



## Supreme Court Social Media Case May Determine The Future Of Facebook, Instagram, And Twitter

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The Supreme Court will soon hear arguments in the case *Manhattan Community Access Corp. v Halleck*, which could have far-reaching effects on social media platforms like Facebook and Twitter. The case, stemming from a dispute between a public access channel and the borough over content restrictions, could affect if and how social media outlets can censor user content.

“It could go a thousand different directions if the door gets opened up that way,” said Eric Goldman, director of the High Tech Law Institute at Santa Clara University.

The defendants, DeeDee Hallack and Jesus Papaletto Melendez, were producers for the Manhattan Neighborhood Network, a private nonprofit company tapped by the borough of Manhattan to operate a public access channel. The borough was allowed to place two members on the MNN board of directors, but otherwise had no direct control over the network and provided no funding. The dispute arose after Hallack and Melendez aired a controversial video on the network that was quickly banned by MNN. Hallack received a one-year ban from producing content for the network, while Melendez received a lifetime ban.

Hallack and Melendez sued, arguing that the network had infringed on their First Amendment rights. The district court that first heard the case dismissed it on the grounds that as MNN is a private company, it is not subject to constitutional liability.

However, Hallack and Melendez appealed the ruling, and the Second Circuit Court of Appeals overturned the lower court’s decision on the grounds that MNN had a sufficient connection to a government entity, and therefore should be characterized as a “state actor.”

MNN then appealed to the Supreme Court on the grounds that the Circuit Court used the wrong standard to determine its status as a state actor. On Friday, the Supreme Court accepted the case, setting the stage for a decision that could have far-reaching ramifications beyond a dispute between a public access channel and a city borough.

The Supreme Court’s ultimate decision on what constitutes a state actor could have profound effects on social media platforms. MNN is arguing that there is a precedent in this case in a

recent district court ruling that President Trump's Twitter account is a public forum subject to constitutional liability, but Twitter itself is not. However, the case raises questions about when political opinions expressed on social media become state actors.

If the Supreme Court determines that sites like Twitter and Facebook can become state actors, experts believe that decision would ultimately destroy those entities. Also, while there is growing controversy over what material is removed by social media platforms as opposed to what is allowed, having the question of state actors would make those problems even worse as it would sharply limit the ability of social media sites to moderate user content.

In addition to these concerns, the Cato Institute has suggested that internet service providers could also face new legal liabilities as a result of the ruling on this case. Internet service providers often partner with local governments to provide greater broadband access to the public, but liability through that partnership could make those relationships problematic.