



## ADL Summer Associate Research Program 2019

**Question 1:** White supremacists are engaging in a new tactic of spontaneously protesting outside of or even within libraries and private bookstores to voice opposition to the reading or display of certain books. [One example](#) involving Vanderbilt Professor Jonathan Metzl took place in Washington, D.C. in late April. Is there any legal recourse for libraries or book stores to preempt such activities, including the enactment of legislation or ordinances? Is there any legal recourse for the authors? What are the First Amendment considerations and ramifications of possible action?

**Question 2:** Please analyze the proposed [Algorithmic Accountability Act](#), which would require big companies to audit their machine-learning systems for [bias and discrimination](#) and take corrective action in a timely manner if such issues are identified. What constitutional issues, if any, does it raise? Please include in your analysis a survey of the current legal landscape – cases, laws, bills, etc. – specifically as it relates to discrimination categories covered under basic civil rights laws.

**Question 3:** In the fall of 2018, a professor at the University of Michigan refused to write a letter of recommendation for an otherwise qualified student who wanted to study in Israel. As this [Inside Higher Ed piece](#) observed, that professor's decision sparked a national debate about the rights and responsibilities of professors and students, and prompted the University of Michigan to convene a Blue Ribbon Panel which produced an important [report](#). Please assess the constitutional issues involved in this controversy and offer recommendations for how other universities should respond if a similar situation were to arise on their campus.

**Question 4:** In the fall of 2018, a Pennsylvania court [held](#) the School District of Philadelphia liable for student-on-student harassment under the state's Human Relations Act, in what experts call a "landmark" decision that could have broad implications for other bullied children and the systems that educate them. Please assess the merits of a similar cause of action in your jurisdiction, based on existing precedent. What other claims (statutory, constitutional, contractual, common law tort, etc.) might exist? Please also consider the policy implications of such lawsuits in your jurisdiction.

**Question 5:** Bigotry, bias and discrimination are rampant online, but the internet is also a place for innovation. [Section 230](#) of the Communications Decency Act ("CDA") gives tech companies immunity from the actions of third parties on their platforms. Please address these two questions: (1) How might technology companies still be held liable for the actions of bad actors on their platforms in light of Section 230? (2) The First Amendment only applies to government entities, but social media platforms are looking more and more like the town square. Should [First Amendment rights](#) be afforded to users on platforms? If so, to what degree? If not, why not?

**Question 6:** Currently, 27 states have anti-boycott laws. These laws have recently been challenged [in court](#) on First Amendment grounds. Please review the laws at issue and address the following: (1) Are these laws as currently drafted constitutional, and if not, what changes could be made so that they would pass constitutional muster? (2) The federal [Anti-Semitism Awareness Act](#) ("ASAA") pending before the 116<sup>th</sup> Congress would require the Department of Education to consider the [IHRA Definition](#) of anti-Semitism as part of the Department's assessment of whether the practice was motivated by anti-Semitic intent. Could the analysis in recent U.S. District Court decisions in Arizona, Kansas and most recently Texas, which struck down laws barring government contractors from engaging in [BDS](#) activities, be interpreted to invalidate the ASAA based on the argument that it infringes on the First Amendment right to boycott?

**Question 7:** The ACLU recently [revealed](#) that ICE has access to data obtained via automated license plate readers. Please assess the constitutionality of local authorities sharing license plate data with ICE and how such data sharing may or may not violate state and local "sanctuary" laws. In addition, please identify local law enforcement agencies who have specifically refused to share license plate location information and summarize the reasons they have articulated for doing so.