In The
Supreme Court of the United States

———————◆———————

REYNALDO GONZALEZ, et al.,

Petitioners,

v.

GOOGLE LLC,

Respondent.

———————◆———————

**On Writ Of Certiorari To The
United States Court Of Appeals
For The Ninth Circuit**

———————◆———————

**BRIEF OF *AMICI CURIAE*
MAJOR GENERAL TAMIR HAYMAN,
LT. GENERAL MOSHE YA'ALON,
BRIG. GENERAL YOSSI KUPERWASSER,
RONI ALSHEIKH, MAJOR GENERAL
YAAKOV AMIDROR, AND HAIM TOMER
IN SUPPORT OF PETITIONERS**

———————◆———————

JAROSLAWICZ & JAROS PLLC

DAVID JAROSLAWICZ
  Counsel of Record
DAVID TOLCHIN
225 Broadway, 24th Floor
New York, NY 10007
212-227-2780
dj@lawjaros.com
Counsel for Amici Curiae
  Major General Tamir Hayman (ret.),
  Lt. General Moshe (Bogie) Ya'alon (ret.),
  Brig. General Yossi Kuperwasser (ret.)
  Roni Alsheikh, Major General Yaakov
  Amidror (ret.), and Haim Tomer

QUESTION PRESENTED

Under what circumstances does the defense created by section 230(c)(1) apply to recommendations of third-party consent?

TABLE OF CONTENTS

TABLE OF AUTHORITIES

TABLE OF AUTHORITIES—Continued

Page

TABLE OF AUTHORITIES—Continued

Page

TABLE OF AUTHORITIES—Continued

Page

TABLE OF AUTHORITIES—Continued

Page

INTEREST OF *AMICI CURIAE*[1]

Amici are Lt. General MOSHE "BOGIE" YA'ALON (ret.), former Israeli Minister of Defense and Chief of Staff to the Israel Defense Forces ("IDF"); Major General TAMIR HAYMAN (ret.), former head of the IDF Military Intelligence ("Aman"), and current Managing Director of the Institute for National Security Studies, Tel Aviv University; Brig. General YOSSI KUPERWASSER (ret.), former Head of Research in the Aman, and former Director General of the Israel Ministry of Strategic Affairs; RONI ALSHEIKH, former Commissioner of the Israeli Police, serving during the 2015-2016 wave of terror known as the "Facebook intifada," and a former senior officer in the Israeli Security Agency; Major General YAAKOV AMIDROR (ret.), Israel's former National Security Advisor and another former Head of Research in the Aman; and HAIM TOMER, former head of the Mossad's Intelligence Directorate.

Amici are veteran high-ranking leaders in Israel's fight against terrorism. They bring a first-person perspective to the effect that social media has played in the proliferation of deadly terror groups. They have experienced a meteoric increase in terrorist activity worldwide, largely due to the advent of algorithms that recommend content to users of such platforms as YouTube and Facebook. These algorithms aid and abet,

---

[1] No counsel for a party authored any part of this Brief, and no person other than *amici curiae*, or their counsel made a monetary contribution intended to fund its preparation or submission. All parties have filed blanket consents or specifically consented to the filing of this Brief.

rather than encumber, the malicious goals of terrorists, by connecting, influencing and, ultimately, radicalizing individuals to their cause, with deadly results.

Like never before, interactive computer services and, specifically, the algorithms they employ, allow terrorists freely and unfettered to publish their missions, spread hateful dogma, incite murder, celebrate violent exploits, recruit membership, fundraise and, because the Internet reaches everywhere and nearly everyone in the world, they are elevated to an international prominence and stature that never before could have been achieved.

————◆————

SUMMARY OF THE ARGUMENT

In the past decade, the use of social media to achieve terrorist goals has intensified. It has become a primary tool of terrorists to convey messages that recruit newcomers to their single-minded ideologies, incite hatred, fundraise, and propagandize. Organized terror groups such as ISIS and Hamas have flocked to it, and because of it, even individuals ("lone wolves) who have been inspired by what they see online, are cajoled to initiate their own terror attacks. As a result, such attacks have become increasingly difficult to prevent.

Interactive computer services have become a terrorist's haven, an open-bordered bridge introducing one terrorist to another, or to groups of terrorists, outflanking government ability to intercept and disrupt the

spread. The algorithms employed by social media companies to enhance the effectiveness of their platforms, and, we believe, optimize advertising revenue, "push" and recommend increasingly inflammatory content in an echo chamber, and nurture radicalization, terror, violence, and death.

Amici wish to impress upon the Court the gravity of the threat this new technology represents, especially given the lackluster response by algorithm designers to defeat it.

The real-life dangers we face go far beyond the tragic death of Nohemi Gonzalez in Paris or the media-savvy terror group, ISIS. In Israel, we have known waves of terror that could not have occurred but for interactive social media. The wave of terror on the streets of Israel in 2015-2016 even became known as the "Facebook intifada" and the #stab! Campaign, due to the essential role social media played in inciting the perpetrators to attack civilians. *See* Lakin Avni, Michah, N.Y. TIMES Op Ed, "The Facebook Intifada," available at tinyurl.com/4pjtpwys (11/3/15).

Section 230 of the Communications Decency Act of 1996, 47 U.S.C. § 230, should not be read to immunize violators of the Antiterrorism Act, 18 U.S.C. § 2331, as amended by the Justice Against Sponsors of Terrorism Act, 18 U.S.C. § 2333(d)(2), as it would eliminate a powerful incentive for algorithm designers to be vigilant in the fight against terrorism.

————◆————

ARGUMENT

POINT I

SOCIAL MEDIA PLATFORMS AID AND ABET TERRORISM

In the past two decades, with the emergence of social media platforms, it is no secret that established terrorist organizations have invaded the virtual world. The new technology has enabled new terrorist groups to emerge, even those lacking established chains of command, hierarchical structures, and policies. Owing to the sophisticated algorithms instituted by social media platforms, terrorist groups, old and emerging alike, can now reach and mobilize new adherents to effectuate terror waves of street-level stabbings or hit-and-run vehicle collisions, all under the radar of counter-terrorist agencies. Hamas and ISIS have taken advantage of the new technology to grow their ranks online, as each new member becomes a virtual "sleeper cell," or "lone wolf," primed to be incited to violence by a flood of reiterative online content.

The grim reality is that when misused, social media can spread extreme ideologies and propaganda and incite targeted violence. It conveys messages intended to recruit newcomers to terrorists causes, guides them, equips them with operational knowledge, and fundraises for them.[2] In short, in our experience, social media promotes terrorism, as illustrated below.

---

[2] *See generally* Weimann, Gabriel, Terrorism in Cyberspace: The Next Generation (Columbia Univ. Press, 2015).

A. Terrorists Use Social Media to Incite Violence and Radicalize

Unconstrained, social media provides a particularly efficient and insidious tool to foment radicalization—the process by which people develop extremist convictions and behaviors fundamentally opposed to the core values of their communities of origin, substituting therefor an advocacy for the supremacy of a particular group or ideology anathema to the ideals of democracy and universal human rights[3]—and to incite terror and life-ending violence.

In providing an unfettered platform for terrorists to interact, and recommending content to other budding extremists, social media platforms have facilitated radicalization, violence, and terror. They have amplified voices which seek to glorify, and claim responsibility for, murderous attacks; condition and recruit new members to perpetrate terror attacks; raise and move funds; buy and transfer weapons; expose tutorials to misguided ideologues; and condition susceptible newcomers to malicious causes and ideologies.

While radicalization, which typically involves blaming a perceived injustice on a target policy, person, or nation that is demonized until it becomes a justification

---

[3] Frontiers in Psychology, *Psychological Mechanisms Involved in Radicalization and Extremism: A Rational Emotive Behavioral Conceptualization*, available at frontiersin.org/articles/10.3389/fpsyg.2019.00437/full (3/6/19).

for aggression,[4] has historically depended on contact with recruiters, social interaction, and intimate communication with close associates,[5] times have changed. According to a study of 242 European jihadists from 2001-2006, and a 2013 study of 15 terror events, unchecked social media outlets have nurtured terrorist growth by acting as an echo chamber for inflammatory and extreme ideology, whereby susceptible individuals find malicious content and deceitful imagery supported, regurgitated, and seemingly validated by others, all without physical contact.[6]

Social media platforms provide an easily accessible feed of rumor, propaganda, training tips, plans for terror attacks, and the means to raise funds to finance them.[7]

For example, the terrorists who attacked the Christchurch mosques in New Zealand (March 2019), the Poway synagogue in California (April 2019), and the El Paso, Texas, Walmart (August 2019), were all active users of the extremist 8chan platform, and proudly

---

[4] Barcelona Center for Int'l Affairs, *What does Radicalisation Look Like? Four Visualisations of Socialisation into Violent Extremism*, available at tinyurl.com/3pn6r5r2 (12/2016).

[5] *Ibid.*

[6] Rand Europe, *Radicalisation in the digital era: The use of the internet in 15 cases of terrorism and extremism*, available at tinyurl.com/yckp88bp (2013).

[7] United Nations Office on Drugs and Crime (UNODC), *The use of the Internet for terrorist purposes*, available at tinyurl.com/4jawf5n3 (9/2012).

published their ideology and intentions there prior to the attacks.[8]

The National Consortium for the Study of Terrorism and Responses to Terrorism reported that in 2016 social media played a role in the radicalization of nearly 90% of the extremists in the Profiles of Individual Radicalization in the United States ("PIRUS") database; including that of 88.23% of lone wolves. Interactive computer services reduced average radicalization time from approximately 18 months in 2005, down to only 13 months in 2016, by which time over 90% of U.S. foreign fighters were active on social media.[9]

Facebook, Twitter, and YouTube have all permitted the posting of misinformation that sought to discredit reports of verified chemical attacks in Syria, recruit young fighters to the Al-Shabab terror group in Somalia, glorify atrocities committed by ISIS in Iraq, organize mass killings in Nigeria, and propagate nationalism and hate speech through bots in India.[10]

In 2018, Facebook reacted to an accusation made by a United Nations committee that its response to

---

[8] Vox-Pol, *Violent Extremism and Terrorism Online in 2019: The Year in Review*, available at tinyurl.com/4aak8frx (2019).

[9] National Consortium for the Study of Terrorism and Responses to Terrorism (START), *The Use of Social Media by United States Extremists*, available at tinyurl.com/y574wacm (9/2018).

[10] United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Peoples under Threat 2019: The role of social media in exacerbating violence*, available at tinyurl.com/3sd6aams (6/4/19).

the spread of hate speech on its platform was slow and ineffective. After commissioning an independent study to investigate the allegation, Facebook admitted its platform had been used to create an "enabling environment" for misinformation, vile rumor, and inflammatory speech, ultimately resulting in the ethnic cleansing and genocide of the Rohingya minority in Myanmar.[11]

The Islamic State's reliance on unregulated social media was key to the spread of its messaging and the maintenance of its online presence. In 2015, supporters of the Islamic State controlled at least 46,000 active Twitter accounts at any one moment and generated an estimated 90,000 tweets per day. They coopted "innocent" hashtags to maximize the exposure of their messaging in the general discourse, even inundating hashtags associated with the World Cup in 2014 and a referendum in Scotland.[12]

In Israel, we have witnessed actual terror attacks that were directly caused by individuals radicalized and incited through social media. The following graphic is a tweet from the Facebook intifada, or #stab! Campaign, of 2015-2016, which incited followers to use knives to stab pedestrians in the streets. The tweet

---

[11] BBC, *Facebook admits it was used to 'incite offline violence' in Myanmar*, available at bbc.com/news/world-asia-46105934 (11/6/18).

[12] Hoffman, Adam, Institute for National Security Studies, Tel Aviv Univ., *The Islamic State's Use of Social Media: Terrorism's Siren Song in the Digital Age*, available at tinyurl.com/45mz8exn (2016).

reads: "The heroic masses #stab!" The banner in the photo features a heart above the Arabic word for "stab":[13]

جمهور الفدائي #اطعن

As shown in the following tweets posted in the #stab thread of that time period, Al-Aqsa Broadcasting channel, the Hamas affiliate (Al-Aqsa TV), tweeted its followers to "Sharpen the floors oh Islamic martyr and fill the place with blood"; implored them: "Despite your siege oh my executioner . . . the victor generation

---

[13] Tweet by @fatehorg available at tinyurl.com/5ajhzv9r (9/11/15).

returned . . . don't compromise, don't promise, [that's] what frightens the Zionists"; and overtly threatened: "We come [to] slaughter, we will deport you all":[14]

قناة الأقصى الفضائية
@SerajSat
...

سن البلطة يا استشهادي وعبي الساحة دم

#اطعن

fb.me/7hDtCA1zP ثورة_شعب#

← Tweet

قناة الأقصى الفضائية
@SerajSat
...

رغم حصارك جلادي رجع الجيل المنصور .. ما يساوم لا ما يعاهد
ما يخشى الصهيونية
fb.me/3OB3h5RmE اطعن#

Translate Tweet

2:00 AM · Apr 26, 2015 · Facebook

---

[14] Tweets by @serajSat available at bit.ly/3Vy9mDa (4/25/15), and bit.ly/3EQpI3k (4/25/15), bit.ly/3XNtl2H (4/25/15).

قناة الأقصى الفضائية
@SerajSat
...

قولوا الله يا رجال..
#اطعن
#ادعس

Translate Tweet

12:08 AM · Apr 26, 2015 · Facebook

In March 2016, Palestinian scholars Izdihar Ma'tuq and Adnan Abu Amer each published articles describing how social media networks are used to encourage terror attacks and spread violence. Ma'tuq wrote: These electronic networks have become disseminators of news about the intifada, further motivating Palestinians to carry out attacks against Israelis.[15]

They each quoted Khaled Shbeir, the head of the news media department at Al-Aqsa TV, who boasted that it had accounts on Facebook, Twitter, Instagram, and YouTube, that its posts received up to 220,000 'likes' each; that videos with attacks against Israelis had the most intense engagement of any posts; and that "on January 4 we received the 'blue check' that gives us privacy on Facebook and protects us from account suspension."[16]

---

[15] Al-Monitor, *Social networks: A new combat front between the Palestinians and the Israelis,* available at tinyurl.com/5n8yvvvj (5/2/22) (translated from Arabic); Al-Wahda Al-Islamia, *Social networking sites: A new arena of resistance,* available at tinyurl. com/54vcma2r (3/2016) (translated from Arabic).

[16] *Ibid.*

Raji al-Hams, a prominent Al-Aqsa TV broadcaster, illustrated the use of social media as a rallying cry. Al-Hams' Facebook page at one point had some 90,000 followers—until he posted intifada slogans and images of Palestinian militants, and Facebook suspended his account for violating its rules. Not deterred, Al Hams simply opened a new account and proudly announced: "Palestinian pages are closed under the pretext that they call for mobilization and intifada and encourage the implementation of more operations . . . but I created a new page, which has grown to nearly 10,000 followers within two weeks of its creation [in January 2016]."[17]

As one technique employed by Hamas, the organization incited budding terrorists to carry out killings by issuing indirect praise celebrating the heroic terrorists (cynically called "martyrs") of the past, or with direct kudos. In the tweet below, for instance, Al-Aqsa TV tweeted, "May god protect you, oh hero #stab!"[18]

Hardly a secret, terror perpetrators readily acknowledge extremist content on social media as their impetus to carry out attacks. For example, in January 2016, Dafna Meir, a mother of six, was stabbed to death in front of her children by a 16-year-old terrorist, Murad Id'is. In the aftermath, the terrorist admitted that

---

[17] *Ibid.*

[18] Tweets by @serajSat, for Aqsa TV, available at bit.ly/3OLzpVw (4/25/15), bit.ly/3gR83R5 (4/25/15), bit.ly/3UozFLc (4/26/15).

Palestinian TV and social media had motivated him to commit such horrific violence.[19]

In the examples below, Al-Aqsa TV tweeted as a purported news update: "[T]here is not one of you but will come to it" (a reference to Quran 19:71), with hashtag #run over! and a photograph of a soldier injured in an intentional vehicle hit-and-run in Jerusalem:

قناة الأقصى الفضائية
@SerajSat
···

سلمت يمناك يا بطل

fb.me/1ZrArWP6p اطعن#

Translate Tweet

12:09 AM · Apr 26, 2015 · Facebook

قناة الأقصى الفضائية
@SerajSat
···

وإن منكم إلا واردها ..

صورة# لأحد الجنود الذين أصيبوا في حادث الدهس في
لقدس_المحتلة#

fb.me/6yyuzKWCJ ادهس#

Translate Tweet

12:16 AM · Apr 26, 2015 · Facebook

---

[19] Maariv, *Four years after his wife's murder: Natan Meir announces the birth of his daughter*, available at maariv.co.il/news/israel/Article-731794 (11/26/19).
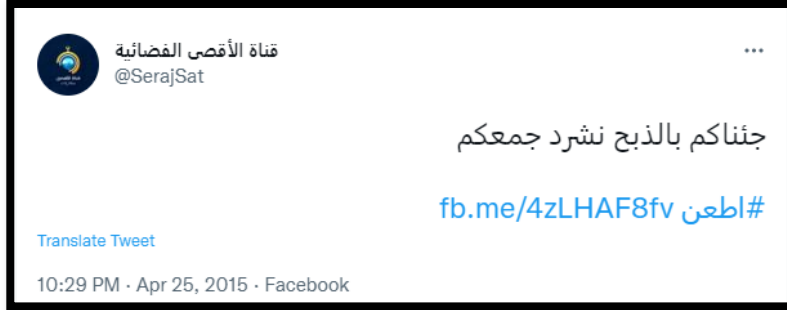
Hamas focused its indoctrination efforts specifically to motivate attackers in prominently pro-Hamas geographic areas, such as Hebron or East Jerusalem. In the following tweet sent in November 2014, the Palestine Network for Dialogue, another Hamas affiliate, incited its followers to "#Run over! Oh son of Hebron

and proud Jerusalem. Run over with a vehicle . . . and run over these Zionists":[20]

A later tweet praises the "martyrs" who perpetrated a November 2014 terror attack in a Jerusalem synagogue which killed five worshippers. It reads, in

---

[20] Tweet by @paldaf, available at bit.ly/3Fd7MkN (11/6/14).

part: "Kill the other . . . shooting is your decision . . . you are the fire, and you are the decision to fire":[21]

بوابة الهدف
@hadafps
👍 64%

"أقتل دونك... أفديك
ولكني أتمنى أن تقتل مرفوع الهامة
لم يتزحزح فيك قرار
النار قرار منك وليس قرار فيك
فأنت النار وأنت قرار النار"
م.ن
____
الذكرى الثالثة لإستشهاد عدي وغسان أبو جمل منفذا عملية "
كنيسة دير ياسين" والتي أسفرت عن مقتل 5 مستوطنين
وعناصر من شرطة الإحتلال.

Translate Tweet

12:55 PM · Nov 18, 2017 · Twitter Web Client

On August 17, 2022, a post on a Facebook page of the "The Islamic Resistance Movement" (*i.e.*, Hamas)

---

[21] Tweet by @hadafps, a PFLP-affiliate, available at tinyurl. com/463b2zkn (11/18/17).

praised another terror attack in Jerusalem that wounded several civilians, including a pregnant woman. According to the post, the attack was "heroic" and showed a "real picture of the reality" of those who "choose resistance."[22]

Another recent example is a wave of terror that struck Israel in 2021, this one dubbed the TikTok intifada, for the role TikTok has played in triggering the street-level violence.[23]

---

[22] Islamic Resistance Movement post on Facebook, available at tinyurl.com/yc2ha38k (8/17/22).

[23] Maayan Yaffe Hoffman, JERUSALEM POST, "TikTok intifada is 'just the tip of the iceberg,'" available at https://tinyurl.com/39e6p3hp (4/21/21).

TikTok has also played a major role in the emergence this year of a new armed terrorist group calling itself the "Lions' Den," operating out of Nablus' Old City.

The group has attacked Israeli security forces and was involved in shootings against civilians.[24] The group has experienced a rise in popularity among Palestinians in the West Bank, regularly sharing videos of its attacks on TikTok and another platform known as Telegram.[25] TikTok suspended its account in October 2022,[26] limiting the group to its Telegram account, which had 130,000 followers as of October 20, 2022.

Just as products were once promoted with the "as seen on TV" catch phrase, praise for attackers posted on social media makes the most gruesome assassinations seem acceptable and normal to its misguided audience. On October 17, 2019, a spokesperson for the terrorist group Popular Front for the Liberation of Palestine ("PFLP"), posted this graphic praising as "heroes" three of its members who, in "an heroic

---

[24] European Council on Foreign Relations, *Mapping Palestinian Politics*, available at tinyurl.com/ktabej7w (viewed 11/29/22).

[25] Intermountain Jewish News, *New 'Lion's Den' terror group exploits social media*, available at ijn.com/lions-den-nablus (10/20/22).

[26] Fabian, Emanuel, TIMES OF ISRAEL, "TikTok bans account of Palestinian armed group behind West Bank shootings," available at tinyurl.com/4sn9ae27 (10/15/22).

operation," had assassinated Israel's Minister of Tourism, Rehavam Zeevi in 2001:

B. Terrorist Organizations Use Social Media to Issue Operational Guidance

Social media is also used to coordinate and guide terrorist operations. For example, the Hamas-affiliate Al-Aqsa Broadcasting tweeted the following info-graphic to "resistance fighters in the West Bank." Apparently quoting Hamas leader Yassin Rabi, it contains tips for perpetrating better attacks—for example, diversify attack locations and vary daily routines; avoid modern means of communication; "carry

out operations from up close," and "work secretly and train well":[27]

---

[27] Tweet by @Alaqsavoice_Brk, available at tinyurl.com/ mvuxzahe (10/4/22).

Such operational tips are not limited to terrorists in Israel. The following image is from a video showing a Jihadi militant in a kitchen seemingly about to demonstrate a cooking technique. But it was posted on an ISIS account in the Indonesian language, and the militant's topic is how to build explosives from common household items:[28]

C. Social Media Enables Terrorist Fundraising

A main tool in the fight against terrorism is to cut off their sources of money. However, social media has undermined that effort by assisting terror organizations to raise funds online. For example, in May 2021 Jordanian terrorist Sultan Al-Ajlouni tweeted a message to raise funds for "weapons of the resistance," and launched the hashtag "#Jihad through Money Challenge" (in Arabic). The message read: "[T]he money will

---

[28] BBC, *ISIS 'still evading detection on Facebook', report says*, available at bbc.com/news/technology-53389657 (7/13/20).

go to support the weapons of the resistance and under its [the resistance's] supervision—and not for 'humanitarian' relief.":[29]

سلطان العجلوني
@AjloniSultan
98%

فيما يخص #تحدي_الجهاد_بالمال
أطلنا عليكم، المهمة لم تكن سهلة، لكن الغاية تستحق
سيتم إعلان طرق المشاركة في هذا الشرف خلال أيام قليلة بإذن الله
الأموال ستذهب لدعم سـلاح الـمـقا ومة وتحت إشرافها
وليس لغايات الإغاثة "الإنسانية" وإعادة الإعمار (على أهميتها)
نريد استئصال المرض،

Translated from Arabic by Google

#تحدي_الجهاد_بالمال for
We look at you, the task was not easy, but the end is worth
The ways to participate in this honor will be announced in a few days, God willing
The money will go to support the weapons of the resistance and under its supervision, and not for the purposes of "humanitarian" relief and reconstruction (however important).
We want to eradicate the disease,

1:24 PM · May 26, 2021 · Twitter Web App

40 Retweets   3 Quote Tweets   198 Likes

Though Ajlouni did not reveal how the funds would be transferred to Hamas or its militia, the Izz Eddin Al-Qassam Brigades, other users who joined

---

[29] Tweet by @AjloniSultan, available at tinyurl.com/4tdk8379 (5/26/21).

the online campaign, published methods to contact the terror organization, providing e-mail addresses and website links:[30]

إسلام بدر
@islambader1988
97%

" وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ" [التوبة:41]
احجز لنفسك سهماً في دعم المقاومة.. للاستفسار أو التبرع تواصل عبر البريد:
fund@alqassam.ps
#ادعم_المقاومة

#تحدي_الجهاد_بالمال

Translated from Arabic by Google

"And strive with your wealth and your selves in the way of God; that is better for you, if only you knew." [At-Tawbah: 41]
Reserve yourself a share in support of the resistance..
For inquiries or donations, contact via mail:
fund@alqassam.ps
#ادعم_المقاومة

#تحدي_الجهاد_بالمال

9:36 AM · May 15, 2021 · Twitter for iPhone

5 Retweets   1 Quote Tweet   34 Likes

Alkashmere
@bnoknk
97%

#تحدي_الجهاد_بالمال

راسلونا عبر : info@alqassam.ps
للملاحظات الفنية : admin@alqassam.ps
للدعم والتبرع : fund@alqassam.ps
لوسائل الإعلام : blic-relation@qassam.ps

د. ابراهيم حمامي and 3 others

3:21 AM · May 24, 2021 · Twitter for iPhone

The contemporaneous tweets of Hamas compatriots' direct users to the Al-Qassam Brigades' website, where donations could be made in Bitcoin. These screenshots from the Palestinian news agency Safa and popular blogger Omar Al-Sha'er solicit donations

---

[30] Tweet by @Bnoknk, available at tinyurl.com/2p8crjcj (5/24/21); Tweet by @Islambader1988, available at tinyurl.com/5br24sv7 (5/15/21).

to the Al-Qassam Brigades' website and e-mail account:[31]
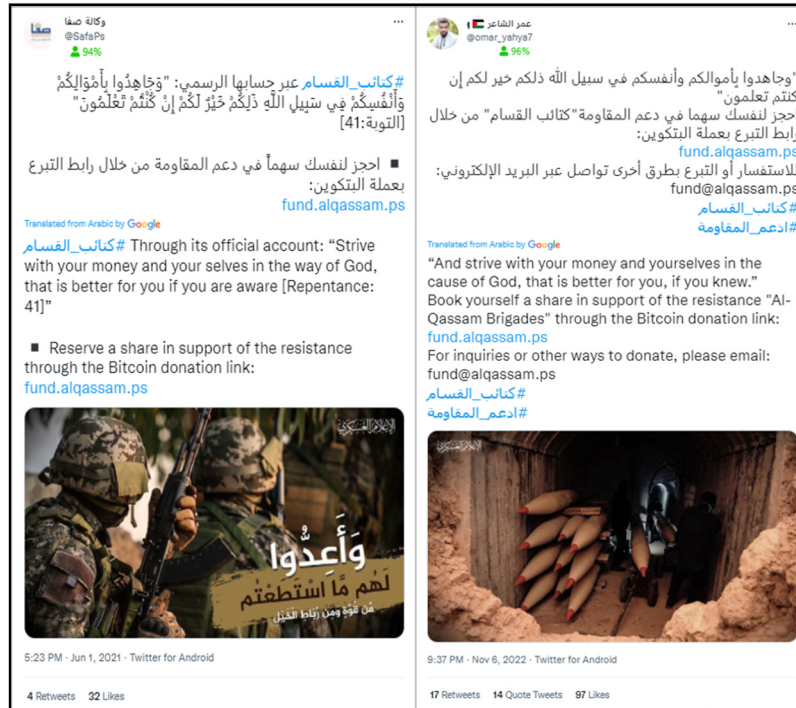
D. Use of Social Media Platforms by Terrorists is Abundant

Open and notorious use of social media by terrorists is rampant and extremely dangerous because it directly causes attacks on the ground. Of all Internet activity by terrorists a decade ago, 90% was

---

[31] Tweet by @SafaPs, available at tinyurl.com/2x5pv8rr (6/1/21); Tweet by @omar_yahya7, available at tinyurl.com/22swvncb (11/6/22).

accomplished openly on social media.[32] The picture has only worsened. Since then, ISIS transformed and expanded its use of social media, modeling its techniques for other terrorist organizations to emulate.

According to research performed in 2019 by Shurat HaDin Israel Law Center, an Israeli anti-terrorist non-profit, dozens of terror groups designated by the United States had active social media accounts.[33] Although many of the accounts were suspended, others remain active. At its most active point, Hamas had some 394,000 followers on Twitter.[34] The Twitter account of Ismail Haniyyeh, who has been designated a terrorist by the United States, and who proclaims himself the "Leader of the political bureau of the Islamic Resistance Movement Hamas," remains active, and has 64,700 followers.

Alarmingly, in the first 12 days after Elon Musk assumed control of Twitter and relaxed its policies against hate speech, 450 new accounts associated with ISIS were created, an increase of 69 percent practically overnight.[35]

---

[32] CBC News, "Terrorist groups recruiting through social media," available at tinyurl.com/ptasss3d (1/10/12).

[33] Shurat HaDin Israel Law Center, Project TAO (Terrorist Activity Online), available at projecttao.com (last viewed 11/29/22).

[34] *Ibid*., projecttao.com/hamas-info (last viewed 11/29/22).

[35] Frenke, Sheera and Conger, Kate, N.Y. TIMES, "Hate Speech's Rise on Twitter Is Unprecedented, Researchers Find," available at tinyurl.com/mrcx9ste (12/2/22).

POINT II

FAR FROM DISCOURAGING TERRORISTS, SOCIAL MEDIA PLATFORMS ACTIVELY ASSIST THEIR SPREAD

Posts go "viral" upon being sent and resent by other users. By actively recommending posts, or merely "informing" other users who have indicated a shared interest, social media platforms boost the profile and reach of terror messaging, further echoing these posts.

Algorithms running on the platforms exacerbate terrorist delusions by bringing together, at accelerated clips, susceptible persons who would otherwise forever be strangers. More insidious than merely keeping users on a particular platform, the artificial intelligence (AI) "learns" the interests of a particular user, based on the user's clicks and viewing choices, and recommends content in a similar vein. Where a user expresses interest in extremist or terrorist content, the algorithms recommend to that user more and ever more extreme, content, eventually generating an ideological bubble.[36] The algorithms make the job of a terrorist recruiter much easier.

In connection with this brief, *Amici* had an *ad hoc* experiment undertaken. A new YouTube user account was set up using an Israeli IP address. The experimenters then systematically entered search terms—*e.g.*, "Jews," "Qaradawi" (a prominent Muslim scholar

---

[36] Meaker, Morgan, DEUTSCHE WELLE, "Can social media inspire violence?" available at tinyurl.com/ye8w8wua (11/11/18).

and cleric who later in life began to endorse suicide bombings of Israelis), "Abu Obeida" (a Hamas spokes-person), in Arabic—to see how the YouTube algorithm would respond. With each successive search, the results increasingly returned more radical videos lauding terrorist exploits, containing inflammatory content about Hitler, prophesizing the "fall of Israel," and expressing antisemitic rhetoric about the Rothschild family.

By way of highlight, on Day 2 of the experiment, YouTube returned a video of Qaradawi that ignored 50 years of his more moderate positions, and instead called for the use of suicide bombings as a political tool. By Day 5, YouTube recommended clips concerning Hitler, anti-Zionist Jews, an alleged "prophesized" fall of Israel, and the emerging terror group, the Lions' Den.

By Day 14, the algorithm returned videos from Hezbollah-affiliated Al-Mayadeen showcasing Hamas spokesperson Abu Obeidah, a Hamas-lauding video from the Turkish channel TRT, a video regarding Israeli spy Eli Cohen, and an archive video of the Warsaw Ghetto.

By Day 16, YouTube recommended conspiratorial videos on the Rothschild family, and more terrorist-lauding videos regarding Hamas and Qaradawi.

These results tend to reinforce *Amici*'s belief that the same technology that connects dog lovers with chew-toy suppliers on social media platforms carries a parasitic byproduct that is deadly anti-social.

————◆————

CONCLUSION

The danger posed by unfettered social media platforms is real and deadly. Social media, provides fertile ground for processes of radicalization and incitement to terror, through the exposure of users to inflammatory content and hate speech.

These processes must be interrupted, but courts that have interpreted section 230 so broadly as to protect social media companies from liability under section 2333 make doing so more difficult. The owners of the algorithms are in the best position to aid the fight against terrorism and should not be permitted to abet the very terrorists the rest of the world is attempting to defeat.

Dated: December 6, 2022

Respectfully submitted,

JAROSLAWICZ & JAROS PLLC

DAVID JAROSLAWICZ
  Counsel of Record
DAVID TOLCHIN
225 Broadway, 24th Floor
New York, NY 10007
212-227-2780
dj@lawjaros.com
Counsel for Amici Curiae
  Major General Tamir Hayman (ret.),
  Lt. General Moshe (Bogie) Ya'alon (ret.),
  Brig. General Yossi Kuperwasser (ret.),
  Roni Alsheikh, Major General Yaakov
  Amidror (ret.), and Haim Tomer