

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
CASE NO.: 1:21-CV-22441-SCOLA, JR./GOODMAN**

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

Plaintiff and the Class,

vs.

TWITTER, INC., and JACK DORSEY,

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,

/s/ Matthew Lee Baldwin, Esq

Fla. Bar No.: 27463

Email: [Matthew@VargasGonzalez.com](mailto:Matthew@VargasGonzalez.com)

**Vargas Gonzalez Baldwin**

**Delombard, LLP**

815 Ponce de Leon Blvd., Third Floor

Coral Gables, Florida 33134

**SERVICE LIST**

JOHN P. COALE

*(Pro Hac Vice Forthcoming)*

2901 Fessenden St. NW

Washington, D.C. 20008

[johnpcoale@aol.com](mailto:johnpcoale@aol.com)

Telephone: (202) 255-2096

THE DUDENHEFER LAW FIRM L.L.C

FRANK C. DUDENHEFER, JR.

*(Pro Hac Vice Forthcoming)*

[fcldlaw@aol.com](mailto:fcldlaw@aol.com)

2721 St. Charles Ave, Suite 2A

New Orleans, LA 70130

Telephone: (504) 616-5226

IVEY, BARNUM & O'MARA

JOHN Q. KELLY

*(Pro Hac Vice Forthcoming)*

[jqkelly@ibolaw.com](mailto:jqkelly@ibolaw.com)

MICHAEL J. JONES

*(Pro Hac Vice Forthcoming)*

[mjones@ibolaw.com](mailto:mjones@ibolaw.com)

ROLAND A. PAUL

*(Pro Hac Vice Forthcoming)*

[rpaul@ibolaw.com](mailto:rpaul@ibolaw.com)

RYAN S. TOUGIAS

*(Pro Hac Vice Forthcoming)*

[rtougias@ibolaw.com](mailto:rtougias@ibolaw.com)

SEAN M. HAMILL

*(Pro Hac Vice Forthcoming)*

[shamill@ibolaw.com](mailto:shamill@ibolaw.com)

170 Mason Street

Greenwich, CT 06830

Telephone: (203) 661-6000

Facsimile: (203) 661-9462