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Language Arts

December 20, 2017

### Freedom Essay

Social media has become the number one place for someone to go to express how they feel, even to dispense threats. In the case, *Elonis v. United States*, Anthony Elonis used Facebook to deliver messages like this, “Fold up your PFA and out it in your pocket. Is it thick enough to stop a bullet?” for everyone to see including his wife, a FBI agent, his co-workers, and an undefined kindergarten class. When taken to court, he argues that the government has to prove that he has a subjective intent to threaten and that he is violating his freedom of speech. Although the First Amendment does protect free speech, its protection do not go as far to protect “true threats.” In various articles written by journalists in “The New York Times, The Atlantic, and The Washington Post” there are many point of views on this case. The right for Anthony Elonis to exercise his freedom of speech by posting lyrics on Facebook should be not restricted based on the First Amendment because of U.S regulations, his mental state was not stable, and the harm wasn’t personally directed.

First and foremost, U.S regulations gives Elonis the right to post whatever he pleases, one being free speech. Freedom of speech is the right for one to speak their mind freely with no restrictions or being hesitant. However, if a person is dispensing “true threats,” it is not protected. According to the First Amendment, it writes, “Congress shall make no law... abridging the freedom of speech.” Elonis may just be writing these awful things for fun since he

said he aspired to be a rapper. Besides, he might be an attention seeker looking to entertain people, By doing so, he kills two birds with one stone. One being that his words will soon get to whoever he is saying them to and secondly, there will be many people visiting his page therefore acknowledging him. It might seem that he is truly issuing a threat to those people, however, if the government made it too easy to prove a menace, people everywhere would be accusing the people they do not like. In addition to the First Amendment, Chief Justice Roberts also recalled this as stated in New York Times, "... is satisfied if the defendant transmit a communication for the purpose of issuing a threat, or with knowledge that the communication will be viewed as a threat." Anthony Elonis claims that he was just joking around when posting those lyrics on Facebook. Although his wordings are very violent, his postings are not true threats because some of his posts echoed the words by rapper Eminem. If he was intending it to be a threat, one would think he would take his time and use his own words instead of other people's to make it even more real. All in all, U.S regulations does not give the government the right to limit Elonis' rights, still, that is not all to argue Elonis' freedom.

To continue, Anthony Elonis may have just been mentally ill and unstable. There is a very strong chance that he is dealing with depression because of the events that have happened in his past. According to Garrett Epps in one of his articles he wrote for "The Atlantic" he clearly states, "In May 2010, his wife left him, taking their two children... he was fired because of multiple complaints of on-the-job sexual harassment." While there are unclear reasons to why his wife left him, everyone in his shoes would be physically and mentally upset. Writing on Facebook may have helped him cope with the pain. Although dealing with unhappiness does not give him the right to say violent, threatening statements on social media, he might just be trying

to not feel vulnerable and wanted to make the problem go away. In addition to him being alone and fired, “Mr Elonis wrote that he would like to see a Halloween costume that included his wife’s head on a stick. He talked about ‘making a name for himself’ with a school shooting... He fantasized about killing an F.B.I agent...” Here one can see that he is mentally unstable because he is constantly going after people. Anyone who comes in his way, he will write something violate threatening them. Some may argue that since he is repeatedly posting all these awful posts he is truly intending to threaten. However this is only half true. He may just be trying to get the message through as a way to carry on with his frustration, adding on to the idea that he is mentally ill. In conclusion, Elonis’ motive to post violent posts on Facebook is only because he is feeling distraught with everything that has happened to him. However, being mentally unstable is not the only reason to why Elonis should not be restricted from the First Amendment.

With all things considered, the harm that everyone proceeds to see was not personally directed. There are considerable arguments that work in Elonis’ defense. It is not like he did not change his Facebook name before pressing the post button. As stated in the article titled, “Supreme Court case tests the limits of free speech on Facebook and other social media” written by Robert Barnes, he implies, “Internet users may give vent to emotion on which they have no intention of acting.” It might seem that he knows that Elonis isn’t capable of dispensing a threat because he was just pouring out emotions that he did not mean. If he were to send those threats through mail or write them in a diary, there would be little doubt about his intent but he posted it through Facebook. In addition to that, Elonis did not go out of his way to get the messages to his wife or the FBI agent. Yes he probably knew that it was going to get somehow to them, but he did not do everything he can so that they could see his posts, As stated in an article on

Brookings, Richard Lempert writes, “He had, before making his post- PFA entry, changed his Facebook name, and he had not tagged his wife with these messages.” In other words, this meant that his wife could not search up his name and see him going off about her in his posts. She could only see it if someone shared the post with her, yet, people are still arguing that he is distributing a threat to the people around him. His words maybe over the top but him not tagging her plays a big factor in this argument of him being allowed to express who he feels and that should not be restricted. To sum up, he is just being a human and trying to vent out his emotions.

In conclusion, social media is one of the places that many get away with saying comments that are not protected by the first amendment. *Elonis v. United States* is a very ethical and controversial case. One side can argue that he should be convicted because he violated the first amendment. On the other hand, one can also argue that he has the right to express how he feels, This is significant because if it was very easy to declare that something someone said was a threat, everyone would be scared to convey what is’ on their mind on the internet. Additionally, it will go against the first amendment. With the reasons of U.S regulations, his mental state was not stable and that the harm was not personally directed, his intentions are not to threaten anyone so his rights should not be restricted.