

US Supreme Court To Consider Limiting Internet First Amendment

Court may soon legitimize government control of speech

By [Kurt Nimmo](#)

Global Research, December 01, 2014
[Infowars](#) 30 November 2014

Region: [USA](#)

Theme: [Law and Justice](#), [Police State & Civil Rights](#)

The Supreme Court is preparing to hear arguments on a case that may determine the future of free expression on the internet.

The case centers on remarks posted on Facebook by Anthony Elonis. The would-be rapper said he wanted to kill his estranged wife, kill an FBI agent, and shoot up a kindergarten class.

Elonis was subsequently convicted and sentenced to four years in prison for violating a federal statute that makes it illegal to threaten another person.

In his defense, Elonis argues the remarks were not serious. He says the lyrics were a form of spontaneous expression and he had no intention of harming his wife or an FBI agent who visited him to determine if he was a threat.

First Amendment advocates say a lower court ruling on the Elonis case threatens freedom of expression.

“A statute that proscribes speech without regard to the speaker’s intended meaning runs the risk of punishing protected First Amendment expression simply because it is crudely or zealously expressed,” [states a brief](#) from the American Liberties Union and other groups.

The Supreme Court has consistently ruled that a “true threat” depends on how speech is perceived by an “objective” person.

The Court says language perceived as threatening is not protected under the First Amendment. It has drawn a line between political hyperbole and verbal attacks on individuals.

Murray Rothbard and other advocates of the Non-Aggression Principle believe speech does not represent a true threat.

“Mere insults and violent words, vague future threats, or simple possession of a weapon cannot constitute an assault,” writes [Rothbard](#), “there must be accompanying overt action to give rise to the apprehension of an imminent physical battery. Or, to put it another way, there must be a concrete threat of an imminent battery before the prospective victim may legitimately use force and violence to defend himself.”

If the Court rules Elonis' speech is not protected by the First Amendment, it will have repercussions for speech over the internet.

"Indeed, the government, a master in the art of violence, intrusion, surveillance and criminalizing harmless activities, has repeatedly attempted to clamp down on First Amendment activity on the web and in social media under the various guises of fighting terrorism, discouraging cyberbullying, and combatting violence," writes [John W. Whitehead](#) of the Rutherford Institute.

"We would do well to tread cautiously in how much authority we give the government to criminalize free speech activities and chill what has become a vital free speech forum."

The original source of this article is [Infowars](#)

Copyright © [Kurt Nimmo](#), [Infowars](#), 2014

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: [Kurt Nimmo](#)

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: publications@globalresearch.ca

www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: publications@globalresearch.ca