

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO.: 1:21-CV-22440-WILLIAMS/MCALILEY**

DONALD J. TRUMP, the Forty- Fifth
President of the United States,
INDIVIDUALLY AND ON BEHALF
OF ACLASS OF PERSONS
SIMILARLY SITUATED,

Plaintiff and the Class,
vs.

FACEBOOK, INC., and
MARKZUCKERBERG,

Defendants.

NOTICE OF CONSTITUTIONAL QUESTION

Donald J. Trump, 45th President of the United States, *et al.*, serves this notice of constitutional question challenging the constitutionality of Section 230 of the Communications Decency Act for the following reasons:

1. Section 230(c)(1) and 230(c)(2) were deliberately enacted by Congress to induce, encourage, and promote social medial companies to accomplish an objective—the censorship of supposedly “objectionable” but constitutionally protected speech on the Internet—that Congress could not constitutionally accomplish itself.
2. Congress cannot lawfully induce, encourage or promote private persons to accomplish what it is constitutionally forbidden to accomplish.” *Norwood v. Harrison*, 413 US 455, 465 (1973).
3. Section 230(c)(2) is therefore unconstitutional on its face, and Section 230(c)(1) is likewise unconstitutional insofar as it has interpreted to immunize social media companies for actions, they take to censor constitutionally protected speech.

4. A copy of the complaint filed in the captioned matter is attached.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Constitutional Question was served by CM/ECF filing system on July 9, 2021, on all counsel or parties of record on the service list and via Certified Mail No.: 7018-3090-0002-2034-0391 to the United States Attorney General's Office at the U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

Respectfully submitted by,

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