The Fordham Law Review presents

Terrorist Incitement on the Internet
A Symposium

April 7, 2017
9 a.m. - 4:45 p.m.
McNally Amphitheatre

Co-sponsored by Loyola University School of Law - Chicago
ABOUT THE SYMPOSIUM

In this symposium, the *Fordham Law Review* brings together legal scholars, prosecutors, defense lawyers, and political philosophers to explore important questions regarding how we define corruption, and initiatives to regulate it within the United States, internationally, and in foreign countries.

**CLE CREDIT** for the program has been approved in accordance with the requirements of the New York State CLE Board for (6) professional practice credit hours. The content of the course is appropriate for transitional and nontransitional attorneys.

CLE course materials available at: [law.fordham.edu/clematerials](http://law.fordham.edu/clematerials)

ABOUT THE FORDHAM LAW REVIEW

The *Fordham Law Review* is a scholarly journal serving the legal profession and the public by discussing current legal issues. Approximately seventy-five articles, written by students or submitted by outside authors, are published each year. Each volume comprises six books, three each semester, totaling over 3,000 pages. Within its six issues, the *Law Review* publishes five symposia: The Robert L. Levine Lecture, the Philip D. Reed Lecture, an annual Ethics Symposium, and two additional symposia on varying topics each year. Papers from this symposium will be published by the *Fordham Law Review* in Fall 2015.

In the United States, the *Fordham Law Review* is the fifth most cited law review in other legal journals and the ninth most cited law review in judicial decisions, according to a recent study by Washington & Lee University. Managed by a board of eighteen student editors, the *Law Review* is a working journal, not merely an honor society. Still, *Law Review* membership is considered among the highest scholarly achievements at the Law School.

For more information, please visit: [www.fordhamlawreview.org](http://www.fordhamlawreview.org)
8:30 a.m. check-in & breakfast
9 a.m. Welcoming Remarks
Matthew Diller, Dean and Paul Fuller Professor of Law, Fordham University School of Law
Alexander Tsesis, Raymond & Mary Simon Chair in Constitutional Law and Professor of Law, Loyola University, Chicago

9:15 – 11 a.m.
(CLE: 1.5 professional practice)
Current Approaches & New Realities
Presenters
Alan K. Chen, William M. Beaney Memorial Research Professor, University of Denver Sturm College of Law
Free Speech and the Confluence of National Security and Internet Exceptionalism
David S. Han, Associate Professor of Law, Pepperdine University School of Law
Terror Propaganda Exceptional Circumstances
Martin H. Redish, Louis and Harriet Ancel Professor of Law and Public Policy, Northwestern University School of Law
Terrorizing Speech, Unlawful Advocacy, and the First Amendment
Joel Reidenberg, Stanley D. and Nikki Waxberg Chair in Law, Fordham University School of Law
Technology & the Inability of Democratic Government to Counter Fundamentally Corrosive Material Online
Moderator
Joseph Landau, Professor of Law, Fordham University School of Law

11 – 11:15 a.m. Break

11 a.m. – 12:30 p.m.
(CLE: 1.5 professional practice)
Caution against Overreaching
Presenters
Heidi Kitrosser, Professor of Law, University of Minnesota Law School
On Bootstraps, Free Speech, and Material Support
Andrew Koppelman, John Paul Stevens Professor of Law, Professor (by courtesy) of Political Science, and Philosophy Department Affiliated Faculty, Northwestern University
Entertaining Satan: Why We Tolerate Terrorist Incitement
Lyris Lidsky, Stephen C. O’Connell Professor, University of Florida Levin College of Law
Considering the Context of Online Threats
Thane Rosenbaum, Director, Forum on Law, Culture & Society, New York University
The Internet as a Marketplace of Madness and a Terrorist’s Bad Friend
Moderator
Karen Greenberg, Director of the Center on National Security, Fordham University School of Law

12:30 – 1:30 p.m. Lunch

1:45 - 3:15 p.m.
(CLE: 1.5 professional practice)
Terrorism on Social Media
Presenters
Jack Balkin, Knight Professor of Constitutional Law and the First Amendment, Yale Law School
Commentator on Social Media Accountability for Terrorist Propaganda
Raphael Cohen-Almagor, Professor and Chair in Politics, Founding Director of The Middle East Study Group, University of Hull.
The Role of Internet Intermediaries in Tackling Terrorism Online
Danielle Keats Citron, Morton & Sophia Macht Professor of Law, University of Maryland Carey School of Law
Extremist Speech and Compelled Conformity
Alexander Tsesis, Raymond & Mary Simon Chair in Constitutional Law and Professor of Law, Loyola University, Chicago
Social Media Accountability for Terrorist Propaganda
Moderator
Abner S. Greene, Leonard F. Manning Professor of Law, Fordham University School of Law. Balkin remains on the panel as a presenter.

3:15 – 3:30 p.m. Break

3:30 – 4:45 p.m.
(CLE: 1.5 professional practice)
Inter-Doctrinal Interplay
Presenters
Caroline Mala Corbin, Professor of Law, University of Miami School of Law
Terrorists through the Lens of Critical Race Theory
Helen Norton, Professor and Ira C. Rothgerber, Jr. Chair in Constitutional Law, University of Colorado School of Law
Government Speech & the War on Terror
Julie Seaman, Associate Professor of Law Emory University Law School
#TerroristSpeech
Moderator
Joel Reidenberg, Stanley D. and Nikki Waxberg Chair in Law, Fordham University School of Law

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Jack M. Balkin is Knight Professor of Constitutional Law and the First Amendment at Yale Law School. He is the founder and director of Yale’s Information Society Project, an interdisciplinary center that studies law and new information technologies. He also directs the Abrams Institute for Freedom of Expression, and the Knight Law and Media Program at Yale. Professor Balkin is a member of the American Academy of Arts and Sciences, and founded and edits the group blog Balkinization. He is the author of over 100 articles and the author or editor of eleven books. His scholarship ranges over many different subjects including constitutional theory, technology and Internet law, reproductive rights, freedom of speech, rhetoric, jurisprudence and legal reasoning, cultural evolution, the theory of ideology, and musical and legal interpretation. His most recent books are Living Originalism (Harvard, Belknap Press, 2011), and Constitutional Redemption: Political Faith in an Unjust World (Harvard University Press 2011).

Alan K. Chen is the William M. Beaney Memorial Research Professor at the University of Denver Sturm College of Law. His most recent scholarship on free speech doctrine and theory includes his new co-authored book, Free Speech Beyond Words: The Surprising Reach Of The First Amendment (NYU Press 2017), and articles in the Columbia Law Review, Vanderbilt Law Review, and Hastings Law Journal. A former ACLU staff attorney, Professor Chen continues to maintain an active pro bono docket and represents plaintiffs in a range of First Amendment litigation in federal courts across the country.

Danielle Citron is the Morton & Sophia Macht Professor of Law at the University of Maryland Carey School of Law where she teaches and writes about information privacy, free expression, and civil rights. Her book Hate Crimes in Cyberspace (Harvard University Press 2014) was named “20 Best Moments for Women in 2014” by the editors of Cosmopolitan and Harper’s Bazaar. Professor Citron has published more than twenty articles in major law reviews, including California Law Review, Michigan Law Review, Southern California Law Review, Texas Law Review, Boston University Law Review, Notre Dame Law Review, Minnesota Law Review, Washington University Law Review, GWU Law Review, and others. Her op eds have appeared in The New York Times, The Atlantic, Slate, Time, and The Guardian. Professor Citron is an Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, and Senior Fellow at the Future of Privacy. She is a technology contributor for Forbes. Professor Citron works closely with lawmakers and companies on online safety and privacy issues. She serves on Twitter’s Trust and Safety Council; she has presented her research at Facebook, Google, and Microsoft. Professor Citron is actively engaged in the privacy advocacy community, serving as Chair of the Electronic Privacy Information Center’s Board of Directors and on the advisory boards of Cyber Civil Rights Initiative, Without My Consent, Future of Privacy, Teach Privacy, and SurvJustice. She is an adviser to the American Law Institute’s Restatement Third, Information Privacy Principles Project. Professor Citron is a graduate of Duke University and Fordham University School of Law.

Raphael Cohen-Almagor received his DPhil in political theory from Oxford University (1991). He is Professor and Chair in Politics, and the Founding Director of The Middle East Study Group, http://www2.hull.ac.uk/fass/me-study-group.aspx, University of Hull. He has founded and served in various other organizations, including “The Second Generation to the Holocaust and Heroism Remembrance” Organization in Israel (1982-1987); The Van Leer Think-tank on Medical Ethics (1995-1998); The Center for Democratic Studies, University of Haifa (2003-2007) and The Israel Press Council (1997-2000). Raphael was also Fulbright-Yitzhak Rabin Visiting Professor at UCLA School of Law, Visiting Professor at Johns Hopkins University, and Fellow at the Woodrow Wilson International Center for Scholars. He published extensively in the fields of political science, philosophy, law and ethics and also two books of poetry. Among his more recent books are The Right to Die with Dignity (2001), Speech, Media and Ethics (2001, 2005), The Scope of Tolerance (2006, 2007), and Confronting the Internet’s Dark Side (2015). Professor Cohen-Almagor is now writing two books, one on the failed peace process between Israel and the PLO, and another tentatively titled Reasonable Multiculturalism.
Caroline Mala Corbin is Professor of Law at the University of Miami School of Law. Her scholarship focuses on the First Amendment’s speech and religion clauses, particularly their intersection with equality issues. Professor Corbin’s articles have been published in the New York University Law Review, UCLA Law Review, Northwestern University Law Review, Boston University Law Review, and Emory Law Journal, among others. Professor Corbin joined the Miami law faculty in 2008 after completing a postdoctoral research fellowship at Columbia Law School. Before her fellowship, she litigated civil rights cases as a pro bono fellow at Sullivan & Cromwell LLP and as an attorney at the ACLU Reproductive Freedom Project. She also clerked for the Hon. M. Blane Michael of the United States Court of Appeals for the Fourth Circuit. Professor Corbin holds a B.A. from Harvard University and a J.D. from Columbia Law School.


Karen J. Greenberg, a noted expert on national security, terrorism, and civil liberties, is Director of the Center on National Security. She is the author of The Least Worst Place: Guantanamo’s First 100 Days (Oxford University Press, 2009), which was selected as one of the best books of 2009 by The Washington Post and Slate.com. Her newest book, Rogue Justice: The Making of the Security State (Crown, 2016), explores the War on Terror’s impact on justice and law in America. She is co-editor with Joshua L. Dratel of The Enemy Combatant Papers: American Justice, the Courts, and the War on Terror (Cambridge University Press, 2008) and The Torture Papers: The Road to Abu Ghraib (Cambridge University Press, 2005); editor of the books The Torture Debate in America (Cambridge University Press, 2006) and Al Qaeda Now (Cambridge University Press, 2005); and editor of the Terrorist Trial Report Card, 2001–2011. Her work has been featured in The New York Times, The Washington Post, The Los Angeles Times, The San Francisco Chronicle, The Nation, The National Interest, Mother Jones, TomDispatch.com, and on major news channels. She is a permanent member of the Council on Foreign Relations.

David S. Han is an Associate Professor of Law at Pepperdine University School of Law. His scholarship focuses on the freedom of speech and tort law, and his articles have appeared in the New York University Law Review, Emory Law Journal, William & Mary Law Review, and Wisconsin Law Review. Before joining the Pepperdine faculty, Professor Han served as an Acting Assistant Professor of Lawyering at New York University School of Law and practiced as a litigation associate with Munger, Tolles & Olson, where he worked on a broad range of trial and appellate matters. Immediately following law school, Professor Han served as a law clerk for the Honorable Michael Boudin on the First Circuit Court of Appeals and for the Honorable David H. Souter on the Supreme Court of the United States.

Andrew Koppelman is John Paul Stevens Professor of Law, Professor (by courtesy) of Political Science, and Philosophy Department Affiliated Faculty at Northwestern University, where he received the 2015 Walder Award for Research Excellence. His scholarship focuses on issues at the intersection of law and political philosophy. His latest books are The Tough Luck Constitution and the Assault on Health Care Reform (Oxford University Press, 2013) and Defending American Religious Neutrality (Harvard University Press, 2013). He has also published more than 100 articles in books and scholarly journals. He is an occasional contributor to Salon.com and the Balkinization blog.

Heidi Kitrosser is a professor at the University of Minnesota Law School. She is an expert on the constitutional law of federal government secrecy and on separation of powers and free speech law more broadly. She has written, spoken, and consulted widely on these topics. Her book, Reclaiming Accountability: Transparency, Executive Power, and the U.S. Constitution, was published in 2015 by the University of Chicago Press. It was awarded the 2014 IIT Chicago-Kent College of Law/Roy C. Palmer Civil Liberties Prize. She also has authored numerous law review articles. Her recent

**Joseph Landau** teaches courses in civil procedure, national security and immigration law, and he writes in the areas of administrative law, national security, and immigration law. He received Fordham Law’s Teacher of the Year Award in 2013, and in 2012 he was named one of the Best LGBT Lawyers Under 40 by the National LGBT Bar Association. Prior to joining the Fordham faculty in 2010, he was an Associate-in-Law at Columbia Law School. After graduating from Yale Law School in 2002, he spent three years at the New York office of Cleary Gottlieb Steen & Hamilton LLP, where he specialized in securities litigation and co-directed the Firm’s pro bono practice group in immigration and international human rights (including Guantánamo Bay litigation). He clerked for the Hon. David Trager of the U.S. District Court of the Eastern District of New York and the Hon. Betty Binns Fletcher of the U.S. Court of Appeals for the Ninth Circuit. He is a former adjunct professor at Cardozo Law School and a former visiting lecturer at Yale College. Prior to law school, Professor Landau was the Assistant Managing Editor at The New Republic magazine in Washington, D.C. From 2010 to 2013, he was Board Chairman of Immigration Equality and the Immigration Equality Action Fund, which engage in education, litigation, outreach and lobbying on behalf of LGBT and HIV-positive immigrants and asylum-seekers.

**Lyrissa Lidsky** joined the faculty of the University of Florida’s Levin College of Law in 1994, after clerking for the Honorable Joseph T. Sneed on the U.S. Court of Appeals for the Ninth Circuit. She currently holds the Stephen C. O’Connell Chair in Law and is Associate Dean for Graduate Programs. She teaches Mass Media Law, First Amendment Law, Torts, and Internet Law. Her research focuses on the imposition of liability on harmful speech, and her research on social media includes law review articles in leading journals, with titles such as Libel Law in a Networked World, Public Forum 2.0; Incendiary Speech and Social Media; How Not to Criminalize Cyberbullying, and Public Forum 2.1: Public Higher Education Institutions and Social Media. Her research on anonymous speech online has been cited in opinions by state and federal appellate courts and the Supreme Court of Canada. She is co-author, with Marc Franklin, David Anderson, and Amy Gajda, of the most widely adopted Mass Media Law casebook in U.S. law schools. She has also co-authored a First Amendment Law casebook and a reference book on Freedom of the Press.

**Helen Norton** is Professor and Ira C. Rothgerber, Jr. Chair in Constitutional Law at the University of Colorado School of Law. Her scholarly and teaching interests include constitutional law, civil rights, and employment discrimination law, and her work has appeared in the Duke Law Journal, Minnesota Law Review, Northwestern University Law Review, and the Supreme Court Review, among other journals. She was appointed a University of Colorado Presidential Teaching Scholar in 2014, has been honored with the Excellence in Teaching Award on multiple occasions, and is frequently invited to testify before Congress and federal agencies on civil rights law and policy issues. Before entering academia, Professor Norton served as Deputy Assistant Attorney General for Civil Rights at the U.S. Department of Justice, and as Director of Legal and Public Policy at the National Partnership for Women & Families. She holds a J.D. from Boalt Hall School of Law at the University of California at Berkeley, and a B.A. from Stanford University.

**Julie Seaman** is on the faculty at Emory Law School, where she teaches courses and seminars on evidence, constitutional law, and freedom of speech. Professor Seaman takes an interdisciplinary approach to legal scholarship, considering the implications of brain science, social science, and cognitive psychology to various legal questions. Her most recent work focuses on findings in the field of cyberpsychology as they relate to social media speech and the First Amendment. She is also a longtime board member and current board President of the Georgia Innocence Project, a non-profit organization that works to free wrongfully convicted individuals using DNA evidence.

**Martin H. Redish** is the Louis and Harriet Ancel Professor of Law and Public Policy at Northwestern University Pritzker School of Law. In addition, he is senior counsel at the law firm of Sidley Austin. He received his A.B. with highest honors in political science from the University of Pennsylvania and his J.D. magna cum laude from Harvard Law School. Professor Redish is the author of 17 books and over 100 scholarly articles on the subjects of free expression, constitutional theory, federal
jurisdiction and civil procedure. Professor Redish has been listed by Hein Online as the seventeenth most cited legal scholar of all time. He was recently included in a study prepared by St. Thomas Law School as one of the 20 current legal scholars to have had the greatest impact on judicial decision making. At Northwestern Professor Redish is a three-time winner of the Robert Childres Memorial Award for Teaching Excellence and a two-time winner of the First Year Course Professor Award. While a visiting professor at the University of Michigan Law School he won the L. Hart Wright Outstanding Teacher Award.

**Thane Rosenbaum** is a novelist, essayist and law professor, the author of various books of fiction and nonfiction, including *Payback: The Case for Revenge* and *The Myth of Moral Justice: Why Our Legal System Fails to Do What's Right*. He edited the anthology, *Law Lit: From Atticus Finch to The Practice: A Collection of Great Writing About the Law*. His writings and commentary appears frequently in the *New York Times*, *Wall Street Journal*, *L.A. Times*, *Washington Post*, *ABA Journal*, *Slate* and the *Daily Beast*, among other national publications. He is a Distinguished Fellow at New York University School of Law, where he directs the Forum on Law, Culture & Society. His most recent novel is entitled, *How Sweet It Is!*, and his forthcoming book, a work of nonfiction, is *The High Cost of Free Speech: Rethinking the First Amendment*.

**Alexander Tsesis** is the Raymond & Mary Simon Chair in Constitutional Law and Professor of Law at the Loyola University in Chicago. He is also the General Editor of the Cambridge Studies on Civil Rights and Civil Liberties. His most recent books are *Constitutional Ethos: Liberal Equality for the Common Good* (Oxford University Press 2017) and *For Liberty and Equality: The Life and Times of the Declaration of Independence* (Oxford University Press 2012). His previous books include *We Shall Overcome: A History of Civil Rights and the Law* (Yale University Press 2008), *The Thirteenth Amendment and American Freedom* (New York University Press 2004), and *Destructive Messages: How Hate Speech Paved the Way for Harmful Social Movements* (New York University Press 2002). The subjects of his articles range from American Revolution, Civil War and Reconstruction, legal history, civil rights, constitutional interpretation, children's rights, and the regulation of civil commitments. They have appeared or will appear in a variety of law reviews across the country, including the *Boston University Law Review*, *Columbia Law Review*, *Cornell Law Review*, *Minnesota Law Review*, *Southern California Law Review*, and *University of Illinois Law Review*. Tsesis is a frequent presenter nationwide on issues involving constitutional law, civil rights, Reconstruction, interpretive theory, and hate speech legislation.

**Joel Reidenberg**, the Stanley D. and Nikki Waxberg Chair in Law, teaches courses in information technology law, privacy, cybersecurity and intellectual property. He founded the law school’s Center on Information Law and Policy and was the inaugural Microsoft Visiting Professor of Information Technology Policy at Princeton University. He has also previously taught at the Universite de Paris-Sorbonne and the Institut d’études Politiques de Paris. He is a member of the American Law Institute and an Advisor to the ALI’s Principles of Law of Data Privacy project. He has served as an expert adviser to the U.S. Congress, the Federal Trade Commission, the European Commission and the World Intellectual Property Organization. At Fordham, he previously served as the University’s Associate Vice President for Academic Affairs and, prior to his academic career, he was an associate at the law firm Debevoise & Plimpton. He is a graduate of Dartmouth College, earned a JD from Columbia University and a PhD in law from the Université de Paris–Sorbonne. He is admitted to the Bars of New York and the District of Columbia.
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