

Pushed Into a Corner, Craigslist Bites Back

May 20, 2009

South Carolina Attorney General Henry McMaster learned an important lesson today: You don't push Craigslist into a corner and then poke it with a sharp stick because Craigslist [will bite back](#) [1]. Tired of being harassed, browbeat and [legally threatened](#) [2], Craigslist today sued McMaster asking a federal court seeking [declaratory relief](#) [3] and a restraining order with respect to the criminal charges; essentially Craigslist is asking the court to tell the S.C. AG to shut up and go away forever. Meanwhile, last Friday McMaster said he had ["no choice"](#) [4] but to open a criminal investigation involving Craigslist after the online classified ad site refused to roll over on its Constitutionally protected rights and do McMaster's bidding, a move Craigslist said would require it "to take down the craigslist sites for South Carolina in their entirety." Now we hear that McMaster is calling the Craigslist suit ["good news."](#) [5] which is befuddling because the S.C. taxpayers are likely going to have to pony big bucks to pay for the Craigslist legal bills (unless McMaster backs down right away), which can easily run \$250,000 or more. The bottom line here hasn't changed since McMaster decided to start his grandstanding: Craigslist is [constitutionally protected](#) [6] from having liability for content placed on its site by users. It has to be that way otherwise the chill thrown over free expression on the Internet would be devastating. [7]

- [Restraining order](#)
- [sec. 230](#)
- [South Carolina](#)
- [Henry McMaster](#)
- [Freedom of speech](#)
- [Classified advertising](#)
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Links:

[1] <http://blog.craigslist.org/2009/05/cl-sues-sc-ag-for-declaratory-relief/>

[2] http://www.scag.gov/newsroom/pdf/2009/craigslist_letter.pdf

[3] http://en.wikipedia.org/wiki/Declaratory_judgment

[4] <http://www.scattorneygeneral.org/>

[5] <http://www.scattorneygeneral.org/newsroom/advisories/2009/5-20.pdf>

[6]

<http://blog.cdt.org/2009/05/15/grandstanding-against-craigslist-and-threatening-free-speech-to-boot/>

[7] <http://reblog.zemanta.com/zemified/10ed3179-cf20-4241-bc55-8ab041901904/>