



Civil rights groups defend Facebook rapper

By Julian Hattem
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Civil liberties groups are urging the Supreme Court to side with a man whose violent rants on Facebook caused him to be sentenced to nearly four years in prison.

The case, which the high court will hear in its upcoming term, centers on a Pennsylvania man arrested for a series of threats and rap lyrics he wrote online about his ex-wife, co-workers and police.

What should matter most, according to organizations including the American Civil Liberties Union, Cato Institute and Center for Democracy and Technology, is not necessarily what he said but the fact that he was never judged to have a “subjective intent to threaten” someone else.

As a result, his online posts should not be considered a “true threat” under the law, but instead ought to be protected by the First Amendment’s right to free speech, the organizations argued in a friend-of-the-court brief recently filed with the court.

The issue of someone's intention is even more important when it comes to online threats, the groups added, where remarks can be “abbreviated, idiosyncratic, decontextualized, and ambiguous.”

In a separate brief, the Electronic Frontier Foundation, Student Press Law Center and PEN American Center wrote that the issue of whether or not a statement counts as a threat ultimately comes down to the context in which it was given.

“[S]peakers should not face prison time based solely on misjudgments about the scope of their audience or how a potentially unintended recipient would react to a message,” the groups argued in their brief.

The Supreme Court case is likely to be closely watched and could result in a landmark decision that clears up the confusing legal rules for when online threats should be taken seriously.

A date has not yet been set for arguments in the case, which is *Elonis v. United States*.