

SCOTUS Opinion: Private Nonprofit Corporation Operating Public Access Channels Not A State Actor Subject To First Amendment

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New York City designated Manhattan Neighborhood Network, a privately owned nonprofit corporation, to operate its public access channels on the cable system in Manhattan. Two filmmakers produced a film attacking the Network to be run on the public access channels. The Network aired the film, but then suspended the filmmakers from the Network's services and facilities. The filmmakers sued, alleging a violation of their First Amendment rights. The district court dismissed the case on the basis that the Network was not a state actor, and thus not subject to the First Amendment. The Second Circuit reversed on that point. In [Manhattan Community Access Corp. v. Halleck](#), the Supreme Court, in a 5-4 opinion by Justice Kavanaugh, reversed, holding that the Network was not a state actor. First, the Court noted that while private entities can be deemed state actors when they wield powers traditionally exclusively reserved to the State, the operation of public access channels was not one of those powers. That the public access channels might be a public forum did not transform the Network into a state actor, by itself. Rather, the Network acted more like a licensee, and the public channels were not public property being managed by the Network. Justice Sotomayor, joined by Justices Ginsburg, Breyer, and Kagan, dissented, arguing that the public access channels were public property that the Network was asked to run, and that made the Network a state actor. A link to the opinion is [here](#).

TAGGED: [scotus](#), [First Amendment](#), [SCOTUS opinion](#), [Public Access](#), [State Actor](#), [Manhattan Community Access Corp. v. Halleck](#), [powers traditionally exclusively reserved to the State](#)