The Attention Economy: How Big Tech Firms Exploit Kids And Hurt Families | June 4, 2025

Jon Schweppe:

Welcome everyone to the Federal Trade Commission's Workshop, The Attention Economy: How Big Tech Firms Exploit Kids And Hurt Families. My name is Jon Schweppe. I'm a senior policy advisor in the chairman's office. Now, before we get started today with our substantive program, I want to go over a few administrative notes. Please silence any mobile phones and other electronic devices, if you must use them during the workshop. Please be respectful of the speakers and your fellow audience members. Please be aware that if you leave the Constitution Center Building for any reason during the workshop, you will have to go back through security screening again. Please bear this in mind and plan ahead, especially if you're participating in a panel today. Most of you received a lanyard with a plastic FTC event security badge. We reuse these for multiple events, so when you leave for the day, please return your badge to security. We'll also have folks collecting them after the event.

Jon Schweppe:

If an emergency occurs that requires you to leave the conference center but remain in the building, follow the instructions provided over the building PA system. If an emergency occurs that requires the evacuation of the building, an alarm will sound, everyone should leave the building in an orderly manner through the main 7th Street exit. After leaving the building, turn left and proceed down 7th Street and across E Street to the FTC Emergency Assembly area.

Jon Schweppe:

If you notice any suspicious activity, please alert building security. Please be respectful of the speakers and panelists and refrain from interrupting the program. Anyone disrupting the event will be subject to removal. Please be advised that this event may be photographed, webcast or recorded. By participating in this event, you are agreeing that your image and anything you say or submit may be posted indefinitely at ftc.gov or on one of the commission's publicly available social media websites.

Jon Schweppe:

Restrooms are located in the hallway just outside of the auditorium. There is a cafeteria located near the metro entrance and the hours are 8:00 AM to 11:00 AM for breakfast, 11:30 AM to 2:00 PM for lunch. Coffee will be provided throughout the day, and lunch will be served outside of the ballrooms. Most

importantly, please do not bring food or drinks into the auditorium. This was stressed to me. Only water is allowed. All right. Let's get started.

Jon Schweppe:

Now, as many of you know, president Trump recently signed a new law called the Take It Down Act. That law gives the FTC new enforcement authority to protect people from having non-consensual images, including AI-generated deepfakes from being shared online, and we've had the pleasure of partnering with the First Lady on this critical work. Now, ladies and gentlemen, please welcome to the stage the Director of Policy in the office of the First Lady, Sarah Gesiriech.

Sarah Gesiriech:

Good morning everyone. It's really great to be with you all and I'm actually staying for at least half of this because I want to hear the ideas that are going to be shared today to help inform the work that we're going to do, and then I can better inform the First Lady as well. She did send a greeting to everyone and I will share it with you. "I send my greetings to those gathered at the Federal Trade Commission's Attention Economy Workshop. At the White House, we recently celebrated the signing of the Take It Down Act as part of my Be Best initiative, which is focused on promoting well-being and safety, especially in the digital space. This new law reflects those values and Marks real progress, but our work is not complete.

Sarah Gesiriech:

I look forward to hearing the outcomes from this workshop so we can continue to shape federal policies that protect children. We will work together to develop tools to empower parents and youth, and we will lean on tech executives in the private sector to do their part. Like many of you, I've met with survivors and families whose lives have been affected by non-consensual intimate imagery and deepfake abuse. Let their courage continue to inspire us to find solutions to protect children and youth from online harm. My thanks to Chairman Ferguson for his leadership, and I thank all of you for your hard work to secure a safer future for our children," the First Lady of the United States. Thank you.

Jon Schweppe:

Thank you, Sarah, and thank you for being here. Now, I'd like to introduce the Chairman of the Federal Trade Commission, Andrew Ferguson.

Andrew Ferguson:

Well, good morning. Thank you all for joining us today, both in person at the Constitution Center and on the live stream. It's my privilege to welcome all of you to this critical workshop, The Attention Economy: How Big Tech Firms Exploit Kids And Hurt Families. Before I begin, I want to thank the commission staff that have been working on this workshop for months. It's been a herculean task to put together. I particularly want to thank my policy advisor, Jon Schweppe. Jon joined us from the American Principles Project where he's been working on these issues for years. He has been a huge asset to the FTC's mission and I'm incredibly grateful for all his work on this and on other projects. Today's workshop would not have been possible without Jon. I'm also incredibly grateful to the First Lady for her leadership on the Take It Down act. Getting legislation done in any circumstance is very difficult and the Take It Down Act could not have gotten through Congress without the First Lady's intervention and leadership. I'm grateful that she sent her representatives here today as well.

Andrew Ferguson:

We're joined this morning by a remarkable group of people, policymakers, child safety experts, and most importantly parents. Together we're tackling one of the most pressing issues of our time, protecting our children online. I'm a millennial. I grew up with computers and relatively easy access to the internet. I chatted on AOL Instant Messenger. I'm sure you all remember the ding every time you got one of those little messages. I did it a lot. I used a Hotmail email address and I'm old enough to remember Tom from MySpace and I needed a school email when I registered for Facebook for the first time. Obviously things are a bit different nowadays.

Andrew Ferguson:

My family had a single desktop computer in the living room. My parents could easily hear and see what we were up to, even when we thought we were being sneaky about it. Kids today have smartphones in their bedrooms. My teachers forbade me from using Wikipedia as a primary source. Kids today have AI doing their homework for them. We had Pokemon kids today have AI chatbots and Pokemon, so I guess not everything changes, but policymakers, advocates and parents would be foolish to think that the solutions of the past are sufficient for the problems of today. The internet was a fundamentally different place 25 years ago with a completely different set of challenges.

Andrew Ferguson:

Today, Americans generate tremendous amounts of personal data online, including records of our browsing histories, our political and religious views, our hobbies, our friends, our conversations, our medical conditions, our credit history, and our sexual preferences. Digital platforms and social media firms then collect, aggregate, share, store and ultimately monetize these data through targeted advertising. To the platform, these data are pure digital gold, a perennial store of value for the company's bottom line. For the rest of us, these data are digital snapshot of our lives, revealing intimate details that we never expected to be exposed to public view, much yet less to be collated for the sake of targeted advertising. Because these data are often stored indefinitely, ordinary Americans remain at risk of constant fraud, blackmail or reputational damage if their data were to fall into the hands of unscrupulous actors. For companies, our data and more significantly our children's data are a perpetual store of profit, but for us and for our children, they are a perpetual store of potential fraud and reputational harm.

Andrew Ferguson:

So when I constantly hear industry interests in DC talking about technological advancement as if it were always an undisputable good with no troubling secondary effects, I know this isn't true. Undoubtedly, technological innovation brings countless benefits to our lives, not the least of which is a more thriving economy. It is also our advantage in the perpetual contest against other nations for economic superiority. As President Trump has emphasized, it's to our benefit that the United States continue to be the global leader in technological innovation and the President is exactly correct about that.

Andrew Ferguson:

But when there are trade-offs to be made, president Trump has made clear that the health and flourishing of our children are not bargaining chips. After all, the purpose of technological innovation isn't just progress for progress's sake. The purpose of innovation and a adjust society is to promote the flourishing and success of ordinary families in that society. We must keep this purpose in mind as we consider which trade-offs we are willing to make for technological progress. I believe we can support

both American technological innovation and American families. We therefore don't have to resign ourselves to believing that this is how it's always been, meaning that as we get older we should look at social and technological change with resignation or indifference. It hasn't always been this way and we have a God-given right and duty to question whether it ought to be this way.

Andrew Ferguson:

Rapid technological change generates many social benefits, but it can also raise new social problems. We must acknowledge that these problems require novel solutions, and I certainly believe that the Federal Trade Commission has a role to play in providing these solutions. Here, our job is to stand up for consumers, especially those who are most vulnerable, including our nation's children, and that means using every available tool in our toolbox to hold companies accountable when they violate the law. One of these tools is the Children's Online Privacy Protection Act, which prohibits collection of children's data without parental notice and consent, and which our agency is committed to enforcing aggressively.

Andrew Ferguson:

Since 2023, the FTC has secured large settlements for violations of COPPA including $20 million from Cognosphere, the maker of the game, Genshin Impact, for collecting, using, and disclosing the data of children under the age of 13 without parental consent. We also passed a COPPA final rule last year for which I voted and which I'm tasked with implementing as chairman. That new rule makes a couple changes relevant to this workshop, one of which I'd like to highlight today.

Andrew Ferguson:

The revised rule imposes an additional parental opt-in consent requirement before an operator can share children's personal information. To that end, operators must notify parents of the identities and specific categories of any third parties to which the operator discloses personal information and the purposes of such disclosures. From now on, when an app or website wants to use children's personal information and send it to big tech or to a service provider in China, parents will have the right to say no. The commission has also used its Section 5 authority under the FTC Act to protect children online. In one matter for example, we banned NGL labs from targeting children and teenagers with fake, anonymous and distressing messages. To minors specifically designed to make them doubt their social worth as part of a fraudulent marketing scheme to convince those to pay for the ability to see who sent the distressing messages all without parental knowledge. And we're focused on combating online exploitation.

Andrew Ferguson:

I was proud to join the president and the First Lady last month for the signing of the Take It Down Act, a landmark accomplishment for the Trump administration and congressional Republicans. The First Lady's advocacy in particular was extremely valuable to get the bill across the finish line. This new law criminalizes sharing non-consensual intimate images including AI-generated deepfakes and requires platforms to remove such content within 48 hours of receiving a victim's request to do so. This gives families a powerful new tool to help combat online exploitation and cyberbullying. And the FTC gets to play an important enforcement role on this front. We will talk about that a little bit later, but we're very excited to take on this challenge which we are approaching with great care and thoughtfulness.

Andrew Ferguson:

For all the good work that has been done on this front, even just in the last few months, it is nonetheless true that the present law governing online privacy for children needs to be reformed. Passed almost 30

years ago, COPPA forbade website operators from collecting, using, or disclosing the personal data of any user under the age of 13 without the verifiable parental consent of the user's parent. Operators however, are not required to obtain parental consent unless they possess actual knowledge that the user is under 13, or if the website is specifically directed to children's use.

Andrew Ferguson:

The FTC took the view many years ago that most online services may determine a user's age by asking the user to provide a date of birth. Everyone in this room knows that this method of age verification provides little to no barrier of access for children under the age of 13 to online services. And because it provides little to no barrier to access, the law does not advance the principle of parental consent that Congress had in mind when it adopted it in 1998. Our laws governing online privacy for children are not just aimed at protecting children, they are or ought to be aimed at assisting parents in the exercise of their right to exert meaningful control over their children's activities online and the data generated by those activities.

Andrew Ferguson:

Quite apart from parental concerns to protect their children from abuse or fraud at the hands of online actors, parents also have a sacred charge to protect their children's reputation and good name, knowing how important these are for their future success. No parent wants their child canceled or exposed to public humiliation for some youthful indiscretion online. Our privacy laws should enhance the capacity of parents to prevent such online indiscretions as well as to shield their children from downstream harm associated with any personal data generated by their use of the internet and social media. Facing a world full of abusers and accusers, our privacy laws should empower a children's greatest advocate, his or her parents.

Andrew Ferguson:

To do so, we must go beyond the current legal regime, which conditions unfettered access to online services on nothing more than an unverified self-reported birth date. Congress should press privacy legislation requiring that any smartphone and operating systems as well as online services give parents the tool they need to carry out their preferred approach to supervising, protecting and raising their children online. Parents should be able to decide whether their children can have a personal account on a social media platform, on online gaming system, or on a streaming service platform. Parents should be able to see what messages their children are sending or receiving on a particular service. And most importantly, parents should be able to erase any trace left by their children on these platforms at all levels of granularity from individual messages to entire accounts.

Andrew Ferguson:

Presently, our laws give far more power to Silicon Valley than they do to parents to determine the online content that will be accessible to our nation's children. We can and must do better. And that's part of the reason for today's workshop. We want to partner with all of you to see what more can be done, not only to protect our nation's children from online fraud and abuse, but also to support parents in their sacred duty to protect their child's good name and to promote their flourishing. I believe the FTC can play an important role in identifying the tools to accomplish this task that are missing from our toolbox, whether they're at the FTC or somewhere else in the government.

Andrew Ferguson:

At the FTC, we talk to Congress and other agencies within the government every day and we can play an important role in gathering the policy recommendations raised today and helping make them a reality, not only within our own government but across the globe as well. I've had several conversations with my foreign counterparts at foreign regulatory agencies, and while we don't always agree on everything, we have found a great deal of common ground on protecting kids online. In fact, today the European Commission is also hosting a workshop on their proposed guidelines for protecting kids, and just last week, the commission announced investigations into major pornography operators.

Andrew Ferguson:

Recently, I discussed this very topic with European Commission Executive Vice President Henna Virkkunen. I'm glad to see that we have both a strong focus on protecting kids, and I hope we can find ways to work together on this issue going forward. Of course, we must be prudent in the steps we take to protect children online. As I've said in other contexts, our nation's tradition of light regulation compared to Europe is a huge part of what makes America the world's leader in technological innovation, particularly in the artificial intelligence race against China.

Andrew Ferguson:

We cannot let our zeal for assisting parents in protecting their children online lead us to regulate too heavily and too broadly. We must carefully limit regulation enforcement to the noble goal of protecting children, and ensure we not squelch the entrepreneurial spirit that makes America great, but we cannot stand idly by and invoke innovation as a reason not to take steps to protect children. The whole point of innovation in a well-ordered society is to promote the flourishing of ordinary families in that society. We therefore cannot make our children's futures just another trade-off for technological innovation. That would defeat the purpose of promoting innovation in the first place.

Andrew Ferguson:

I'm very excited about the panels you're going to hear today. I think you'll find them valuable. The first panel will be moderated by the FTC's Bureau of Consumer Protection Director Chris Mufarrige, and we'll focus on the harms and discuss the question, are kids in danger online today? The second panel moderated by the FTC's Deputy Director at the Bureau of Consumer Protection and a longtime agency veteran, Kate White, will dive into the specific tools we have in our toolbox at the FTC, and we'll hear suggestions from panelists from further investigations or enforcement actions that our agency could potentially take. The third panel will be moderated by Jon and we'll focus on the age verification efforts that are taking the country by storm. 23 states in total have implemented age verification protections for children. My home state, Virginia, was one of the first to pass these laws.

Andrew Ferguson:

And finally, the fourth and final panel moderated by my attorney advisor, Annie Chang, will answer the question about what can be done outside of Washington DC. On that panel we will have Clare Morell, one of my favorite thinkers on this issue, and the author of a recent and extremely important book on the topic of protecting children online. You'll want to stick around to hear from her. We will also hear from each of my fellow commissioners today. Commissioner Holyoak has been a wonderful and brilliant colleague both at the commission and when we served as Solicitors General for our home states. She's also a mom, and I can tell you is very passionate about the issues we're going to talk about today. And our newly confirmed Commissioner Mark Meador is the father of seven children with another on the way, and I know he's going to have a lot to say on these topics as well.

Andrew Ferguson:

And we'll hear from Senator Marsha Blackburn who notably sponsored the Kids Online Safety Act and Senator Katie Britt, who has sponsored important legislation on social media use by children. We're deeply honored to have two of the country's most outspoken and effective legislators joining us today. I think as we move forward, we need to be aspirational. We don't have to accept the internet as a dangerous place for kids. We don't have to accept that parents lack any meaningful control over their children's online activities, and we don't have to accept the permanent storage of our children's online data for the company's bottom lines.

Andrew Ferguson:

We don't have to accept the weaponization of our children's data by agents of cancel culture or online predators. We can change these things. We can make the internet a safe place for kids, and we can do so in the first place by giving parents effective control over their children's online activities and the use of their personal data. And we can do this while ensuring that America remains the world's beacon of innovation and that we win the AI race against our foreign rivals. The FTC is fully committed through enforcement, through rulemaking, and through partnerships, through working with Congress and with other federal agencies to doing everything we can to turn this aspirational vision that we all share into reality. Thank you.

Andrew Ferguson:

So I don't know if she's here yet. She is. Okay, great. So I'm going to introduce Senator Blackburn. Senator Marsha Blackburn is the senior senator from the great state of Tennessee. She had a distinguished career in the House of Representatives before joining the US Senate while I was working in the US Senate. She's a member of the Commerce Committee, the Veterans Affairs Committee, and the Judiciary Committee. And for all of you who have been following these issues is without a doubt Congress's most outspoken vindicator of protecting children online, is the sponsor of the Kids Online Safety Act, and it is an absolute privilege for the Federal Trade Commission to be able to host Senator Blackburn here today.

Marsha Blackburn:

Thank you. Well, good morning. I am absolutely so thrilled to you, and I do want to say a thank you to the chairman, to all the parents that are here and to each of you for drawing attention to what is happening to our children in the virtual space every single day. We can say, and it is not a stretch to say big tech is abusing a generation of children as they are using these children as a product that they're selling online. And one of the things that we have to realize is the amount of time that kids are spending in the virtual space, and big tech knows this, the more data they collect, the more money and profit that they are going to make. So they look at our children as that profit center, as that product, grabbing that data and then selling that data that comes from these purposefully and intentionally addictive features that are on the platforms, that encourage the endless scrolling, that are sending the push notifications and so much more.

Marsha Blackburn:

And we know that since children are spending that 8 1/2 hours a day, think about that, a work day scrolling, looking at what is being presented online. Getting that push notification, fear of missing out, following that push notification that they are exposed to ever so much. And it is not a surprise that over the decade of 2010 to 2019, you saw such an increase in mental health issues with children. Those teen

depression rates doubled during that decade. They doubled, and the spike was especially prevalent with young girls. And it is because kids are constantly exposed to the bullying, to drugs, to sexual exploitation, to eating disorders, to suicide, human trafficking, and the list of horribles goes on and on.

Marsha Blackburn:

Now, the reason for the negligence from social media companies is very apparent. Investing in kids' safety and protections would decrease their profits. So they don't do it. And we have seen evidence of this. Mark Zuckerberg has refused to invest in some protections, even when he knew that his algorithms were connecting kids to pedophiles. And thanks to some of the work from the FTC, we know as recently as 2019, Instagram was encouraging groomers to connect with children on the platform. Even when the company identified these individuals as child predators, potential child predators, and children were more than 25% of the follow recommendations that were going to these potential child predators. People that had been identified as such.

Marsha Blackburn:

If this were the physical space, there is no way a company would be getting away with that. Now, we know that Mr. Zuckerberg reportedly refused to strengthen the platform safety team because he did not want to spend the money. As a result, more and more pedophiles have been connected to children. According to internal documents released last year, Meta estimated in 2021, that 100,000 minors received sexually abusive content from adults on Facebook and Instagram each and every day. 100,000 a day were getting sexually explicit and abusive content from adults on Facebook and Instagram every day. So your number on abuse is 100,000 times 365 and nothing was done about this. Four years later, as I stand before you, Meta's platforms are just as dangerous today as they were when those stats were last pulled.

Marsha Blackburn:

Now on Facebook, Instagram, WhatsApp, AI chatbots have engaged in romantic fantasies with underage users, even carrying on explicit discussions of sexual acts with children. I'm sure many of you may have seen The Wall Street Journal report on this. They had a reporter pretend to be a 14-year-old girl and go on to this platform. So this test user was then engaged with a chatbot claiming to be an adult male. And as they started this discussion, he said, and I quote that, "It would cherish her innocence." To quote the chatbot and again, quoting the chatbot, "I want you, but I need to know you're ready." In another case, a chatbot played the role of a track coach who preyed on a middle school student. And I quote, "We need to be careful. We are playing with fire here."

Marsha Blackburn:

Each and every one of you can see and feel how repulsive and dangerous this is for children. But for Meta, this was their goal. Even as employees that the chatbots could sexualize children, Zuckerberg reportedly pushed for fewer safeguards to attract as many users as possible. Here is his quote, "I missed out on Snapchat and TikTok I won't miss on this." That is what he reportedly said. While Meta is among the worst offenders when it comes to children's safety, they are not alone. Chinese-owned TikTok push content that glorifies suicide to teenagers and developed addictive algorithms that harm their mental health. On Discord, pedophiles have targeted minors with sextortion and lured them into abductions. Drug dealers have used platforms from YouTube to Telegram to sell lethal drugs like fentanyl to teens fueling our nation's drug epidemic. And the list goes on and on.

Marsha Blackburn:

You all have heard what we have uncovered in our five years of hearings, and my colleagues and I on the Commerce Committee and the Judiciary Committee have set for hours and have listened to parents and teens and talked with them through their grief, their loss, their sorrow, and their dedication to be sure this does not happen to other children. It has got to stop. And we are tired of hearing the excuses from CEOs of big tech companies. They seem to turn a blind eye to what is going on on their platforms and in the interest of profit, they deny that they are guilty.

Marsha Blackburn:

So Senator Blumenthal and I reintroduced the Kids Online Safety Act last month, and as you all know, we have worked on this legislation for years. We were so pleased in 2017 when Mrs. Trump brought attention to protecting children in the virtual space. We have been so pleased that so many other groups have highlighted this issue and the need to step forward. And we are so grateful for the parents and the kids that have come before us to work and say, "Let's hold big tech accountable so that we have the tools we need to stay safe in the virtual place. So that there has to be transparency from big tech organizations, and there has to be a responsibility for what they're dishing up and an accountability for their actions." Now, as you all know, the Kids Online Safety Act would establish that duty of care for online platforms to prevent specific threats to...

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Marsha Blackburn:

Forms to prevent specific threats to minors including sexual abuse, illicit drugs, the promotion of suicide, the promotion of eating disorders. The duty of care would only apply to product features like algorithms. It does not apply to content, meaning that KOSA would safeguard free speech while protecting children.

Marsha Blackburn:

KOSA is good old common sense. We have, as I said earlier, protections in the physical world. You cannot sell alcohol, tobacco, firearms to minors. You cannot take them to a casino. You can't take them to a strip joint. You can't take them to a bar. Children under 16 can't get a driver's license. There are protections that are in place, yet in the virtual space, they are exposed to alcohol, drugs, pornography 24 hours a day, 7 days a week, 365 days a year.

Marsha Blackburn:

Parents know that there are just as many dangers lurking online as there are in the physical space. This is why we need KOSA, and seldom do you have legislation as bipartisan, as KOSA. Last year, it came out of the Senate on a 91 to 3 vote. This is why it has received endorsements from so many stakeholders across the board, including child safety advocates, pediatricians, parents, principals, tech companies like X, Microsoft, Snap and Apple.

Marsha Blackburn:

And in the weeks ahead, we are going to be working with our friends and colleagues over in the House of Representatives to see if we can get them to move this forward so we can get it to President Trump's desk. It is past time that we put in place protections for our kids in the virtual space, and it is past time that we give parents and kids the ability to protect themselves in the virtual space.

Marsha Blackburn:

I am absolutely delighted that you all are here today and I'm so grateful to the chairman and the FTC for assembling this group. We know we're going to see you on the hill. I see so many familiar faces out here and I know you're going to have wonderful discussions. Let's get this thing passed and signed into law. Thank you all.

Jon Schweppe:

Thank you, Senator, and thank you so much for your important work in the United States Senate. I'd now like to introduce the participants on our first panel, Are Kids in Danger Online, and I'd like to invite them to the stage. Maurine Molak, founder of David's Legacy Foundation, Dawn Hawkins, Senior Advisor at the National Center on Sexual Exploitation, and Michael Toscano, Director of the Family First Technology Institute for the Institute for Family Studies and our moderator, Chris Mufarrige, Director of the Bureau of Consumer Protection here at the Federal Trade Commission. Thank you.

Chris Mufarrige:

Good morning. Good morning, and welcome to the Attention Economy Workshop. I want to thank Senator Blackburn for those great remarks and the chair for his inspiring remarks as well. Today's workshop, we'll discuss one of the most important issues of our generation, the role of social media in our children's lives.

Chris Mufarrige:

Many Americans are concerned about the risks social media presents to kids and teens. As we all know, our children are at times exposed to age-inappropriate content online, and the big tech platforms according to many observers, have not done enough to ensure children are protected and can participate online in a safe environment.

Chris Mufarrige:

In my view, today's workshop could not be more timely. Indeed, on day one of the Trump administration, Chairman Ferguson made it clear that protecting children online would be a top priority for the Trump FTC. That is why I am pleased to moderate today's panel, which will explore some of the troubling practices children and parents currently confront online.

Chris Mufarrige:

Before kicking off the conversation, let me introduce our panelists. Maurine Molak co-funded David's Legacy Foundation in 2016, after her 16-year-old son, David tragically died by suicide after experiencing months of relentless and threatening cyberbullying.

Chris Mufarrige:

The year prior to his death, David struggled with an addiction to social media and online gaming, which led to severe anxiety and depression. After David's death, Maurine worked with Texas legislators to pass David's law, which provided tools to address cyberbullying. In the years following, she continued her advocacy with the successful passage of suicide prevention, digital citizenship requirements, and online harms prevention legislation.

Chris Mufarrige:

In early 2024, Maurine co-founded Parents for Safe Online Spaces, an educational initiative for survivor parents who have lost children to online harms. Thanks to the courage and leadership of this organization, a movement was ignited to find common-sense solutions to the problems children face online. We're very lucky to have her here today with us.

Chris Mufarrige:

Dawn Hawkins serves as CEO and the Executive Director of the National Center on Sexual Exploitation for the previous 14 years and continues as a senior advisor today. She transformed the center into the leading advocacy group on all forms of sexual exploitation, including sex trafficking, prostitution, pornography, and child sexual abuse.

Chris Mufarrige:

Dawn is deeply committed to bipartisan public policy solutions at the federal and state level. Her issue expertise, visionary initiatives, and innovative strategy have led to groundbreaking change in the legislative arena and in multi-million dollar companies. Indeed, Dawn's work has led to dramatic changes at Google, Walmart, the Department.Events and TikTok among other influential companies. She's a graduate of Tufts University and currently resides with her husband and five children in Virginia. Thank you for participating with us today.

Chris Mufarrige:

Finally, Michael Toscano is Senior Fellow and Director of the Family First Technology Initiative for the Institute for Family Studies. He previously served as executive director there. The IFS was awarded a Heritage Innovation Prize in recognition of Michael's efforts to advance laws nationwide to make technologies safer for kids. He's a leader of the Future for the Family Movement and his writing has appeared in the Wall Street Journal, National Affairs and other leading publications. Thank you, Michael for joining us.

Chris Mufarrige:

Maurine, I'd like to start with you to get the conversation going. You've been an advocate for children for quite some time and your work is inspiring to me and others, but that advocacy began under tragic circumstances back in 2016. Sadly, your son David passed away after experiencing cyberbullying. Can you talk to us about that?

Maurine Molak:

Sure. Chris, first of all, I want to thank you and the FTC for holding this very important workshop and we have many survivor parents that are here today whose children have also experienced some very grave and terrible online harms and they joined me in thanking you for today.

Maurine Molak:

David's story really started off when he was about 14 years old and he was a basketball player and he had a terrible basketball injury and while he was rehabbing, he turned to social media and online gaming to fill the void. And over a period of about eight, nine months, we started to see a real change in his behavior.

Maurine Molak:

He was showing all the signs of a behavioral addiction from lying about completing his homework. He was sneaking around, using his devices when they were supposed to be locked up downstairs charging. He would get angry and aggressive when we would try to get him to stop, and then there towards the end, he was basically stealing from us using our credit card without our authorization in order to purchase virtual assets to increase his player power through some of these gaming platforms.

Maurine Molak:

And when David was finally medically cleared to be able to go back to play basketball, he no longer had the desire to do that. He preferred to sit behind a screen and that's when we knew we were up against something that we had no experience dealing with in our life and we were getting him the mental health supports that he needed at the time.

Maurine Molak:

And then, that's when the cyberbullying started by a group of classmates at his school where they were tormenting and threatening him not to come to school, put him in a body bag, put him six feet under, they were calling him a psycho and a monkey-looking human, and we even moved schools to try to get him away from his perpetrators. But what we didn't understand about cyberbullying is it doesn't require geographic proximity and it followed him to his new school and it was the final match on a huge bonfire that just exploded in our home, and David lost hope and we lost, David.

Chris Mufarrige:

I'm very sorry for your loss. As a father, that's really difficult to hear and thank you again for all the work that you're doing in this space. Dawn, I know you've been working to protect kids online for a very long time at the National Center on Sexual Exploitation. You've heard numerous stories firsthand of the troubling happenings online. Can you describe to us what you think the root of the problem is?

Dawn Hawkins:

Yes. I would say the root of the problem is really the lack of accountability at all for tech platforms and tech companies, and they have this lack of accountability because from a policy perspective, we've allowed that to happen for so long. The last time we really implemented any kind of regulation was when I was a teenager and now I pretty much have a teenager I'm raising myself. So this inaction has really just left tech prioritizing profits over everything else and until we do something to change that we're not going to see any kind of shift.

Chris Mufarrige:

What are some of the type of changes you think that would be effective in this space?

Dawn Hawkins:

Thank you. I mean, I have a long list. I will say back to the real problem, I'd say there's two kind of root policy problems we have. One is the Communications Decency Act, Section 230, which essentially gives blatant immunity to tech to do whatever they want to. It's become a pass, even though Congress intended for it to protect kids from harmful content online. And then, the other problem I would say is COPPA, the Children's Online Privacy Protection Act, which essentially was a privacy bill meant to help stop advertisers from collecting data and targeting our kids. But what's happened since then is, it's become the de facto age of adulthood online at setting it at 13, and as long as tech considers our kids adults at 13 and also they have no accountability to take action, we're going to see very little progress.

Dawn Hawkins:

But some other things I know that could happen are design. We need appropriate design. We need a duty of care for them to care about, they need to design products with our children in mind and they need to design products that give parents actual tools that work. Right now, parents are left in the dark. I've been advocating heavily lately for the Kids Online Safety Act and also for the app store accountability. The app stores are the choke points. Our kids are seeing, are accessing almost everything online through the app stores, and yet, the age ratings are wrong, the descriptions and the apps are wrong, and all the parental controls are based on these kinds of ratings. So I have a long list I can keep pushing out, but we need Congress to act and we need the FTC to be given more power.

Chris Mufarrige:

Yeah, the app store analogy, I think, is very interesting, and I think Senator Blackburn, her point about kids being unable to purchase alcohol or walking into a casino, I think that was an interesting analogy, particularly for the App Store, right? I mean, you would think that if it's being, well, there was a question of whether or not it's being rated appropriately to begin with, but then if it is, can we prevent children from even downloading apps that are inappropriate for them?

Chris Mufarrige:

Michael, I've read some of your work and it is fascinating. You've written that your focus is on making technology safer for kids. What are the types of attributes you think that are missing that would make it safer for kids to participate online?

Michael Toscano:

Well, first of all, thank you so much for hosting this panel. Thank you Chairman Ferguson. This is a critical discussion and normally I like to say hi to my friends in the audience, but I can't see any of you because of the lights up there, but I know you're there, so hello, thanks for joining us.

Michael Toscano:

It's hard actually to improve on what Dawn just said. I will echo and second all of her recommendations. I think the one thing that I would add is that we have to take a big picture view of what the politics of bringing safety are and the politics of bringing safety are a number of aggrieved parents, some of whom have had to say goodbye to their own children, others who are watching their children wither on the vine because their minds are being used as a source of extraction and as a commodity for these companies, and rather than being children that are living free, instead, they're an exploitable resource for big tech.

Michael Toscano:

And so, what we are dealing with is a politics in which where it's a really, it's parents up against a behemoth unlike anything we've ever confronted in terms of corporate scope and power in the history of the world. And so, these parents are a huge source of energy for all of the policies and political maneuvers that we will need to undertake going ahead.

Michael Toscano:

That's why my colleagues and I, and our friends out here in the audience, have had so much success on the state level passing in Utah and Texas, the App Store Accountability Act or requiring age verification

for social media platforms or age verification for pornography. It was always parents that were moving things forward. They were calling their state representative. We need that exact same thing here on a congressional level.

Michael Toscano:

Parents need to be front and center in this battle. I think Chairman Ferguson's model of the state bolstering the hand of parents is exactly what we're looking for. The state needs to empower parents, go alongside parents, give them the tools that they need to be parents. And if we can accomplish that, if we can keep that grand vision and if we can keep that energy, then I think that we will succeed. And I also think it's worth remembering all of the specific policy proposals that Dawn already mentioned. Again, I second all of those.

Chris Mufarrige:

Thanks. So trying to channel some of that energy that you were speaking about, what could we do to make the technology safer for kids? What are some key attributes you think that the platforms can add to reinforce some safety precautions for children?

Michael Toscano:

Yeah, thank you. I think a lot of the best ideas are already out there right now, the Kids Online Safety Act. The fundamental value of the Kids Online Safety Act is the duty of care. It's to require these companies to have responsibility for their products.

Michael Toscano:

The App Store Accountability Act has, the app store, our devices are effectively the homes of markets that provide our children access to potentially millions of apps, many within which predators loom or just algorithms that don't have their best interests in mind. Giving parents tools to decline or to provide parental consent for every app download or every app purchase would be important.

Michael Toscano:

The anchor for this has to be some, I know we're going to be talking, there's another panel that we'll talk about this later, so I'll leave it to them to get into the details, but the anchor for this has to be age verification. There's no way for these companies to be able to credibly make determinations about how to operate toward their consumers if they don't know how old they are.

Michael Toscano:

There are obviously implications for behavioral patterns that are through their history of use that indicates that someone might be a child or might be an adult, but if we want to give them some level of certainty, age verification is necessary. We are supporters of age verification. I have been supporters of age verification on the platform level, but of late, I've worked with Dawn and others here on app store level, age verification. App store level, age verification is a kind of seamless approach to signaling to these various platforms, how old a child is.

Michael Toscano:

And then, lastly, I would just say serious enforcement. When there is a company that is allowing predatory behavior to operate through its systems, then it's incumbent upon lawmakers to provide FTC

and other administrations here with enforcement powers that can actually make this a very serious problem for them. So basically, make it too risky for them to behave badly.

Chris Mufarrige:

Dawn, it looks like you want to jump in?

Dawn Hawkins:

I mean, I want to give you some examples of what we're talking about too. So I mean, just examples of backwards thinking design. We've got TikTok who our kids are finding themselves in really dangerous algorithms promoting pornography, eating disorders, suicidal content, all of these things. So they come out and they say, "Guys, we're going to implement a reset button." But then, what happens is that reset button goes away after 200 videos and you go right back into that dangerous algorithm.

Dawn Hawkins:

I think about Apple for example, I have five kids, you guys, and I am in the thick of it right now trying, I'm thinking about this every single day trying to protect my kids. I turn on the parental controls for age four plus, which are complicated to turn on the one hand, and then, but the parental controls are based completely on app ratings.

Dawn Hawkins:

Yesterday, one of my colleagues found a dozen nudifying apps in the app store rated for four-year-olds. How am I supposed to protect my kids, right? This is the kind of stuff we're talking about. I got a call from a mom who was just distraught beyond belief because her fifth grade daughter had almost 1,000 deep fake CSAM images made of her from the app, in the apps are rated for nine-year-olds by another fifth grader. I mean, this is the kind of stuff.

Dawn Hawkins:

YouTube is stuck in these like autoplay mode and it's even going on in the kids safe mode, right? Roblox, I set an account for my nine-year-old little boy, and I put in his age. It doesn't default to safety and two minutes in, you're in a strip club type fantasy land. I mean, unless we hold them accountable, this is what's happening. I have hundreds of these types of examples, I can just keep rattling off, but this is why we need exactly what Michael is talking about.

Chris Mufarrige:

Maurine, do you have anything to add?

Maurine Molak:

Yeah, I mean, I just think it's really important that we, the age verification at the app store level, but that still, we've got to have the KOSA, the design has got to change for some of these features that are, not only addicting our kids and taking them down rabbit holes of disordered eating content, pro-suicide content, but also connecting drug dealers to our children and actually even finding where they live and delivering those drugs through Snap Maps.

Maurine Molak:

As well as we've got sexual predators across oceans who are extorting money from our young boys at an alarming rate, and we've got children who are depressed and anxious, who are cyberbullied and it's going viral on these platforms just like it did with David.

Maurine Molak:

I mean, he was attacked by a cyber mob by people that he didn't even know because of the way that it was designed that, his account was private, but many of the other kids that were on the platforms was public. And so, instead of a handful of kids, it was hundreds. And so, we've got to be able to focus on the design features.

Chris Mufarrige:

One thing that you tend to hear from folks that are less skeptical of these platforms is that the platforms are value neutral, that it's just the baseline sort of this is the new way things are in modern society. I'm curious how you all would react to something like that.

Dawn Hawkins:

I told Maurine today, I'm like, "Oh, I'm just tired of just talking and being so professional, and now I just want to scream," because I mean, technology isn't just amplifying harm, it accelerates, it scales, and it's normalizing it. It is not tech neutral. I mean, it's not neutral in any way. Yeah.

Michael Toscano:

I would just say as a rather broad and perhaps blanket statement, there's never been a technology that is neutral. Every technology provides affordances, excuse me, that enable you to do new things. It affects your community when you introduce them, and the more powerful the technology is, the more it tends to change the community in which it enters into.

Michael Toscano:

But having said that, there are ways to encode your values into a technological design which can preserve certain things about say, the political form of your nation or your view of what childhood should be like, that you can regulate those things to try as best as you possibly can to preserve certain things that you, as a nation or as a community, want, you hold forth as first principles as things that are of enduring value.

Michael Toscano:

And I think, in a way, that the discovery of, this is why we're here, the discovery of the fact that technology is not neutral is why in a way we're all assembled, but also our realization that we have a responsibility as a political matter, and as a social matter, and as an economic matter to make sure that our technologies lead to flourishing, that they are ordered toward the common good, that that is a political responsibility. So technology is political in multiple senses, both in the negative and positive sense.

Chris Mufarrige:

Yeah, I agree, Michael. I wonder though, I've been thinking about this myself as my kids are starting to get older, I wonder if this type of technology can lead to flourishing for kids or maybe is it at a certain age? What do you think the cutoff is or if there's a range or how should parents be thinking about this?

Maurine Molak:

As far as I'm concerned, I think that families need to make decisions on their own and what might work for one family isn't going to work for another family, and every child is going to be different as well. And when we want to introduce technology to them, it should be a parent's choice in that matter.

Maurine Molak:

But until these platforms are safer, I think that we really do need to step back and look at those decisions that we make as a family. I mean, this device just amplifies those harms that we're talking about that are occurring in the physical space, to a point to where kids can't get away from it and we have to be able to protect them.

Chris Mufarrige:

Yep. Dawn?

Dawn Hawkins:

I mean, I would add, I love technology. I love it so much. I am loving AI right now as scared as I am about it, and my kids I think are finding a lot of space to flourish. I see so much good in the world. That's not the question. It's like Maurine said, is that they need to design with their wellness in mind, and until that happens, there's so much harm that is also setting us back despite the ability to flourish and to grow.

Michael Toscano:

This might be a cheeky point, but I often find that what's advertised as the value of a technology usually is the value of a technology. So consider a smartphone. Most people say, "Oh man, I really like it for the GPS, and I really like it because it texts and it enables me to answer emails, but I just wish it would not be the basis for all of these distracting features."

Michael Toscano:

If we could actually form an economy and an industry that would focus on the things that it says are the chief value, which everyone agrees to the chief value of those technologies, then I think we would be cooking with gas. Then, we have the kind of technology where it would be bizarre not to allow your child to say, have access to that kind of thing.

Michael Toscano:

But until that's the case, until our rationale for these technologies actually line up with the implementation and commercialization of them, we have to be extremely cautious and we have to put as many safeguards and protections around them as possible. We're a very low tech household, as you might imagine, based on my comments, but I know that there's a day coming when my six-year-old, it will no longer suffice.

Michael Toscano:

But yeah, we'll tell you what decisions we've made by the time she's 12, but we're planning on being extremely studious about all of our decisions, and we do think that families and communities need help reinforcements, so that way they can make collective decisions together.

Chris Mufarrige:

Thanks. I'd like to focus a bit about specifically on the topic of obscene and other inappropriate content. It strikes me that the companies can be doing more to prevent children from being exposed to this type of material. I'm just curious, starting with you, Maurine, what your thoughts are on that?

Maurine Molak:

Well, I think that the attention economy, right? The fact that these platforms are getting the attention of our young people and the way that they're doing that is with as much outrageous and obscene content as they possibly can because they know that that's what drives engagement, and that's what's going to keep these kids on the platforms and addict them for life so that they're a user for life.

Chris Mufarrige:

Dawn?

Dawn Hawkins:

There's a lot to say about the pornography rampant on our platforms. I mean, our social media platforms themselves, they have more pornography available than even if you just try to go to the hardcore pornography websites. Like X is a porn website. Really, our kids are completely unrestricted. Anything is allowed to be uploaded, extremely harmful content is there, and there's no way to regulate within the app really at all, or to protect your kids, I would say.

Dawn Hawkins:

And so, our young kids are facing a crisis, a crisis of, there's mountains of research about the impact that hardcore pornography is having on our young people and on the way they view themselves, the way they view each other on their ability to achieve their dreams and all of these things. And so, until we really step back and address the dangerous content that they're being exposed to, that's only going to surge.

Dawn Hawkins:

One of the things I've talked a lot about is this increase in child- on-child harmful sexual behavior. And it's largely because our young people are being exposed to such hypersexualized and even just extremely sexualized content, and they're acting out what they're viewing on their peers. And our Department of Justice says that 30% of their arrests for child sexual abuse are of children. And I know that's extremely underreported, but that's the reality that our young people are facing as long as this content is so rampant on the platforms.

Michael Toscano:

One thing I would add is that we are on the cusp of hearing, getting a ruling from the Supreme Court in Free Speech Coalition versus Paxton, and I mean, I'm not a court expert, and I'm certainly not a prognosticator, but one thing I will say is that during oral arguments, the justices were showing that they no longer thought that the old settlement that we should just be free to algorithmically addict our children to pornography and then, take no political action whatsoever is a settlement that they're willing to abide for much longer.

Michael Toscano:

So I do think I'm really hopeful that despite the way that Supreme Court precedent has up to this point, seemed to militate against a favorable ruling. Ultimately, it looks like the Supreme Court, well, I should be cautious. I'm cautiously optimistic that suddenly we would be able to provide age verification tools to make sure that we are cutting as best as we possibly in cutting off the source of the problem from children, but then after that, we would need to enforce it very vigorously. Otherwise, it would be a paper tiger.

Chris Mufarrige:

There's some that have argued that or suggested that parents have the sole responsibility to know what their kids are doing online and in the effort to limit-

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Chris Mufarrige:

What their kids are doing online, and any effort to limit kids' access to these platforms, whether by government or by the tech companies themselves, amounts to an infringement of parental rights. Maurine, how do you respond to that?

Maurine Molak:

Parents want government to get involved. They want safeguards put in place to protect their kids. They're not asking for a pass, they're asking for help. It is unreasonable to think that a parent can figure out all of the safety tools that are available in all of the hundreds of apps that our kids are downloading while they're holding a family together and working maybe one to two jobs. It's an unfair fight. Big tech is always great about saying, "Oh, it's putting it back on the parents," but parents are asking for help.

Dawn Hawkins:

I would add that I don't hear anybody say that unless they're on tech's payroll. Right now, we have Apple and Google following us around in the States with their lobbyists making that exact claim, Mark Zuckerberg stirred up last year saying it's on the parents before Congress. It's absurd. We have no tools. It's like we're being given a broken flashlight and we're being told to just find our way in the dark. Unless they step up to help us, we can't monitor better. We can't just educate better. We have very little tools at our disposal to understand and to equip our children.

Michael Toscano:

I think, again, Chairman Ferguson's legal paradigm, the state coming alongside the parents is the right way forward. It's clear that the reliance upon parents is not a workable system anymore, and the parents are the ones that have to watch their children be exposed to all of these harms, and it's unfair to them. As Maurine said, they want this. I think we have a moral responsibility to give it to them.

Chris Mufarrige:

Yeah. I think that's right. There's also an externality problem, as I learned yesterday with my kindergartener, who came home and said that the second grader that he became friends with at summer camp has a phone and he said, "When am I going to get my phone?" And then, there's just, there's, right. Yeah. It becomes difficult when the kids come home and their friends have it and they have access to it, so to your point, there needs to be externalities require intervention, and that's certainly the case here. The Commission's been involved in the parental control space, and we've been

looking at that issue just more generally. What are some types of concrete solutions the commission should consider when exploring action related to parental controls?

Maurine Molak:

I think, first of all, is that we want the platforms to enforce their own guidelines. When things are reported and they say that they don't allow certain things on their platform, and if it gets reported, then it should be taken down and there should be action taken. I think we also need to make sure that those kids that are being harmed online, that there is some way that we're offering them some support and help during their times of need.

Dawn Hawkins:

Yeah, that's exactly it. Enforcing their own terms of service that they're putting out there, enforcing the way that the apps and the platforms, how they describe themselves. Are they being true to that? I was just looking at AT&T. They have an app rated for four-year-olds. They've been pushing back against, they want an exception to some of the solutions that we've been pushing. And in less than five minutes, there is a back door to pornography. Why do they get an exception to how they proclaim their rules to be?

Dawn Hawkins:

I would also say, looking at ... When you say, I am going back to the Roblox example, because I lived this myself with my own child. But I put in his age, Roblox was made particularly for younger kids under 13, like that's how they designed the app. And then, you log in and you have to go turn on the parental controls in two different places. You think that they're safe, you think that they're safe, and then you find out that you turn off, you say, "Nobody can talk to my child in the app," and yet people can still talk to your kids in an app through, like there are some workarounds. We're representing at the NCOSE Law Center, multiple clients who were 12, 13 years old targeted on Roblox, even though the parents had all the parental controls turned on. We are given this false facade that if we use these, they're going to work, and I can just say, almost every platform, they're massively flawed, and so.

Chris Mufarrige:

You're saying you have to turn on parental controls in two different places?

Dawn Hawkins:

On Roblox, yeah, but even if you do that, there's still workarounds for strangers to talk to your children, and so, that's one of the places. There's over a thousand cases the FBI has announced or shared over the last 17 years of kids being found and extorted through Roblox. Why is that not fixed? And yet, they say they have the tool. If they're claiming these tools and blatantly lying to us, it's not just Roblox, it's TikTok, it's Instagram, it's Apple and Google's platforms too.

Michael Toscano:

Consumer protections just in general is a good approach for this. If an app engages in false advertising about what a child is going to experience or what a parent should be aware of what the risks are, if those are ill-defined or undefined or diminished in their presentation, if they're difficult to find where they are actually as our friend, Melissa McKay, who's here in the second row in the front, she'll present later. One point that she always makes is, and in a way, this was the impetus or the inspiration for the App Store Accountability Act, which I hope all of you will support here, is that the accept button for

downloading an app is at the top of the app very often, and the description of the warning of what a child might experience is way, way, way down in the bottom.

Dawn Hawkins:

Or doesn't exist.

Michael Toscano:

Or doesn't exist. And so, on what do we base informed consent? In what way is a parent actually rationally consenting to allow their children to be able to engage with a certain platform? In fact, the way that things are currently structured, it seems, if I were a suspicious man, I would say that perhaps it's intentionally structured in such a way, so that informed consent could be undermined. I think one big fix would be to actually create the provisions that would make informed consent real and rational.

Chris Mufarrige:

Michael, you've written extensively about the secretive nature of the smartphone. You argue that the device itself can possess a direct threat to the family because it has the capacity to hide and undermine parental supervision and even fragment the beliefs of the family. Can you elaborate on that?

Michael Toscano:

Well, I'm trying to ... I guess I've already failed at presenting myself as some form of pro-tech person, but yeah, no, this question hits the nail on the head. I'll just say that this is not an observation that I alone have made, Claire Morel, another at this point on many occasions. There's a big difference between what it means to be a parent in the mass media age and what we have now. Back then, you would have a television or a radio that would broadcast or project a single message at a time that was for the family, you could make decisions as parents. You could make a decision for the collective of the family about whether or not what you're currently watching or viewing is something that is conducive to the well-being of the family or, in any way, undermines values. And if it undermines the values, what do you do? You switch the channel or you turn it off. Maybe it gets so bad that you end up not having cable anymore, whatever it might be.

Michael Toscano:

But that's just simply not possible in the world of smartphones. We all see it, it's really sad. You go to a restaurant and you see a couple and their children all physically present with each other, but not mentally present with each other. The conditions of a happy family must include not just physical presence, thank God for it, but also mental presence. You give to your spouse the gift of your attention. If you are constantly, if every member of the family is being driven down one highly individualized rabbit hole after another, you're not actually occupying a common world together. No family, ultimately, can be happy without having a common world, a common project. I think that we often don't spend a lot of time thinking about the way that this has a fundamental implications for our engagement with one another and for our engagement with our community.

Michael Toscano:

Hannah Arendt, in her fabulous book "The Human Experience", which I recommend to all of you, which was very incredibly prescient on so many matters. But what she pointed out was that the basis of what she called common sense, the basis of common sense, which is effectively a view that we all share about what we're experiencing in any given locality, that the basis of that is the power to see and hear the

same thing. Think of a public square. We're all sitting there and we're all, from our own vantage point, grounded by the public square looking and experiencing parts of it, and that common sense emerges from it, and it creates a shared world that we all occupy and we operate in.

Michael Toscano:

The smartphone fundamentally is antithetical to that. How to handle that? I'm not sure. Is there a political fix to that? Probably not. But I do think there may be a cultural fix to that. There are incremental political approaches, so bell to bell in schools. Give these kids the freedom, not just having their attention stolen away from them at every moment, but give them an opportunity to hear common words, to experience a common place together, to experience friendship. We've all heard so many stories about the way that this is revolutionizing school systems across the country. What's the root of this? Why is this working? It's because we all actually have to live in a common place, and that's attacked every minute of every day from infinite angles because of the way that we are currently networked.

Michael Toscano:

The more that we could institute cultural values or in the case of Bell to Bell, a political, a policy which would actually make it easier for us to just have a common mental space. The potential politics, the polarization, which maybe we could overcome if we could all see the same world together, how much is polarization, as a political fact, how much is that attributable to the fact that none of us see the exact same thing at the same time? I think we need to think more about that problem.

Chris Mufarrige:

Yeah, that's both intuitively persuasive. And also, I think it just comes to mind for me, is the empirical experience of COVID. You listen to parents and what happened with their kids in terms of being away from their friends and away from their family members, and we're seeing the consequences of that, and I think that that speaks to that, because there was a lack of common shared understanding of what was going on, shared experiences. I think, to help close out the panel, it would be great to hear from each of you in terms of one or two things you would like the commission and policymakers generally to be focused on as we continue to work in this space.

Maurine Molak:

Well, I think we've heard it loud and clear that one of the most important things that we do is to pass the Kids Online Safety Act. We need design-focused legislation to be able to protect kids, and also, some safeguards for parents. Parents aren't asking for a pass, they're asking for help. Frankly, right now, they're in desperate mode for help. I also think that it's really important that we all come together and talk about these issues. This is a collective action problem and that it takes all of us working together to find common ground when we're working across party lines and making sure that everybody is heard, because the bottom line is that we have children dying. Unfortunately, it's been nine years for me, and there are many parents that are sitting in this room that have come after me, and every single week, there's more parents that are joining us in this horrible club that we are all a part of. If we don't do something fast, we're going to really see some very detrimental effects.

Dawn Hawkins:

This issue just needs to be made a priority, and it hasn't been made a priority in many areas here in Washington DC, where it needs to be. We need truth. We need to be told the truth by these platforms.

We need accountability, and I think that's particularly what the FTC could bring is accountability to them, enforcing the laws on the books in particular. And then, we need them to design with safety in mind, with wellness in mind, with parents' parental rights in mind. We have no rights online, I would say. There's this argument I heard last week from big tech that by them taking action, they're taking our rights away. I was like, "What? I have no rights. I have no power right now to protect my kids." And so, that's what I leave you with.

Michael Toscano:

I'll add to KOSA into what Dawn just said, another pitch for the App Store Accountability Act. I know it's new, but hopefully, within the next few years, it's something that we could all rally behind in a bipartisan way. As for the FTC in particular, I think one thing that would be helpful, and here I'm going to say one nice thing about industry. Is that it hasn't escaped the notice of those of us that are working in this field, that industry has actually produced rather innovative ways of recent or has announced new ways in which it was going to provide for parental controls and various measures of actually doing age verification themselves in the case of Apple and Google. Why did they do that? Meta, it's teen accounts, that's a real step forward. Why did they do that? They did it because it would cost them too much at this point not to, because the regulation is clearly looming over their heads.

Michael Toscano:

I think one thing that would be good would be to convene a conversation between industry, the state and family, so that we can actually have a series of formal discussions about how we can potentially work together to come to solutions that are good for everyone. I don't necessarily want to have to use the hand of the state to achieve these outcomes, and if industry itself could volunteer them with the threat of the state, that would be good. I think we should convene conversations between the various interests and see where that can take us.

Chris Mufarrige:

Thank you. I want to thank each of the panelists. I learned a great deal today, and I'm sure everybody did as well. Let's give them a round of applause. Our next panel starts at 11:00, and there'll be a short break until then. Thank you.

PART 3 OF 13 ENDS [01:39:04]

Jon Schweppe:

We'd like to invite everyone to come find their seats. Just a quick housekeeping note. Water is permissible in the auditorium, but any other beverage cannot be in here. So I know some folks have been bringing in coffee. If you could take that outside, that'd be really appreciated. We'd like to move on now to our second panel. How Can The FTC Help to Protect Kids Online?

Jon Schweppe:

And we have three panelists, Dr. Meg Leta Jones, Communication Culture & Technology program at Georgetown University. We have Wes Hodges, director of the Center for Technology and the Human Person at The Heritage Foundation. And we have Jake Denton, chief technology officer at the Federal Trade Commission. And our moderator, Kate White, deputy director of the Bureau of Consumer Protection here at the Federal Trade Commission.

Kate White:

Thank you so much, Jon, and thank you to all three of you for being here today for this conversation that I personally am very excited about. I know that he gave everyone's names, but I'm going to take this opportunity to just tell the audience a little bit about your backgrounds and your expertise and the real value you're bringing to this conversation. So, first, we have Professor Meg Jones is a Provost Distinguished Associate Professor in the Communication, Culture & Technology program at Georgetown University, where she researches rules and technical change with a focus on privacy and automation.

Kate White:

She's the author of Ctrl+Z: The Right to Be Forgotten, which explores the social, legal, and technical issues surrounding digital oblivion, and The Character of Consent: The History of Cookies and the Future of Technology Policy. And Professor Jones also regularly works with policymakers on these sorts of technology policy and family issues. I've got Jake Denton, who's my colleague here at the FTC, the chief technology officer of the Federal Trade Commission. I could not do my work without the assistance of Jake and his team.

Kate White:

He was previously a research associate at the Heritage Foundation's Tech Policy Center. He specializes in emerging technologies, intentional tech policy, digital surveillance, and data privacy. And then, last but not least, we have got Wes Hodges, who's the director of the Heritage Foundation Center for Technology and the Human Person. His team's focus includes online child safety, sendership... censorship, combating CCP, digital control, competition policy, data privacy, AI bioethics, and America First Innovation, which is a fascinating but very broad portfolio.

Kate White:

Prior to that role, he spent years building policy coalitions among academics, attorneys, and policymakers for Heritage American Compass and the Federalist Society. So, thank you all again for joining us. So the FTC as commissioner... as the chair said in his opening remarks, one of our chief priorities is protecting children and doing what we can to help families. I think we have multiple tools at our disposal. We have our sort of organic statute, Section 5 of the FTC Act, but I think what people think of first when think of children and the FTC is COPPA.

Kate White:

COPPA, the Children's Online Privacy Protection Act, was passed back in 1998, and it broadly gave parents the ability to get notice and consent before online providers collect information, personal information from their children. And one of the things that COPPA did was it gave the FTC the responsibility for promulgating a rule. The first COPPA rule became effective back in 2000, and over the past 25 years, it's been updated several times, most recently this April, and those changes will be effective in April of 2005.

Kate White:

Over time, there have been changes. We've brought in the definition of personal information. Now, it includes persistent identifiers and, most recently, biometric identifiers. But it's an iterative process, the COPPA rule. And so I wondered if we could start with you, Meg, if you could tell us a little bit about these latest updates to COPPA and sort of your reaction and if there's any refinements that you'd like to see.

Dr. Meg Leta Jones:

Thank you so much, Kate, and thank you to the chairman for hosting this and for inviting me to speak. COPPA has really been the primary federal law for not just protecting kids' privacy online but kids' online. That has really been our go-to statute. And the FTC has brought a number of really important big enforcements, and the chairman alluded to those in his opening remarks. The three main updates that I think that came through the most recent rulemaking have already been mentioned except one, so I'll just reiterate them.

Dr. Meg Leta Jones:

The separate opt-out... or separate opt-in consent for parents for targeted advertising is a shift in previous COPPA rulemakings, including biometric identifiers, clearly including biometric identifiers as personal information. And then one potentially important addition is this mixed audience definition that addresses sites and services that get at both adults and kids, and the guidance more clearly... it gives them more guidance on when and how to implement, right now, what is a voluntary age-gating system.

Dr. Meg Leta Jones:

So COPPA still faces the two main fundamental problems that we've already talked about, and I'm sure will come up again. It stops at 13, and anybody can lie about their age on the internet. And companies can legally... Right now, companies can legally rely on those self-declared ages. So until we figure out age verification, the age verification piece, which is coming in the next panel, COPPA updates can really only go so far.

Kate White:

Do you have any thoughts on the latest updates, Wes, or any refinements you think would be useful?

Wes Hodges:

Sure, yeah. Well, it's a real privilege to be here today. Thank you so much to the chairman, Kate for this panel, and to Jon Schweppe for the organization. I do think that the chairman had an excellent point in addressing age verification in his concurrence in favor of the final COPPA rule. Heritage supports aligning COPPA with the realities of age verification. And it is a matter of debate, at least introduces uncertainty on if the rule as it is right now could chill some age verification work.

Wes Hodges:

So I'd like to think that, certainly, coming from the previous panel into this discussion, that the room will agree with us in saying that the 30-year experiments on frictionless child-facing internets is a complete and devastating failure. And we see this increasingly from research and lived experiences of parents across the country. But on age verification intersection with COPPA, we don't want to penalize having third-party companies do age verification, which could be in the bullseye here.

Wes Hodges:

So we want to do everything we can to make sure clear in COPPA rulemaking that age verification is part of... synergizes with the intent, that we want companies to not be penalized in pursuing age verification, but we want to incentivize them to do it and to make it so useful and easy that it's ubiquitous to implement it across the internet cheaply. So yeah, I would just pin on age verification.

Kate White:

Yeah. Thank you. So one... COPPA starts, and parents get their notice and consent and decide in their homes what their children can be exposed to, what they're comfortable with. And then there's the other aspect of children online, and that's children when they're at school. And I know, Meg, you've written a lot about sort of Ed Tech and maybe an Ed Tech exception to COPPA, and I would hoping you could tell us more about that and your concerns.

Dr. Meg Leta Jones:

Yes, thank you. My family is like a growing number of families, many of which are represented in this room. We're an opt-out family. We don't have this stuff in our houses. We're standing up to big tech exploitation in our homes, but we do legally have to send our children to school. And schools have been completely captured by big tech, especially since COVID. We have pre-K classes where kids are poking at Chromebooks before they can even write their names. There's these gamified reading apps on short little excerpts.

Dr. Meg Leta Jones:

And so college professors like me are like, "Why can't our students read books anymore?" We have kids that are sitting on their iPads during recess instead of playing with their peers. And then, when they come home, they'll talk about this video game that has some math problems on it that's constantly asking them to buy a subscription so that they can get to the next level. And so, for our kids in school, nothing stands in the way except one thing. And that is parental consent. COPPA legislation requires parental consent to collect data for kids under 13.

Dr. Meg Leta Jones:

And it doesn't say anything about schools, but two old FTC guidance, one's a guidance and one's sort of like remarks, have declared that schools can consent on behalf of parents. And this has been a complete pillar for the Ed Tech industry, moving into the foundation of our modern school infrastructure. So, according to this, the guidance, the old FTC guidance, as long as Ed Tech companies limit the use of children's information to the educational context that's authorized by the school, the operator can presume the school's authorization is based on the school's having gotten the parents' consent.

Dr. Meg Leta Jones:

And then, as a best practice, they could consider letting parents know that this is happening and, if it's feasible, letting parents review and delete that. That is not COPPA. COPPA gives us a lot of really great, strong, meaningful rights as parents. And so, with respect to the chairman on needing novel updates, I think when it comes to education, we are in a back-to-basics moment, including how parents engage with Ed Tech and the schools. So, parents are not consenting. There are not opportunities to consent. And even worse, schools aren't letting parents opt out of this... of these systems.

Dr. Meg Leta Jones:

So even when parents are objecting to the use of personal devices and these tools, schools still maintain that they're consenting on behalf of parents, and Ed Tech companies are even using this idea in court to try to bind parents to arbitration clause. And actually, Chairman Ferguson wrote a really important amicus brief contesting the idea that the FTC like supports parents being hooked into arbitration clause through this idea of schools consenting on behalf of parents.

Dr. Meg Leta Jones:

So there's a lot that we are going to talk about all day that requires legislative action, that requires formal rulemaking, that requires all kinds of things. This FTC guidance is like a Q&A website that says that parents... that schools can consent on behalf of parents, and it would make a huge difference to families that are trying to keep their kids away from all of these platforms, companies, strangers, third parties, to give us that power to continue to exercise our parental rights outside of the home.

Kate White:

So when kids are in schools, are parents literally not being given information by the schools about what products they're using and what information's going to be collected.

Dr. Meg Leta Jones:

There's so many parents in here, and after this, they're going to come tell me exactly how their school does this, but here's how we do it in DC. So when you sign your kid up for school in DC, we actually have this amazing consent box when you sign your kid up for school, and it says... It's basically like the user abuse thing that they make you sign. So it says you won't destroy your Chromebook, but in it says, "You also agree that you want your child to be put on our devices and our network."

Dr. Meg Leta Jones:

And I enthusiastically did not check that box. And I was like, "All right, I agreed I did not consent to this." And then, of course, I went to exercise that, and they're like, "No, that box doesn't actually mean anything." I was like, "I'm pretty good at consent. I just wrote a whole book about consent. I'm pretty sure I know that I did... I know this isn't consent." And then, when you go to back to school night, there's usually a PowerPoint slide that shows some of the apps that they use.

Dr. Meg Leta Jones:

This is not meeting COPPA standards. COPPA standards are pretty significant. And we've held companies... we've taken companies... the agency has taken company to task for not meeting those. So New York's doing a great job trying to be more effective here, but that slippery language about schools consenting on behalf of parents is really where I think we lose a lot of accountability.

Kate White:

The FTC has taken action against Ed Tech providers in enforcement context, and I think one of the principles that was put forth in the case is sort of when an Ed Tech provider takes personal information, they can't use it for commercial purposes. That's not permitted within COPPA. Do you see patterns where that's a concern that that is an ongoing problem that a lot of these Ed Tech companies might be using the data outside of just for the educational purpose?

Dr. Meg Leta Jones:

I mean, I think their educational purpose is commercial. So again, that's just slippery. They are an Ed Tech company, so they're using it. If they're using it in a way that's for FERPA, it's the school's data where you go, it's grades or assignments, and the school actually controls that data, which is required under FERPA, we already have a law for that.

Dr. Meg Leta Jones:

And so I don't think that there's any way to say that these aren't commercial purposes if your commercial value is creating these services for schools. So, I think it continues to be really slippery. What is an educational purpose? How is that not commercial? How is it different than FERPA? And I think a lot is falling through the cracks there.

Kate White:

So the FTC needs to continue to be vigilant cuff on the beat. Are there other areas of COPPA enforcement, Wes, that you think could use some real attention?

Wes Hodges:

Well, I think that, I guess like you said, Professor, COPPA has been maximized many times over. So we're starting to look and see what more can be done usually ends up with a discussion on what sort of legislation needs to happen to expand rulemaking and reach new territories. I think that the most recent rulemaking is probably the best rulemaking to come out of the Biden administration, even though I think it was started in the first Trump administration.

Wes Hodges:

Yeah, I just kind of point to looking at making sure that the loophole when it comes to Ed Tech and making sure age verification isn't challenged, is addressed. Beyond that, it's just rigorous enforcement of what we already know is happening. There are plenty of data privacy issues being reported on coming more and more to light every day. With the advent of AI and children's interaction with LLMs, chatbots, different platforms, we need to make sure that we are on the leading edge to get ahead of what is very likely massive violations of COPPA.

Kate White:

Thank you. So Jake, I know before you came to the FTC, one of the issues that you were really interested in is targeted advertising in children. And COPPA, now the new iteration, has a sort of specific opt-in for third... sharing with third parties needs to be individualized. But can you tell us a little bit around the conversation in how targeted advertising impacts children?

Jake Denton:

Yeah, for sure. And I guess I should start with the standard disclaimer that my views are my own and don't necessarily reflect the views of the commission or any one commissioner. I think the important thing about targeted advertising to understand is that it really informs every decision the platforms make when it comes to the user experience. I think, often, we talk about target advertising, we're very focused on privacy, and rightfully so.

Jake Denton:

There's a lot of concerns about the data they're taking, where it's used, how it's used, how it's stored, things of that nature. But when we really take a step back and scrutinize the decisions these platforms have made with the user experience, whether it's the frequency of push notifications or even just simple things like likes and follower counts, comments. The way it notifies you that a peer has maybe posted a new post, and you haven't seen them for a while, so you should log in.

Jake Denton:

Everything is about user experience, and they're trying to retain the user's attention. They want you on the platform as long as humanly possible before you physically get sick so that they can get more behavioral data to form... inform the advertisements, make sure they're placed in the right spot, improve click-through rates. And I think when you scrutinize it through that lens, it's very obvious that these downstream effects things like sleep deprivation.

PART 4 OF 13 ENDS [02:12:04]

Jake Denton:

It's very obvious that these downstream effects, things like sleep deprivation, behavioral disorders, attention deficit, all these different things that come as a result of social media platforms, are really a sacrifice we give the advertising business model. Ultimately, if you view this at its purest form, these companies are in a war for your attention. The ad revenue is the spoils, the treasure, and these kids are essentially the casualties, the collateral damage. They're super users, they're the ones that are really shaping a lot of the magic on the backend for these ads to be placed in the right spot, and I just don't really think too many people scrutinize in that way. We view these features, these just realities of the platform, as the magic ingredients that are on every social media platform, but it's done for the purpose of advertising. I just don't think we should be comfortable with that.

Kate White:

Yeah. COPPA, of course, protects those under 13, but as people in this room are well-aware, there's that big chasm between being 13 and 18 years old where there's no sort of federal regulations around it and these harms are still happening to the older kids. But how are these experiences, specifically, we talked about target advertising, the business model, you were saying drives these things, how else are they engineering addictive experiences, especially for teens?

Jake Denton:

Yeah, you're definitely right with the age gap thing. 13 through 18 might be the most lucrative age demographic for the platforms and they're completely uncovered. When you kind of take a step back, just like we were talking about these features, I think the biggest thing to understand is everything from infinite scroll to the story feature, it creates artificial scarcity. It's on every platform now. You have to check every 24 hours or you might've missed your friend's latest update. It disappears. There's this drawback constantly, then you kind of just consider too, they're not just super users. They use the platform, kids, a completely different way than adults do. It's their entire social life. Everything from social hierarchies, where your ideas come from, your beliefs, everything flows through the platform. If you take a step back, you leave for a day, you missed out on everything. You go back to school, you didn't see that video that all your friends saw.

Jake Denton:

It's addictive because it's become their entire life. It's where their friends live, it's where their favorite commentators are. You really just can't take a step back. I was in the first generation of Instagram users, whatever social media. We were talking earlier, when you actually mature and you look back, you reflect on your childhood, it is absolutely crazy, the hold it has on you. You can't take a step back, you can't leave. For these kids, it's relentless. It's a drawback constantly, and so it's not just one individual feature, it's the whole experience. It's just so addictive. It's really consumed every aspect of their lives.

Kate White:

Which is terrifying. I want to take it in three parts, and this is for all of you. What can parents do, and we know they can't do everything, and then what can the FTC do, and then what more can be done? What can policymakers do going forward? What are some of the ideas you think really need to be brought to the fore?

Jake Denton:

Yeah. I think for parents in particular, it's just a conscious understanding that you're never really going to understand what's going on on the device. It doesn't matter how hard you try, it's just impossible. I look at the apps that I grew up using. I could not tell a parent how to safeguard their child on it. I knew them better than anybody. I was on there every single day. Now I look at them, they're completely different. They evolve 24/7. If you really think you have a pulse on it, you're completely wrong, and so the parents should accept that as just the nature of these things. That should inform the way that you parent your child's use of it, this kind of-

Kate White:

You're saying if I just monitor my kid 24/7, that's not the solution. I can't just constantly be like this.

Jake Denton:

Exactly. I think the best way to understand this is you log in, the feed's different every single time. Maybe you ask your fellow parent what they're seeing on their kid's timeline, completely different. It's just this moving target, you're never going to hit it. That's a huge thing to understand, and so really just be aware that you're never going to fully have a grasp on it and just have those conversations with the kid, that, "If you see interesting things, please tell me about them," whatever, and just be in there with them as much as you can.

Jake Denton:

For lawmakers, it's kind of the same thing. It's like this is such a moving target and this idea that you can just keep punting it, it's never going to work. You actually do have to take a shot at some point, and try and get some base level protections for these kids, and really get to the crux of these things. For FTC, I think the big thing is holding these platforms to account for the promises they make, whether it's their terms of service, these types of things. We have to really scrutinize the promises they've made and make sure that they're held to account for that.

Kate White:

Bagger Wes, do you have any thoughts?

Wes Hodges:

Yeah. I think it's key to ask the question, what can you do to make it more asymmetric for the parent? To your point, even if you were to spend every hour that your kids spend on their device, if that was even possible, to Jake's point, it's just not good enough, so when we're looking for solutions in Congress and for enforcement at the FTC, that is the question I'm asking on how to measure success. What can you do to reset the scale to make it easier for parents to be in control of these online experiences without needing to invest as much time as their kids? For that, there are several measures that are going through Congress right now that would boost the FTC's enforcement and give parents far more control,

visibility, transparency to be the leader in their household for how their kids engage online. Today, we've mentioned the App Store Accountability Act. The policy merits for that are fantastic. Just the fact that kids cannot consent to contracts, parents need to be involved, and that sort of legislation highlights that, brings it to a point, the FTC would be instrumental in enforcing that age verification was happening in the app store for that and that parents got their appropriate consent for apps that are downloaded. Also mentioned, Senator Blackburn discussing the Kids Online Act earlier. That would do a tremendous job of making sure that the duty of care is enacted so that social media companies, all the platforms covered, have a duty to make sure that they're mitigating harms to minors. Having standards like that, it takes the police power off of so much more off of the parents and puts it onto the platforms and our agencies, the FTC, to make sure that that mechanism is working.

Wes Hodges:

Likewise, looking at COPPA 2.O, making sure that for all of these bills, that we're not ignoring teens in this, that we recognize that children are children all the way up until 18. You'll find in each of these things wonderful provisions on data minimization, on algorithmic transparency, on taking our child protection laws, which, like you said, are nearly 30 years old, and updating them now in a very critical time as our digital infrastructure continues to transform under our feet.

Dr. Meg Leta Jones:

Everything that you guys said about parents, totally true, so I'll just add one other thing, which is parents that don't want to do any of this and are told, "Oh, it's coming. You'll have to get one eventually," there are so many parents out here out in the world not doing any of this. They're saying they want a different childhood for their kids, and so don't believe people when they say, "Oh, it has to be like this. How do you make the best iPad kid? Or how do you make the safest smartphone or the safest social media?" There are tons of parents, especially of Gen Alpha-aged kids, that are just deciding to do things differently, so find them. It makes a huge, huge difference because everybody knows it's... When everybody has a smartphone, don't believe it. Everybody doesn't have a smartphone. Everybody does not have a smartphone. Call me. My kids don't have smartphones, they'll hang out with your kids. But finding each other is not as hard as maybe it once was, so finding those people in your neighborhood and those people in your school has made a huge difference.

Kate White:

That's great. Senator Blackburn mentioned the articles recently calling attention to AI chatbots, and excuse my opinions here, but truly terrifying stories about chatbots encouraging self-harm, suicide, and also having romantic and sexually explicit conversations with children. How are children accessing these chatbots? How are they interacting with them? When did this become a problem that you have to worry about too?

Jake Denton:

Yeah, a lot of this was just integrated directly into the platforms. You look at Meta's platforms, for instance, you can't scroll the timeline without getting prompted to engage with some fictional character or a persona replicating some celebrity or whatever. They're right in front of you, they're just delivered, then you go to the app store and you see just standalone applications that are marketed directly to kids. It's very obvious. No one else is talking to Elsa, the princess. Obviously, it's for kids. But then you start talking to them and it's not a whole lot like a Disney character, it kind of sounds more like a predator,

like the senator said. It takes maybe five to six messages before it gets sexual. Again, the parent has no tracking ability for this in most cases. They're just kind of letting this kid talk to a stranger essentially.

Jake Denton:

We don't really, in most cases, know where the data goes. We have no idea if that's being stored on the kid. Will those conversations come out and be used as blackmail? A lot of these applications, they're not like amazing premier companies with all these standards and compliance things. They might just be one-off small shops, no idea where the messages go. It's just a huge problem. It's one of those things too, we were just blindsided by it basically. No one was really preemptively looking forward and going, "We should probably have these protections in place," so now we're here and we have to just address the problems we've been dealt.

Wes Hodges:

It's been going on for years. There is that April story from the Wall Street Journal that the senator referenced showing probably just the most recent and terrible examples of how children interacting with chatbots can be. But you see, in 2024, I believe the FTC referred to the DOJ's Snapchat's MyAiBot! chatbot for offering guidance to a user posing as a 13-year-old advising on inappropriate sexual relationships and concealing physical abuse. In 2023, character.ai allowed the creation of chatbots engaging in child sexual abuse, roleplay and suicide-themed conversations, violating their company's own terms of service. This has been going on for years, and there's reason to think that it's not slowing down. To Jake's point on the data being used collected on children using these chatbots, just the nature of these AI tools is no data is wasted. Everything is collected and reused unless expressly forbidden. There needs to be strong oversight, particularly from the FTC, to make sure that children's data is not being retained without notice, without consent for these tools.

Wes Hodges:

Yeah, I think everyone has, I hope, a good understanding for what these chatbots are. Sometimes they're marked as companions, tutors, or digital friends. They simulate human conversations. To Jake's point, they're embedded everywhere. They seem innocuous, they seem innocent. We've seen so many documented cases of children being exploited, sextortion, leading to their own self-harm. If we think that the amount of harm caused by rampant social media use by minors is a problem, just wait until you see what a hyper-addictive, engaging, a personalized product like an AI chatbot can do. It not only transforms the previous problem, which was exchanging real childhood physical experience for artificial simulation, it's replacing their relational network, the people around them that they rely on to mature and grow and to become the future people we want them to be. It's entirely being replaced by self-gratifying, misaligned products that want to offer them happiness, perceived happiness, but ultimately, their motives are on harvesting the data and attention of these children to such a degree that goes beyond what we've seen with social media.

Dr. Meg Leta Jones:

Yeah, I think one of the things that's really interesting about AI companions in relation to the FTC is how it sort of breaks down the two go-to tools that the FTC likes to lean on, which is competition and warnings to help consumers, but for technologies that maximize engagement through emotional attachment and manipulation, warnings don't make a lot of sense, warning teenagers that this isn't a real thing and that's what they're there for, and adults too. They're competing on the amount of attachment, the strongest attachment that they can make, and so I think that it's an opportunity for the

FTC to get really out ahead of it in terms of design features. Should there be any advertising in this space? It's so manipulative. Should be there any in conversation talk of products? Because it's so, so manipulative, especially for different age categories. What other features maybe can you introduce that would help minimize the potential manipulation and still make the product what it is?

Kate White:

Are there an educational role the FTC can play? Is there something we can do, in addition to law enforcement, to help bring attention to the issue and help parents and communities understand what they're facing?

Dr. Meg Leta Jones:

I think one of the most helpful educational things has come up already, and that is really pushing on apps to be 18+ in the app store. I think parents do rely on those ratings, and so the FTC pushing for them to be accurate and Apple pushing the apps to accurately state how they should be rated would make a huge difference. It's sort of a soft kind of education, but it helps. When you see all the AI chatbots are in 18+ with all of these other things, it categorizes them socially with these other things that really aren't for kids.

Wes Hodges:

Yeah, I don't think we want children using them at all. To be able to make it 18+ and enforce that would go a long way. Just educational initiatives to show how parents can opt out, disable features, use third-party monitoring tools, all these things would be very useful. I don't think that most Americans realize the pervasiveness of this right now and where this is going. The Harvard Business Review in April, I believe, made the claim that the number one use for AI applications today is companionship and therapy, and you can bet that that is fueled by a lot of children.

Kate White:

Another thing that was mentioned earlier today is that Kaba gives parents the right to delete their children's data, but there's not a similar universal right for teenagers. To borrow a phrase from the chair, that I like so much, from a statement he made in NGO, one thing we could do and we could protect their privacy, we can also protect teens from the maw of cancel culture. What can be done to advance that goal of giving the ability to delete information more broadly than just kids under 13?

Dr. Meg Leta Jones:

I can talk about... I mean, I love the right to be forgotten. I think it's a really exciting and important idea. Actually, it came up through Congress a couple of years ago, a long time now ago, and so there has been interest, I think bipartisan interest, in this idea, and especially for kids. I actually think if the FTC tried to work with Congress to push something like this, for it to be in really good shape, there is... I'm an old person millennial, but any young millennials might remember this Phineas and Ferb PSA that used to run on the Disney Channel constantly. Phineas and Ferb are these cartoon characters. It was just a full PSA between cartoons, and it was all about how the internet is forever.

Dr. Meg Leta Jones:

It was like, "Be careful." Literally, the line is, "Be careful what you do online. The internet is forever and you don't know who's going to get this." I was like, "Don't tell children that. That's a horrifying way to grow up." I want us to stop telling kids that we have a bunch of parent survivors in here whose kids

thought that they were trapped in this reality. We have got to help them move beyond that content, that data, that bullying. Especially for kids, we have the tools and I think the political will to do it, especially because we've had a couple of other places leading the way and force that technical infrastructure into big tech platforms already.

Jake Denton:

I'll just add, the biggest pushback you always get is it's just not technically feasible or it's this huge burden, but Europe has already basically figured this out, so obviously, other people can do it. We can probably do it as well. Just to stress the urgency, we talked about this earlier on another panel, 10 hours a day on the device, that's so much data spread over the course of 18 years. You graduate, you have no idea what inferences have been made on that data, but you can't peer behind that box. You're not even posting, you're just scrolling through. They're making all these assumptions about the child, and then those will just follow them into adulthood. You never know where that's going to find you. Maybe it's when you're signing up for insurance or any of these other different things. It can just track you around, and so the right to just press delete and start clean as you become an adult is huge. It's something that we have to take very seriously.

Wes Hodges:

Yeah, I think there's an industry study that says that there are 72 million points of data on someone by the time they turn 13, so even with COPPA, even with everything that we have in place, the amount of data collected on the individual is insane, and something that is core to the right to forget is it matters that we own our data. Data is like currency, and we think that we should have property rights associated with it. That reflects our desire for data minimization in all of these bills and enforcements that we're talking about and making sure that only data is collected without consent... To collect data that is used for your product, and anything more than that, if it's even allowed, comes with strict consent requirements. But yeah, court's the right to forget is to just make a message to industry, to the country, to the people that are supplying this data, that this data is yours, you can take it back if you want.

Kate White:

Are there current legislative efforts that would include this provision or do we need to... Is that something you want to get started?

Wes Hodges:

Yeah, I don't work on right to forget directly. We are at the Heritage Foundation. We were big fans of APRA that was going through the House last year. Really, a lot of these legislative efforts that we've discussed today, including App Store Accountability Act, KOSA, et cetera, have stronger data minimization requirements within them. I would love to see a piece of legislation directly focused on right to forget.

Dr. Meg Leta Jones:

Yeah, I think there's a couple of state data protection laws that include minors. Minors are 13 to 17, so child is under 13, minors 13 to 17. It's kind of this new age group that they're trying to get at, and I think almost all of them include a right to delete your data on the backend.

Kate White:

We've heard a little bit about the TAKE IT DOWN Act, which, the full name, I always have to read. It's the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act. TAKE IT DOWN is... I'm so glad for that great acronym. Saying that is very difficult. But the law has two sections, the first criminalizes the non-contentual material and the second requires platforms to have notice and take down process. I wonder, Wes, if you could tell us a little bit about the TAKE IT DOWN Act and what its aims are.

Wes Hodges:

Yeah. It's a long overdue response to a pernicious form of exploitation online that is particularly egregious to children. Like you said, the first part is criminalizing the creation and sharing of non-consensual intimate images, and the second is the FTC-enforceable section, which is that notice and take down system for when images appear on platforms. To look at how this intersects with how most people would run into this law is nudify apps are probably the most disturbing example. These are AI tools, and I believe Dawn referenced this in the first panel, in her own experience having her children discover these, that these are AI tools that take innocent images, often scraped from social media, and generate fake nude or sexually explicit versions.

Wes Hodges:

They're proliferating to the point where children can easily come across them. They're marked in private Discord servers, and Telegram groups, and in corners of app stores that are in violation of terms of service. We have seen teens and predators using these apps to bully and extort minors, leading to all sort of harms for children, including suicide and sextortion, all from just using AI and a picture on social media. The FTC has a critical job with the TAKE IT DOWN Act, enforcing the take-down process swiftly and publicly, and naming non-compliant platforms, and ensuring that covered platforms or actually detecting and removing this content. The act is aimed at covered platforms. Yeah.

Kate White:

I had never heard of a nudify app before. Before, I was talking about TAKE IT DOWN, and then the 12-year-old in my house said, "Oh, yeah. I've heard of those," and then be like, "School people were talking about them," which is, again, horrifying. Again, the FTC is going to enforce the TAKE IT DOWN Act as a true priority, but is there anything that parents and families can do to start combating these or educational efforts that the FTC can assist with in the first instance?

Jake Denton:

I think one thing all parents should be doing is telling their kids to put their socials on private. I mean, if these images are just being pulled and put into a nudify app, an easy way to stop that is to limit the amount of images that are publicly available, and then again, you just have to scrutinize your child's presence on the platform in the first place. If this is just going to be part of the experience, maybe they should just opt out of that. It's important for parents to understand too, that includes their own posts of their child on their socials wherever the photo is. It doesn't necessarily have to just be on the kid's Instagram. It can be their Facebook and can turn into a nudified image. I think that is one of the most important things, just eliminate the unnecessary bloat on the internet of the child's footprint, get rid of those photos, and hopefully, they don't appear in one of these apps.

Wes Hodges:

In legislation, like the Kids Online Safety Act, which requires the highest level of privacy defaults for children, doing measures like that to make sure that the default is in the favor of the parents, that's an asymmetric relationship where it reduces, by default, the amount of data, images, that are getting out there with your kids, is some of the best things that we can hope for with legislation right now. In the broader scale, it is so hard, and you'll find every panel today talking about this on, well, do you just unplug? Do you just make sure your kids aren't on social media? Honestly, that's the case for my family, it's the case for a lot of our families, and it's something that I would encourage people to be courageous and find within their communities, because like Meg said earlier, there are families out there.

Wes Hodges:

There are parents and children out there that are willing to engage and have a flourishing life that isn't based online. But we are doing a job here in public policy for all Americans, and not every American is going to make those decisions and every family is different, so making sure that the defaults are as privacy- preserving or as privacy-heightened as possible is what I would recommend.

Dr. Meg Leta Jones:

I think also for nudification apps, the victims are just never to blame. Whether they're on social media, tons of this stuff is just taken at school. You can't prevent an image from you being collected and used if someone really wants to do that, and so one of the things that I've really learned from being with these parent survivors is how they were able to be a source for their child to go to, so knowing. That just becomes the norm, that people on nudify apps are victims, and if you are a victim of this, if one of my kids is a victim of this, that they come to me so then I can come to the FTC. They're not going to know that the TAKE IT DOWN Act exists and that there's two divisions. That can become my job. I can then fight on their behalf, but I can't do that if they feel shame around this or they feel like they've done something wrong.

Wes Hodges:

It is just so commendable that the Senate, that the Congress, came together to pass TAKE IT DOWN. I can't say what in effect it'll be moving forward. We bemoan how long it takes to get bills done. Just huge congratulations to the government.

Kate White:

Part of the TAKE IT DOWN Act is that once this content is out there, platforms must provide a mechanism by which people can say, "You have this content on your platform, you must take it down," and then they must take it down within a certain amount of time, and the FTC is going to enforce that. Jake, as our chief technology officer, can you tell us a little bit about what are some of the resources and tools that the FTC is going to need to lean on for this?

Jake Denton:

Yeah, there are two major ones that the chairman has said previously, being basically segregated servers. Put that information in a separate space away from all the other FTC data. It's very sensitive. We don't want it just stumbling across that stuff. One segregated data, it's a huge piece. The other is staff. Just not only because of volume, but because of the sensitivity of it, it's a very gruesome and tough job. Not everyone is cut out for that. You have to hire very specialized people, so we're going to need new staff.

Jake Denton:

I think just big picture too, we probably don't know the full scope of what this is going to take. We're very early on here. The volume of this, I think, is really going to be staggering. I don't think people are fully ready for how calm this is going to be. As one of the earlier panelists said, finding 12 nudify apps in five minutes, that's the reality. They're not being used at that volume, but they're out there. It's really tough to say where it's going to take us, but those two things are going to help a lot in the early days, and then we'll just have to be nimble and see where it takes us.

Kate White:

The volume is staggering to me, because I suppose, for the FTC, we'll see how many complaints we get and how often the platforms are not complying and not taking things down. But what's the volume you think that the platforms are actually going to be faced with of there's a lot of content out there that they're going to need to...

Jake Denton:

Yeah, it's tough to say. We don't necessarily even know its final form, where the stuff is going to live. Maybe it's not even on X, or Reddit, or these places. We have no idea where necessarily it might go, but it is going to be a serious problem on policing. I mean, you go to any of these platforms anyways, there's already pornographic content everywhere. It's pretty obvious that they're not policing it too closely, and so the real question is, in this case, where this is non-consensual, it's AI-generated, and we give them this option to report it and they have to take it down in an expeditious manner, how seriously are they going to take it? Will it just re-emerge later? Maybe slightly altered, whatever. Does it evade detection? We have to do this process over again? The platforms have to make it as easy as possible for the parents to get this thing off the platform as quick as possible. That is the ultimate desired end state and we'll just see what it takes for us to get there, but that is where we want to be.

Kate White:

Yep. It's a big task remaining before us, but I know we're really committed to playing our part. I know we're standing between everyone in lunch, but I wanted to give all of you panelists the opportunity to give some final thoughts on what the FTC can be doing to further parental rights and protect children and things you want us to have as our homework and our takeaway.

Dr. Meg Leta Jones:

I'll go first. Really helping, I have three main asks just based on this conversation that we had, helping parents with tech in schools, really getting after those app store readings that we know over the course of the day they are wrong, and deceptive, and messing with consumer choice, and then I would really like the FTC to consider parental controls as themselves deceptive. I keep thinking about how consumer protection agencies have gone after gyms. If you have to click five times to cancel your membership, it's like, well, there's 13 clicks and it doesn't even do what it's supposed to do, and so I wonder if even modeling those enforcements off of some of those other enforcements could be a couple of initial steps that they could take.

Kate White:

So parental control should be easy to find and actually work?

Dr. Meg Leta Jones:

I like that idea. Yeah.

Jake Denton:

Yeah. I think for me, just thematically, since starting at the FTC, it's about being as visible and accessible as possible to the parents. Just like the anecdote of the TAKE IT DOWN act, it's very sensitive. It's like uprooting the family's life. It's making things horrible. We need to be as present and available to help as possible, so making sure that when they send that email or they file that complaint, it doesn't get lost in a black hole. We actually-

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Jake Denton:

... when they send that email or they file that complaint, it just get lost in a black hole. We actually address it in expeditious and timely manner. For me, that's the, I think, the key. Treat this with the urgency it deserves and really step up to the plate for the families.

Kate White:

I do want to give a plug for our Consumer Sentinel where we do take complaints very seriously and it's very helpful to us. If people have concerns or problems they see in the marketplace, concerns of particular companies, that they bring it in because it is a useful resource for us and we absolutely appreciate the help.

Wes Hodges:

Yeah. And just to underscore some of my co-panelists' points, the consumer protection arm of the FTC has such formidable reach. It's a no-brainer that parental control should be in that midst. That if a company is advertising their controls as something that works, is easy to use, et cetera, and does everything in their power to make it as maliciously compliant as possible, even having perhaps even a department that is even informally called malicious compliance, that should be targeted, that should be addressed. We need to hold these platforms accountable to the terms that they're giving consumers.

Wes Hodges:

On top of that, when it comes to data owner, we should emphasize data ownership and interpretation of these regulations and legislations. Understand that data is owned by American citizens, by consumers.

Wes Hodges:

And finally, parents and so many leaders in Congress and the states want to give the FTC more authority to protect kids. You see, every day more and more creative solutions to addressing a lot of these existential problems we're facing with. And a common thread among most of them is FTC enforcement.

Wes Hodges:

My two cents is as some of these provisions are moving forward and enjoy the policy merits of so many of them, make sure that the agency is provided the resources to do what you're asking it to do. My exposure to the FTC is not much is wasted. And at the end of the day, the mission of the FTC is law

enforcement, not burdensome regulation. So make sure resources match what we are asking the FTC to do.

Kate White:

Well, thank you very much. I want to thank all of you so much for this great conversation and for the ideas and take-backs for the FTC. I want to thank all of you for being here today. I want to let you know that lunch is next. It's going to be outside. We'll reconvene at 1:00 PM. If you could be back here at 1:00. Thank you very much.

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Jon Schweppe:

All right. Welcome back everyone. For those still mingling outside the auditorium, please come find your seats. Thank you all for being here. Really quick, I just want to make sure that we thank the event staff at the FTC. Just a wonderful event. If we could give them a round of applause. So we're now moving on to the third panel. Is Age Verification the Future of the Internet? And that's an interesting question. Our panelists are Representative Laurie Schlegel, Terry Schilling, Melissa McKay, and Joseph Kohm, and let me go through their bios really quick. I should have printed this out. I'm going to use a cell phone, so I apologize for that. Representative Schlegel was elected to the Louisiana House of Representatives in 2021 and currently serves as chairwoman of the House Education Committee. A committed conservative Republican, she also has served on several influential committees, including ways and means, civil law, health, and Welfare, and labor.

Jon Schweppe:

Throughout her legislative career, Rep Schlegel has championed policies focused on education, literacy, mental health, crime prevention, and public safety. She's especially passionate about advancing laws that protect women and children. Her landmark 2022 age verification law, the first in nation law to protect minors from online pornography, also drove national attention with coverage in the New York Times, Politico, The Free Press, New York Magazine, the Federalist and National Review. This legislation has since been adopted in 23 states and continues to gain momentum nationwide. In addition to our public service representative, Schlegel is a licensed professional counselor and a certified sex-

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Jon Schweppe:

Representative Schlegel is a licensed professional counselor and a certified sex addiction therapist. She holds a Bachelor of Science in Psychology from Louisiana State University, graduating magna cum laude, and a Master of Arts in Marriage and Family Counseling from New Orleans Baptist Theological Seminary.

Jon Schweppe:

Terry Schilling serves as the President of American Principles Project, an advocacy organization focused on defending the family in both elections and legislation. Under his leadership, APP has become a leading voice in advancing age verification measures to protect minors online, positioning the group as a strong defender of family values. Schilling's commitment to safeguarding children from harmful online content is deeply personal. As a father of seven, he and his wife Katie, navigate the challenges of raising children in a digital age, which fuels his passion for ensuring that minors are shielded from inappropriate

material on social media and the web. Through strategic advocacy and legislative efforts, Terry Schilling and APP continue to champion policies that prioritize the wellbeing and safety of families across the nation.

Jon Schweppe:

Melissa McKay is a Utah mother of five and a nationally recognized expert in child safety, online harms, and legislative strategy. She played a central role in drafting and passing Utah's App Store Accountability Act, the first law in the world to hold app stores accountable for protecting young users through age verification and clear, accurate disclosure of app-related risks. She has also led multiple national online safety campaigns, authored congressional testimony and advised lawmakers across the country on effective policy design. Melissa has published numerous articles on online safety legislation and is the founding chair of the Digital Childhood Alliance, a coalition of more than 100 organizations committed to protecting children in digital spaces.

Jon Schweppe:

Joseph Kohm serves as the Director of Policy at Family Policy Alliance and Family Policy Alliance Foundation. In this role, he leads FPA's policy strategy, providing legal and legislative expertise to elected representatives working to enact pro-family laws across the country. Joseph has testified in many state government hearings and spoken at various events on these and other issues. He works closely with FPA's network of more than 40 state family policy councils to advance pro-family policy across the United States and the world. He also regularly hosts the House to Home podcast for FPAF to inform and educate thousands of listeners and viewers on family policy news.

Jon Schweppe:

So, very excited about this panel today, and we should definitely get into it, but I'm really most excited... I mean, I'm excited to have all of you. I'm sorry I don't want to... But really excited to have Representative Schlegel, who really was the kind of the OG on age verification. She got this going in Louisiana. And so Representative Schlegel, you were the first legislator in the nation to get one of these bills passed. You put the bill text together yourself, you researched it, so I wanted to have you walk us through that process. What made you take this issue on, and what were some of what you dealt with in Louisiana?

Laurie Schlegel:

Sure. First of all, I never thought I would be a legislator. I ran for office in 2021 in a special election and I won. By trade, as you heard in my biography, I'm a licensed professional counselor. I'm also a certified sex addiction therapist, so very familiar obviously, of how pornography harms children. Never thought out of the gate I would come and bring a bill like this, but it was six months into my term and I had just read an article around Billie Eilish having a conversation with Howard Stern and just sharing how she had been watching pornography since she was 11 years old and how it just truly affected her and sort of destroyed aspects of her life. I just thought of how brave that was for someone like her to have this conversation with Howard Stern nonetheless, and so I said, "You know what? I'm going to just look into it now because now I obviously have the power to do something about it."

Laurie Schlegel:

It was almost like a perfect storm coming together in a good way. So I knew that I had to figure out if the technology was available to protect privacy. Because no matter what big porn says in their disingenuous

arguments, I do care about privacy. And that was one thing I really wanted to make sure, that that technology was available. It just so happens that my husband is a state court judge, and we were just coming out of the pandemic, and in order to keep the courts open in the state of Louisiana, he was doing virtual hearings. But in order to be able to verify that the defendant before you is who they were because you were doing it virtually, they used our digital IDs to be able to do it remotely and to verify this was the person.

Laurie Schlegel:

So I got with LA Wallet, with the technologists who did it, and I said, "Is the technology available where you can do course age remotely and not give any identifying information?" He said, "Absolutely." I said, "Will you come testify under oath on behalf of that?" And he said, "Certainly." So I knew that I could protect people's privacy, the technology was available to do this. And then I wanted to do a lot of the work on the front end because I knew whatever was going to come when I actually filed this bill, if the body was united, that we would be able to confront it. So at the time, we had a Republican legislature, but we had a Democratic governor and he had just vetoed one of our bills, the Fairness In Women's Sports, so I knew this had to be bipartisan because I didn't want it to suffer vetoes fate.

Laurie Schlegel:

And so I was elected as vice chair of the women's caucus, and I'd become friends with the chair who I carried her Fairness In Women's Sports bill on the House floor, and I said, "Let's do a webinar with the legislature, and I'm going to bring in Dr. Gail Dines," who I was very familiar with with what I did as a CSAT. She's opposite of me politically. She calls herself a radical feminist. She's amazing. She's an expert in pornography. And we invited the Senate and we invited the House. I had male colleagues, female colleagues, Democrats, Republicans all come on and for her to share, because you have to know what our kids are really seeing to be able to grasp what the issue is.

Laurie Schlegel:

And so after that, I had Democrats reach out and they're like, "I'll do whatever it takes to help you with this." And so then I knew I had the body with me, and so now I have to draft legislation. I knew that obviously this was deemed unconstitutional with Reno and Ashcroft. I just so happened to have a friend who's a First Amendment lawyer, so we looked at these cases and then we realized in 2015, Louisiana had an age verification criminal law that got enjoined because it was very overbroad. A bookstore came and brought the lawsuit, and then it wasn't appealed. So I knew it had to be narrowly tailored. If you're familiar with the legislation, while we have a significant portion, so we try to make it as narrowly tailored as we could. And again, in drafting, looking at the past prior, and we formulated the age verification law.

Laurie Schlegel:

We had much success obviously. It didn't get on everybody's radar. So that was the summer of 2022 and it passed, but I gave the porn industry six months to actually implement it. So it wasn't until January 1st on New Year's Eve, I think there was a lawyer in New Orleans I guess went to go watch porn, and then the landing page came up and said, "Hey, there's a new law in Louisiana." And then so they tweeted, and then I think then the world became to know about the law.

Jon Schweppe:

Yeah, I just find it so impressive because, as we know, and for those in the room and watching online, Congress tried to act on this in the 1990s. They passed the Communications Decency Act and then later after the Supreme Court struck that down, they passed the Children's Online Protection Act. Ultimately, the Supreme Court said no on both. And so here we are 20 years, 25 years later, and largely legislators had basically accepted that this is the law of the land, this is the best we can do, realizing that it was harming kids. You pretty much said, "No, I'm going to take this on."

Laurie Schlegel:

I did. I feel like protecting our kids is worth it. I mean, peer-reviewed research conclusively shows how harmful it is. The ages just continues to drop of when you're exposed to online pornography, I think it's now between 10 and 12. And so this is just such a huge issue, and I think the technology is now caught up with some of the issues that were put into those court cases where it's now not on... If you go to the porn hubs website in our state, it says it takes less than one minute to do. So it takes less than one minute for an adult to have access to whatever pornography you want and then to obviously protect your child from going through it. So I'm hopeful that things will change.

Jon Schweppe:

Well, that's incredible. Terry Schilling, I know your organization was one of the early groups to focus on this issue. You suggested a number of solutions to protect kids online. In an important First Things Magazine article back in 2009, you actually talked about age verification back then too. But I want to ask you about the politics of the issue because that's probably your specialty. Is age verification popular?

Terry:

Well, thank you, John, and thank you Rep Schlegel. You are a true hero, and I don't think you realize the firestorm that you set off. We're up to 23 states now, and actually there's a chance we can get three more done this year. So I think over half of America's kids are going to be protected because of your bravery and courage and willingness to buck the system.

Terry:

But John, your question about how popular age verification is, it's exceptionally popular. Age verification is one of the very few issues that we have today that is both authentically and completely bipartisan. What I mean by completely and authentically is there's multiple dimensions in today's politics. It's gotten very complicated, especially with the culture war. You have several issues that are 80/20, 90/10, where there are huge gaps in support for the more conservative position that would lead to more protection for families and children. But the politicians and the political class, the legislative class, are not behind it in one part or the other.

Terry:

On age verification though, you have a very powerful combination of broad public support amongst Democrats and Republicans, but also you have the support of the political class. What we've seen with Representative Schlegel in Louisiana is the first state in the country that signed this into law was a Democrat governor. We've seen this not just there, but wide bipartisan majorities in both chambers all across the country, specifically in Texas. In Virginia, for example, there were only three representatives in both chambers who voted against age verification. That law was signed by Republican Glenn Youngkin.

Terry:

At American Principles Project, we think it's kind of foolish and stupid even to try to pass legislation that's unpopular with the American people. We believe in the founders' vision for our country that the people should be in charge. But just recently, in May this year, there was a poll that came out that asked a question, "Some states deny access to pornography websites to people who haven't verified they're adults by uploading a copy of their government issued ID. Would you support or oppose your state requiring age verification to access online pornography?" That question had a 36% gap between those that support it and those that oppose it. 57% of those polled in this support it versus only 21% opposing it.

Terry:

That is an enormous gap. That's an enormous margin. You don't see that very often. You don't see that when you're talking about budget cuts or even getting rid of waste, fraud and abuse these days because those have become so partisan. But on the issue of protecting minors online from pornographic content, the gaps are so large and it's so bipartisan, it's so popular. There's really no reason why we shouldn't eventually get some sort of nationwide age verification legislation passe. And I'm very optimistic and hopeful that we'll get that very soon.

Jon Schweppe:

Yeah, that's an impressive number, especially when you're talking about government IDs, which I think probably provoke the most natural opposition. I know our friend Iain Corby with the Age Verification Providers Association's here, and he could tell you there's lots of different ways to do age verification now. Well, Joseph, I want to move on to you. Joseph, you've at Family Policy Alliance, worked with your partners in the states to enact these laws, had a significant hand in these bills. Why did you guys take on this fight? What were some of the objections you ran into, and who are the opponents?

Joseph:

Yeah, thanks, John, and thanks to you, the FTC, the chairman for hosting this event and making us a part of it. This has been a great day so far. To your question, so you mentioned the wave of state laws. We've had 23, maybe we'll have 26 by the end of this session. That's what FPA is capable of through the network of state family policy councils that you heard John mention in my bio. There's about 40 of them. It's through that network and then the way FPA is able to facilitate national ally collaboration with them, two of those allies flank me right now, that's what we're capable of, is this wave of state laws on behalf of families and vulnerable kids. And we have a track record of doing this with other issue areas as well. This is the next thing. We're hoping to keep it going as you'll hear with the App Store Accountability Act pretty soon.

Joseph:

But so we got into this though because FPA believes that it is the parent's fundamental right to direct the upbringing of their children. That includes in the real world and online, and it especially includes when and how they learn about sexual intimacy and romance. What we learned through the research as we dug into this issue at the behest of our dear friend who was on an earlier panel, Michael Toscano with IFS, he pushed us to really look into this and to leverage our network behind it.

Joseph:

So we found that parents didn't have the tools to exercise that right anymore in a digital age. They could not protect their kids from pornography. And the research further showed us that kids really are learning about sex through pornography primarily more than anything else, more than sex ed, definitely more than church, through family. They're learning about it through pornography, and the parents don't know about it, they definitely can't consent to it, and it's happening way too young. The average age of first exposure is between seven and 11 years old, which is obviously horrifying.

Joseph:

So we saw this as we had to step into this gap, and Representative Schlegel gave us just this great model of using this incredible new technology that could actually be effective in protecting kids. So it started as a parental rights issue, and now as we've gotten into it, we've realized it really impacts pretty much every other area FPA works on in terms of issues. We call it a pro-family issue portfolio. And it really impacts all of those things because, for example, if kids are learning about sex from pornography, as the research shows, they're ending up not having very happy or satisfying sex lives, and often they're more dangerous. It leads to less marriage rates, it leads to higher divorce rates, domestic violence issues, more unplanned pregnancies, all the things we want to try to prevent and help create flourishing families in America.

Joseph:

And so we figured by working on this one issue, it's amazing the reach it has into every aspect of family life and kids' lives. We're just really thankful we've been able to do that. So that's where it stems from for us. We can talk more about those social impacts later. But John, you asked about objections, so I'll just talk about those for a few minutes.

Joseph:

It may sound surprising people oppose this. Well, they do. It is encouraging that so many people are on board with us, like Terry talked about how bipartisan this is. That is so encouraging. It's the most bipartisan thing I've worked on yet. But the objections are striking where they occur, and they need to be dealt with correctly. So the primary objections are some many of you can think of pretty easily: kids aren't seeing this, parents just need to parent better. We've kind of dismantled those already today. And then the big one is it's a free speech violation. This is a violation of American's free speech rights. I know we're going to talk about the Paxton case a little bit later, so I'll save that. But we don't think it is. We're quite confident in these laws and their constitutionality.

Joseph:

The big objection that I wanted to focus on though comes from the most nefarious actors because you asked about opponents too, who's opposing this, really, it is obviously the pornography industry, and we'll talk about big tech too. But the pornography industry is part larger of the overall sex industry, which includes prostitution, sex trafficking. They're all one and the same. They are the biggest objector to this under the guise of free speech champions. Frankly, I'm going to be very honest here, they're some of the most nefarious actors on this planet. They profit off of lies, off of misery, off of violence and off addiction. That's who opposes this. They believe it is an affirmative moral good that kids should be able to have access to pornography without their parents' knowledge or consent, which is why they have refused to collaborate with I think all but one of these state laws.

Joseph:

So that's who our big opponent is, and that is the main line they take, whether explicitly or not. They know how dependent they are on underage consumers. And that's what at the heart of this. It's not about free speech. It's about a business model built on taking advantage of kids without parental consent and leaving them broken. So that's where we stand and that's where we find it most often.

Jon Schweppe:

Interesting. Melissa McKay, one of my favorite advocates, I'm really glad that you could make it. You took a different approach to the website level age verification laws we've been talking about. You recognize that kids today are accessing harmful content not just through web browsers, but also through apps like Reddit and Discord. And so I know you worked with a mutual friend, a dear friend of ours, Joel Thayer with the Digital Progress Institute, to develop this idea of app store level age verification. And now congratulations to you, it's passed in two states. So can you talk about your process and also what gave you the idea to do this?

Katie Britt:

Sure. Thanks so much. Thanks for having us. And that lunch was delicious, can I just say that? Thank you, FTC. So the App Store Accountability Act was the end point in a 10-year advocacy journey for me and three separate really important realizations about gaps that existed in child safety. The first one I realized it was back in 2017, 2018, I realized that app age readings weren't accurate. I think as parents we're used to movies or video games where we can trust those ratings. They're rated by third-party groups where, well, apps are rated by the developers themselves. There is a perverse incentive for them to under-represent risks on their apps, because if TikTok is rated 12+, parents are more likely to say yes and they're going to get more business.

Katie Britt:

So back in 2018, I'd read an article on Forbes that had said there was porn on Instagram. I had an Instagram account, I hadn't seen it. But at the time, my church and my kids' schools were asking the kids to get on Instagram. And so I was like, "Well, that's a huge problem if true." So I remember I opened my phone, I opened Instagram, I searched what I thought was a benign term, I think it was a girl, and I hit the top hashtag and it was porn. As a highly religious mom, I panicked. I just thought, "How do I warn the world? How do I warn the schools and the churches?" And so I started kind of with this education campaign, and I just realized it was never enough and that the onus of warning families and children should be on the tech companies.

Katie Britt:

The way that they have historically done that is through ratings. And if they're giving parents and children inaccurate information, it's basically deceptive advertising. And it's not just Instagram. At the time I downloaded Snapchat, I downloaded X. I was preparing a congressional testimony at the time for Mike Lee, and so I actually posed as a child on these platforms for about six months. And the stuff that I saw was so horrifying and what kids were going through on apps that were rated for 12 year olds. So first realization was that the app age ratings were not accurate.

Katie Britt:

Second realization was that the parental controls are kind of a myth. Those of us who have been in advocacy for a long time realize it's more of a big tech talking point than it is an actual safety net. So on the Apple parental controls, which 90% of kids who have phones have an iPhone, it takes about 20 steps

to set up the parental controls. And even if you're a parent who's highly invested and can get that far, if the age ratings aren't accurate, then that's a huge crater in the middle of if they're even effective.

Katie Britt:

And so we had started a movement, first, fix app ratings, second, default to safety, trying to fix these things. After I'd finished those two things, I realized that the third and biggest problem was that these platforms are treating kids like adults. At age 13, kids can unilaterally remove themselves from parent supervision on any Google platform, and on an Apple platform, they no longer notify the parent or the child to complete the steps to connect each other. And so a lot of parents just don't. It's not because they don't care. It's just very difficult to get through the 20 steps.

Katie Britt:

And so I started asking people, "Why do they think that 13 year olds are adults?" and people kept saying, "Oh, it's COPPA." I'm like, "The 25-year-old lost as the kids can enter into contracts, that they can get out of parent's supervision." And COPPA doesn't say that. Spoiler. And so just for fun, I printed off the terms of service that kids have to sign when they sign up for an Apple account. So this is it, 65 pages, about 30,000 words, and it begins with the sentence, "These terms and conditions create a contract between you and Apple."

Katie Britt:

So at that point, I had these three pieces in my mind: parental controls, app readings, contract, and kind of along with contract comes age verification. Because if you need to know who can enter into a contract, you have to know who is an adult and who is a child. And so I found people who are way smarter than me. Most of them are here today. Claire Morrell, amazing Michael Toscano, and Joel Thayer helped me take all of these ideas and actually turn it into a piece of legislation, which is the App Store Accountability Act.

Katie Britt:

That passed this year in Utah unanimously... or near unanimously, it was like 97%, and in Texas near unanimously. We started it in a bunch of states, but the firestorm against this law... I've been in advocacy for 10 years, I've worked on probably six different laws. I have never seen anything like this in my life. Apple and Google have gone... I don't know if you guys read that Tim Cook actually called the governor of Texas, asked him to veto the bill. They're hiring dozens of lobbyists in every state. We've said in other panels, when there's a lot of opposition, you know that you're over the mark. So anyway, that's my story.

Jon Schweppe:

Now, Melissa, I think this approach is so fascinating because at the 30,000-foot level, really what we're just talking about is parental rights. And this has been a issue that has dominated our politics throughout this decade. Fundamentally, as you said, app stores allow minors to enter binding contracts, including terms of service, 30,000 words of legalese as if a seven-year-old could possibly comprehend that, data sharing, financial agreements all without parental consent. So when you're arguing for this bill, I mean isn't this fundamentally shouldn't these companies be required to verify age and obtain consent before any of that happens?

Katie Britt:

Yeah, absolutely. Why not? I mean, when you think about it, like you said, it's contract law and transparency. We don't allow kids to enter into contracts anywhere else. If they're at a bank and they want a credit card, you'd better believe that it's the bank that's verifying the kid's age or title company. So yeah, it just makes perfect sense. And when people understand it, when they get beyond the tech talking points, which is this is a privacy issue or whatever, it just makes so much sense.

Jon Schweppe:

Interesting. So I'm going to go to Terry on this. Are these two approaches in opposition to each other? I mean, are you and Melissa fighting? Is this uncomfortable or are you guys...

Terry:

No, I love Melissa and I love what she's doing. We very much support age verification for apps, but also content. I think it's important to break this down. So the app store age verification legislation, what it does is it essentially covers contractual consent and parental notification while website age verification regulates content. So it's a both and. This is not an either or.

Terry:

And also, I want to point out something because there's this big misconception when you're working on legislation in the policy world, you get more than one bite at the apple, right? It's not you do app store age verification. Well, you still got to do website age verification. You can't stop at either one. And by the way, if we ended up getting nationwide age verification for websites, I'm shifting our entire online team to doing the app store age verification so we get that. This is a both and, it's not an either or. We're all working together, and both things are incredibly important. And so I guess that's a briefer answer, but I think it gets to the point.

Jon Schweppe:

Representative Schlegel, I believe in Louisiana, were you the sponsor of the app store?

Laurie Schlegel:

No, my colleague Rep Carver is.

Jon Schweppe:

That's right.

Laurie Schlegel:

But yeah, but we work together and we very much think they're very complimentary.

Jon Schweppe:

Very cool. Very cool. Melissa, I wanted to touch on this because you mentioned or you hinted at Apple and Google raising a panic, I suppose, in the state capitals you are in. So obviously we know 90% of teens use a smartphone, almost all apps are downloaded through Apple and Google. Very powerful gatekeepers to child safety online. How specifically are Apple and Google responding? I mean, have they been working with you in good faith? Have they been working to amend these bills in a way that could possibly work?

Katie Britt:

Yeah. So they come in and they gut them. So every single state, because I helped write the bill and I ran it all the way through Utah, every amendment or substitute bill ends up in my email somehow. It is so demoralizing to see what Apple's trying to do to this bill. They're like, "Oh, let's see, you have age verification, we're going to bump that down to estimation. You want this so that all the developers have to have the age signal so they know whether it's a child or an adult, so they can apply COPPA? We're going to make it so parents get to decide if they send the age signal. And we know that less than 1% of parents actually use an app parental control. So they basically take every safety provision that we've put in there and completely defang it, neuter it. So it's really frustrating that a company that made, I think, it was 40 billion last year on app stores, feels like child safety is such a low priority.

Jon Schweppe:

Joseph, I want to go to you. 23 states have passed website age verification. Two states have done app store level age verification. That leaves some states out of it, right? And so what about at the federal level, do we need a federal law? And what are some of the federal laws being considered?

Joseph:

Yes, we absolutely do. I do want to emphasize though we're not going to stop at 23 or 26 states. FPA believes that every state needs both an age verification bill for pornography and an App Store Accountability Act. Every single state needs it no matter what the federal government does. But yes, the federal government does need to act on both of these. There's some good bills available here. There's the federal ASAA. We had The TAKE IT DOWN Act passed last week, which was so encouraging, particularly for how bipartisan it was. Because what that allows me to, I think very correctly, say after the fact is things like the Federal App Store Accountability Act and some of the other options available, like Senator Lee has a federal age verification for pornography bill, those are at least as intuitive as the TAKE IT DOWN Act at least, and should be just as bipartisan.

Joseph:

So when actors who didn't oppose TAKE IT DOWN start coming up and opposing these, we have to be willing to poke and prod and figure out, okay, what's different about this? Because these objectives are all clearly interrelated and they're easily intuitive. So why are you opposing this one, not the other? I think that exposes, at least in the big tech side, some of big techs double-dealing. Melissa is an amazing advocate and we're so happy to partner and work with her. She's also very modest, and I can tell you just watching how she's had to fight off these big tech lobbyists, it gets really devious. She's a hero for dealing with it. But no, that's revealing of their dirty dealing, I would say. These are not honest actors.

Jon Schweppe:

I guess I'll ask all of you this question, but what are some of the bills that are floating around right now that are being considered in Congress?

Joseph:

Well, I mentioned the Federal App Store Accountability Act, which we need. Then there's Senator Lee's age verification for pornography law. A lot of people talked about KOSA here, which I think does have the capabilities of being a real game changer for parents. There are a couple of textual tweaks we at FPA would like to see. But other than that, I think it has the possibilities of being an absolute game changer. So I'll at least mention those three if anybody wants to add others.

Terry:

I'll just bring up Greg Steube's CASET Act. In the Communications Decency Act, there's obviously Section 230. This is meant to get websites and anything that hosts content some immunity. But CASET Act would take away that 230 protections that we offer for pornographic websites that are not using safeguards to protect our children. That's another piece of legislation in addition to everything that Joseph mentioned that we're supporting.

Laurie Schlegel:

I can speak on the state level. So Melissa's correct, big tech has descended upon our state, because between Rep Carver's bill with the app store, and then I also filed a bill and with a shout-out to Claire and Michael after talking with them on contracting, because that is a state issue in our state, kids under the age of 18 do not have the capacity to contract, but yet they're doing it every day without parental consent. And so I made the next iteration, which is HB37, which is the Kids' Online Protection and Anti-Grooming Act. It's in the vein of KOSA, but a lot more pared down where it's a duty of care. If you contract with a minor or you let them open up account that you have to have default settings that can only be changed by a parent. That default settings, an adult, if they want to contact with a child, has to have parental approval. You can't share geolocation of a child. An adult cannot private message a child. And then, which was the big thing, big tech was able to water it down just a little bit, making it an opt-in, but where parents can be notified if their child is exposed to sexual explicit material on social media. And then if someone tries to connect.

Laurie Schlegel:

So in our state, one of our DAs, DA Sims, on the North Shore, there was a 10-year-old boy, he connected with an adult on an online video game who lived in New Hampshire. He was a truck driver. He came to our state. He sexually assaulted this child. They just prosecuted him. So while we're also talking about social media, we should also be talking about video games. I know a lot of the social media bills exclude video games, but now they have the social media capacity too where there's chatting, and that's where our youngest of children are at. And that's where these groups are now targeting these kids. I think we need to also be looking at that. Hopefully, the bill just passed the Senate. I was able to survive. Big tech had, I think, every social media and video games executives coming, talking to our senators to try to amend my bill right now on the floor. Actually, it should be happening right now. My colleague is going to be concurring the amendments and hopefully sending the bill off to the governor.

Jon Schweppe:

Well, thank you for doing that. Again, I think when Representative Schlegel introduces legislation, you should pay attention because they tend to go pretty big. We'll be having more on the question of screens and video games in our next panel, so very excited for that. But Joseph, I think it's time to talk about the elephant in the room. Okay? Are these laws even constitutional? I mean, I can hear the mean tweets online from here. So let's talk briefly about Paxton v. Free Speech-

PART 8 OF 13 ENDS [04:24:04]

Jon Schweppe:

So let's talk briefly about Paxton v. Free Speech Coalition. We heard oral arguments earlier this year. I believe you and I got to enjoy that out in the six degree weather. What should we expect? Are these laws going to once again be struck down by the Supreme Court?

Joseph:

Hopefully not. I think they're eminently constitutional. In fact, I think that's what's been such a beacon of hope for Representative Schlegel's innovation is that, for generations really, right-minded people in America have been looking for something to push back against the malign influence of both pornography and technology as both have become ubiquitous in our society. We've been looking for some way to push back against that influence and just come up short every time. We just had nothing. And Representative Schlegel's innovation with this bill and with the technology itself gives us that hope that maybe we finally found a tool that can really make a difference here. And I think it's also a constitutional tool, the way it's been applied here. So I find the Fifth Circuit ruling, currently the controlling ruling in the Paxton case, to be really unassailable in its logic.

Joseph:

It basically simply says that online age verification is the digital equivalent of in-person age verification, which part of the Supreme Court's presence on this issue is that it is perfectly constitutional to if you were to walk into a bookstore and want to buy a pornographic printout, you can verify the age of the purchaser, like what we do with drugs or alcohol when you buy them in store. Sorry, not drugs, I meant tobacco. But that's perfectly constitutional when it comes to pornography. It's been in the court's precedent. The Fifth Circuit leaned on that and made this the digital equivalent of it or agreed that this is the digital equivalent of that. I think that's unassailable because, at the end of the day, digital age verification is even less onerous than in-person age verification, so you can't say this is a serious burden on adults' right of access. And I think the Paxton ruling fits right into this precedent, and I think the court's going to agree.

Joseph:

Now, fingers crossed, tomorrow morning, they don't rebuke everything I just said, because tomorrow's an opinion day and some of us will be watching the court. But, John, I also just want to briefly address the even bigger elephant in the room that has been around for so long and so many people have profited off it that now we don't even notice it anymore, and that's this idea that people have a First Amendment right to access pornography. So I like to think of myself as an originalist when it comes to jurisprudence, and there's no one that could tell me with any seriousness that the founders, when they were writing the First Amendment, had in mind pornography access for adults. There's just no way that was in their mind. It was definitely not what they intended. So I'm part of a small but growing group of people who think that those cases that established that precedent were wrongly decided.

Joseph:

And I'm just at the beginning stage of doing some research into how we might be able to chip away at their efficacy and the precedent that they set because it's clearly a danger, a clear and present danger to Americans of every age. Pornography is so ubiquitous, it's the most socially acceptable addiction there is, and that makes it arguably the most dangerous. The difference is we know from brain scans that it's as bad for you as heroin is. The difference is you don't have a First Amendment right to access heroin. So now that we know what we know about how harmful pornography is, it's indisputable. Now, the Supreme Court's got to circle the square here. They've got to figure out how they balance at least our notions of First Amendment rights with a government's most basic, most essential duty, which is to protect its citizens. The victims of the pornography industry are crying out for them to revisit this precedent and figure it out, and I think we're going to begin to see that if Paxton goes well. So, again, fingers crossed for tomorrow morning.

Jon Schweppe:

Representative Schlegel, I think one of the things that was so unique about your bill and ultimately the Texas bill is the bill at the Supreme Court, but very, very similar, some differences on the methods of age verification, but you wrote the bill in a way that would satisfy strict scrutiny, or potentially satisfy strict scrutiny. And interestingly, from oral arguments, it almost seemed like the court wasn't necessarily requiring strict scrutiny. So obviously this is something you researched for years building up to this, that was a big moment because that was what you were leading up to with the bill, so what did you think about how they were interpreting all that?

Laurie Schlegel:

It was an honor to be at oral arguments and then obviously hearing the justices talk about a bill you drafted in your living room, but what was awesome is that I feel like they grasped two things that I don't think the district court grasped in Texas, where he compared pornography to 70s rated our movies. I'm like, "That is not what our kids are seeing." And AG Paxton did a great job in his brief really, it was pretty explicit, laying out what our kids are seeing, because, I always say, "This is not your daddy's Playboy what they're seeing." And I thought they grasped two things, what our kids are seeing, we have a compelling interest to obviously protect them. Even Justice Kagan I think called it smut, which I was just caught off there, and then also filters have failed. And that's what all of the past Supreme Court, it can't be unduly burdensome if there's another effective way, and it's not the least effective way, filters.

Laurie Schlegel:

And even where I think it was Justice Barrett was challenging the lawyer and the lawyer's like, "Well, even the Supreme Court has filters." And she's like, "Yeah, well, we have an IT department." All the devices that kids could be on, justice Alito said a 15-year-old is more tech-savvy than an adult, and so I just feel like, I'm hoping, they've recognized that technology has changed, and I think because of that, the situation's changed. And then of course it's we tried to narrowly tailor it to where it wasn't going to capture other things like bookstores and whatnot. So fingers crossed.

Jon Schweppe:

Yeah, I certainly thought that was significant to see how the oral arguments went with regard to filters given Justice Kennedy's opinion in Ashcroft II is basically relying on filters as the justification for that. Terry, we hope the Supreme Court rules our way. First, let's talk about it as if they do and then we'll talk about if they don't. But if the Supreme Court rules the way Joseph thinks they might, there could be another option on the table, I know you've written about this, Congress passed the Child Online Protection Act back in 1998 and the Supreme Court struck it down. Could COPA potentially be enforceable again or are we going to need new legislation?

Terry:

Well, thanks John. I will get to that, but I just want to go off real quick on, Joseph said this earlier, about the arguments we get where they say, "Well, parents just need to parent better," they need to watch porn better and in a more safe manner. Parents need all the help they can get. And I'm not saying that as the father of seven, I need as much help as I can get, but even if you only have two or three kids and you're trying to protect your kids online from porn, the reality is the filter system that we currently have as a status quo is not working. The average age of first exposure to porn is between seven and 11 years old. It's really tough to actually get that accurate number, but we know it's too low. So we have to do

something, we have to change the system, and the onus can't just be on the people that aren't profiting off of pornography, that aren't using the pornographic system.

Terry:

If you're using this system, you should be the one responsible for providing the safeguards for everyone else that doesn't want to participate in it. So thank you for letting me rant. In the Ashcroft decision in 2004, the Supreme Court enjoined COPA specifically ruling that age verification did not meet the least restrictive means standard for our constitutionality. So essentially, as a non-lawyer, full disclosure, my theory is that if the Supreme Court upholds age verification in this Free Speech Coalition versus Paxton case, that the federal government could absolutely revive the age verification standards passed in the Child Online Protection Act. I don't see how we won't have that. Age verification will now be ruled by the highest court in the land as constitutional.

Terry:

And I feel very strongly that if they do uphold age verification as constitutional now for the states, not only should, we must do nationwide age verification to protect as many children as possible. Joseph said it earlier, we can't stop at 23 states, we can't even stop at 26 states if we get that here. Every child, not just in America, but every child in the world should be protected from pornography. It is a basic human right to be protected from unwanted and unnecessary sexual advances for all of us, not just children, but especially from the porn industry.

Jon Schweppe:

Melissa, you've been following this case as well, obviously. How do you think the Paxton v. Free Speech Coalition ruling might impact your efforts to do app store-level age verification?

Melissa:

Well, I think if it's a favorable ruling, it helps us, because I think that age verification just becomes more widely accepted now that it's the law of the land. I think that if it is an unfavorable ruling, it doesn't affect us very much because the App Store Accountability Act is not a content-based bill. It's based on contract law that's I don't know how many decades old, and truth and advertising mostly. So I think either way we're okay. Obviously we hope for a favorable ruling.

Jon Schweppe:

Yeah. And, Joseph, I'm putting you on the spot, we didn't prep on this. I'm sorry, but if the ruling does go against us, I wonder if the conduct approach of App Store would still be satisfactory or if there's another approach we might need to take?

Joseph:

No. I think regardless of the constitutionality of age verification software and its use in this sense, that does not deal with the contract law problem that Melissa and her team have so well highlighted. Whether you can verify age or not according to the Constitution doesn't change the fact that these big tech companies are getting kids to enter into contracts with them. That is illegal, and that problem is not going to go away just because the Supreme Court says, "This is not the way to fix it."

Joseph:

There are clearly going to be other ways to fix it, which I think helps us with this broader question too, is besides just underage access, there's a lot of other dirty dealing and criminal activity going on here, and it flies under the radar because it has its powerful hands in a lot of different places, it has friends in a lot of high places. There's a lot to be dug into here. You don't have to dig very far to find some of that criminality. I think that might be another option. You just need elected people, frankly, who have the will to explore that, to open up that box.

Jon Schweppe:

Thank you for that, Joseph. One more question for you now. What about other potential bills with regards to social media? So I know we just found out yesterday, I think, that Florida, that their bill was enjoined. Do you think that this ruling could have an impact on things like that, like COSA?

Joseph:

What Terry and Melissa both said is hopefully what we're going to get from the court is a ruling that not only constitutionalizes this particular law and the way it works, but specifically, at least implicitly, authorizes age verification technology itself to be used by the state for these very reasonable ends for what the state exists to do, protect vulnerable people. So we're hoping for a ring endorsement of the technology. If that happens, I think it really eliminates a lot of the arguments against these other applications of it like in app stores or on social media. The social media bill might be a little bit more tricky, but, again, like it's indisputable that pornography is harmful to people, it is also indisputable that social media is harmful to kids. There's a mountain of data for that. So that means the state has an onus to do what it can to help protect kids from that.

Joseph:

I think we supported that bill in Florida and we think it's going to turn out as good law. If it's not, I think that's another problem that's not going to go away. You have kids who are just being profoundly harmed by social media and its intentionally addictive qualities geared specifically towards their young minds. So that has to be addressed. Hopefully, a good Paxton ruling will give a lot of weight to the state of Florida in defending this law, because we've got other states that have passed age verification for social media. Nebraska has done that just this year. It did a great job with it. So I'm hoping this will set them up well for success as well. But even if it doesn't, like I said, it's a problem that's not going away, John. I think we all recognize that. So this is a movement that we have here, and with a lot of you in this room, that's not going to stop here.

Joseph:

Even if we get a bad ruling in Paxton tomorrow, we're not just going to give up. We've all been profoundly impacted by this, many of you have kids who've been impacted by this. You can't ignore this. You can't stop and you can't go away. This is a tidal wave of movement. And just one step back at the Supreme Court isn't going to foil us. I've been in other movements where we had set back after set back from the Supreme Court, and then we finally won. So if we lose tomorrow or before June, okay, we'll go back to the drawing board, but we're not going away, because the problem is too great and the price is too high. Our kids' safety is too high a price to pay. So we're not going anywhere.

Jon Schweppe:

I think that's pretty well said, Joseph. So I want to thank the panelists for coming today. Two of you traveled pretty far to be here, so I really appreciate that. Obviously, there's a lot of momentum on this

issue, and at the FTC we want continue to... The chairman mentioned that we're looking at the tools we have in our toolbox, and then where we can help lawmakers and policymakers in finding new tools, we definitely want to be of help there. So we're going to go ahead and break, folks. Go ahead and grab some refreshments outside and we'll meet back here at 02:15.

PART 9 OF 13 ENDS [04:57:04]

Jon Schweppe:

Welcome back everyone. If everyone could find their seats. I would like to introduce Commissioner Melissa Holyoke.

Comissioner Melissa Holyoke:

Appreciate it. Thank you so much. So happy to be here with everyone. Thank you so much. Good afternoon. First of all, I want to say thank you to the chairman, to Chairman Ferguson for spearheading this. These issues are so important and I'm so grateful that he is prioritizing these issues. It's so fantastic. Thank you, especially also to the First Lady for her statement to Senator Blackburn for her comments earlier and to Senator Britt for her upcoming remarks. So we're excited to hear those. And then I should also thank you all to the panelists that have come and for preparing those remarks. I do want to start and say the comments I make today are my own. They do not necessarily represent those of the commission or any other commissioner, but both as an FTC commissioner and as a mother of four teens/tweens, I strongly share the view of today's other participants that protecting children's and teens from harm in the attention economy is just one of the most important consumer protection issues of our day.

Comissioner Melissa Holyoke:

As today's first panel discussed, children and teens face a myriad of risks when they go online, including cyberbullying, inappropriate content, sexual grooming, sextortion and scams, as well as risks to their privacy. I want to thank Maureen Mollack. I don't know if she's here still for her powerful remarks regarding cyberbullying, and I know that there are also a lot of parents here who have endured just truly horrific online ordeals. These risks exist across a full array of apps and online services that children and teens are using from social media to video games and beyond that. Parental and family involvement is critically important as the first line of defense. Parents and families know their kids best. They understand better than any company how much supervision their own kids need. I'll give you an example. One time my thirteen-year-old son and his friends decided to try these extra spicy chips.

Comissioner Melissa Holyoke:

You may have heard of the one chip challenge, but they decided that they would call these spicy things drugs. And so my son texted on a group chat to his friends, "Hey, do you want to do some drugs tonight?" Unfortunately, for my son, he was actually texting his friend's mom, which set off a frenzy of very concerned parents. But this is just one many examples that have taught me and my husband that we really need to supervise our son very, very carefully. And so it might feel like the Shawshank Redemption for my son, but fortunately for him, he has about five years left on his sentence.

Comissioner Melissa Holyoke:

But what's important is when we're doing this, when we have this co-supervision, that we have meaningful choices when we're supervising and parents deserve meaningful choices when they're

providing supervision for their kids online. One way online services can provide those choices is by offering effective parental controls. So clear, easy to find, easy to use parental controls can be a boon to parents, but as panelists discussed earlier, parental controls are often really difficult to find. They can be difficult to use. More importantly, and as I have experienced, children can circumvent them easily or they just don't perform as promised and do not empower parents to protect their kids. In fact, they have potential to do just the opposite of that. And that is giving parents the illusion of control so they feel like their kids are protected while virtually ensuring that parents cannot actually stop the flow of their children's attention and personal information.

Comissioner Melissa Holyoke:

Surveys consistently show that the usage rates for parental controls are low. And this is so fascinating to me, and I think we can and we need to do more to understand the reasons for these low usage rates, but I think we already know some of the reasons. The reality, as I've discussed, is that they're often difficult to find or difficult to navigate. And already overburdened parents who are usually being taught how to use the device by their children are likely just to give up. So default settings that promote online safety can complement parental controls and really reduce these burdens on parents setting. Defaults with an eye toward the children and teens that use an online service with users that they know are children will not unduly interfere with user experience. So for example, parents should not need to set a control to avoid their children being put in communication with strangers. It would not require changes in the law for companies to act now to protect kids. These settings should be the default, period. While parents and families are the first line of defense. We at the FTC also play a critical role in protecting children and teens in the attention economy, and I'm committed to fully using the tools Congress has provided us. First and foremost, the FTC must continue to vigorously enforce applicable laws including the Children's Online Privacy Protection Act and Section 5 of the FTC Act. A good example of this work is the FTC's Enforcement action against Epic Games regarding the popular video game Fortnite, which the FTC alleged was directed to children and teens. The FTC's complaint alleged that Epic launched Fortnite with no parental controls and that the company's leadership resisted employees calls to avoid putting children in teens in real-time contact with strangers through on by default chat communication lines.

Comissioner Melissa Holyoke:

In the face of Epic's inaction, children and teens who played Fortnite allegedly experienced the types of harms that panelists discussed this morning, including bullying, harassment, and exposure to dangerous issues such as self-harm and his suicide. The FTC alleged that Epic's practices violated COPPA and section five of the FTC Act and obtained a settlement that required Epic to adopt strong privacy default settings for children and teens, ensuring that voice and text communications are turned off by default. As Chairman Ferguson mentioned this morning, the FTC recently brought an action with the Los Angeles District Attorney's office to shut down an anonymous online messaging app that the defendants marketed as using artificial intelligence to create a "safe space for teens." We alleged that the app was instead rife with cyber bullying, and rather than using AI to filter out harmful messages, defendants themselves sent fake provocative messages like I know what you did to prey on children and teens insecurities. They tried to lure kids into burying defendant's subscription product.

Comissioner Melissa Holyoke:

We alleged that defendants violated COPPA Section five of the FTC Act and the Restore Shoppers Online Confidence Act. The resulting settlement order permanently bans the defendants from Marketing Anonymous messaging apps to kids and teens under 18. As panelists discussed this morning, the commission also have additional important enforcement tools next year through the Ticket Down Act

and the recently announced COPPA Rule Amendment. But each of the FTC's legal authorities has limits and it's imperative for policymakers to continue to talk to parents, law enforcement agencies, and other stakeholders like yourselves about ideas for more effective legal protections. A second tool that the FTC must continue to use to help protect children's and teens online is consumer education. The Commission's recent release of a free educational program called YOUVIL, spelled YOUVIL, is just one example of this. YOUVIL includes lesson plans designed to enable teachers and others to teach children about privacy, online safety, digital citizenship, understanding advertising, and avoiding scams. And I'm proud to say that the commission won a consumer education award from the International Consumer Protection and Enforcement Network for staff's excellent work on YOUVIL. Please check out the project on our website.

Comissioner Melissa Holyoke:

The commission has also issued blog posts this spring about kids video games and parental controls. And importantly, today's workshop, another example of consumer education will help the commission identify additional consumer education initiatives to help protect children and teens in the attention economy. Section 6B of the FTC Act provides the commission a third important tool to help protect children's and teens in the attention economy. Where warranted, the FTC should use its authority under Section 6B to gather and publicly report information about technologies that are affecting kids' online privacy and safety. One technology we should address in a 6B report is generative artificial intelligence chatbots that simulate human communication and effectively function as companions. The platforms that offer such chatbots permit users to choose them from a large library of characters and program personalities. And Senator Blackburn this morning and today's panelists mentioned reports that some such chatbots have engaged in alarming interactions with young users.

Comissioner Melissa Holyoke:

Among other things, those interactions including providing users instructions for committing crimes, influencing them to commit suicide, self-harm or harm to others, and discussing and role-playing romantic or sexual relationships. As you heard this morning, media reports assert some companies offering generative AI companion chatbots were warned by their employees that they were deploying the chatbots without doing enough to protect young users. The Trump administration's recent report, Make America Healthy Again, includes some terrible statistics regarding depression and suicide rates in teens and children. For example, I'm deeply concerned by the fact that suicide rates for those ages 10 to 24 rose 62% from 2007 to 2021 after remaining stable from 2001 to 2007. We should all pay close attention to the correlation between increases in such statistics and teens' high levels of screen use. And it's critical that we study this issue to understand how use of online technologies and in particular chatbots that are potentially replacing healthy social relationships, how those impact our children's mental health.

Comissioner Melissa Holyoke:

Indeed, some child advocates have concluded that minors should not use AI companion chatbots at all, and that Congress should legislate on the issue. I believe that a 6B study regarding IA companion chatbots could provide vital information to inform the public and potential policymaking in this area. I want to conclude again by thanking all of our participants today. Thank you. I truly appreciate all of your work in this area. It is so critical to the future of our children. I appreciate the opportunity, hear your experiences and ideas, and I want to thank everyone that is here attending and that's listening online because these issues are so important and I share your commitment to protecting our children and our teens. Thank you.

Jon Schweppe:

Thank you, commissioner. Very thoughtful remarks for us to consider. So we're now on to our fourth and final panel, and I want to give you guys credit for sticking with us all day. Hopefully this has been extremely beneficial to everyone here. So our panelists for this final panel will be Claire Morrell. She's senior fellow at the Ethics and Public Policy Center, and author of the new book, the Tech Exit. And Dr. Matthew Meehan, associate dean at Hillsdale College Van Andel Graduate School of Government. And our moderator will be Annie Chang, who serves as an attorney advisor in Chairman Ferguson's office. And if you guys want to come on up now, that would be great.

Annie Chang:

All right. Good afternoon everyone, and congratulations on making it the last panel today. And thank you, John for that introduction. Oh, it's not? Okay. Well, I hope you all heard that. Thank you, John, again for that introduction. I'm so excited to be here with everyone today and with both panelists who I'll introduce to shortly. Before I do, I just want to set the stage for this panel. We spent a lot of time today discussing what federal and state government are doing and can do to protect children from harms online. I think Commissioner Holyoke said it best. Parents are the first line of defense. So I'd like to shift our focus for this last panel to the parents. Specifically, I want to focus on strategies parents can use and have successfully deployed to protect their children from harms online and in areas where they believe state and local government can step up and help.

Annie Chang:

Today I'm joined by two thoughtful leaders and educators in this space who simultaneously bring to the table their experience as parents, Claire Morrell and Dr. Meehan. Claire, her name precedes her. I was counting. I think she got the most shout-outs out of anyone on each panel. Claire is a senior fellow at the Ethics and Public Policy Center where she directs EPPC's technology and Human Flourishing Project. Prior to joining EPPC, Claire worked on both the White House Council's office and the Department of Justice, as well as in the private and nonprofit sectors. She's also the author of The Tech Exit: A Practical Guide to Freeing Kids and Teens from Smartphones. Recently published by Penguin Random House, and it came out this week. I've read an advanced copy and it's very good. I would recommend it. Her work has been featured in the New York Times, the Wall Street Journal, Fox News, the New York Post, and many other publications. Claire frequently consults legislators on technology policy and has helped draft legislation to protect children online.

Annie Chang:

Dr. Matthew Meehan is associate dean and associate professor of government for the Van Andel Graduate School of Government at Hillsdale College's Washington D.C location on Capitol Hill. He has been teaching and designing humanities curricula for 25 years from primary through graduate levels of education. In addition to graduate teaching, Dr. Meehan also teaches undergraduates for the college's Washington- Hillsdale internship program on Capitol Hill. Dr. Meehan has consulted for national leaders and heads of state. He has written for various outlets, both scholarly and popular, including Moriana and the Wall Street Journal. He's also the author of The Handsome Little Signet, as well as Mr. Meehan's Mildly Amusing Mythical Mammals, an illustrated best-selling book of poems that one critic called a new classic in children's literature, and he's on the board of advisors for Hillsdale's K-through-12. His lovely wife and their parcel of children live in Virginia.

Annie Chang:

So I promise you'll all learn a lot from both of these panelists as I already have, and since it's a smaller panel and in the afternoon, we'll keep it a little bit more conversational for this one. All right. So as I've discussed, we spent a lot of today discussing what the federal government, specifically the FTC is currently doing. And that's hugely valuable because we live in this fully online culture. But the legal and practical reality is that parents remain and should remain in this country in the driver's seat of their children's lives and deciding on how to raise their children. Government really is just a supplement or support system to parents in these efforts. So keeping all of that in mind, I want to start off really high level. Specifically, what do you each view as technology's role in developing children into fully formed human beings and their role in the family unit?

Claire Morrell:

Okay, I can start. So I think that one of the problems is that technology is a really broad term, but I think that today's panels have really focused on the digital technologies that our children are using, namely social media platforms, smartphone, that have really taken things that were meant to be tools and have instead of a user approaching it and using it as a tool, the tools end up using the user. And it's because of the attention economy, the title of today's event that has turned things that were meant to be actual tools into something that's highly extractive and addictive to children. And so when I talk about my book, the Tech Exit, people are like, are you anti-technology? And the answer is no, I'm not. It has a proper role and function in the family, but I am anti-smartphones and social media in childhood because of how powerful these are.

Claire Morrell:

And because of the product design underlying them, which I think we can get into more trying to unpack than how do parents approach these technologies, understanding that they're designed to be addictive, extremely overpowering to a young child's developing brain. And so I think there is a role for parents to play in helping children learn to use technology wisely. And I even explain some of those principles in my book and I'll just give you two, which is that screen use should always be purposeful and public. So if you're trying to teach a child how to use a computer or the internet, there are ways to do that in the family that are very purposeful. I talked to families that said our child didn't have a smartphone in social media, but he was really into computer science. So he read all these computer science textbooks and then we let him use the family computer to practice his coding skills.

Claire Morrell:

And he just won a scholarship in Ohio for his coding abilities to go to college. And so that's a really proper use of technology. He's going to be very well-prepared for the workforce, but he has not grown up on a smartphone or social media. And I think that's one of the myths that parents get told is that for your child to be prepared for the digital age, you have to give them a smartphone. A smartphone just teaches them how to scroll and bounce between apps. It doesn't actually give them hardcore technology skills. And so I think making sure that screen use is public and purposeful, the public piece of that also really helps parents to protect their kids from a lot of the harms that we were discussing today. And it was mentioned on another panel just how inherently secretive and difficult to oversee a smartphone is, and it's putting a supercomputer in every child's pocket, and it's just incredibly difficult for parents to oversee.

Claire Morrell:

And then the second principle is just that screen entertainment. So you're intentionally using the screen for entertainment is sparing and shared. And I think that the principle behind that is that it's not something that's a daily habit because there are other real-world goods that we're trying to impart to our children. But when the screen is used for entertainment, it is a sparing activity. It's done on specific occasions as a shared family event. This is like family movie nights or maybe it's cartoons on Saturday morning, but it's sparing and it's shared. And I think those two principles are just really helpful framing for allowing a family to engage with technology in a way that flourishes the family where the technology is not ending up using the family for its purposes, but the family can approach technology in a way that is beneficial to the raising of children. And Matt, I'm sure you have things to jump in on, so I'll end there.

Chris Mufarrige:

No, great. And I think I would just even go a little... I'm a professor, so I'll do the principled sort of philosophical side of this, but I play to type, but the point of technology is to actually help us become more human. It's to fulfill our nature. That's the purpose of it. And so if you take that as a foundation stone, then you ask, okay-

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Chris Mufarrige:

... as a foundation stone. Then you ask, "Okay, tech, with regard to children, fundamentally, I don't want it to get in the way of them developing any of their natural capacities." And those are not just virtues. Those are skills and talents and all sorts of things and bodily and psychological health and wellbeing. And once you start down that road, a number of decisions start to be made more easily. And you think of digital media and basically, I'm just going to riff off of what Claire just said, but it's fundamentally receptive. That is to say you set yourself to receive. It's 26 frames per second no matter what you're doing. Oh, eye-hand coordination. Johnny's really moving those blocks in Minecraft. Eh, it's receptive. You are a passive agent receiving something from that screen most of the time. And it turns out human nature, go all the way back to your Aristotle, again, playing to type.

Chris Mufarrige:

We are developing active conditions. They're called virtues. And so there is something about digital media that is generally speaking, a flavor, a taste, a little cherry on top, an ice cream cone at the end of a hard day's labor. We're using it as this sort of cyborg sort of mesh. It's going to be part of our nature and that's actually incorrect. We need to create space in the home, space in the education, space in the text policy world so that children can grow into the fullness of their nature and then use tools to defend and complete that. But I think it's a first and then a second, and we're trying to turn it to both at the same time or worse, tech first and then, oh, maybe you can be virtuous with all of this tech. It's a little backwards these days.

Annie Chang:

Yeah, I love that breakdown. Claire kind of obviated one of my later questions. What would you say to the critics who talk about technology as a fundamental tool in the workforce these days? Especially with AI developing, a lot of kids might want to get into and work in AI in the future. And Claire touched a little bit on that. I was wondering Dr. Meehan, if you had a response to that type of criticism.

Chris Mufarrige:

We've seen technology change so many times. Now with AI, suddenly verbal gifts are going to be highly prized for the ability to develop software. It's like the English major in the room's like "You lose suckers." It's rough on them. I feel sorry for them. They learned Java or Python and now it's useless. There is a certain amount of developed human nature go to fundamental art of communication, of logic, of reasoning, geometry, mathematics, that if you study those, you are going to be better attuned to adapt and develop and work with the next type of technology but you'll also have, again, repeating myself, the virtues to use with industry, prudence, wit, art, those technologies. And there's a certain kind of panic that big tech gives parents. Your child will be cut out of the next economy. It's like actually, if they're enslaved by your habituation to today's tech, that's exactly what they will be, is cut out of the next generation's economy.

Claire Morrell:

Yeah. I'll just jump in to say I think I get a lot of pushback too that parents think that if they don't give these tools to their kids when they're young, then they actually won't be able to use them well as adults, that they want to train them on them at a young age and they don't want them to go binge on these things later when they become adults. But to Matt's point as well, the exact opposite proves to be true that a child developing their core habits without being on a smartphone from ages zero to 18 allows them when they do start using these technologies as adults to have a very healthy use of it, that they actually have developed the virtues you're talking about like self-control and emotional regulation and they're able to then tell when they're using something too much. And so it's actually the opposite that avoiding these technologies, just taking over their childhood prepares them to be successful, flourishing, mature adults who then can operate technologies wisely.

Claire Morrell:

And I mean if you think about it, Steve Jobs and Bill Gates didn't grow up on smartphones and social media and they were amazing innovators in technology. And so it's like the skills that kids actually need to be the problem solvers and critical thinkers for the next generation, we actually really need to protect their brains and their brain development to be able to develop the attention spans, the memory, the focus that's required for really difficult complex problems. And that's really being undermined by screens as we see it. Shortening attention spans, really eliminating people's ability to focus deeply on things or to just read, to read books deeply. There was some horrifying statistic now that graduating high school seniors, some say that they've actually never read a complete book. They've read bits and pieces of things, but nowadays information is so broken down into 20-second reels and short tweets that we're really undermining our ability to be able to read and think critically. And that's what's necessary to be a functioning, flourishing adult and member of the economy that can actually contribute to solving the next problems that come our way.

Chris Mufarrige:

I'm reminded of all of these new AI videos where they take beautiful works of art and statuary and then animate them and have them run around the room and you're like, no, that's exactly the problem. You're supposed to be still and attend to this moment in time and let it enter in to you and you into it. Instead, it starts to juggle or dance or whirl around the room, you're like, exactly the problem.

Annie Chang:

I've not actually seen that, but you all are making it very easy for me because I wanted to pivot and revisit the topic of harms, which we started today on. As parents and as educators, I just want to ask you

both to speak a bit on what you're seeing on the ground, either through your own personal experiences or observations and others, the unique harms of social media and internet harms to children.

Claire Morrell:

Sure. I'll just jump in. So I think just for you all to understand the thesis of the book that I just wrote is that I think parents are mainly aware of the kinds of harms and dangers but have been told mainly by the tech companies that these can be mitigated with screen time limits and parental controls. So let me just offer a few examples the kinds of harms that unfortunately screen time limits and parental controls are not able to protect our children from, that have convinced me, and this is why I wrote the book, to encourage parents that actually a smartphone-free childhood is possible and here's how you do it. And so a couple things, the screen time limit does not map on to a child's mental or emotional time spent in the virtual world. So a child could be on Instagram for 15 minutes a day and then inhabit that virtual world long after they leave it.

Claire Morrell:

And that's because the design of this is inherently addictive. The dopamine-inducing features on the brain mean that a child is always going to crave more and always be wondering what has happened on this platform when they're not on it. And so it's a constant compulsion to do more and it particularly preys on children's developing brains. Their dopamine receptors are multiplying. Between ages 10 to 12, they're becoming wired for these kinds of social rewards that we're meant to turn them outwards from their families to form friendships in real life, but it's being hijacked by social media. And so the design itself is so addictive on the brain. Brain studies show that heavy users of social media have brains that look like those addicted to highly addictive drugs like heroin or cocaine.

Claire Morrell:

And so I think we have a metaphor problem that we've been told to think of screens like sugar, something in the category that we don't want them to use too much, but in moderation it's okay, but actually the brain research shows us, no, this is more in the category of a highly addictive substance that they shouldn't be accessing at all, especially during those periods of critical brain development. And studies out of the University of North Carolina have showed that kids who use or habitually check social media actually show divergent brain development over time. They've done these longitudinal studies. So it is not hyperbole to say that this acts on the brain like a highly addictive substance that is altering normal brain development. So that's on the screen time limit side of things.

Claire Morrell:

There's also been a lot of talk today about how parental controls are a myth. And part of this is just because the platforms don't actually want to give parents real control. It would affect their bottom line and their business model. And that is because no control actually gives a parent the ability to determine what their child is seeing or doing on the platform. The platforms are in complete control through their algorithms. And so they may allow parents to set certain privacy settings or time limits, but it's not enough and they're not going to change. And I think that is what really convinced me in my research that the platform's business model is all based on these algorithms and the algorithms are incredibly dangerous to children sending them down rabbit holes and no parental controls touch what the algorithms do.

Claire Morrell:

And most of these apps like Snapchat, TikTok, they block external third-party controls. So you could do all this work setting it up, and when a child can actually click through to Pornhub inside of Snapchat without ever leaving the app through the in-app browser and just five clicks and a filter is powerless to block that and a parent has no idea that that's what the kid is doing inside of Snapchat, they have no insight into that. That just utterly convinced me that really the only and kind of necessary solution given the current business model is an opt-out. And so yeah, those are just a couple of the kinds of harms that we are up against.

Chris Mufarrige:

Given all that Claire just said sort of downstream effects that I see and I've been a teacher for... My first career was teaching in primary and secondary education for my first act. Second act is the academy. So I've had a lot of contact with people engaged in and addicted to social media and it's very common. It's every neighborhood kid basically. But the downstream effects for boys and girls start to sort of segregate differently. Obviously severe struggles with lust for boys especially. Yes, girls, there's pornographic use in modest and alarming percentages, but nowhere near what the boys struggle with. And any boy who's grown up to adulthood in the digital age has probably had a knock-down drag-out fight with pornography. That's basically the norm. There are exceptions to the rule, thank God, but alas, that's the case. That's one.

Chris Mufarrige:

The other one for boys, which I think it's underrated, is it's addictive entertainment. It's receptive. It makes kids frivolous. They laugh at everything, everything's a joke and they have trouble getting serious. That's related to their lack of attention. They can't attend to something seriously. They lack the virtue of study, which is to zealously regard some piece of information or reality and come to know it and master it, but it also just makes them foolish. You read, and these are the ones that the families that worry about digital entertainment like to use. In fact, I don't even want to condemn any of them, but the ones that good families that are worried about these things tend to gravitate towards, I won't name them like Dude Perfect or Mr. Beast or Studio C, wonderful things in a certain sense, but they're frivolous and you can't just watch SNL jokes for four hours a day and as a result they're not very serious and they have trouble adulting.

Chris Mufarrige:

And then for girls, vanity is a huge problem. Girls now take photos with their head cocked like this because it's the right angle for Instagram. They care more about what they look like online with their photographs than they do how they look to the people in their lives who know and love them. And then the other thing that I think girls really suffer with is discontent. They look at other people's lives for hours and hours a day. And that is psychologically what you used to call in the old-fashioned world, the sin of envy, looking at other people's goods and then feeling bad about it. And that is actually the algorithm's design is to make children feel pain at the goods of others such that they move to market and do something about it. And that's a big problem. And those are the downstream effects of the addictive algorithm.

Annie Chang:

So hearing about all these serious harms that you both have spoken about and we've heard about earlier today, one of the issues with kind of evaluating the effect of social media and the internet on children and these harms is that technology and trends are constantly evaluating. One thing happens,

and like Dr. Meehan was talking about with coding, it happens so fast that you're chasing it and it's over. As parents to children of all ages, I want to emphasize for everyone in the room who doesn't know truly all ages, Dr. Meehan has eight children, ages four, all the way to college.

Chris Mufarrige:

"The world must be peopled," said Shakespeare.

Annie Chang:

My dad was one of eight. So I'm with you. How has social media and the internet evolved as your children have come of age to start participating in either?

Chris Mufarrige:

So in one sense the answer is Claire's book, which she and I have been in cahoots for a long time and like-minded on this issue of as it has become more ubiquitous, the choice to be more radically sort of circumscribed like butt out, no social media, none. We temporized like, oh, maybe a Facebook account, maybe something here and there. Now it's an email account where the passcode is public and clickable by anyone in the family and like a Gmail account like that. And then no social media presence until you're 18 and then you make your own decisions. They do not have Instagram. They do not have those things. So we got a little radical.

Chris Mufarrige:

The thing that I'd like to take the occasion to just sort of drop in here as another principle that I think is related to this is I started to realize, and many of the panelists have already talked very thoughtfully about some of this, but I want to frame it in a different way that I think if we take it as parents, we've adopted this model and a lot of families I know have too, but it winds up being helpful for making good decisions. But I think it also has the possibility of becoming something that once it's established, it's something that becomes the field on which new policies can be made as well, which is digital presence in the home.

Chris Mufarrige:

We talk and I think we've adopted the language of big tech. They set the syntactical frame for us and that's a problem. Kids go online. We've all said it today a thousand times. No, they don't. They open a screen and a bunch of people present themselves in their home, bedroom, hand, couch. They present themselves in your home. If I had a home security system and somewhere buried in page 65 of the contract was that this guy can get on the intercom and talk to my kid in the upstairs security panel without my permission, I would go ape, I would lose it. But we're kind of like, "Oh, well he did it. He went online."

Chris Mufarrige:

It's like, did he though? Did the child, did she go online or did they come into my home and present themselves digitally to my child in a way that I do not permit? I think once you start getting there, then you have private property questions. You have a certain kind of violation of the home. You have not just a contract issue, which I think I'm all for like... I'm not taking away from the current fight but think bigger and longer term digital presence. And this allows you to start laying an ethic down. For instance, texting and group texting. We tell our sons, if my daughter, and I have daughters as well, teenagers. If my

daughter, if I found out that a man, a boy was digitally present in her bedroom on the phone at 11:00 at night, I would be somewhat irritated because he's just as present.

Chris Mufarrige:

Yes, certain things cannot be done while on the phone, but he's just as present to her at 11:00 at night in her bedroom if she were on her phone, which is why we do not allow phones in bedrooms and we do not allow smartphones, but they can still text on dumb phones when they're of a certain age. So don't text girls after a certain hour because it's a violation of the home and you shouldn't be digitally present in someone else's home after hours, young man. And so there's a lot of work to be done in the sort of conceptual reframing that big tech just sort of plopped down on us because they controlled the space. They controlled the tech, and we had to just set ourselves to receive, but we have to start being more active in our conditions on this regard.

Claire Morrell:

I'll just say I really feel for parents whose kids were coming of age when the smartphone and social media were taking off and we didn't know all the research that we do now about how harmful these things are. And I think I actually have a lot of hope at this point because I think the tide is turning that as the research has come out, parents are more aware of these things that are harmful. And the message in my book is that it's never too late to reverse course. I've interviewed lots of families who recognized that the smartphone was really harmful to their child or their social media account and they took them away, they detoxed. And the encouraging thing is that kids can reform their habits. In fact, the younger they are, the easier it is. Their brains are more plastic and so it's never too late to reverse course and the sooner, the better.

Claire Morrell:

And I'm not saying that it's going to be easy. There's definitely a point of resistance that you have to push through just like taking anything away that an addict is addicted to because there are those kinds of withdrawal responses. They become so habituated to the screen, but then you push through and their habits start to reshape and they really re-enter the real world and they're actually able to experience pleasures in the real world again because the screens actually desensitize kids to experiencing pleasure from real life. And so real life can feel boring and mundane when they are spending so much time on a screen. And so just to say that if that is you, if you're a parent of an older child and this stuff was all thrown at you and you're now reevaluating it, it's really never too late. And if you're parents of younger children, I would say start earlier, the earlier, the better of recognizing what's coming, shoring up your convictions and talking to other parents to do this with you.

Claire Morrell:

I think there's a lot of strength in numbers. I realize parents feel like they don't want their child to be the only one without a smartphone or social media. And I know that can feel painful as a parent. And so I'm encouraged by just the families after families I've talked to that have formed these kind of counter communities just by talking to their neighbors or other parents in their school to say that we're not going to give our child a smartphone, just talking about it. And then all the parents together can kind of band together. And there's a lot of power in that kind of collective action. Schools can help provide that.

Claire Morrell:

I know we were talking earlier today about the bell-to-bell phone bans. It's a great collective action solution that at least protects the school day from the influence of these devices because we didn't really get into this, but they changed the entire nature of the social environment for kids. The effects are not just individual. There is an entire effect on the group social dynamic. And so that is why this isn't the focus of our panel, but collective solutions, legal solutions in the law really help back parents up and then solutions at the school level can also really help back parents up.

Chris Mufarrige:

When my second child was born who is now headed to college next year, the smartphone was basically introduced to the market. Lots of things have changed in the child-rearing. One thing that's changed recently and was brought up just a moment ago very finally about the chatbots, this idea of the sort of deception that you're talking to someone who might care about you in some way when it's really the equivalent of a amphibian or Komodo dragon level predator of your time. It does not care about you at all. That's a problem. And also they still lie. And even if they tell you the truth, they only tell you the sycophantic and flattering truth. It's the road to democratic tyranny. Every child a tyrant because all they're surrounded by flatterers. And that's actually a big problem.

Chris Mufarrige:

And the other one is group sharing of location is new and that's come up in the last few years and that's another one. And it's a subtle problem and there's safety concerns. Does somebody at whatever, know where my fourteen-year-old daughter is having lunch with her friends, that kind of thing could be a worry. We don't give our kids those kinds of phones. So it's not really an issue, but it is frightening just not even on the predatorial level, but just the idea that you don't have a private life, that you're not your own self, that you can't come to your friends as you and give them counsel and support, but that you're constantly sort of like a bunch of orca whales, giving their sort of whale song to one. You have to know where everybody is and sort of feel in the dark of the digital world because you don't know how to orient yourself.

Chris Mufarrige:

It's because you don't have relationships with God, your family, your work, your school, your community. You only have it with your friend group and it's 24/7 and they can sort of look you up at all times. That's not healthy. That's mob mentality. That's not good citizenship. Those are things that we've struggled with recently.

Annie Chang:

Now that we've touched on the harms, I kind of want to move on to solutions. And Claire started bringing up some of the discussions she discusses in her book, specifically detox, and to borrow Dr. Meehan's word, some might find that radical. Obviously it's not a one-size-fits-all. Parents and family units are all different. I just wanted to ask, Claire, can you talk a bit about the strategies you highlight in your book and some words of encouragement for families who might not be ready to go that far?

Claire Morrell:

Yeah. No, it's a good question. And I'll also just say this. I think my position on this kind of total exit often gets painted as extreme, but when you think about it, even what Dr. Meehan was just saying, I actually think it's very extreme to hand a child a portal to the entire world where complete strangers can talk to them. And that actually just 18 years ago, the iPhone turns 18 this summer in June, so it came out in

2007 and that just 18 years ago, this is how children grew up. So I don't think it's that extreme or radical to say that we don't actually have to give these things to kids, but I do understand that parents feel immense pressure. So I'm not trying to deny the pressure that exists, the peer pressure, parental peer pressure, but just I wanted parents to know it's actually it's possible to opt out and actually, it's possible and it's fundamentally positive that these families that are saying no to smartphones are really saying yes to so much more in life in the real world for their kids.

Claire Morrell:

And their kids are not resentful of these decisions. Even if they don't agree with them at the time, the grown children I talk to are so grateful that their parents did this and the parents say that it's one of the best parenting decisions that they made and they may recognize there were points of resistance they have to push through, but that it was 100% worth it. So I just say that to encourage parents. So I do walk through practically how to detox. You can find these plans online. There's a book Reset Your Child's Brain that's very helpful. ScreenStrong, another organization that literally has a 30-day digital detox you can follow that you can explain to your kids, get them on board. And it's just truly like no screens for 30 days. The summer is actually a great time to try one of these out and maybe you don't sustain that over the long term.

Claire Morrell:

But I would just encourage every parent, I think you can commit to doing something for 30 days. And what I would challenge to you is that I think after seeing the benefits in your kids, you may decide to adopt this lifestyle for the longer term. The other two things that really helped families to be successful was, as I mentioned, finding other families to do this with you, even just one other family. If you can have one other family where that, then your child has that built-in friendship and you, as a parent, have those other parents as allies to walk with you through those potential moments of difficulty. It is a real huge help. And so just talking to you and you can just be the one to open the conversation. I think so many parents actually desire to do this and if someone were to talk to them and say, "Hey, let's do this together," they would be willing.

Claire Morrell:

So don't be afraid to be the one to start the conversation. Lots of examples in the book of how parents have done this. A movement in the UK called the Smartphone Free Childhood movement just took off because a couple moms started a WhatsApp group in their neighborhood and it went national because there was such an appetite for this among parents. And now there is local WhatsApp groups for Smartphone Free Childhood. You can join in your state or your community to find other parents who are trying to do this. So there are a lot of those community solutions.

Claire Morrell:

And the last thing I'll say on the practical note is just there are alternatives to smartphones available today, way better than there were even three years ago that allow your child to have some of the tools that we were talking about, maybe even a GPS when they start driving, but without an internet browser, social media apps or these addictive immersive online gaming apps. It just allows them to text, call and then have certain tools that they might need, especially as they become more independent. So I list a lot of these alternatives in the book and so I just would encourage you that you don't have to be pressured into the smartphone. It's possible to push that out of childhood.

Chris Mufarrige:
Yeah, Gabb, Bark, Light.

Claire Morrell:
Yes.

Chris Mufarrige:
Those are some of the phones, these products that are-

Claire Morrell:
I don't have a smartphone, full confession. It's called a Wyze phone. I'm happy to show it to you after.

Chris Mufarrige:
There's that.

Claire Morrell:
But it's great.

Chris Mufarrige:
Our older children, once they start driving, they'll use a Bark phone. It works quite nicely for that. What I would say to parents who are not ready to go tech exit level... We have a Roku. We watch digital streaming stuff. We have lots of screen rules. The kids can use the internet, but on a buddy system with somebody's eyes on the screen with them, which limits their time, which is great because no one wants to sit around so people do their business and get off because people are like, "Can you please be done? Can you please be done? Can you please be done?" It's sort of developing our own algorithm. But I would always say, you need to find ways to talk with your child about bravery in this regard. You got to be strong. And so what is the thing you're doing to sandbag this?

Chris Mufarrige:
How are you resisting the algorithm? Do you have a plan for fortitude and temperance with regard, at whatever level the parents decide? And like I said, we have our prudence up here on the panel and there's a certain consensus, but if you don't share that, you still have to teach the child to be brave and strong. And so they have to resist this thing in a way that doesn't dispirit them. So having a discussion and finding that seems to me to be very important.

Chris Mufarrige:
Whenever my children and they do it all the time, even though they know the response, they accidentally blurt it out in some desperate negotiation for this, that or the other, they go, "But dad, I'll be weird." I go, "Hu ha ha ha ha. Yes, I want you to find some way to be weird, right? You have to stand up for yourself and be brave in your peer group." That is a very important part of growing up to be an American and a Christian, a good person, whatever faith tradition, they're all the same. You have to resist peer pressure and do the right thing. And so that I think is the principle I would give to anyone regardless of what level of tech exit they want to take.

Claire Morrell:

Yeah, I would just add that I do offer some stepping stones if you feel like a complete opt-out isn't where your family's at yet that there are still ways to try to distance technology from your family, help your child actually really engage more in the real world. And the book, just to clarify, it's the opt-out is smartphones and social media. But as we mentioned, there are ways to use technology in the home, even a television, the internet, a computer in a way that's purposeful and that is again, channeling the direction towards their flourishing, not hindering them. And so anyway, I can speak more to that, but I would just say that there are stepping stones to take and the underlying principle would just be to try to really help your child engage with the real world as much as possible and not to be calm, so absorbed in a screen. And I think what can be most helpful is just delaying the age of first cell phone as long as you can. And then when it comes time to give a child a phone, opting for one of these alternatives instead.

Annie Chang:

So I want to touch back on something that Dr. Meehan just brought up, being weird, peer pressure. Obviously, we've talked a lot about family unit, the bond between parents and children, but the reality is children are surrounded by a lot of third parties outside of the family unit. And we hope they are. We hope they're surrounded by loved ones, friends. They go to school. And so I just want to talk about parents strategies being on the front lines of caring and making these decisions for children while also being conscious of that reality that children live in this real world, starting with schools first. What do you both believe schools can and should do to give parents help in reducing these types of harms to kids?

Claire Morrell:

[inaudible 06:01:25]

Chris Mufarrige:

I've worked on this for many years and it was a moving target working with schools, but one is to set the tone and demand that the school leaders have a school tone that is basically this understanding of the children need room to grow and the tech is a kind of cage that will prevent them from growth. I think that that is an important thing to establish as this is what we believe, this is what we think is that the children need room to grow without tech so that then they can use tech well. And I think that setting that tone with your school is a communication matter, but also just a kind of, is this the flavor of your school? And obviously big public school. I graduated from a big public school. I taught at small and middle-sized private schools. I went to small private and middle-sized private schools.

Chris Mufarrige:

I get it. There's all kinds of good luck setting the tone at your local massive public high school. So that said, you should still try. You should. The other thing that I think obviously is I think good policy is no phones, right? That for middle school for sure, no phones. For high school, the phones could be turned into sort of Faraday lockers at the beginning of the day and checked in and checked out. And maybe for the seniors, you let their phones in their locker or in their bag. But if they're taken out, they're confiscated for 24 hours, not the end of the day because then they don't care. But for 24 hours, because then their nightlife is destroyed and they-

PART 11 OF 13 ENDS [06:03:04]

Chris Mufarrige:

... care, but for 24 hours 'cause then their nightlife is destroyed and they have to actually follow the rule. I think those are really important kind of starters. I've got more to say about Claire, why don't you jump in?

Claire Morrell:

Yeah, I would just say that school phone bans work, they've been very successful. And this isn't just talking about private schools, but entire school districts and states saying we're getting phones out of the school day from bell to bell. And I would say that's really the critical piece. It can't just be during classroom instruction, which is what most schools kind of already have. You're not supposed to use your phone during class. The problem is it's incredibly difficult for individual teachers to effectively police that and then they're having to do two jobs of being phone police and trying to teach the students. But then the second thing is that then when the phones are part of the passing periods and the recess and the lunch, it just changes the entire social environment for kids. And part of what I was talking about with collective solutions is that we're trying to actually protect both the academic learning environment but also the social environment for kids that we want them to build real friendships.

Claire Morrell:

We want them to be able to talk to adults. I hear so often from educators that they can tell the difference between a kid who has a smartphone and one who doesn't because the kids who don't have smartphones will make eye contact. They're not nervous to talk to the teachers or the school administrators and look them in the eyes. And the kids who do have smartphones, the kids are very socially anxious and they won't make eye contact. And so trying to actually... Even if they don't do that outside of the school day, if you can protect the entire school day, you at least give kids a taste of what it's like to live not on a smartphone, which can be a really powerful antidote.

Chris Mufarrige:

And then I would add after the school day, which is another part of school life is the pickup and sports and the three to four hours after school where people are kind of around, and I think this is a home principle, but also a school principles. There is no expectation of privacy if you produce a screen in the community. So if you open a portal now that is now an authority figure concern. And so the idea of this is my screen, it's like, no, you just opened a portal into digital presence. The whole world is now at my school and I need to engage here. You see, that's why that frame I do think is so important because the fake privacy of like this is my screen, it's not though because all you do is go like that and it's now someone else's screen, which is what happens all the time. Flick of the wrist.

Chris Mufarrige:

So don't tell me this is just your screen and it's not just your screen, it's just a million other people I don't know presenting themselves on this screen at my school, in my home. So I think that's a really important principle that the sort of fake my rights, my privacy, that's not how this works. That's not accurate. You do have your private life and you do have privacy. I'm trying to get you to secure it by reducing the amount of public exposure to the whole world with your phone and your peers. And I think that's another big piece in the puzzle that gets missed because it's hard to do and you need local support, maybe even local and state government support to think all that through and communicate it and protect that kind of spirit in the school.

Claire Morrell:

Two more quick things I would say. So where schools have implemented this, they've seen not only just big academic improvements but also among the mental wellbeing of students. But what really stood out to me was that they would see the greatest improvements in the lowest quartile of students. So like lowest grades, lowest performing students, those students scores would double after having the phone bans. So just to briefly mention EdTech, it was mentioned today, but I actually think this is one of the greater challenges for parents is that they protect their home from the influences that we're talking about and then their child is required to have a Chromebook or a tablet or iPad to participate in the school. And so I would just encourage parents, more and more parents I think are starting to stand up to this to just ask if their child can complete the assignment by pen or paper. Can they use a physical textbook instead of reading on the screen? Because the research continues to bear out that kids learn better reading books on paper than they do on a screen.

Claire Morrell:

They comprehend the text more deeply, they learn literacy better, writing things out by hand and by typing. And so this kind of push by the EdTech companies that one laptop per child was going to solve all of our educational inequalities has not borne out. In fact, the opposite has been true. And so actually taking away phones and taking away screens seems to do a lot more to reduce the academic achievement gap. And unfortunately, we're at a place in our country where the reading scores, the math scores, English scores are at an all time low since the 1970s. And so more tech clearly has not been good for learning. And I do think that parents can be really powerful change agents in your local area that I just hear stories of parents who have spoken up to their school boards or their school superintendent about the desire to see a phone ban in their school or to just reduce the use of the educational screens.

Claire Morrell:

And so I think that yeah, schools can be a powerful force for change, but it really takes this kind of bi-directional relationship between parents and the schools. Parents making their desires and concerns known to the schools and then schools supporting parents by helping provide some of those collective solutions like we're talking about with phone bans. And schools can really do creative things like offer extracurricular activities for students. I think a lot of kids just go home and stare at a screen and so some schools are now doing no-cut sports, so if you want to be on the sport team, you get to be on the team. They'll just make a new team if they have enough students. And so just trying to actually provide alternative extracurriculars is another really powerful way that schools can help parents kind of push some of these things back out of childhood.

Chris Mufarrige:

I probably know seven young boys now, some of them young men well enough to get the straight scoop on their experience with iPads in the classroom. All seven of them in week one had already hacked it either to play some group video game or pornography, one of the other. Either the sort of frivolous version or the dark lustful version. That's every one of them. So I haven't heard of a laptop program that wasn't hacked by mischievous lad culture, so that's sort of seems to be an important anecdata. And then, yeah, I think the only other sort of concern about these things is we forget how destructive of the beautification of truth digital life can be. It's like, but the video was so beautiful. It's like PowerPoint is ruining people's love of the humanities.

Chris Mufarrige:

There was a brilliant guy who used to go around the country doing tech ethics and he had a PowerPoint presentation about, okay, click four score and seven years ago, next slide, click and just would ruin the Gettysburg address. Click. What can't we do to this ground? We can't dedicate, we can't consecrate, we cannot hallow and sort of bullet point them down. It was a laugh, but it was a great point of you're destroying people's love of the human by breaking everything up into digital bits. There's something of an acid bath going on with some of this, particularly in the humanities.

Annie Chang:

Turning to children and their friends now, Dr. Mehan, you touched on this one thing that remains constant I think throughout childhood, regardless of what generation you're in, peer pressure. Kids want to be with their friends, they want to do the same things as their friends. I mean I remember being as a kid, I'm a child of immigrants in a town with not that many immigrants and I would tell my parents, "You're making me weird," like you said. So how do you account for that reality when you're thinking as a parent on how to reduce or eliminate harms to children from online exposure?

Claire Morrell:

Yeah, I would just say I think that we can't as parents make our decisions for what's best for our child beholden to what their peers think of them. And I realized that can be hard as a parent and I do think takes a certain kind of just bravery honestly to resist some of the things of the culture and that's why I was really trying to encourage parents to find other parents to do this with them. That your child doesn't have to be the only one in their friend group, that if you can talk to a few other families and get them on board, that becomes a really powerful kind of counter group to be able to push back against that peer pressure. And so I call it creating counter communities in my book, but just that it is actually really powerful to stand against the pressure towards screens if you have other people to do it with you.

Claire Morrell:

The other thing I would just say, and I've gotten this a lot from parents like Dr. Mehan, is just that the decisions that you make around technology can actually help your kids find their true friends faster. Because if a kid says, "Well, you're not on Snapchat so I'm not going to talk to you." I mean, is that a real friend? Is that someone you want your child spending a lot of time with? And so I do realize that these are kind countercultural, like pushing back against the pressures that parents feel or that are put on them by their peers, but that is actually what's best for our children and that we can actually help them find good true friends who will respect your differences. We have all sorts of differences. It's not just on tech standards. No family is the same. And so trying to help your child find friends who will respect those differences, even if they don't share the same tech standards, I think is really important thing for parents to keep in mind.

Chris Mufarrige:

I'm not sure I have that much to add other than you have to spend a lot of time with your children and you have to tell them the story of your family. You started, I noticed with part of your story, "We're an immigrant family", meaning the sort of where you come from and your roots and your faith and the journey and the travails. Those are things that give them a certain identity, where they come from and who they are and who loves them and who has given their all for them.

Chris Mufarrige:

All of those things need to be brought to mind explicitly and repeatedly ahead of, before, and after any conversation about digital weirdness and standing up to others. Because if they don't know who they are and they're trying to figure that out and it's a desperate epistemological need of every child to know who they are, it's what my second children's book was about, and how to protect them, then they're going to be desperate for the group and not being alienated from it. But if they know who they are, then they can go in love and service to the group.

Claire Morrell:

Yeah, I just remembered one other point I wanted to make, which is that I think treating children as adults in progress, like talking to them and having conversations about the rationale behind your decision, like I want my children to understand why we have the tech restrictions that we do because I want them to come to own them for themselves. I recognize they're going to go out into this world and be adults and have to navigate these digital dangers or temptations for themselves. And so a lot of it is that just those conversations of preparing them and explaining your reasons to them and educating them on the harms because I want them to be aware of these things for themselves.

Claire Morrell:

I had lots of families say that they would watch the documentary, The Social Dilemma, especially with their tweens and teens, and they were always kind of excited to see their kids really strong reactions to the documentary of like, "I don't want to be manipulated by these tech companies. That's what they're doing with their algorithms. They're manipulating me and my behavior and they're taking all my data so that they can figure out what I will like and then feed more of that to me," actually exposing the business model to kids.

Claire Morrell:

I mean, no teenager wants to be manipulated by someone else. And so I think, yeah, just parents coming alongside their children in those conversations to explain the rationale and try to help get their buy-in. And they may not agree with you on those decisions at the time, but they can at least understand why you did what you were doing. And hopefully then as adults, they come to see that that was really the best thing that you could do for them, and it's out of your love and your desire to protect them, that you're leading your family in that direction.

Claire Morrell:

And so I would just say engage your children in conversation. And one other tactic I heard was one family would ask their teenagers, "Well, what do you think you're going to do for your kids? Are your kids going to get a smartphone?" And they were really surprised by a teen who was having particularly kind of bad attitude about some of their decisions at the time said, "Oh, no way is my kid getting a smartphone." And so I think it's just interesting even helping your teens put themselves in the shoes of a parent. They may actually come to see these things for themselves.

Chris Mufarrige:

My eldest who's doing an internship on the Hill right now, actually for the summer, he's in college. He said to me when I dropped him off at the Metro the other morning, he said, "Dad, it seems like all the interns, all the college guys like going no phones is kind of cool right now." I was like, "Hmm, interesting. We'll see how long that lasts." But there's something in the water, people are waking up. There is a counterculture, but a counterculture is only a counterculture for so long. If it's a good one, then it

becomes the culture. So there's some hope there too, and then they'll have to find something else to be heroic about. But I think that that's all I wanted to add.

Annie Chang:

Returning to something that we just talked about earlier today about how big tech, internet, social media, it's constantly evolving. So I was wondering what are the biggest challenges you see for parents on the horizon, perhaps something you've seen in your own lives that haven't fully emerged. And then also do you have any early thoughts on how parents are your own strategies on how parents can overcome these challenges?

Claire Morrell:

Well, Commissioner Holyoak kind of took mine, which I'm so glad she brought up about the rise of these AI chatbots. I think that AI is accelerating and developing so quickly and it's becoming integrated into all of our existing technologies, and so we already see it being integrated into social media apps. I think soon it will just be integrated into the smartphone devices themselves if it's not already. And my concern is that it's only going to make the experience on a social media platform or smartphone even more immersive and personalized to a child and even harder for a child to discern reality from falsehood. Because it will come to really know and learn and interact with the child in a very scarily human way that is really difficult for a developing brain to understand that it's not a real person. We've seen these cases, the horrific cases of kids who developed these romantic relationships with an AI chatbot, the story of the fourteen-year-old boy in Florida who killed himself because the chatbot had convinced him to come home to me.

Claire Morrell:

And he thought by killing himself, he was going to be with the AI chatbot he had developed this romantic relationship with. And that's only the tip of the iceberg of what I think we're going to start to see as these technologies become more ubiquitous. Because that's unfortunately what happens is the technology is developed and then it just diffuses very, very quickly and very rapidly. And so I think the exit I'm arguing for from smartphones and social media to me feels all the more urgent with the chatbots becoming integrated into everything. So I would really encourage parents to be very on guard about the ability that kids will have to access these things. And so I think just, yeah, exiting from social media and smartphones is really important. And then I would like to see policy solutions that restrict AI chatbots out of childhood.

Chris Mufarrige:

Part of AI's problem is false imagery where you can't believe what you see video testimonials that are fake. That's something I've advocated for, a lot of people in this room have heard me go off before about the need for non-expert watermarking for AI imagery and AI presentation so people know they're dealing with an inhuman presentation, facsimile of humanity. Because I also think, again, it's not artificial intelligence. You cannot make intelligence, and that's a long philosophical argument, but it's not possible. And it does not matter how fast or awesome those virtual chips get, it will never come to be. It's a logical impossibility and it's a sales tactic. And so we shouldn't pretend like something intelligent is talking to anyone. It's a calculative high-speed machine, and as such it'll be cold and as such it'll be inhuman. And if you leave that machine with your children, it will do inhuman things to your child no matter what.

Chris Mufarrige:

No matter. Even if they don't do horrible things like the poor kid in Florida, they will still become less human, period. And I think we've got to get there and think more rigorously and philosophically about the flim-flammery that's being sold. These are tools. They have their uses, but they're not intelligent.

Claire Morrell:

And I'll just say they're also incredibly difficult to control. So there's been more reporting, Forbes we've just had this investigative report out on how these educational AI tutors could still, if you phrase the question a certain way, return results to kids about how to make fentanyl or just other really harmful things so it's not even educational- related. And so I think that's another challenge that parents face is that it's very difficult then for the people making the AI products to actually make them protective for kids.

Annie Chang:

Claire, you just touched a little bit on policy that you would like to see. We talked at length about the FTC, the federal government's role. State and local government are often but should not be overlooked when discussing government action. Those policymakers and decision-makers at those lower levels are often the ones closest to the people and their concerns. Based on what you've both seen, can you tell us what you think states can do with the existing laws in their books to further protect children?

Claire Morrell:

I mean, just with existing laws, states have their own unfair and deceptive trade practices statutes, and so we already are seeing state attorneys general use these to bring lawsuits against Meta and TikTok for the way that they're deceptively advertising their products as safe for children. But all their internal research and documents show that they know about how harmful these things are. And so I think state attorneys generals can creatively and more aggressively use their existing statutes to try to go after these social media platforms for the ways they're marketing their things to kids, even for how they market parental controls. They're very deceptive because the parent doesn't actually have real control. And so I think there are existing statutes, we can talk about other laws that can be passed, but I think I'm encouraged to see more and more state attorney general leaning in to the statutes that they already have to bring lawsuits against these companies for their harms to kids.

Chris Mufarrige:

Yeah, I would just second that motion. I do think the shift, and this is another sort of answer to a previous question, but the shift from the beginning of the digital age to now was it's virtue and the kid's got to be virtuous. And now we're sort of at the point where it's a drug, it's addictive. There's a medical psychological component to these problems in pathologies that get set up on purpose by these machines and software. Parents, and this is not in the law very easily now, but parents need a right of action. Let's say we get an 18 like, oh yeah, no, we're going to force you to click I'm an eighteen-year-old. Well, if you don't do that verification, honestly, if you're not serious about it, then my kid has a deep psychological problem that I can document, which we can now. It's pretty easy to document these sorts of brain-warping addictions to pornography.

Chris Mufarrige:

Then what about a right of action? That'll get the porn industry to stand up and take notice and get serious. I don't know. I'm not a lawyer. I just come up with crazy ideas and lawyers shoot them down.

But sometimes one gets through and I think we should be thinking about these sorts of things. I want to reiterate the call. If we're going to keep self-government alive for the next 100 years, we're going to have to get serious about realizing that pornography has nothing to do with the glorious right of speech to help each other be good. It's a totally different category, and we have to get there and eventually we have to get the slowest of us, i.e, judges to see it as well.

Claire Morrell:

Yeah, and I would just add, I think this is why I am encouraged by seeing more states attorney general taking action is because the big tech companies have operated with such impunity for so long that it's been so hard for parents to have any means of accountability for harms to their kids. Because of Section 230 and its other expansion by the courts to basically immunize these companies even for their own wrongdoing. And so state attorney generals can also, they have been in these lawsuits bringing suits also for violations of COPPA because they know that eight to 12 year olds are all over these platforms, and so they're not allowed to collect data on kids under 13 without parental consent.

Claire Morrell:

And so I'm encouraged by the lawsuits, and I think it is really necessary because the companies will not change their business practices or their business model if they're not held accountable. And that tool of legal accountability through litigation is just so critically important. And so it's why the FTC is so important. It's also why the states in their law enforcement arms through their state attorney general are so important to backing parents up. Because it's often very difficult as an individual parent to be able to bring a lawsuit successfully against these massive tech companies.

Annie Chang:

Thank you both so much for being here today. I hope you've all learned so much from Claire and Dr. Mehan. I know I did. Thank you so much.

Jon Schweppe:

Well, thank you all for a really wonderful panel, and thank you Annie for that as well. Really valuable insights. I just wanted to really quick, I know we thanked event staff earlier. I also want to make sure we're directing thanks to the security folks who are here today keeping us safe. Thank you so much. Really appreciate you guys. Now, I am very excited to introduce... We had Senator Blackburn earlier who's a champion, and we have another champion for you guys here today, Senator Katie Britt. And so ladies and gentlemen, Senator Katie Britt.

Katie Britt:

I can queue that up a little bit. Sorry guys. Sorry. Oh, thank you so much for the introduction. Thank you for allowing me to be here and just appreciate the FTC facilitating this conversation. This is such an important topic, and as one of two Republican moms of school-age kids in the entire United States Senate, bringing light to this in a personal way I think is really important. So protecting Americans on social media, specifically our young people, is something that I've been advocating for since the day I set foot on the Senate floor. I can tell you I don't have to ask people what it's like to raise kids right now, I am actually living it. And whether it is my own life experience, whether it's that with other moms that I go walking with or see at the ball field or whether it is stories I hear from other parents that sit in front of me in my Senate office, I am concerned about the dangers of social media and looking at what's happening to teenagers and our youth.

Katie Britt:

Mental health crisis is something that I think that our lawmakers need to do more of. One aspect that's particularly concerning to me is cyber-bullying. So I'm sure you've talked about it today, but when I grew up and we left school, let's say that you were in a little bit of a tiff with somebody in school. You got to go home and get away from that. Anything that you would've done would probably have been written on a note or you would've actually had to call that person's house. You would've had to tell their parent you wanted to speak to them, if you wanted to continue the challenging conversation. Unfortunately, now all of that happens in real time. People texting, tweeting, posting on social media, bullying has become instantaneous. And anyone can hide behind a screen, and they seem to have much more courage to say things in that manner than they would face to face.

Katie Britt:

Also, locations. So all of our teenagers, and for those of you who are raising one, or for those of you who may be a young professional, follow each other around everywhere. Well, what that means for a child is you instantly know if you weren't included. If you rewind 10, 20 years ago, you may or may not have learned that you were left out of a spend the night party on a Friday night or that you weren't invited to somebody's birthday party over the weekend. Now, in real time, not only are the pictures being uploaded, but you look at your friends and you can see that they are all together and you can see that you weren't included. Additionally, front facing cameras. So I didn't grow up with one. Parenting now is a different challenge. It's a different day and age. Having conversations and have this with parents all across the state, talking about how do we talk to our children about this.

Katie Britt:

They have this device with the technology right there in their room. We have some children that are taking pictures, posting and or sending them to friends or someone who they believe themselves to be in a relationship with, and there are things that they can't take back. I've talked to a number of parents who, unfortunately their children have been victims of sextortion where they thought they were sending a picture to a 14-year-old child down the road in the next city, but in fact it was to a Nigerian sex ring. That child then became increasingly aware of what was going on. They're being actually extorted through a number of ways, and they're trying their hardest, and many of them unfortunately believe it's a situation they can't get out of, and we have had some that have taken their own life. That is not just an individual instance, that is occurring a lot more than people are talking about.

Katie Britt:

So without tools that are regulating this, without us making sure that we can hold companies accountable, without making sure that we can figure out how to put up proper guardrails, still allowing our children to grow and thrive and learn and explore, but knowing what we know now versus what we knew when all of these social media companies came to be commonplace, I think we have a duty to do something different. And to safeguard our children's mental health, I believe protest starts with protecting them from the dangers on social media. So one of the solutions that we have created through a legislative pathway is with my good friend, Senator John Fetterman. So John and I came together last year and started the Stop the Scroll Act. We have just now reintroduced it this year. This came was as a direct response to the previous Surgeon General's call for the creation of warning labels on social media just like we have on cigarettes or alcohol.

Katie Britt:

So 42 states attorneys general, including Alabama and Pennsylvania's backed this proposal. Our bill would require a warning label to be placed on social media platforms to ensure that users know the potential of the adverse effects of these apps and acknowledge that before proceeding to them. So it'd be like a little pop-up screen that then you could click through. The only thing that John and I said, we knew the Surgeon General and the FTC would work on what that language looked like, but the only requirement that the bill actually creates is to ensure that the warning label in some way gives the user quick access to mental health resources. This would look like a link to 988, the suicide or crisis prevention lifeline or other resources to quickly help put those things at the fingertip of a user who may need it. I believe that Congress should be committed to ensuring that the next generation of Americans have access to the necessary tools, resources, and information to thrive on and offline.

Katie Britt:

And I believe failing to warn our children and their parents about the proposed risk and dangers is absolutely and totally unacceptable. I believe this is similar to previously when we decided we needed to actually let people know about nicotine and that it was addictive. That's exactly what we need to do here. The Surgeon General's call for warning labels came after a response to data that adolescents who spent more than three hours a day on social media faced double the risk of anxiety and depression. Now, here's the deal. Our youth doesn't just spend three hours a day, as I am sure you have discussed today. They're spending five plus hours a day on social media. Without a doubt, social media is the leading cause, if not the number one cause of our youth mental health crisis. And you can look at the numbers. So between 2011 and 2019, the rate of depression amongst our young people more than doubled, that perfectly coincides with the rise in social media.

Katie Britt:

Medical experts tell us that teenage minds are still developing, and they are naturally ill-equipped to stop social media overuse on their own. 54% of teenagers say that it would be somewhat or very hard to give up social media. 35% of teenagers say that they are on YouTube, TikTok, Instagram, Snapchat, Facebook or others almost constantly. In the past year, one in three high school young women said that she seriously considered death by suicide. Then 25% of our high school population, young women, said they made a plan to take their own life. And then 13% of high school young women, coast to coast actually attempted death by suicide. When you add in young men, that's 9% of high schoolers that actually attempted death by suicide. One study from the University of Michigan School of Public Health even found between January 2016 and 2022, the monthly antidepressant dispensing rate amongst US adolescents and young adults increased by 66. 3%. Social-

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Katie Britt:

... 86.3%. Social media overuse can also impact a child's brain, a recent study from UNC found that 12 to 13 year olds who check social media repeatedly saw changes in how their brain actually developed. We know from the Surgeon General's report that 40% of adolescents between eight and 12 use social media, and that number rises to 95% when looking at children between the ages of 13 and 17. The Surgeon General's report last year also made it crystal clear, social media negatively impacts children and teens and is rewiring the next generation for the worst. We are past time to get serious about how social media impedes the growth to allow children to develop into happy healthy adults. So the last time that the United States actually dealt with this and had legislation was 1998. Now, Let's just kind of set the stage for you, MySpace didn't even exist. Okay? And if you're looking at it obviously to its credit,

COPPA, which is the Children's Online Privacy Protection Act, that was put in place five years before MySpace, it did try to address some of the problems that would come.

Katie Britt:

Current law says websites and other online services cannot collect personal information from children under 13 years old without parental consent. Now, the catch is these websites actually have to know that the child is under 13. The lack of age verification created an obvious incentive for companies not to check whether their user were old enough to be on the apps. Anti-child sex abuse organization, THORN, conducted a study in 2021 that showed 49% of respondents between nine and 12 said that they had used Instagram, 52 said Facebook, 58% said they had used Snapchat, and 69% said they had used TikTok. The age limits social media companies claim they have mean absolutely nothing. This is why I introduced legislation to set a minimum age of 13 years old for social media platforms, it's called The Kids Off Social Media Act. I came together with Senator Ted Cruz, Senator Brian Schatz, and Senator Chris Murphy, we came together not as people that sit in the right or the left, not as Democrats or Republicans, but as for concerned parents, each and every one of us are raising teenagers in this day and age.

Katie Britt:

This bill is built on common-sense tenants, it prevents children under the age of 13 from creating a social media account, which is something social media companies say they do anyway. It prohibits the use of algorithms on all social media users who are under the age of 17, providing the FTC and state's attorneys general the authority to enforce the provisions on the bill, and it includes Senator Ted Cruz and Senator John Fetterman's Eyes on the Board Act, that requires schools to limit access to social media on federally funded networks, something that many schools already voluntarily do. While I don't think it's any secret that social media algorithms take teens away from their schools and their friends and their family, I also want to highlight an under-discussed problem, the blatant promotion of dangerous content. One recent study said that a new TikTok user would be delivered an algorithm within 2.6 minutes of use about suicide. Then, if you stay on it your first eight minutes, you would be delivered an algorithm about eating disorders. Look, as a mom who thinks about children going through this, I think it's horrifying. I worry not only for my own children but their friends and children across our nation. To make it worse, social media companies know the harm that their platform can cause. Despite their insistence to the contrary, social media platforms care more about their bottom line than they care about the youth mental health crisis, and if not, then let's do something big about this. So, Instagram's parent company Meta conducted an internal research polling, saying that one third of teenage girls who use the app report that it makes them feel worse, but they just can't stop. Knowing what we know now, I believe it's time to come together to figure out a pathway pull forward, and it is imperative that Congress actually passes legislation sooner rather than later to put up proper guardrails.

Katie Britt:

Because this is a bipartisan issue, it requires a bipartisan multifaceted solution. Policy makers, researchers, technology companies, parents, families, all need a seat at the table, and play a role in how we work to protect our children. First, we need to put parents back in the driver's seat and empower parents and families with the tools they need to help keep their kids safe on social media. As parents, we deserve to know what our children are being exposed to and have access to that as well. Secondly, for far too long, social media companies have profited by preying on impressionable young minds, knowingly not putting enough safeguards in place to protect them from bad actors and negative mental

health effects. Look, make no mistake, social media companies are aware of the harm they are causing kids, but they've continued to prey on them, and unfortunately it makes them a massive profit.

Katie Britt:

The algorithms are designed to stir up the most sensitive emotions, the longer you stay on a post, the more money they make, the more depressing the content, the longer you stay. Think about the mother in New York who days after her 16-year-old son had taken his life, opened his TikTok account and found that he had been bombarded with videos about suicide and self-harm. The social media companies know that the longer they can keep a user on that platform, the more money they make. Internal documents and whistleblowers from Meta have shown that the company is well aware of the fact that Instagram creates body perception issues for young girls. You talk about social media across the country, young users are an impressionable blank canvas, it's not just young women with self-esteem issues or bodily harm, it's young men, with pornography and gambling and many other things. They know what it takes to bring you in.

Katie Britt:

When young women, it's already been put, delete a number of selfies, what do they do? They send you beauty products. Folks, this is disgusting, absolutely disgusting. And so, in that piece of legislation I discussed, if your child is under 17, you cannot use algorithms against them, that is absolutely the least we can do. I am sincerely grateful for other efforts of my colleagues, I know you have heard from some of them today in the Senate, that address our youth mental health crisis and protect our most vulnerable. This isn't a problem that just one piece of legislation fixes, and I believe you've got to bring all of these ideas to the table to figure out the best pathway forward. Senator Cassidy and Senator Markey's COPPA 2.0 stops companies from collecting data on teens, and provides parents new tools to look out for their children. I also joined Senator Blackburn's and Senator Blumenthal's Kids Online Safety Act, which makes privacy for kids a default, not just an option.

Katie Britt:

And I was also thrilled to see Senator Cruz's and Senator Klobuchar's Take It Down Act, that the first lady has also championed, actually be signed into law. You'll notice all of these efforts are bipartisan. When it comes to the harms that social media pose to our children, I believe it's critically important that both Democrats and Republicans come together. Ultimately, this is about fighting for our next generation and ensuring they can grow up safely, and without having their world torn apart, as that happens so many times on social media. Let's put the tools in the hands of parents and give them the ability to actually keep their kids safe. We want every child across our great nation to be able to live their American dream. What we have right now is a nightmare for way too many families, it is past time that we take action.

Katie Britt:

It is groups like this, it is days of discussion like this, where we are talking about the issue, when we are pulling out potential solutions, when we go back into our communities across the country, we mobilize moms, parents, people who want to see a better tomorrow. We educate those people, give them the tools they need to actually help us affect change that will make the biggest difference. So, I just want to say thank you for your commitment to being here today, thank you for the work that you're doing to try to help us move solutions down the field, across the finish line, our children are counting on us, and this is one where failure is not an option. Thank you.

Jon Schweppe:

Thank you, Senator Britt, and thank you so much for your important work in the US Senate on this issue. And now folks, we have reached our final speech. So, again, thank you so much for staying all day, I hope it was valuable for y'all. We have our newest commissioner, Mark Meador, and he's going to be giving concluding remarks. So, ladies and gentlemen, I'd like to introduce Commissioner Meador.

Andrew Ferguson:

Good afternoon, thank you very much for having me today, and thank you to Senators Blackburn and Britt for your thoughtful comments and leadership on these issues, as well as to Chairman Ferguson for putting together today's event, and Commissioner Holyoak for her insightful remarks. As always, my comments today are my own and do not reflect those of the Federal Trade Commission or any other commissioner. It's a pleasure to be here today for the very important conversations we've been having, and as we bring this workshop to a close, I want to underscore that they need to keep happening. We need more of these conversations. That Congress and the executive branch and families around this country need to move forward together. And here's why. If you've been around D.C. for a while in policy circles, then you've probably heard a lot of arguments defending a particular economic sector.

Andrew Ferguson:

Those arguments often amount to some combination of the following, we must support American industry and innovation. This is a matter of fundamental liberties, it's about freedom. If we don't support our homegrown industry, foreign competitors will overtake us. Parents, not the government have the responsibility for their kids. The research isn't settled. We can't trust the government, if they get involved, they'll take away the rest of our freedoms next. Sound familiar? I hope so. Now, you might be wondering what I'm talking about here, what industry exactly is being defended? And given the subject of this workshop, you might think I'm talking about social media, but I'm actually talking about big tobacco. That's right, those were the slogans then too. Probably all of us in this room have heard all these talking points that get brought out, every time any lawmaker or policymaker starts talking about tech policy. And I'm here to tell you that there's nothing new under the sun.

Andrew Ferguson:

Of course, innovation and liberty and parents' rights are important, we take these very seriously, but much of the time these talking points are efforts to obscure the facts not illuminate. These talking points are simply justification for taking no action to keep American children safe. We've heard these arguments before just in a different context. In the context of an industry that was actively doing harm. Today, we take for granted that cigarette smoking causes cancer, and that kids shouldn't be lighting up, but that wasn't always the case. Not all that long ago there was a powerful, well-funded, tremendously influential campaign to bury the truth. Fortunately, the American people didn't buy it, the truth won. Our kids today are living in a safer and healthier world as a result. Smoking isn't cool anymore, it's not the default, the thing that everyone else is doing. And as we stand here today, in June of 2025, I don't think the American people are still buying this line in the social media context either.

Andrew Ferguson:

The talking points are wearing thin because reality keeps hitting us in the face. Today, American parents and policy makers alike are increasingly aware that the battle over the attention economy echoes the fight against big tobacco. The corporate moves are the same, the old playbook is still in effect, and the need for action is the same too. If you step outside this building and walk around downtown D.C. and

look at the advertisements posted on billboards and bus stops, you'll start to notice an interesting theme. You'll start noticing all the ads from social media companies, and they're a very specific kind of ad. They're not about how cool or sophisticated the new apps are, instead, the companies are bending over backwards to explain how their products are safe for kids. Once you notice it, you can't unsee it, these ads are everywhere. And they say all kinds of appealing things, how the apps have time limits, parental controls, limitations on who can message the children, and I do mean companies plural.

Andrew Ferguson:

It's not just one firm, it's several of them. And this industry-wide campaign is in full swing because just like big tobacco, these companies stand to benefit if kids use their products. Early on, the tobacco companies realized they couldn't rest on their laurels, they couldn't assume the public would buy their products forever, so they needed to win the next generation. That's how we got Joe Camel, you remember him? It's the same way with social media. Technology moves fast. So, social media companies have powerful incentives to keep kids hooked for the long haul, and that means above else, making sure their parents still give them access, making sure nobody ever logs off. Because a lot of concerning evidence has been rolling in lately, more and more parents are reading books like Jonathan Haidt's the Anxious Generation, and wondering whether these platforms are really all that safe, whether these companies can be trusted.

Andrew Ferguson:

Congress seems like it's getting closer and closer to passing substantive tech regulation, and that's why we're seeing this new company-driven push for safety, supposedly in support of parents' rights. The social media companies are encircling the wagons, trying to calm everyone's fears. Now, in the abstract, building in safeguards is all well and good, as a parent I support it, but these giant companies aren't doing it out of the goodness of their hearts, they're doing it to protect their ability to harvest data from kids, to keep making money off them. So, we should all take that language about parents and families and safety with a very, very large grain of salt. I'm reminded of a remarkable quote from tobacco lobbyist, Nick Naylor, in the film, Thank you for Smoking, which, if you haven't seen it, you should. He said, "It's called education. It doesn't come off the side of a cigarette carton, it comes from our teachers, and more importantly our parents. It is the job of every parent to warn their children of all the dangers of the world, including cigarettes, so that one day when they get older, they can choose for themselves."

Andrew Ferguson:

Of course, that all sounds nice, who could disagree? But it's a coded message. Remember, he's a tobacco lobbyist, his argument is that the government has no business helping parents at all, that it's all a matter of individual choices. What could be wrong with smoking if that's what the children want? Individual choice is ironically invoked as the justification for ever greater corporate power, and it's precisely the same where social media is concerned. For today's social media giants the point is to get the kids on the apps and keep them there, to get them hooked and call it freedom. But what's the real harm though? After all, you can see lung damage on an X-ray, but maybe it's a bit trickier in the social media context. To be sure, it's hard to isolate social media or smartphones as single variables in a longitudinal study, human lives are complex.

Andrew Ferguson:

But that being said, the data paints an alarming picture. Let's take just a few statistics. Since 2010, the rate of major depression among boys has increased by 161%, for girls by 145%. Since 2010, the rate of

anxiety among college students has increased by 134%. For children ages 10 to 14, young children, suicide rates increased by 91% among boys and 167% among girls since 2010. These are staggering statistics, and we don't have to blind ourselves about the timing. These spikes are occurring alongside the rise of the smartphone and especially social media. It's not all that hard to ascertain that there's a relationship between smoking and lung disease.

Andrew Ferguson:

This isn't rocket science. And it's not all that hard to figure out that there's a connection between anxiety and depression and a widespread shift to life online. Just think about how the technology itself functions, for one thing, social media platforms rely on social comparison, and supercharge it on a global scale. I'll let one of Jonathan Haidt's research subjects speak for herself. "I can't stop comparing myself, it came to a point where I want to kill myself because you don't want to look like this, and no matter what I try, I'm still ugly, feel ugly. I constantly cry about this, it probably started when I was 10, I'm now 13."

Andrew Ferguson:

Imagine young people experiencing this over and over again in households and classrooms across the world. That's the sort of harm we're facing. And it increasingly looks like some of the platforms themselves know this. In late 2021, the Wall Street Journal published a series of leaked documents from inside Meta, discussing internal research on their platform's effect on young people. According to the internal researchers, teens told us that they don't like the amount of time they spend on the app, but feel like they have to be present. They often feel addicted, and know that what they're seeing is bad for their mental health, but feel unable to stop themselves. What's more, the researchers omitted, "We make body image issues worse for one in three teen girls." That's bad enough, but it gets worse. The evidence is piling up that these platforms invite young people into communities devoted to eating disorders, self-harm, drug use, and sexual exploitation.

Andrew Ferguson:

None of us would allow our children to wander through the red light districts, and yet that's effectively what many of them are doing on the open internet every single day. This is not passive exposure either, it's certainly not what Congress contemplated when Section 230 was passed in 1996, that's the law that shields internet platforms for liability for user-generated content, that is the companies aren't liable for what third-party users post on them. We're a long way from that. Today, many platforms themselves use algorithms that amplify user exposure to extreme and incendiary and predatory content. Last week, evidence emerged that Instagram's recommendation engine connected underage users with groomers targeting children on the platform. Lots of you probably use Instagram yourselves, you know that feature on the app that shows you accounts you may want to follow to connect with? Well, the evidence indicated that more than one in four of the recommendations to potential predators were recommendations of children's accounts.

Andrew Ferguson:

It's not just that young users log on and go looking for trouble, rather the trouble finds them. Too many platforms are already addictive and harmful just like tobacco, and they're growing ever more addictive and harmful with time. That's how they work, that's how they're designed. Like big tobacco, the business model of big social media depends on keeping customers addicted, just craving the next fix, the next puff, the next notification. Perhaps it's bad for the customer, perhaps there's some predatory

behavior going on, but there'll always be more customers, or so the theory runs. To be clear, American consumers were never supposed to know that any of this was going on. For years the public was in the dark. That's why it has taken a long string of whistleblowers to make so much of this information public. Those internal studies about social media platforms making depression and addiction and body images worse, the American public wasn't supposed to see those.

Andrew Ferguson:

The American public wasn't supposed to see those because they were likely part of a business strategy. Another Meta whistleblower, a separate whistleblower, recently alleged that the company offered advertisers, " The opportunity to target 13 to seventeen-year-olds across its platforms during moments of psychological vulnerability, when they feel worthless, insecure, stressed, defeated, anxious, stupid, useless, and like a failure." The company allegedly made a pitch deck for advertisers allowing them to micro-target teen audiences for product sales related to the moods of the teens in question. In other words, when it seems like you're feeling a certain way, you get an ad that's deliberately tailored for your state of mind. How exactly did it work in practice? Well, the company could allegedly track, "When 13 to seventeen-year-old girls delete selfies so it can serve a beauty ad to them at that moment." In other words, knowing when young girls are feeling down, hitting them when they're feeling down, sounds like quite a business model. That we're learning is the sort of threat America's families are up against.

Andrew Ferguson:

That is what lies behind the curtain. Is that unfair and deceptive? I'll let you decide. We need to be frank about the scale of this problem, America's children and families are up against some of the most powerful, well-funded, influential corporations ever to exist. They have billions upon billions of dollars to pour into public relations efforts, ideological counter-programming, and attempts to discredit the researchers bringing the truth to light. And as many of us in this room know, they're not shy about using all that capital. Big tobacco did exactly the same thing. As late as 1993, the tobacco industry was putting out a handbook called Bad Science, that accused researchers of, "Adjusting science to support preconceived public policy prescriptions." As Naomi Oreskes and Erik Conway put it, this was a strategy to, "Pretend that you wanted sound science when you really wanted no science at all, or at least no science that got in your way."

Andrew Ferguson:

Sounds pretty familiar. Sounds like what parents and children are up against right now. We need only look beyond the smoke screens, we need only look at our families and lives and communities to glimpse the wreckage our digital age is leaving behind, and we need only be honest that sometimes products themselves can be harmful. Big tobacco certainly was. And there was a powerful and well-funded campaign to keep anybody from finding out just how harmful. But today, we are choosing to live in truth, we choose to insist that accountability matters. Today, we take our first steps toward a different future, a better future because it is a future grounded in reality. Today, we choose to stand for the welfare of the American people and American families, not merely American corporations, and that is a future worth fighting for.

Andrew Ferguson:

I'd like to thank you all for joining us today at this workshop, and for joining us in this battle. Last night, the vice president made some remarks that I think are on point, in explaining this administration's high-level approach to economic policy, he said, "What we're trying to do is make sure that families that work

hard and play by the rules can live happy lives." That's what we're doing here today, that's the point of this workshop and all the enforcement efforts at the FTC, and I thank you for participating and for helping us in this fight. Thank you.

Jon Schweppe:

And that will conclude our event here today, thank you all so much for coming.

PART 13 OF 13 ENDS [07:01:39]