

Supreme Court to weigh whether Facebook rants are threats

By Irin Carmon, MSNBC

What does Supreme Court Chief Justice John Roberts think about Gamergate? How seriously does Justice Clarence Thomas take Facebook rants? And will Justice Anthony Kennedy's First Amendment enthusiasms extend to rap lyrics?

All of these intriguing questions are on the table at the nation's highest court Monday morning with oral argument for *Elonis v. United States*. The case features a Pennsylvania man, Anthony Elonis, who claims his Facebook rants about killing his estranged wife and others were rap lyrics. Having been convicted of those threats, Elonis is asking the court to put down a standard for what counts as a "true threat," which is not protected by the First Amendment: Should that test be how the speaker intended the comment, or whether the recipient felt threatened?

Elonis comes just in time for national debates over Internet bullying and stalking, about rape culture and violence against women, and about the role in the press and artists in publishing provocative material. It may also make some of the nine justices squirm. They aren't exactly known for their technological aptitude, nor their pop culture savvy, and Justice Ruth Bader Ginsburg recently accused her male colleagues of having a "blind spot" around gender.

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