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## **Roll Call: Congress Must Protect Kids From Internet Bullies**

Oct. 1, 2009 *By Rep. Linda Sánchez Special to Roll Call*

There is a fine line between protecting kids from online harassment and observing their right to free speech. This is why so many are turning their heads saying “not my problem” or “we can’t possibly make a law for that” when it comes to cyberbullying legislation. A chain e-mail? OK. Comments on an article on the Internet? OK. A ranting political blog? OK. Repeated, hostile and severe e-mails sent with an intent to harm? Not OK.

There is a point where freedom of speech can turn a treacherous curve. Last month, I read about Hail Ketchum-Wiggins, a 17-year-old girl living near my Congressional district in Southern California. While Hail was a senior at her high school, three varsity athletes posted a video on Facebook in which they described how and where they would rape Hail before disclosing the manner in which they would kill her. Everyone can get on Facebook. Not only was Hail embarrassed and tormented, she was in fear for her life and safety. In situations like these, most school authorities believe that social networks such as Facebook are “off-campus” activities that they have little authority to address (even if they wanted to).

Three years ago, a 13-year-old girl named Megan Meier also quietly suffered the abuse of a bully who tormented and emotionally harassed her, and then told her, “The world would be better off without you.” Megan eventually hanged herself in her bedroom closet. Later, it would be found that Lori Drew, 49, had posed as the teenage boy who wooed then rejected Megan. Most tragically, Megan’s story is not unique. In Florida, Jeff Johnston, 15, hanged himself by his bookbag strap in 2005, and in Vermont, Ryan Patrick Halligan, 13, hanged himself in 2003 — both victims of Internet harassment.

These are only brief examples of what is happening to kids across the nation. And what is happening to their perpetrators? Absolutely nothing. There are new crimes with new technology, yet our legal system simply hasn’t kept up with crimes like cyberbullying. Words that didn’t exist a couple years ago like “sexting” and “textual harassment” describe new ways people are using technology to hurt, harass and humiliate others. The absence of any type of punishment for cyberbullies shows exactly why we need new laws to address these crimes.

For those of us older than 30, it is difficult to comprehend why bullying on the Internet is so powerful to our young people. Today’s kids are so wired into their electronic social networks that they type more messages than they speak each day. Their virtual world is just as real as the “real world.” Cyberbullying is real, and it is more dangerous than we could have imagined.

Because of the anonymity and deception the Internet allows, cyberbullying is particularly menacing. Cyberbullying can have serious consequences and inflict lasting wounds upon young people. Studies have found that bullying can negatively affect the academic performance, self-esteem, and mental and physical health of children — and even lead to suicide or homicide.

On Wednesday, the House Judiciary Committee held a hearing to consider my legislation, the Megan Meier Cyberbullying Prevention Act, which will give prosecutors the ability to punish those who use electronic means to engage in bullying. Members of the committee heard testimony from witnesses who said they can no longer turn their heads and say, "It's not our problem." Some of the witnesses argued that prohibiting cyberbullying would be an unconstitutional restriction on free speech. However, I believe we can protect our right to free speech and protect victims of cyberbullying at the same time.

When communication on the Internet becomes serious, repeated and hostile and is made with an intent to harm, it becomes a crime. Many states have already enacted cyberbullying statutes, but the rest need Congress to act. Prosecutors, in not just a few states but across the country, should have a tool at their disposal to allow them to punish criminals who are getting off scot-free. Our First Amendment gave us a world of opportunities. But our Founding Fathers had no idea what the Internet would do to the way we communicate.

**Rep. Linda Sánchez (D) represents California's 39th district.**

### **Rep. Linda Sánchez: Congress Must Protect Victims of Cyberbullying**

**Washington D.C.** – Rep. Linda Sánchez (D-CA) testified today before a Judiciary Subcommittee hearing on her bill, H.R. 1966, the "Megan Meier Cyberbullying Prevention Act," which would create a new federal law to give prosecutors the ability to punish those who use electronic means to engage in severe cyberbullying -- defined as repeated, hostile, and severe communication made with an intent to harm.

The legislation is named after Megan Meier, a 13-year old girl who hung herself after being cyberbullied relentlessly by who she thought was a boy named Josh. Megan's family would later learn that "Josh" was Lori Drew, 49, who had posed as a teenage boy to harass and torment Megan. Lori Drew was never brought to justice due to the absence of a law defining this type of bullying as a crime.

#### **Rep. Sánchez testimony as prepared for delivery:**

Good afternoon. Chairman Scott and Ranking Member Gohmert, thank you so much for allowing me the opportunity to testify today about this very important legislation.

I am so pleased to be here to discuss the critical issue of child online safety.

When I was first elected to Congress, I held a series of meetings with local school superintendents and law enforcement leaders to learn more about the challenges they face in helping to keep our children safe and on the right track.

I heard a recurring theme—that bullying is not a harmless prank or rite of passage. It is dangerous, both physically and mentally.

Bullying can lead to poor school performance, more absences, or even dropping out of school altogether.

The prospect of assault and harassment can lead a child to join a gang for protection. Not only can bullying cause physical injuries, including wounds, bruises, and broken bones, but it can also lead to depression, and even suicide.

This is why I have been working to change federal law so that schools can use federal funds to address and prevent bullying and harassment.

But, over the last several years, I have learned that this approach isn't enough.

Bullying has gone electronic. It occurs in text messages and G-Chat; on Facebook and MySpace; on cell phones and the internet.

This literally means that kids can be bullied any hour of the day or night and **even in their own homes**.

Today's kids are so wired into their electronic social networks that they type more messages than they speak each day. Their virtual world is more **real** to them than the so-called real world.

For those of us over 30, this can be difficult to comprehend. Let me give you an example to illustrate the problem.

Imagine if, in our day, a student brought a big TV out to the quad and played for the entire student body a video tape in which he threatened and harassed a second student. By the end of the day, everyone, and I mean everyone, would have seen or heard about it.

Well, that's exactly what cyberbullying is. Because of the anonymity and deception the internet allows, this form of bullying particularly dangerous.

If Bobby posts a video on his Facebook page that harasses and threatens to rape and kill Ashley, that video isn't private. It's not buried on Bobby's profile page somewhere.

It's public. It appears when any of Bobby's Facebook friends log in—right there up front on their home page, so they can't miss it.

This story isn't just a hypothetical. It happened to a brave young woman named Hail Ketchum-Wiggins, who lives in Southern California, near my Congressional district.

And similar bullying incidents are happening every day to young people across our nation.

Cyberbullying is always mean, ill mannered, and cruel. But some cyberbullying is so

harmful that it rises to the level of criminal behavior.

My bill, the Megan Meier Cyberbullying Prevention Act, is named to honor a young woman who was the victim of just such criminal behavior.

Three years ago, 13-year-old Megan Meier of Missouri hanged herself after being tormented and harassed by her 15-year-old MySpace friend “Josh.” “Josh” told her, among other things, “The world would be better off without you.”

Eventually, Megan’s family learned that “Josh” was really a creation of Lori Drew.

Local prosecutors in Missouri couldn’t bring charges against Lori Drew because, at the time, Missouri had no law to punish such cruelty.

A federal prosecutor, in a similar bind, got creative and charged Drew with computer fraud. Even though the jury convicted her, the judge threw out the conviction.

The result is that Drew, an adult, and one who should have been setting an example of good behavior, will never be punished for her outrageous behavior toward her 13-year-old victim, Megan.

These are just brief examples of why Congress needs to address new crimes like cyberbullying.

Words that didn’t exist just a couple of years ago, including “sexting,” and “textual harassment,” describe the new ways people use technology to hurt, harass, and humiliate others. When these behaviors become serious, repeated, and hostile, we can no longer ignore them.

While Missouri has since enacted a cyberbullying statute, the children of other states are waiting for Congress to act. That is why I am grateful that the Committee is considering the Megan Meier Cyberbullying Prevention Act.

Before I conclude, I want to acknowledge how difficult it will be to craft a prohibition on cyberbullying that is consistent with the Constitution. But I also believe that working together for our children, we can and must do so.

The Supreme Court has already recognized that some regulation of speech is consistent with the First Amendment. For example, the Court has approved restrictions on true threats, obscenities, and some commercial speech. But it has been more hostile to attempts to limit political speech.

I do not intend anything in the Megan Meier Cyberbullying Prevention Act to override Supreme Court jurisprudence.

Instead, I want the law to be able to distinguish between an annoying chain email, a

righteously angry political blog post, or a miffed text to an ex-boyfriend—all of which are and should remain legal; and serious, repeated, and hostile communications made with the intent to harm.

When the latter rises to a criminal level, as it did in the case of Lori Drew, prosecutors should have a tool at their disposal to allow them to punish the perpetrator.

I believe that we can protect our right to free speech **and** victims of cyberbullying at the same time.

I look forward to working with colleagues on both sides of the aisle to do so.

I thank you for the opportunity to testify today and hope that you will all join me in supporting this legislation.

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