



ADL Summer Associate Research Program 2022

Question 1: The [Goyim Defense League](#) (GDL) is a loose network of individuals connected by their virulent antisemitism. The group often engages in antisemitic stunts or schemes to troll or otherwise harass Jews, and its most zealous and visible actors reside in California, Colorado, Florida, and New York. In 2021, GDL was responsible for at least 74 antisemitic propaganda incidents and for hanging antisemitic banners from highway overpasses in California, Colorado, Florida, and Canada. ADL is interested in exploring the types of laws (including civil ordinances) that may regulate this type of activity – i.e., whether and the extent to which banner drops over public highways are permissible, and the extent to which flyering is permissible on private property, at the end of residential driveways, and/or on car windshields. Please prepare a memo outlining the legal frameworks (statutory or otherwise) in your jurisdiction that govern flyering/banner dropping. Are there models that ADL should consider recommending in other jurisdictions? What, if any, First Amendment-related challenges could arise under these frameworks?

Question 2: A bill was recently introduced in California ([SB 834](#)) that would require the California Franchise Tax Board to revoke the tax-exempt status of any organization that the Attorney General finds has actively engaged in, or incited the active engagement in, acts or conspiracies defined as criminal under certain federal laws. ADL is interested in exploring similar proposals to ensure that violent extremist groups (not operating for charitable purposes) do not benefit from tax-exempt status under state and/or federal law, and that individuals who use tax-exempt resources for unlawful and/or violent purposes are held accountable for their actions (e.g., are suspended from serving as an officer/director of a nonprofit for some period of time). Please prepare a memorandum describing the components that you would recommend be included in model legislation on this topic. What legal issues should ADL consider in connection with your proposed language or proposed elements?

Question 3: In 2021, Muslim Advocates [filed a lawsuit](#) under Washington, D.C.'s consumer protection statute, alleging that Meta (formerly Facebook) CEO Mark Zuckerberg and other Facebook executives deceived Congress and consumers by misrepresenting the extent to which the company removes content that violates its standards and policies. More about the suit can be found [here](#). Also last year, the law firm Cohen Milstein [filed a wrongful death lawsuit](#) against Meta (formerly Facebook) on behalf of Angela Underwood Jacobs, the sister of Dave Patrick Underwood, alleging that by connecting users to [extremist groups](#) and promoting inflammatory, divisive, and untrue content, the company bears responsibility for [the tragic murder of Mr. Underwood](#). Both of these suits seek to hold a tech platform accountable for harm—one under a consumer protection / misrepresentation theory of liability, and the other under a wrongful death theory of liability. What obstacles (if any) does [Section 230 of the Communications Decency Act](#) pose to each of these lawsuits? What are the best arguments to overcome these obstacles?

Question 4: Many states and cities across the country have laws that afford civil causes of action to persons whose exercise or enjoyment of rights has been interfered with by threats, intimidation or coercion. Examples of such laws include the [Massachusetts Civil Rights Act](#), [NYC's Discriminatory Harassment or Violence Statute](#), [New York's Section 79-N](#), and [California's Bane Act](#). Please prepare a memorandum that lists and summarizes all comparable civil rights statutes in states and cities across the country, or in your region (defined as narrowly or as broadly as you'd like). In your



summary, please include a list of “rights” that have been recognized as protected under these statutes and the fact pattern(s) that did (or could) give rise to interference with those rights. Please note in particular any case law recognizing rights related to accessing an education (whether in the K-12 context or the college/university context), and/or any fact patterns that arose in a school or on a college/university campus.

Question 5: Please summarize and analyze any relevant statutes or case law in your state that addresses whether a city can either deny a rally permit or require a group or members of a group seeking a rally permit to obtain insurance to cover the cost of property damage or injuries to city personnel if that group or members have a documented history of criminal violence.

Question 6: In many states, certain cities/municipalities have taken steps (whether by way of an ordinance or other law or regulation) to provide greater civil rights protections for residents and visitors than existing state laws provide—though unfortunately, these ordinances are increasingly being subjected to preemption challenges. A great example is Pennsylvania, where the state’s non-discrimination statutes do not provide protections for the LGBTQ+ community, but several local ordinances (such as the Philadelphia Fair Practices Ordinance) do. Please prepare a memorandum (1) providing a summary of local nondiscrimination ordinances in your region that offer greater protections than state law; (2) summarizing and analyzing any past or current legal challenges to the local nondiscrimination ordinances based on state preemption; and (3) assessing the likelihood that the local nondiscrimination ordinances could withstand a future challenge based on preemption.

Question 7: In the past few years, ADL has received complaints from constituents who would like to see businesses take action to remove patrons who wear “hate symbols” or “extremist symbols” (e.g., swastika tattoos or t-shirts) while in a place of public accommodation (i.e., a bar, restaurant, shopping center, etc.). Please prepare a memo analyzing how public accommodation / anti-discrimination laws in your jurisdiction would apply in such cases – i.e., where a business does take action to exclude a patron who prominently displays “hate symbols” or “extremist symbols” while in the place of public accommodation.

Question 8: In the United States, several states have adopted anti-BDS (Boycott, Divestment and Sanctions) laws designed to counter aspects of the BDS movement. These laws often seek to prohibit government entities, such as state agencies or instrumentalities, including state universities and state pension plans, from doing business with or investing in companies that boycott Israel. A number of these laws have been challenged in court and some have been struck down as unlawfully prohibiting expressive conduct. Please draft a memorandum (1) analyzing recent anti-BDS legislation and assessing the constitutionality of such laws and (2) analyzing recent federal district court and circuit court decisions in lawsuits challenging anti-BDS statutes. You may focus on anti-BDS legislation in states in your jurisdiction or more broadly.