

Writing Task #1

Sources

Here are two sources that present views on whether there should be a federal law against cyberbullying: the use of information and communication technologies to harm others in a deliberate, repeated, and hostile manner. Source 1 is from a 2008 proposed bill to amend Title 18 of the United States criminal code. Source 2 is a response to the bill.

As you read **both** sources, reflect on your own views about whether cyberbullying should be a federal crime.

Source 1—from the Megan Meier Cyberbullying Prevention Act (HR 6123)

In 2008, Ms. Linda T. Sanchez of the United States House of Representatives introduced a bill to amend Title 18 of the federal criminal code to impose criminal penalties on perpetrators of cyberbullying. Below are two sections of the bill: the findings on which the bill was based and the language the bill proposed be added to the United States code.

Sec. 2. FINDINGS

Congress finds the following:

- 1) Four out of five of United States children aged 2 to 17 live in a home where either they or their parents access the Internet.
- 2) Youth who create Internet content and use social networking sites are more likely to be targets of cyberbullying.
- 3) Electronic communications provide anonymity to the perpetrator and the potential for widespread public distribution, potentially making them severely dangerous and cruel to youth.
- 4) Online victimizations are associated with emotional distress and other psychological problems, including depression.
- 5) Cyberbullying can cause psychological harm, including depression; negatively impact academic performance, safety, and the well-being of children in school; force children to change schools; and in some cases lead to extreme violent behavior, including murder and suicide.
- 6) Sixty percent of mental health professionals who responded to the Survey of Internet Mental Health Issues report having treated at least one patient with a problematic Internet experience in the previous five years; 54 percent of these clients were 18 years of age or younger.

Sec. 3. CYBERBULLYING

(a) In General- Chapter 41 of title 18, United States Code, is amended by adding at the end the following:

Sec. 881. CYBERBULLYING

(a) Whoever transmits in interstate or foreign commerce any communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behavior, shall be fined under this title or imprisoned not more than two years, or both....

Source 2—from the response to the Megan Meier Cyberbullying Prevention Act “Citizens Opposed to HR 6123”

The First Amendment states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” The Supreme Court has written that this freedom is “the matrix, the indispensable condition of nearly every other form of freedom.” Without it, other fundamental rights would wither and perish.

We consider the menace of cyberbullying to be of great relevance to “life, liberty, and pursuit of happiness,” especially for young persons. Cyberbullying is a grave matter that warrants thoughtful attention and a thoroughgoing solution. However, it is our belief that the proposed bill seeks to address the problem of cyberbullying in a wrongheaded and unproductive way. We feel that HR 6123 will not prove an effective means for combating cyberbullying, but that it will provide the means for the federal government to prosecute citizens for exercising their rights to freedom of speech in a variety of contexts and for a variety of purposes that have nothing to do with cyberbullying.

HR 6123 defines cyberbullying as “using electronic means to support severe, repeated, and hostile behavior.” However, it is unclear what “severe, repeated, and hostile behavior” means. If a news reporter writes a number of scathing articles criticizing the misconduct of an elected official, can that be considered repeated, hostile behavior? We think the language of the bill is too vague to protect citizens against such interpretations.

We should not waive our constitutional freedoms in order to stop cyberbullying, especially since the causes of cyberbullying cannot be stopped through legislation. Perpetrators and victims of cyberbullying often suffer from profound social, emotional, and psychological disturbances that can only be remedied through social, emotional, and psychological solutions. Proposing laws and attacking social networking sites are both weak approaches with negative results. Dr. Boyd, a fellow at the Berkman Center for Internet and Society at Harvard University, says, “There are lots of kids hurting badly online. And they’re hurting badly offline,

too. Because it's more visible online, people are blaming technology rather than trying to solve the underlying problems of the kids that are hurting." Like Dr. Boyd, we think the issue is better addressed through state and community programs.

Indeed, all fifty states have existing harassment statutes that deal with the problem of cyberbullying. Let us build on those efforts to stamp out cyberbullying at the source, not through censorship nor through the institution of an unconstitutional law.

Writing Prompt

1. After reading the sources, write a well-developed multiparagraph essay that discusses whether you think cyberbullying should become part of the United States criminal code. Use specific details from Source 1 **and** Source 2 to support your response.