

April 9, 2026

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Committee on Privacy and Consumer Protection
Hon. Members of the Committee
1020 N Street, Room 162
Sacramento, CA 95814

RE: AB 1709 – SUPPORT IF AMENDED TO PERMIT PARENTS TO PROTECT THEIR OWN CHILDREN WITHOUT HAVING TO RELY SOLELY ON GOVERNMENT OFFICIALS

Dear Chair Bauer-Kahan and Honorable Committee Members:

The Children's Advocacy Institute at the University of San Diego School of Law (CAI), which has sought to advance the well-being of California's children through legal education, advocacy, and litigation for over 30 years, wants to support AB 1709 but, regrettably and respectfully, cannot, unless it is modestly amended to permit those who have the most at-stake in the law being followed --namely, California's parents -- to protect their children by enforcing it.

CAI also respectfully seeks to ensure that public prosecutors, confronted by years of litigation against the world's largest law firms, are able if they prevail to seek an award for the reasonable attorneys fees and costs expended enforcing this law; a life-or-death one for children.

THE NEED FOR THE BILL

Until recently, CAI might have opposed this bill. Analogizing social media to a neighborhood park, CAI's preference has been to make the park safe for children to play in on their own without parental hovering. Likewise, CAI has in the past acknowledged that children from marginalized populations who may not be embraced by their parents -- LGBTQ+ children especially -- may find supportive communities through social media.

Two things have changed our minds:

- The unbroken record of social media platforms (i) aggressively suing to block or delay the implementation of any meaningful child protecting social media reform laws, (ii) simply flouting such laws when they don't sue, daring someone to enforce them¹, and (iii) their

¹ See, e.g., *Cruelty by Design* documenting platform efforts at evading two recent laws passed by this Legislature: AB 1394 (Wicks and Flora) and SB 1504 (Stern): https://catcher.sandiego.edu/items/usdlaw/08112025-Child_Cruelty_By_Design_Report.pdf

enduring refusal to engage constructively in legislative solutions choosing, instead, at every opportunity, to try to defeat or water-down all meaningful legislative reform efforts.

- The horrifying facts forcibly disclosed in the social media lawsuits that remove any doubt about how ambitiously they lie to us about their safety practices and whether they know their offerings are harmful, even deadly, to children. Take just this one jaw-dropping example: Meta had a policy of not removing accounts that facilitated sex trafficking – including child sex trafficking – until it somehow documented 17 instances of the account violating its company prohibition against such trafficking: “That means that you could incur 16 violations for prostitution and sexual solicitation, and upon the 17th violation, your account would be suspended.”²

Chair and members: social media platforms are not your partners in making their products safe. We now definitively know, they never have been. They never will be. They are your implacable foes. They will never voluntarily change their profit-even-if-it-hurts-children cultures. The evidence is overwhelming and one-directional: these companies must be compelled using every tool at your and our disposal to behave with baseline morality toward children. Nothing else will work.

We should continue to try to make the neighborhood park safe. But, tragically, for the foreseeable future, it won't be. Indeed, as AI is every nanosecond getting better and better at force-feeding children content that will keep them online even if they are suffering suicidal ideation or being cyberbullied, groomed, sexually trafficked, or made to feel ugly, the park is getting even more dangerous every moment.

NEED FOR THE AMENDMENTS

"The common sense of mankind demands that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave no home in the world untouched."

–U.S. Supreme Court Justice Robert Jackson³

It is hard to describe how much money the platforms have to spend on lawyers. Here is one example:

- The market capitalization of Meta and its principal owner's personal fortune dwarf not just California's budget ⁴ *but the budgets of all 50 states combined.*⁵

² *In re Soc. Media Adolescent Addiction/Pers. Injury Prods. Liab. Litig.*, No. 4:22-md-03047-YGR (N.D. Cal. filed Nov. 21, 2025) at 61-62 (Pls.' Omnibus Opp'n to Defs.' Mot. for Summ. J.). (citing Ex. 2B at 459:9-23 & Ex. 199 at 7242) (Hereinafter MDL). Vaishnavi Jayakumar, Instagram's then-new Head of Safety and Wellbeing, testimony and Meta's internal documentation confirmed this fact.

³ <https://www.ejiltalk.org/one-of-the-most-significant-tributes-that-power-has-ever-paid-to-reason/>

⁴ Meta's market cap is an unimaginable \$1.549 trillion. <https://companiesmarketcap.com/meta-platforms/marketcap/>

⁵ \$1.26 trillion, <https://grsconsulting.com/2024/12/18/nasbo-releases-fall-2024-fiscal-survey-of-states/#:~:text=NASBO%20Releases%20Fall%202024,revenue%20growth%20in%20recent%20years.>

Now, consider the legal team assembled in *just the single case* that seeks to overturn SB 976, the law offering parents some amount of supervision over the AI-written feeds that social media platforms know are addictive and harmful and deploy anyway.

- **Meta is represented by three separate offices of the law firm of Covington & Burling.** One of its attorneys in the case is a former law clerk to Chief Justices William Rehnquist and John Roberts and has represented clients in more than 60 cases before the U.S. Supreme Court.
- **Google is represented by two different offices of the Cooley law firm.** One of its attorneys in the case was the Solicitor General of the United States under President Biden. Not *one of* the attorneys in the Solicitor General's office. *The* Solicitor General.
- **TikTok is represented by three offices of O'Melveny & Meyers.** One of its attorneys in the case is among the nation's most famous trial lawyers – ranked in the top ten nationally – who became famous representing the Goldman family in the civil lawsuit against O.J. Simpson.

Of course, the Attorney General is obligated to defend state laws from assault.⁶ But, consider the day when – hopefully – SB 976 is upheld and must be enforced. Consider the day when we must sue these companies to obtain their compliance.

SB 976 contains a provision that expressly forbids our Attorney General from partnering with even his DA public prosecutor colleagues in enforcing the law.⁷ It is not disrespectful to the Attorney General to observe that, if he sues these companies, he might welcome some help.

A New Mexico jury recently found [Meta Platforms Inc.](#) liable for endangering children by misleading consumers about the safety of its social media platforms. Aiding the New Mexico attorney general was a team from the elite law firm of Motley Rice, led by a partner who was the former Attorney General for the District of Columbia who graduated from Harvard College (magna cum laude) and Harvard Law School (magna cum laude).

And, of course, the successful lead counsel on behalf of the bellwether plaintiff in the Los Angeles County consolidated social media cases is one of the nation's most celebrated trial attorneys, aided by an army of additional top-notch law firms.

Simply put: if California is to get serious about ensuring its social media laws benefitting children are enforced against maybe the most stubborn corporate bad actors in the nation's history – corporations with more money than God to spend on lawyers and that are unrestrained in their litigiousness -- then all stake-holding hands must be available to help. *This is just common sense.*

If you are serious about winning a fight against a litigation heavyweight, you don't step into the ring with one legal arm tied behind your back. This Legislature and Governor have enacted into

⁶ His office has done so brilliantly in this case. His brief opposing the efforts of all three companies to preliminarily enjoin the law is a master class on AI and its role in addicting children.

⁷ Health & Safety Code section 27006. "(a) This chapter may only be enforced in a civil action brought in the name of the people of the State of California by the Attorney General."

social media reform laws the ability of those with the most at stake to enforce the laws enacted to protect them. These include AB 1394 (Wicks and Flora, child sex trafficking survivors can enforce), and SB 1504 (Stern, parent, legal guardian, school administrator), to name just two. This bill should follow their example.

Moreover, most public prosecutors are elected. Given that fact, it is noteworthy that big tech has recently vowed to spend more of its unlimited funds on electoral politics than ever before.⁸ Surely, the platforms won't forget to try to influence the outcomes of public prosecutor elections.

PROPOSED AMENDMENTS

Proposed language. The proposed amendments CAI respectfully seeks would not permit parents to obtain civil penalties but would permit them to retain public interest-minded counsel simply to ensure the law is enforced. The amendments would also ensure that a parent could not settle a case without judicial approval or Attorney General input, to ensure the public's interest is advanced by any such settlement.

22683.

(a) This chapter shall be enforced by a civil action brought only either by the Attorney General, a district attorney, or a city attorney or a parent or legal guardian whose child has been harmed by a violation of this chapter.

(b) (1) A covered platform that violates this chapter shall, in an action brought by the Attorney General, a district attorney, or a city attorney, be subject to a civil penalty of the following:

(1) (A) Up to ____ dollars (\$____) per affected minor for a knowing violation.

(2) (B) Up to ____ dollars (\$____) per affected minor for a negligent violation.

(2) In assessing a civil penalty under this section, a court shall consider the size of the covered platform, the severity and duration of the violation, and the covered platform's good faith efforts to comply with this chapter. A court shall also award a prevailing plaintiff their reasonable attorneys' fees and costs.

(c) (i) In an action brought by a parent or legal guardian, a prevailing plaintiff shall be eligible for an award of reasonable attorneys fees and costs pursuant to Code of Civil Procedure section 1021.5.

(ii) No case brought by a parent or legal guardian pursuant to this chapter may be dismissed with prejudice pursuant to a settlement unless approved by the court and the

⁸ See, e.g., Tech giants are spending more than ever to shape California politics. See how much <https://calmatters.org/politics/2026/03/meta-google-ai-regulation-elections/>, California's billionaires pour cash into elections as big tech seeks new allies <https://www.theguardian.com/technology/2026/feb/15/california-billionaires-state-elections>, <https://www.nytimes.com/2026/02/18/technology/meta-65-million-election-ai.html>

Attorney General is notified of the settlement and afforded an opportunity to appear at hearing seeking court approval.

(iii) A complaint brought pursuant to this chapter by a parent or legal guardian shall be verified.

(d) The duties and obligations imposed by this chapter are cumulative with any other duties or obligations imposed under other law and shall not be construed to relieve any party from any duties or obligations imposed under other law.

Parents should not be forbidden from protecting their own children. Our public prosecutors should not be compelled to enforce this life-or-death law without help. The amendments offered here will ensure that only merited cases are brought. CAI would be pleased to support the bill if all hands were not prohibited from being brought on deck to enforce it.

Sincerely,



Ed Howard
Senior Counsel,
Children's Advocacy Institute