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Elonis v. United States, 13-983 Notes

Elonis v. Unites States is the case of Anthony Elonis and threats made against his wife, and FBI agent, and a kindergarten via Facebook. Elonis is claiming he is protected under the First Amendment, citing free speech. He further states that this is an artistic expression of his current life and shortcomings.

Elonis first wrote on Facebook that he wanted to kill his wife after she had left him and soon after losing his job. Frustration took over and Elonis took to Facebook, where he wrote rap lyrics specifying how he would kill his wife and how she would end up. Fearing for her life, Elonis’ wife took out a restraining order against him after seeing his Facebook content. A female FBI agent visited Elonis at his home to investigate his actions, and soon afterwards Elonis took to Facebook again to describe how he would kill this FBI agent. Elonis’ defended his actions saying that he was protected under the First Amendment’s free speech clause. He stated this was an artistic expression of the situations he was currently in. He claimed none of the material he posted was supposed to be taken seriously and he was only joking around.

This case concluded in Elonis being sentences to nearly four years in federal prison, with a federal appeals court rejecting his claim of being protected by the Frist Amendment. Free-speech advocates argued against this ruling, stating that this violates the First Amendment.

I’m my opinion, a threat is a threat no matter what method of communication you use. Elonis and his defenders claimed that since this was social media, seen by a small audience, and that this was artistic expression, he was allowed to say whatever he wanted to. By allowing individuals to use this excuse, we are allowing people to blur the lines between right and wrong. All threats should be taken seriously. Had Elonis written about how much he hated his wife and wished she was dead, his material would not have been considered threatening.