Committee on Energy and Commerce  
U.S. House of Representatives  
Witness Disclosure Requirement - "Truth in Testimony"  
Required by House Rule XI, Clause 2(g)(5)

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<td>1. Your Name:</td>
<td>Kate Klonick</td>
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<td>2. Your Title:</td>
<td>Ms.</td>
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<td>3. The Entity(ies) You are Representing:</td>
<td>None</td>
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<td>4. Are you testifying on behalf of the Federal, or a State or local government entity?</td>
<td>Yes</td>
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<td>5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2015. Only grants, contracts, or payments related to the subject matter of the hearing must be listed.</td>
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<td>6. Please attach your curriculum vitae to your completed disclosure form.</td>
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Signature: [redacted]  
Date: November 27, 2017
KATE KلونICK

EDUCATION

Yale Law School, Ph.D. in Law, expected May 2018, New Haven, CT

Georgetown University Law Center, J.D., 2012, Washington, D.C.
*The Georgetown Law Journal*, Senior Online & Development Editor
*Ipsa Loquitur: The Georgetown Law Journal Online*, Managing and Founding Editor
Research Assistant to Prof. Jane Stromseth

New York University School of Law, Visiting student, September–December 2011, New York, N.Y.
Research Assistant to Prof. Vicki Been, *Furman Center for Real Estate and Urban Policy*

Brown University, A.B., Honors in Modern American History, 2006, Providence, R.I.
Demonstrated second major and selected graduate coursework in Cognitive Neuroscience

WORK EXPERIENCE


Venable, LLC, *Summer Associate*, Summer 2011, Washington, D.C.


ACADEMIC PUBLICATIONS


Private online platforms are the New Governors of online speech. They have an increasingly essential role in free speech and participation in democratic culture. But while it might appear that any Internet user can publish freely and instantly online, many platforms actively curate the content posted by their users. How and why these platforms operate to moderate speech is largely opaque. This Article provides the first analysis of what these platforms are actually doing to moderate online speech both in terms of their substantive policy and through the procedural systems they developed. Drawing from original interviews, archived materials, and leaked documents, this Article not only describes how three major online platforms—Facebook, Twitter, and YouTube—moderate content, it situates their moderation systems into a broader discussion of online governance and the evolution of free expression values in the private sphere. It reveals that private content moderation systems create substantive policies that balance free speech norms, corporate responsibility, and the economic necessity to create an environment reflective of the expectations of its users. In order to accomplish this, platforms have procedurally developed a detailed system similar to common law regulation with recursively revised rules contingent on new and changing facts, trained human decision-making like judges, and reliance on a system of external influence. This Article argues that to best understand online speech, we must abandon traditional doctrinal and regulatory analogies, and understand these private content platforms as systems of governance operating outside the boundaries of the First Amendment. These platforms shape and allow participation in our new digital and democratic culture. They are the New Governors of online speech.
Advances in technology communication have dramatically changed the ways in which social norm enforcement is used to constrain behavior. This is powerfully demonstrated through current events around online shaming and cyber-harassment. Low cost, anonymous, instant, and ubiquitous access to the Internet has removed most—if not all—of the natural checks on shaming. This article ties together the current conversation around online shaming and cyber-bullying and cyber-harassment with the larger legal discussion around social norms and shining sanctions. It argues that the introduction of the Internet has altered the social conditions in which people speak and, thus, changed the way we perceive and enforce social norms. Accordingly, online shaming is (1) a punishment with indeterminate social meaning; (2) not a calibrated or measured form of punishment; and (3) of little or questionable accuracy in who and what it punishes. In thus reframing the problem, this Article looks at the viability of the legal, normative, private, and State solutions to controlling online shaming. It argues that looking only to State regulation will be an inefficient and ineffective solution. Instead, it proposes using the realizations from the shame debate, successful uses of online norm enforcement, and private remedies to inform the debate around State intervention.


Perhaps more than any other area of law, copyright law is grounded in the subjectivities of human perception. This is especially true in regard to derivative works, where courts and legislatures have long struggled to create laws and tests that outline qualities and categories for determining similarity between original and derivative material. The issue of how to create reliable strictures to judge something as subjective as similarity is not, however, unique to the law. Cognitive scientists have asked the same question for decades, creating various models to explain how people prioritize, categorize, and judge features in determining similarity between two or more objects or ideas. This article examines the doctrine surrounding the derivative works right and transformation factor under the fair use test; provides a brief history and summary of cognitive science and psychology’s ideas about human perception of generalization, similarity, and categorization; and analyzes the derivative works and fair use doctrine with the insight of cognitive psychology. This Article’s analysis suggests possible improvements to judicial frameworks, and explores future applications for cognitive psychology in copyright laws and ways in which attorneys might use such biases to their advantage.


Following the Supreme Court’s decision in Kelo v. City of New London, which expanded the state’s power to condemn private property and transfer it to other private owners under the Fifth Amendment, there have been significant calls to curb the power of eminent domain through statutory reform. Those in favor of such reform argue such legislation is needed to protect private property rights against rising state power, while those opposed argue that empowering the public in land use decisions slows development and, ultimately, economic progress. This Note argues that incorporating public approval need not come at the cost of expediency. Rather, using the Atlantic Yards project in Brooklyn as a case study, this Note demonstrates that advances in technology provide the opportunity for increased community connectivity, involvement and transparency—which can then be used to streamline the public-hearing process. Using the lessons of netroots, the insights of e-Rulemaking, and the classic public hearing model of land use, this Note outlines a new solution to the classic tension between developers and landowners. Thus, a public empowered by statutory reform can couple with Internet political activism to create a new and more efficient approach to traditionally ineffective public forums at little-to-no cost to continued land and real estate development.
KATE Kلونick

OTHER PUBLICATIONS

The Terrifying Power of Internet Censors, N.Y. TIMES OP-ED (Sept. 13, 2017)
Facebook, Free Expression and the Power of a Leak, N.Y. TIMES OP-ED (June 27, 2017) with Margot Kaminski
The Most Important Lesson From the Leaked Facebook Content Moderation Documents, SLATE (Jun. 29, 2017)
Here’s What It Would Take for Twitter to Get Serious About Its Harassment Problem, Vox (Oct. 25, 2016)
Facebook Under Pressure, SLATE (Sept. 12, 2016)
You’ll Never Guess This One Crazy Thing Governs Online Speech, SLATE (Aug. 24, 2016)
The Science of Blame: Why We Respond to Tragedies All Wrong, VOX (Apr. 14, 2015)
Stingrays: Not Just for Feds!, SLATE (Nov. 10, 2014)

PRESENTATIONS & CONFERENCES

Hearing on Algorithms and Content Moderation in Online Speech Platforms, UNITED STATES HOUSE SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY, November 2017, Official Witness Testimony
Digital Impact: New York City, STANFORD DIGITAL CIVIL SOCIETY LAB, October 2017, Panel Member
Free Speech, Hate Speech: Regulation Online Conversations, NEW SCHOOL, October 2017, Panel Member
Academic Workshop, NORTHWESTERN LAW SCHOOL, September 2017, Presenter
Academic Workshop, UNIVERSITY OF CHICAGO LAW SCHOOL, September 2017, Presenter
Fellows Workshop, GEORGETOWN UNIVERSITY LAW CENTER, August 2017, Presenter
Paper Presentation, DATA & SOCIETY, August 2017, Presenter
Faculty Talk, UNIVERSITY OF ARIZONA LAW SCHOOL, April 2017, Presenter
Robot Salon, GOOGLEX, April 2017, Salon Participant
We Robot 2017, YALE LAW SCHOOL, March 2017, Chair
Faculty Talk, BROWN UNIVERSITY COGNITIVE SCIENCE AND PSYCHOLOGY DEPT., March 2017, Presenter
Freedom of Expression Scholars Conference, YALE LAW SCHOOL, May 2016, Presenter
Nebraaklyn Junior Scholars Conference, NEBRASKA LAW SCHOOL, March 2016, Presenter
Internet Law Works In Progress, NEW YORK LAW SCHOOL, February 2016, Presenter
The Future of Artificial Intelligence, NEW YORK UNIVERSITY, January 2016, Panel Moderator
Freedom of Expression Scholars Conference, YALE LAW SCHOOL, May 2015, Discussant
Beyond IP 2, YALE LAW SCHOOL, March 2015, Commentator
Works In Progress Intellectual Property, U.S. PATENT TRADE OFFICE, February 2015, Presenter

MEDIA

Kelsey Atherton, Facebook can’t solve its hate speech problem with automation, POP. SCI. (Jul. 7, 2017) (discussing how automation can be used to resolve problems with hate speech).
Emma Ellis, Filtering your world is understandable but it’s not helpful, WIRED (Jul. 5, 2017) (discussing the psychological role of media echo-chambers and self-selected content).
Kelsey Atherton, *Facebook is hiring 3000 new content monitors for a job AI cannot do*, POP. SCI. (May 4, 2017) (discussing the problems of using AI for content moderation).

David Boroff, *Facebook adding 3,000 people to review videos of crimes, suicides posted online: ‘We need to respond quickly’*, N.Y. DAILY NEWS (May 3, 2017) (discussing Facebook’s new addition of human moderators).


*How online campaigning is influencing Britain’s election*, ECONOMIST (May 27, 2017) (discussing the psychological role of fake news and social media echo-chambers on election results and voting).


Liam Stack, *No, Google Says, It Did Not Delete ‘Palestine’ From Its Maps*, N.Y. TIMES (Aug. 11, 2016) (discussing the effects of online shaming over false reports).

Tom Ashbrook, *On Point*, NATIONAL PUBLIC RADIO (June 23, 2016) (radio guest discussing online shaming).

Alex Speirs, *Ghost in the Machine: AI, Law, Ethics—What Does It Mean For You?*, GENERAL COUNSEL MAGAZINE (Summer 2016) (discussing robotics and artificial intelligence and the law).

Josh Brustein and Jing Cao, *Did Nintendo Fire an Employee to Appease a Gamergate Mob?*, BLOOMBERG (Apr. 4, 2016) (discussing online shaming and real-world legal ramifications).


**Bar Membership**

New York State