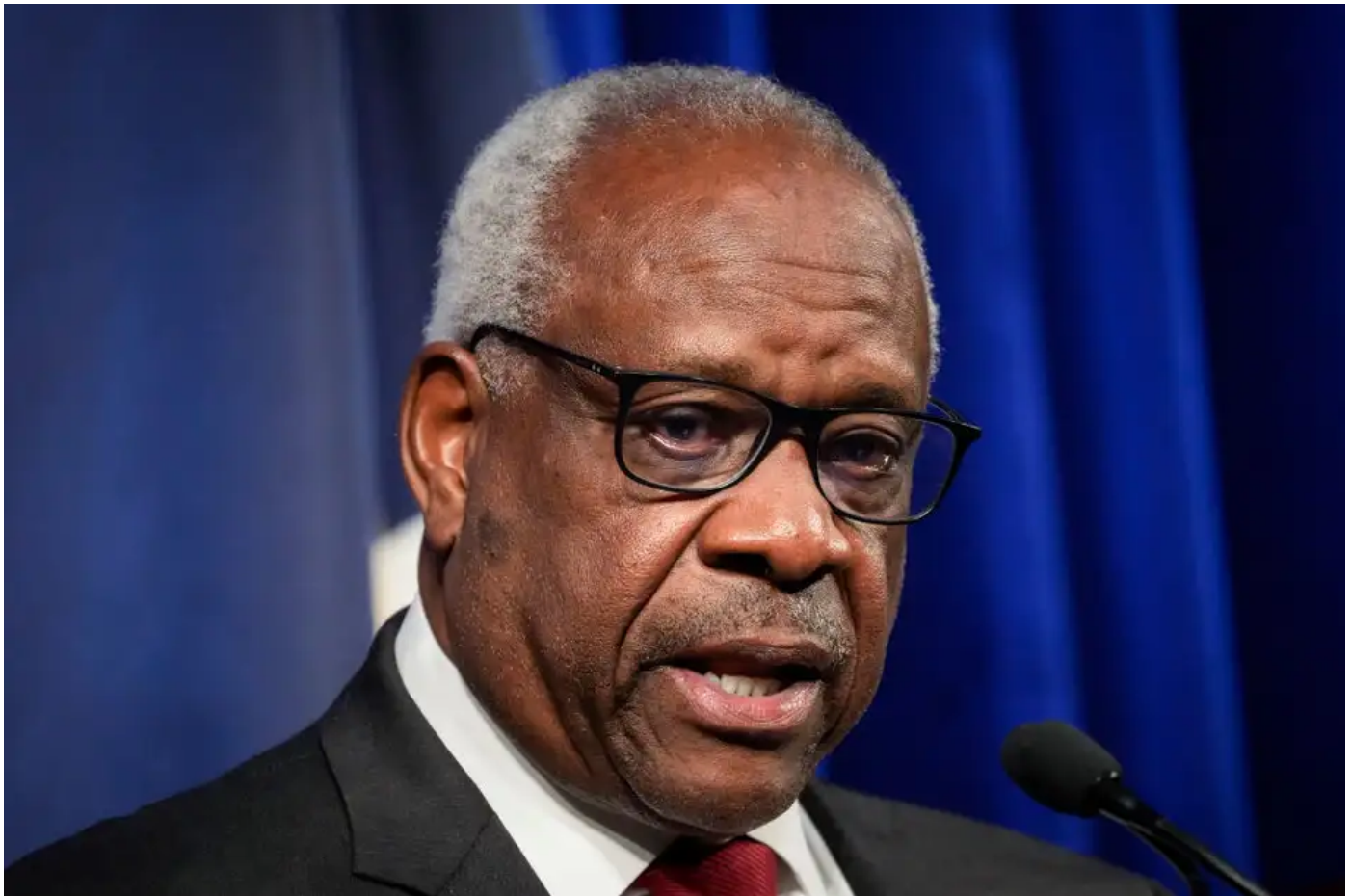


# Associate Justice Clarence Thomas Wants the Supreme Court To Look At Facebook's "Broad Immunity"

The associate justice wants to specifically look at Section 230 of the Communications Decency Act.



**WASHINGTON, DC - OCTOBER 21:** Associate Supreme Court Justice Clarence Thomas speaks at the Heritage Foundation on October 21, 2021, in Washington, DC.

Photo: Drew Angerer (Getty Images)

Section 230 of the Communications Decency Act passed in 1996 provides social media sites and other internet providers immunity from lawsuits that

arise from something posted by a user. It's been a point of contention ever since the Trump administration asked Congress to strike down the law, [even going as far as to veto a \\$740B defense bill over it.](#)

According to [NBC News](#), Supreme Court [Justice Clarence Thomas](#) feels the court should look into whether federal law grants social media sites like Facebook broad legal immunity when they are used to commit crimes.

The Supreme Court declined to [take up an appeal](#) from a Texas woman who was friended when she was 15 years old by a man on Facebook who turned out to be a sex trafficker. The lawsuit claims that Facebook should have realized he was a criminal because his posting was full of photos and other content that were clear signs of human trafficking. After she sued Facebook, Texas Supreme Court cited Section 230's immunity provision.

Even though the Supreme Court declined to hear the appeal, noting the woman's appeal had technical obstacles that prevented the court from having jurisdiction. Thomas even agreed with this reasoning. However, he feels "the proper scope of social media sites like Facebook having board immunity should be examined."

#### [From NBC News:](#)

Thomas said that interpretation of the law is too broad and goes beyond what the statute actually says. Such an expansive reading, he said, results in courts dismissing claims against internet companies for failing to warn consumers of product defects or failing to take reasonable steps to protect users from the malicious activities of other users.







This isn't the first time Judge Thomas has spoken about social media companies and the law. When the Supreme Court [dismissed former President Trump's](#) lawsuit over his Twitter account, Thomas dismissed the case as "moot." He also had other observations:

## [From NBC News:](#)

Justice Thomas said it highlighted a problem, namely that "applying old doctrines to new digital platforms is rarely straightforward."

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It seems odd, Thomas said, "to say that something is a government forum when a private company has unrestricted authority to do away with it."