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Michelle Carter Didn't Kill With a Text

By ROBBY SOAVE JUNE 16, 2017

Can malicious speech constitute violence? No. But Friday's shocking court decision — which found Michelle Carter guilty of sending lethal text messages — is bound to confuse the issue.

Judge Lawrence Moniz, of Bristol County Juvenile Court in southeastern Massachusetts, ruled that Ms. Carter, 17 at the time of her crime, had committed involuntary manslaughter by urging her depressed 18-year-old boyfriend, Conrad Roy III, to kill himself. Mr. Roy had flirted with the idea for weeks, and Ms. Carter — after initially telling him to seek counseling — seemed to warm to the idea, consistently egging him on via text: “The time is right and you're ready, you just need to do it! You can't keep living this way. You just need to do it like you did last time and not think about it and just do it babe.”

On July 12, 2014, Mr. Roy drove to a Kmart parking lot and connected his truck to a water pump that released carbon monoxide. At one point, sick from the fumes, he got out of the truck. Ms. Carter told him to “get back in.” His body was found on July 13.

Ms. Carter also struggled with mental illness. Her lawyers claimed antidepressant drugs influenced her behavior; though the prosecution preferred to

cast her as a callous narcissist who craved the sympathy of her peers and believed a suicidal boyfriend would earn her a popularity boost.

In either case, Ms. Carter's conduct was morally reprehensible. But — at least until today's ruling — it was clearly legal. While some states criminalize the act of convincing people to commit suicide, Massachusetts has no such law. Moreover, speech that is reckless, hateful and ill-willed nevertheless enjoys First Amendment protection. While the Supreme Court has carved out narrowly tailored exceptions for literal threats of violence and incitement to lawless action, telling someone they should kill themselves is not the same as holding a gun to their head and pulling the trigger. Nor is it akin to threatening to kill the president, which is specifically prohibited by law — and in any case, only considered a felony if done "knowingly and willfully." (Merely expressing hope that the president dies isn't enough.)

Judge Moniz's verdict is a stunning act of defiance against this general principle. By finding Ms. Carter guilty of involuntary manslaughter — rather than some lesser misdeed, such as bullying or harassment — the court has dealt a blow to the constitutionally enshrined idea that speech is not, itself, violence. That's cause for concern.

"Mr. Roy's death is a terrible tragedy, but it is not a reason to stretch the boundaries of our criminal laws or abandon the protections of our constitution," wrote Matthew Segel, legal director of the ACLU of Massachusetts, in a statement. "The implications of this conviction go far beyond the tragic circumstances of Mr. Roy's death. If allowed to stand, Ms. Carter's conviction could chill important and worthwhile end-of-life discussions between loved ones across the Commonwealth."

This one-off decision in juvenile court may not sway legal precedent. But it will undoubtedly draw the attention of school officials and police officers in the state of Massachusetts and negatively affect an area of the law already suffering from authoritarian governmental overreach: teen discipline.

For decades, efforts have been underway to criminalize every obnoxious or problematic social interaction between K-12 kids in American schools. Hardly a

week passes without a national news story about teenagers who were arrested on child pornography charges — and face unfathomably long prison sentences — because they had inappropriate pictures of classmates (or even themselves) on their phones. In Iowa, in June 2016, authorities tried to brand a 14-year-old girl as a sex offender for Snapchatting while wearing a sports bra and boy shorts. The following month, Minnesota police officers busted a 17-year-old for swapping consensual sexts with his 16-year-old girlfriend. Such matters should be handled by parents and teachers, not the cops. The same is true for the various issues that plagued Ms. Carter and Mr. Roy.

By all means, let's empower teachers to confront harassment and refer troubled teenagers to mental health professionals. But we don't need to broadly criminalize teen cruelty to do that. Nor should we continue down the path of pretending that the First Amendment's ironclad protection of hateful expression is voided whenever someone says (or texts) something that makes us squirm.

What Ms. Carter said to Mr. Roy was outrageous. Sending her to prison on a possible 20-year sentence is both outrageous *and* unjust.

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