

Youth Advocacy Organizations File Brief in Case of First Impression Supporting Mother Whose Son Died by Suicide After Using AI Companion Application

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A group of youth-led advocacy organizations focused on responsible technology filed an [amicus curiae brief](#) in *Garcia v. Character Technologies*, opposing prematurely dismissing the case without factual discovery given its novelty. The plaintiff Megan Garcia has argued that Character Technologies, Inc., its founders, and Google/Alphabet are responsible for the death of her son, Sewell Setzer, due to the design, marketing, and operation of the Character.AI chatbot platform.

In their motions to dismiss, Defendants argue that the outputs of Character.AI's LLM are "speech" protected under the First Amendment and that lawsuits based on LLM outputs are therefore barred. The amicus curiae brief, in contrast, argues that the legal status of LLM outputs under the First Amendment is a novel and untested legal question, requiring the Court to allow the case to continue to the discovery phase.

Dismissing Garcia's lawsuit now on the basis of the First Amendment could deem LLM-generated content as categorically protected speech under the First Amendment. But no United States court has ever reached such a conclusion, and First Amendment scholars have [explicitly acknowledged](#) that this is an unanswered question. Courts have declined to dismiss claims at this early stage in cases involving novel technologies, including in litigation over harmful design practices on social media.

"Companion chatbots marketed as emotion cure-alls present serious potential harms to young people," said **Adam Billen, Vice President of Public Policy at Encode**. "The idea that the First Amendment is a complete protection against liability for potentially serious, harmful conduct could leave millions of children vulnerable for decades to come."

First Amendment analysis is fact-intensive and highly context-dependent. Justice Barrett recognized in her concurrence in *Moody v. NetChoice* that claims involving novel technology require "fact-intensive" analysis that "will surely vary from function to function and platform to platform." Therefore, our amicus curiae brief urges the Court to investigate basic questions around how this technology works, who controls it, how it's perceived, and what harm it causes, especially in light of a minor user, before the Court rules on the merits of this case.

"This isn't man vs. machine. It is man vs those controlling the machines," said **Ava Smithing, Advocacy Director at the Young People's Alliance**. "As courts weigh precedent, they must also confront the unprecedented power held by the few, and the incentives that lead those in control of technology to argue to preserve their supposed expressive freedom at the expense of everyone else's safety. For the few, it's about money. For us, it's about our future."

"Our collaborative submission of this amicus curiae brief is a testament to the youth power behind this movement. We are showing up in every space to urge decision makers to put our lives over the bottom

line of companies that seek to profit from our psyche,” said **Arielle Geismar, Co-Chair of Design It For Us**. “We cannot set a precedent of granting tools more rights and protections than those who use them. We should seek to protect people, not products, and it is the role of the courts to take a careful and informed approach. We, the young people, are making our voice heard: we will not let Big Tech use and abuse the law in its favor at the cost of our lives.”

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About [Design It For Us](#): Design It For Us is a youth-led coalition of young people, activists, and leaders that aims to achieve policy reforms to protect kids, teens, and young adults online. The coalition is led by two Co-Chairs and a team of Organizing Directors between the ages of 18 and 26. The coalition is also supported by an array of youth-led organizations and advisors.

About [Young People’s Alliance](#): YPA is a youth-led and youth-run nonprofit organization dedicated to empowering young people to shape the future. We thoughtfully develop bipartisan policy on the most important yet overlooked youth issues, organize our generation, and advocate for policy change.

About [Encode](#): Encode is America’s leading youth voice advocating for bipartisan policies to support human-centered AI development and U.S. technological leadership. Working with lawmakers, industry leaders, and national security experts, Encode champions policies that maintain American dominance in artificial intelligence while safeguarding national security and individual liberties.

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