 2022\) | ADL](#)

[Twitter v. Taamneh \(U.S. Supreme Court, 2023\) | ADL](#)

[Moody v. NetChoice, LLC. and Netchoice, LLC. v. Paxton. \(U.S. Supreme Court, 2023\) | ADL](#)

[From Bad To Worse: Amplification and Auto-Generation of Hate | ADL](#)

3. Other Articles, Briefs, and Materials

[Justices take major Florida and Texas social media cases - SCOTUSblog](#)

[OMEGLE.COM SHUTS DOWN FOREVER – AS SETTLEMENT TERM IN PRODUCT LIABILITY LAWSUIT FOR SEX TRAFFICKING OUR CLIENT - Sexual Assault, Stalking, Blackmail, Online Harassment Lawyers | C.A.Goldberg | Carrie Goldberg \(cagoldberglaw.com\)](#)

[MCCARTHY ET AL V. AMAZON.COM INC. \(cagoldberglaw.com\)](#)

Section 230 of the Communications Decency Act and the Future of Online Speech by Ellen P. Goodman and Ryan Whittington [[Policy Paper \(gmfus.org\)](#)]