

November 28, 2016; Death Led to Cyberbullying Law

Most of us are aware of the fact that words hurt. No one likes to be called names or made the brunt of a joke. However, I suspect that bullying has existed since the time humans first walked on Earth. There always has been, and always will be, people who derive some sick satisfaction from making fun of someone else.

As a child, my parents often repeated to me the old saying, "Sticks and stones may break my bones, but names will never hurt me." Unfortunately, I learned early in life this wasn't necessarily true. I was heavy teenager and on occasion was subjected to teasing and bullying. I can remember a few incidents when neighborhood kids would yell "Fatty" or "Fatso" as I walked by. At school, I was saddled with the nickname "Fleshy Peschy." Although publically I laughed off these incidents, the words stung and I would occasionally confess the hurt to my parents. They would do their best to make me feel better by repeating the old "sticks and stones" adage.

Fortunately, I was a teenager long before the internet, FaceBook, Twitter, and other forms of electronic communications. Where my bullying incidents were often limited to one-on-one confrontations, thanks to today's mass-communication technology, bullying has now gone viral. Welcome to the world of cyberbullying.

Over the past decade, we've learned from well-publicized incidents of cyberbullying that words not only hurt, they can kill. One of the most egregious examples was the tragic death of 13 year-old Missouri resident, Megan Meier. Megan struggled with her weight, attention deficit disorder, and depression. In an effort to widen her social circle, and with her parents' approval, Megan opened a MySpace account. She was soon befriended by 16 year-old Josh Evans. Over the next month, Josh communicated frequently with Megan and told her how much he liked her and how beautiful he thought she was.

On the eve of her 14th birthday, Josh's communications turned ugly. The two exchanged a series of derogatory messages. The friends of both teenagers began posting their comments and insults as well. Finally, Josh messaged Megan that he no longer wanted to be her friend and said, "The world would be a better place without you." Shortly after receiving that message, Megan ran upstairs to her bedroom. Twenty minutes later, her mother went to check on her and found Megan hanging from her closet. She died the next day.

According to subsequent newspaper and TV news accounts, a month later Megan's parents learned that "Josh Evans" had never existed. Rather, an adult neighbor, Lori Drew, her daughter, and a temporary employee had created the fictional boy allegedly in retribution for Megan spreading gossip about Drew's daughter. Megan and the daughter had been on-again, off-again friends for several years.

The incident led to public outrage and demands that Lori Drew be criminally prosecuted. The local prosecutor refused, stating there were no local criminal laws against cyberbullying.

As a direct result of this incident, over the last decade a majority of states, and Guam, have passed laws addressing cyberbullying. A number of these laws have been challenged for violating the 1st Amendment right to free speech. Over the next few columns, we'll discuss the challenges to preventing and punishing cyberbullying.