

THE LEGAL E

A LEGAL NEWSPAPER FOR KIDS

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Artificial Intelligence Provides Opportunities and Challenges

by Sylvia Mendoza

Artificial intelligence (AI) sounds like something from a science fiction movie or a spy novel. The truth is we experience AI every day—when Google figures out what you're searching for before you finish typing, when composing a text or email and auto-complete finishes your sentence, even when Amazon recommends a book—it's all AI.

According to the National Artificial Intelligence Initiative Office (NAIIO), which provides technical and administrative support for the White House's Select Committee on AI, the term artificial intelligence was coined in 1956 at Dartmouth College during a conference attended by computer science researchers from across the country. That meeting—where researchers discussed the possibility that machines could communicate, imitate human behavior, and solve problems—sparked decades of government and industry research in AI.

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Is Discouraging Misinformation on Social Media Censorship?

by Michael Barbella

Is Covid-19 and election integrity misinformation legally protected by the First Amendment? That is the question the U.S. Supreme Court is currently grappling with, courtesy of a lawsuit that accuses the federal government of suppressing free speech by coercing social media companies to take down posts that promote misinformation.

A report written by the Congressional Research Service, a **nonpartisan** public policy research institute within the Library of Congress that works directly with members of Congress, noted that in the past the U.S. Supreme Court "has said the Free Speech Clause protects false speech when viewed as a broad category." For example, in 2012, the Court struck down a law that made it a criminal offense to lie about receiving military honors, ruling the law violated the First Amendment's free speech guarantee.

In addition, the report, titled "*False Speech and the First Amendment: Constitutional Limits on Regulating Misinformation*," said, "There is a concern that by prohibiting false speech, the government would also 'chill' more valuable speech, meaning it would cause people to self-censor out of fear of violating the law."

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Combating Violence at Youth Sporting Events

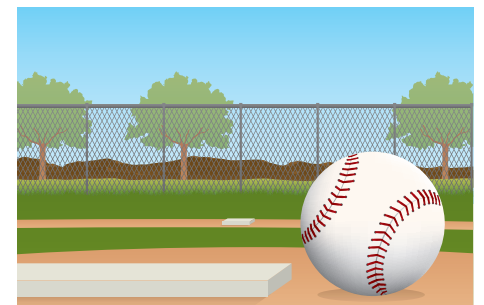
by Maria Wood

The National Council of Youth Sports estimates that 60 million kids across the country participate in youth sports. According to *Sports Business Journal*, youth sports is a \$30 billion industry with many parents spending up to, and sometimes more than, \$1,000 per year, per child on everything from sports equipment to league fees.

While the benefits of kids playing sports are huge, the exposure to violence on the field and in the stands is a concern for many in the industry.

Not isolated incidents

Although heckling opposing players and officials at sporting events may be as American as baseball, that largely non-violent practice has taken an ugly turn in recent years, and in one instance, turned deadly. In 2022, a coach at a youth football game outside of Dallas was shot and killed by a spectator from the opposing team over an officiating call.



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Does that concern hold when talking about social media platforms? According to a Pew Research Center 2021 survey, 53% of Americans get at least some news from social media. “Twitter [now called X], Facebook, and TikTok have all become pseudo-news platforms,” the survey stated. In addition, a 2023 study from researchers at the University of Arizona revealed that 40% of medical videos on TikTok contained medical misinformation.

The American Psychological Association (APA), a scientific and professional organization whose membership consists of psychologists, scientists, and educators, defines misinformation as false or inaccurate information or getting the facts wrong. Disinformation, the APA says, is false information which is deliberately intended to mislead—intentionally misstating the facts. In a 2023 report, APA said the spread of misinformation and

disinformation on social media has affected the ability to improve public health and maintain a stable democracy.

With respect to Covid-19 misinformation, during the 2020 World Health Organization (WHO) security conference, WHO’s director-general said, “We are not just fighting an epidemic; we are fighting an infodemic,” referring



to Covid-19 misinformation spreading faster than the virus. As of January 2024, Covid-19 has been responsible for more than seven million deaths globally, according to WHO.

A 2018 study conducted by researchers at MIT and published in *Science*, a scientific journal published by the American Association for the Advancement of Science, revealed that rumors spread faster than the truth on social media, finding that falsehoods are “70% more likely to be retweeted.”

The Public Interest Research Group (PIRG) is a non-profit federation of U.S. and Canadian organizations that provide advocacy on such issues as consumer protection and public health.

In a 2023 op-ed on PIRG’s website, R.J. Cross, a policy analyst who focuses on government transparency, wrote, “Having an engaged and informed citizenry depends in no small part on reliable access to accurate information. With social media’s propensity to amplify misinformation, more people accessing news-like content on these platforms may further distort the echo chambers we’re currently grappling with as a country.”

What the lawsuit alleges

The lawsuit—originally *Missouri vs. Biden*, now *Murthy vs. Missouri*—was filed

in May 2022 by the Attorneys General of Louisiana and Missouri, along with five other **plaintiffs**, including two epidemiologists who questioned the government’s handling of the pandemic, a professor who was dismissed after refusing to get a Covid vaccine, the director of Health Freedom Louisiana, an organization that has been accused of promoting disinformation, and the founder of a news outlet that spread false information about election fraud.

The complaint accused President Joseph Biden, U.S. Surgeon General Vivek H. Murthy, (former presidential) Chief Medical Advisor Dr. Anthony Fauci, and other top-ranking Biden Administration officials in 11 government agencies with suppressing free speech regarding Covid-19, election integrity and other topics under the guise of combatting “misinformation.”

As Jonathan Hafetz, a professor at Seton Hall University Law School and a constitutional law expert, explains, “The plaintiffs claim that social media companies caved to pressure from the government regarding posting content about various issues. Because the government was effectively ‘pulling the strings,’ they argue, this amounted to government censorship of First Amendment protected speech, even if it was the social media companies that directly suppressed the speech.”

The lawsuit documents an alleged history of free speech suppression by the Biden administration, beginning with his 2020 presidential campaign and continuing through the pandemic. For instance, it references a *New York Times* interview from January 2020 where Biden, then a candidate running for president, stated that he favored revoking online service providers’ **immunity** for third-party content and criminally prosecuting social media executives who fail to censor false information.

Attack against free speech

In July 2023, Judge Terry A. Doughty, a U.S. district court judge for the



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Western District of Louisiana, sided with the plaintiffs and issued a temporary **injunction** barring all communication by the Biden administration with social media platforms for “the purpose of urging, encouraging, pressuring, or inducing in any manner the removal, deletion, suppression, or reduction of content containing protected free speech.”

Judge Doughty listed 22 occasions where White House staff pressured social media companies.

“If the allegations made by plaintiffs are true, the present case arguably involves the most massive attack against free speech in United States’ history,” Judge Doughty wrote. “The plaintiffs are likely to succeed on the merits in establishing that the government has used its power to silence the opposition.”

Thomas Healy, a professor at Seton Hall University School of Law and a free speech expert says, “The danger of allowing the government to police false speech is that it might use that power to silence its critics. It might also be wrong about what is true and what is false. And if it mistakenly punishes true speech, we may never have a chance to see the error of our ways.”

On the other hand, Professor Healy says, “The danger of not allowing the government to police false ideas is that those ideas may spread and cause harm.” He notes that for the past 100 years, American courts have held that the danger of government silencing speech is greater than danger of spreading falsehoods.

In **appealing** Judge Doughty’s temporary injunction to the U.S. Court of Appeals for the 5th Circuit, the government argued that its online policing protocols are necessary to minimize significant public risks posed by digital communication networks (such as terrorist recruiting, harm to children, and misinformation spread). In its challenge to the injunction, U.S. Department of Justice (DOJ) attorneys noted that American presidents have historically engaged with

the media to promote their policies and shape coverage of their administrations. In addition, the DOJ deemed the social media communications ban “vastly overbroad” and claimed it would impose “grave harms” on the public.

The 5th Circuit Court initially granted the Biden administration a temporary stay of the injunction; however, in September 2023, it **upheld** the lower court ruling in part. The 5th Circuit Court found that some of the communications between the Biden administration and the social media companies in trying to fight alleged Covid-19 misinformation “coerced or significantly encouraged social media platforms to moderate content,” which violated the First Amendment. The 5th Circuit, however, also found the injunction from Judge Doughty was vague, and many of its provisions were “duplicative and thus unnecessary.” The court narrowed the lower court’s injunction to the White House, the Surgeon General’s Office, the Centers for Disease Control and Prevention, and the Federal Bureau of Investigation.

After the 5th Circuit’s ruling, the White House issued a statement.

“This administration has promoted responsible actions to protect public health, safety and security when confronted by challenges like a deadly pandemic and foreign attacks on our elections,” the White House statement read. “Our consistent view remains that social media platforms have a critical responsibility to take account of the effects their platforms are having on the American people but make independent choices about the information they present.”

The government appealed the 5th Circuit’s ruling to the U.S. Supreme Court.

Persuasion or coercion?

Central to *Murthy vs. Missouri* is the government’s attempts to control published information about Covid-19 and election interference, and whether those efforts violated the First Amendment. U. S. Department of Justice attorneys acknowledged the government cannot legally order social media companies to remove content

but claimed it can “vigorously criticize a publication.” That criticism or attempted embarrassment is considered a constitutional violation only when the government threatens sanction, past D.C. Circuit decisions have held, the DOJ said.

Professor Hafetz says, “An important question in the case will be what crosses the line from government persuasion (which is permissible) to government coercion (which is not).”

Justice Department attorneys criticized the 5th Circuit and appellate courts for failing to distinguish between persuasion and coercion. The government insists it only partnered with social media firms to help root out misinformation, but the courts concluded that this partnering amounted to “unrelenting pressure” to police content.

In the request to the U.S. Supreme Court to block the 5th Circuit Court’s order while the case is on appeal, Solicitor General Elizabeth B. Prelogar wrote, “There is a fundamental distinction between persuasion and coercion. And courts must take care to maintain that distinction because of the drastic consequences resulting from finding coercion.”

Professor Healy agrees that there is a distinction between persuasion and coercion.

“The First Amendment does not prohibit the government from taking a position on public



Youth Sporting Events **CONTINUED FROM PAGE 1**

New Jersey has had its share of violent incidents as well. In June 2022, an argument between an umpire and a coach at a 13-and-under U.S. Amateur Baseball League (USABL) game in Branchburg escalated to violence. The coach punched the then 72-year-old umpire, breaking his jaw. The umpire also sustained a concussion and required extensive surgery to repair his jaw.

The coach, who was from a visiting team from Staten Island, was arrested and charged by the Somerset County Prosecutor's office. The Staten Island team was banned from the USABL, one of the largest youth travel baseball leagues along the East Coast.

What happened in Branchburg is not an isolated incident. In recent years, fights have broken out—between coaches and parents, parents and umpires/referees, as well as coaches and umpires/referees—at youth games across the state, marring an activity that is supposed to be fun for kids.

In 2022, an adult spectator rushed the court at a high school basketball game in Jersey City, shoving the coach and bringing the game to a stop. Even sporting contests for younger children are not immune to verbal outbursts. In 2021, a Little League game in Hunterdon County involving 10-year-olds was halted mid-game after parents in the stands and the 20-year-old umpire exchanged harsh words that included cursing.

Most recently, in January 2024, an incident involving a spectator and a student athlete cleared the bleachers at a wrestling championship held at Phillipsburg High School. The Warren County Prosecutors' Office brought a second-degree aggravated assault charge against one woman, as well as disorderly conduct charges against three men who were involved in the brawl that cleared the bleachers.

Reducing violence in New Jersey

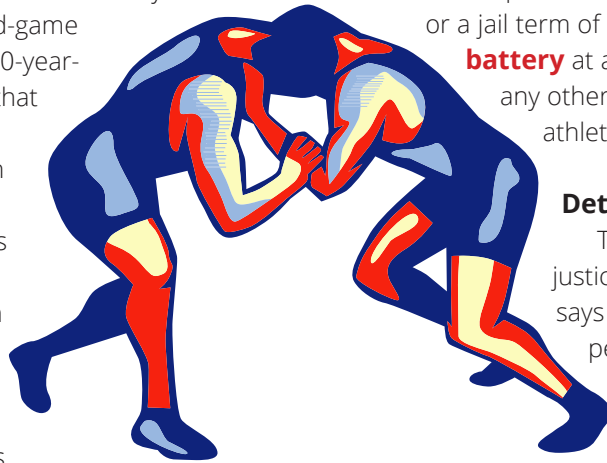
While New Jersey and 23 other states have laws on the books defining assault on a sports official as a crime, reports of aggressive behavior at youth games prompted New Jersey Assemblywoman Vicky Flynn to propose **legislation** that would upgrade penalties for violent flare-ups at youth sports. In the 2022–2023 legislative session, Assemblywoman Flynn introduced the Penalty Box Act, which would upgrade the penalties for assaults against sports officials, coaches or staff from simple assault to fourth-degree aggravated assault if there are no injuries. Those convicted could face up to 18 months in prison and a fine up to \$10,000. If the official sustains injuries, the crime becomes a third-degree offense,

which comes with a penalty of up to three to five years in prison and up to a \$15,000 fine.

"Parents, spectators, staff, coaches and anyone else behaving badly during sporting events involving children must be stopped and held accountable," Assemblywoman Flynn said in a statement. "Adults should be role models for children, but they are threatening the future of youth sports by creating a toxic environment for kids, resulting at times in violence and causing long-term mental damage to kids."

The Penalty Box Act was passed by the New Jersey Assembly but failed to pass in the New Jersey Senate. A companion bill prohibiting bullying and harassment on school grounds introduced at the same time stalled as well. A spokesperson for Assemblywoman Flynn said both bills will be carried over to the new legislative session but will need to be reintroduced into committees.

Other states have taken similar actions to prevent violence at youth contests. According to the National Association of Sports Officials (NASO), 21 states in addition to New Jersey have proposed or enacted laws to curb assaults and harassment at youth sports contests. For example, California adopted a law in 1991 mandating a fine of \$2,000 or a jail term of one year for anyone committing **battery** at an interscholastic, intercollegiate, or any other organized amateur or professional athletic contest.



Deterrent or symbolic gesture?

Todd Clear, a professor of criminal justice at Rutgers Law School in Newark, says he is skeptical that imposing harsher penalties for bad behavior at youth sporting events will curb violent incidents. Instead, Professor Clear views the law as more of a symbolic gesture indicating the high regard society places on people who volunteer their time to officiate youth games. In that way, he says, the laws are similar to those that upgrade sentences for offenses against police officers and first responders.

"There is not much evidence these laws change the frequency of those events," Professor Clear explains, "but they do reinforce the idea that we value the people who serve as referees, first responders, and police officers."

In addition, Professor Clear says such laws have the potential to dispense justice unfairly. For instance, a parent from a visiting team engaging in harassment or assault may be treated more harshly than one from the home team.

"Any time the law creates a capacity for an upward increase in the punishment, the chance that some people will receive that [punishment] and others won't increases," Professor Clear says.

Youth Sporting Events **CONTINUED FROM PAGE 4**

Quitting the game

Those who officiate youth games have definitely noticed an uptick in bad behavior, and it's taking a toll on them. A recent NASO survey of its members revealed that nearly 69% said sportsmanship was getting worse at games. Nearly half reported feeling unsafe at events, while 12% said they had been physically assaulted during or after a game.

These incidents have forced many youth sports officials to quit. NASO reports that since March 2020, its membership has dropped from 29,000 to 23,000. Likewise, the National Umpire Association has recorded a drop in umpires for youth games. The number of baseball and softball umpires in the Babe Ruth Youth League has declined from around 6,200 in 2017 to just under 5,000 in 2022. The National Federation of State High School Associations reports a loss of nearly 20,000 umpires between 2018 and 2022.

Why are these aggressive actions happening now? Richard Weissbourd, a psychologist at the Harvard Graduate School of Education, told *EdWeek* that parents are hyper-focused on their children's achievements, hoping they get an athletic scholarship.

As Mary DeLaat, a basketball referee in the Milwaukee area who began officiating in 2014 but quit four years later, told *The New York Times*, "The parents are all like, 'My kid is going to get that scholarship and be the next LeBron James.' When something isn't going right with that plan, the blame has to go somewhere, and often it's the referee. It's our fault."

Pent-up anxiety and stress from the pandemic is also a factor, Professor Weissbourd noted to *EdWeek*. Together, these dynamics are fueling these outbursts at youth games, which have an effect on children, he said.

"It's a scary thing for a kid when their parent is so out of control," Professor Weissbourd told *EdWeek*. "It's really troubling. We're modeling for kids all the time. It's a terrible way to model managing anger."

Empty bleachers?

One New Jersey town—Deptford—made its own rule to

curb aggressive behavior at youth sporting contests. Last year, the township instituted a rule that anyone berating an umpire or who steps on the field to complain about a call must officiate a game under the supervision of an official or face a year-long ban from sporting events.

Mark Bitar who assigns officials for North Jersey high school football and basketball games, told nj.com that the next step would be to ban fans from games.

"If people can't behave, then maybe we need to have youth games with no

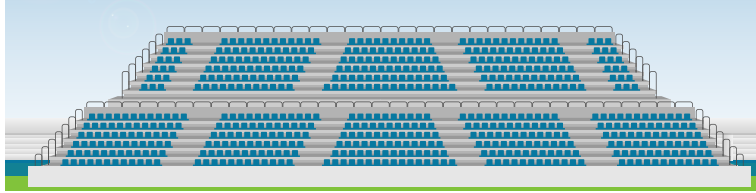
fans," Bitar said, suggesting that fans live stream the games.

Professor Clear says an immediate and enforceable ban may be more successful in deterring aggressive behavior at youth contests.

"A very rapid banning for the next three games or the season—those kinds of things with enforcement capacity have significant deterrent effects," Professor Clear says. "We do know immediate consequences are more effective in shaping behavior than consequences far down the road, like jail time."

In an interview posted on the *Harvard Gazette*, Professor Weissbourd recommended each youth league establish guidelines of acceptable behaviors at games, such as encouraging parents to thank the coaches and the referees.

"It's important to spell out what constructive and appropriate behavior is," Dr. Weissbourd said. 🪵



DISCUSSION QUESTIONS

1. What factors do you think have contributed to the increase of violence at youth sporting events? Explain your answer.
2. Several remedies to combat violence at youth sporting events were discussed in the article. Which remedy do you favor and why?
3. What can young people do to encourage better behavior from adults at youth sporting events?





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Along comes ChatGPT

More than 60 years after the Dartmouth meeting, ChatGPT made its debut in November 2022. Created by OpenAI, an artificial intelligence research company, ChatGPT is a form of generative AI. It lets users enter online prompts in conversational dialogue. ChatGPT responds to those prompts by “generating” a variety of content, including articles, social media posts, essays, computer code, emails, images, texts and videos.

The “GPT” stands for Generative Pre-Trained Transformer. GPT uses specialized **algorithms** to find patterns in data sequences. ChatGPT’s algorithm can produce “original” text that comes from large amounts of information that has been “scraped” off the internet. Scraping is the process of using bots to extract content and data from a website. Legal issues surrounding scraping include invasion of privacy, copyright, defamation, ethics, and more.

Even with the fears and unknowns of ChatGPT, it is the fastest-growing consumer internet app of all time, garnering an estimated 100 million monthly users in just two months. For context, Facebook took a little over four years to hit that many users, Twitter [now X] took a little over five years, and Instagram took two years.

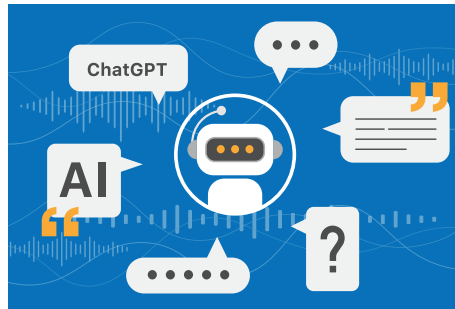
Rebecca L. Rakoski, managing partner of a cybersecurity and data privacy law firm in Marlton, NJ, says one of the biggest concerns in AI is individual privacy rights. Once a person uses ChatGPT or a similar AI platform, it gets to “know” them, she says, and uses their personal information, previous experiences, biases, and style.

“We ‘feed’ AI with data,” says Rakoski, who also co-chairs the New Jersey State Bar Association’s AI Task Force. “That data is about someone. That person has rights about how that AI is used, so for me, I would like to ensure that the use of AI is well understood and transparent.”

Education issues

Emily J. Isaacs, executive director of the Office for Faculty Excellence and Academic Affairs at Montclair State University who has been teaching writing for more than 25 years, recognizes that the pace of AI growth may just be the beginning of disruption in higher education.

“The use of generative AI in education could be disruptive, much the way social media has turned out to be disruptive,” Professor Isaacs says. “I did not realize



how powerfully it would change how people behave, think and learn about politics, history, and cultural phenomena.”

In the education field, understandably, ChatGPT, as well as other AI chatbots, have brought out fears of cheating.

“For example, if you are asked to write a summary paper on the origins of the Civil War based on three readings your teacher has given you, and instead you enter that question into ChatGPT, without reading the assignment, you are being academically dishonest,” Professor Isaacs says.

At the other extreme, high school and college students have been falsely accused of using ChatGPT, which can affect not only their grades but the relationship between educator and student. Most educators use AI detectors, such as Turnitin or GPTZero, to weed out cheaters. The problem is that these detectors can be inaccurate, giving a false positive result. In fact, OpenAI shut down its AI detector tool in July 2023 due to its “low rate of accuracy.”

Another problem with ChatGPT is that it can produce inaccurate material. For instance, if a student uses it to produce a paper complete with footnotes—something ChatGPT can do—the final product could be riddled with factually inaccurate information. ChatGPT warns users that it could generate incorrect or misleading information, or biased content, which can be a problem for students who don’t verify and cite original sources. Professor Isaacs explains that this can lead to ethical and legal concerns.

Teresa Kubacka, a data scientist in Switzerland, told National Public Radio (NPR) that she tested ChatGPT by deliberately asking it about something that doesn’t exist—a made-up physical event. She relayed that it produced a “specific and plausible sounding” answer complete with citations. However, after a closer look, Dr. Kubacka said the citations, which named real, well-known physics experts, were bogus publications that these experts supposedly authored.

“This is where it becomes kind of dangerous,” Dr. Kubacka told NPR. “The moment that you cannot trust the references, it also kind of erodes the trust in citing science whatsoever.”

Professor Isaacs says, “What we do know is that generative AI can be a powerful tool for learners who are wide awake and paying attention when they interact with the tools, carefully selecting what they type into the Gen AI and just as carefully and critically reading what it produces.”

Educating students to use AI tools ethically and responsibly can better prepare them for a future where AI in the workplace will be commonplace. The U.S. Department of Education report, “Artificial Intelligence (AI) and the Future of Teaching and Learning: Insights and Recommendations,” addresses the importance of trust, safety, and appropriate guardrails to protect educators and students.

Need for AI regulations

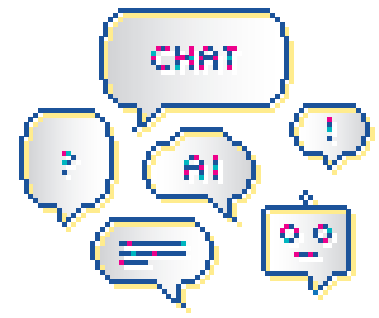
With the rapid pace of AI advancement and its potential ripple effects, even the tech giants think guidelines and guardrails are needed. Sam Altman, CEO of OpenAI, suggested in a 2023 congressional hearing that the federal government should create licenses to ensure developers thoroughly test AI models before they are made available to the public. The federal government currently issues licenses for a variety of different industries. For example, the Federal Communications Commission (FCC) licenses the airwaves—from radio and television broadcasting to satellite communications and cell towers.

In a hearing before the Senate Judiciary Committee's Subcommittee on

Privacy, Technology and the Law, held in September 2023, Microsoft President Brad Smith called for legislators to create a "safety brake" for AI systems.

"If a company wants to use AI to, say, control the electrical grid or all of the self-driving cars on our roads or the water supply... we need a safety brake, just like we have a circuit breaker in every building and home in this country," Smith said in the hearing. "Maybe it's one of the most important things we need to do so that we ensure that the threats that many people worry about remain part of science fiction and don't become a new reality."

In July 2023, the Federal Trade Commission (FTC) launched an investigation to determine whether ChatGPT violated consumer protection



laws through its collection of data. At press time, the investigation remains ongoing.

Orders from the Executive Branch

In October 2023, President Joseph Biden signed a 63-page executive order addressing concerns about AI. According to a White House fact sheet, the order "establishes new standards for AI safety and security, protects Americans' privacy, advances equity and civil rights, stands up for consumers and workers,

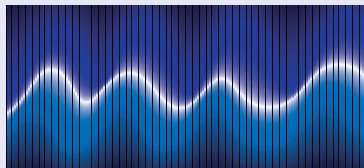
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The Dark Side of Artificial Intelligence

While artificial intelligence has its benefits, there is a dark side to AI. For example, in January 2024, an AI-generated robocall using President Joseph Biden's voice advised people not to vote in the New Hampshire presidential primary. The call went out to approximately 5,000 New Hampshire voters before the state's primary election. The call advised voters that "It's important that you save your vote for the November election." To be clear, voting in a primary election does not preclude a registered voter from voting in the November general election. After the incident, the Federal Communications Commission (FCC) adopted a ruling clarifying that generating a voice with AI for robocalls is illegal.

"Bad actors are using AI-generated voices in unsolicited robocalls to extort vulnerable family members, imitate celebrities, and misinform voters," FCC Chairwoman Jessica Rosenworcel said in a statement. "We're putting the fraudsters behind these robocalls on notice."

In March 2023, the Federal Trade Commission (FTC) issued a warning that AI has allowed scammers to enhance their "family emergency schemes." This particular scam targets older folks with a voice model of a supposed family member who needs money because they are in some kind of trouble. With AI, the FTC explains, the scammer needs as little as three seconds of audio that they obtain from online posts to produce a realistic sounding message, often fooling the family member who wires money to help their loved one.



Deepfakes sparks proposed legislation

In January 2024, Taylor Swift had a brush with the dark side of AI when someone created pornographic "deepfakes" of the pop star and posted them to an online bulletin board. A deepfake is an AI-manipulated video or photo that uses someone's likeness without permission. The deepfake images of Swift were taken down after 17 hours. In that time, they amassed 45 million views and had been reposted 24,000 times.

Deepfakes aren't just reserved for celebrities. In October 2023, a group of boys at New Jersey's Westfield High School created AI-generated pornographic images of female classmates without their knowledge.

The incident in Westfield heightened awareness about deepfakes and highlighted a bill introduced in the New Jersey Senate in March 2023. The bill would prohibit deepfake pornography and impose criminal penalties for non-consensual disclosure. A federal bill, called the Preventing Deepfakes of Intimate Images Act, first introduced in the U.S. House of Representatives in May 2023, would make it "a crime to intentionally disclose (or threaten to disclose) a digital depiction that has been altered using digital manipulation of an individual engaging in sexually explicit conduct."

At press time, no action had been taken on either of these bills. —Jodi L. Miller

Artificial Intelligence CONTINUED FROM PAGE 7

promotes innovation and competition, and advances American leadership around the world.”

One action in the executive order is the requirement that AI companies disclose the results of safety tests and directs the U.S. Commerce Department to oversee whether the tests and precautions are enough. To address the possible discriminatory use of AI, the executive order directed agencies “to combat algorithmic discrimination, while enforcing existing authorities to protect people’s rights and safety.” The order stipulates that landlords, federal benefits programs and federal contractors must be provided clear guidance to keep AI algorithms from worsening discrimination. In addition, the order stated that the criminal justice system, under the guidance of the Department of Justice and federal civil rights offices, should address algorithmic discrimination by developing best

practices surrounding the use of AI in sentencing, parole and probation, as well as pretrial release and detention.


According to the National Conference of State Legislatures, 30 states have passed more than 50 laws over the last five years to address AI in some capacity. Only 12 states, including New Jersey, have

enacted laws to create task forces to increase AI knowledge. Some states are focused on protecting consumer

privacy data. New Jersey, along with 10 other states, has passed legislation to ensure that the adoption of AI does not perpetuate bias or add to societal discrimination, especially in hiring practices.

The list of what needs protection from AI advances keeps growing. The New Jersey State Bar Association AI Task Force was created, for example, to review the complex questions and ethical implications AI has on the practice of law, make recommendations for best

practices for New Jersey attorneys, and examine potential downsides.

“Like any source being used, it is important to have policies and practices so that when AI is used, it is properly attributed and only used in appropriate situations,” explains Rakoski. “AI can be a tool in our toolbox, but it should not be the only tool.” 




DISCUSSION QUESTIONS



1. What are the potential benefits of AI? What are the potential harms? Explain your answer.
2. Should it be the government’s role to regulate AI? Why or why not?
3. If you were creating regulations for AI, what would you include? Explain your answer.

Misinformation CONTINUED FROM PAGE 3

policy issues or using the bully pulpit to encourage responsible behavior by corporations,” Professor Healy says. “The question in this case is whether the government crossed the line into coercion by threatening to punish the social media platforms if they didn’t block certain posts. It’s a factual question that the lower courts decided in favor of the plaintiffs. Whether the Supreme Court will agree remains to be seen.”

In October 2023, the U.S. Supreme Court agreed to hear the case and also temporarily lifted the injunction from the 5th Circuit Court, allowing the government to continue communicating with social media companies. Oral arguments before the U.S. Supreme Court are scheduled for March 18 and a ruling is expected by the end of the Court’s term in June. 

DISCUSSION QUESTIONS



1. What role do you think social media plays in the spread of misinformation? What obligation do social media platforms have in combatting misinformation?
2. What possible harms could the spread of misinformation have on the two topics mentioned in the article—Covid-19 and election integrity? Explain your answer in detail.
3. Should the government have more flexibility to curb misinformation to maintain public safety? Explain your answer.

GLOSSARY

algorithm—a set of rules to be followed in calculations, especially by a computer.

appeal—a request that a higher court review the decision of a lower court.

battery—a criminal offense involving unlawful physical contact.

immunity—exempt from penalty.

injunction—an order of the court that compels someone to do something or stops them from doing something.

legislation—laws made by a legislative body (i.e., Congress or a state legislature).

nonpartisan—not adhering to any established political group or party.

plaintiff—person or persons bringing a civil lawsuit against another person or entity.

upheld—supported; kept the same.