NEW YORK UNIVERSITY

JOURNAL OF LEGISLATION

AND PUBLIC POLICY

2020 Legislation Competition

Co-Sponsors:
The N.Y.U. Center for Cybersecurity
&
Rights over Tech

"You won't believe what Obama says in this video!" wrote Actor and Director Jordan Peele in a [video](#) he created to warn the public of the dangers of a new kind of technology: deepfakes. Deepfakes are realistically altered videos that show something that never occurred. As a result, the videos have problematic implications for the proliferation of "fake news," evidence at trial, and trust in democracy. For instance, fake videos could portray politicians saying horrific things, "reveal" someone's criminal behavior, or falsely depict inflammatory behavior at political demonstrations. Some already [have](#).

On June 12, 2019, Congresswoman Yvette Clarke (D-NY) introduced a bill to Congress to tackle the growing problem of deepfake technology. Representative Clarke's DEEP FAKES Accountability Act aims to "combat the spread of disinformation"[1] largely through the implementation of watermark and disclosure requirements for many types of altered videos. Deepfakes missing the required elements would subject creators to civil fines, civil actions, and possible criminal penalties. The bill would additionally establish a Deep Fakes Task Force under the Department of Homeland Security to investigate the technology's potential threats.

Critics, however, have raised several questions. Will this proposal be effective? Are the disclosure requirements too easy to evade? Does the bill implicate the First Amendment?

Please evaluate Representative Clarke's proposal.[2] Compose a response paper analyzing the DEEP FAKES Accountability Act, evaluating its strengths and weaknesses, and identifying and justifying any changes you believe necessary. Your paper should take the form of an essay, *not* a piece of legislation. The best answers will do more than simply list the pros and cons of the legislation. **We encourage you to propose amendments, introduce new sections, argue for alternatives to the bill, or substantively analyze why it should remain as is.** You need not limit yourself to legal analysis. You may also consider relevant political, social, or policy questions.

RULES FOR SUBMISSION

I. Your response paper should be no longer than **1500 words.**
II. Outside research is recommended and citations should be Bluebooked.
III. **Responses are due on January 20, 2020 at 11:59 PM EST**. Please submit your response proposal to **sse.legis@gmail.com.** Please include the attached **cover letter** form with your paper.
IV. Do not include your name or any identifying information in the response paper itself, as it will be graded anonymously. Any response papers with identifying information will be excluded from the competition.
V. Each response paper may be the work product of only one person.

THE PRIZES

Two winners will receive a cash prize and an all-expenses-paid trip to Washington D.C. to meet with policymakers and lobby for their proposal. Winning papers will also be published on *Quorum*, the *N.Y.U. Journal of Legislation and Public Policy* Online Companion, and recognized at our March 2, 2020 Deepfakes Symposium.

---

[1] H.R. 3230, 116th Cong. (2019).
[2] The full text of the bill is available at: https://www.congress.gov/bill/116th-congress/house-bill/3230/text.

2020 LEGISLATION COMPETITION:

APPLICANT COVER LETTER

Name	
Email	
Phone Number	
NYU Affiliation	
Class Year	

NEW YORK UNIVERSITY

JOURNAL OF LEGISLATION AND PUBLIC POLICY