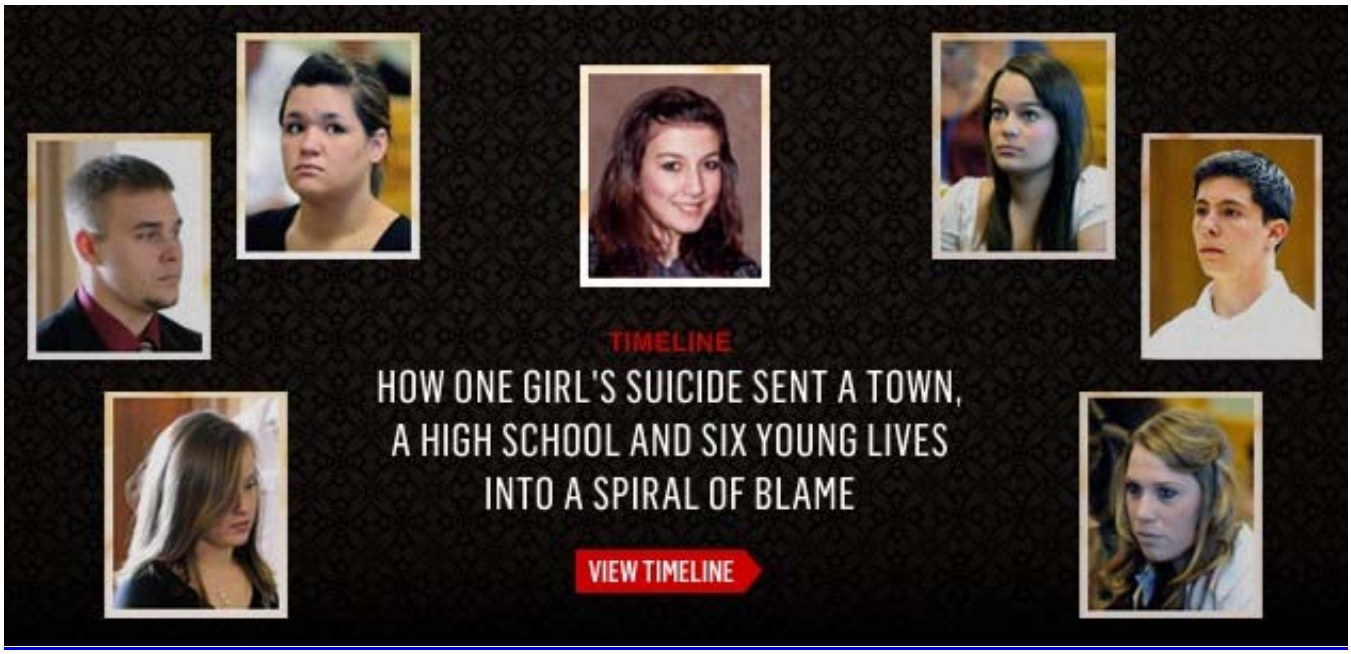
Newsweek

From Lockers to Lockup

School bullying in the digital age can have tragic consequences. But should it be a crime?

by Jessica Bennett (/authors/jessica-bennett.html) **October 04, 2010**



(/2010/10/04/phoebe-prince-are-school-bullies-victims-too.html)

It started with rumors, a love triangle, and a dirty look in a high-school bathroom. Soon jokes about an "Irish slut" cropped up on Facebook, and a girl's face was scribbled out of a class photo hanging up at school. One day, in the cafeteria, another girl marched in, pointed at her, and shouted "stay away from other people's men." A week later, as the girl walked home, a car full of students crept close. One kid hurled a crumpled soda can out the window, followed closely by shrieks of "whore!"

If your children had behaved like this, how would you want them punished? Certainly a proper grounding would be in order; computer privileges revoked. Detention, yes—maybe even suspension. Or what about 10 years in jail? Now what if we told you that the girl had gone home after the soda-can incident and killed herself—discovered by her little sister, hanging in a stairwell. Now which punishment fits the crime?

This is the conundrum of Phoebe Prince, the 15-year-old South Hadley, Mass., girl the media have already determined was "bullied to death (http://www.people.com/people/archive/article/0,,20350702,00.html) "—her alleged "mean girl" tormentors charged with felony crimes. Bullied to death is the crime of the moment, the blanket explanation slapped on suicide cases from Texas to California, where two 13-year-olds recently killed themselves (http://voices.washingtonpost.com/blog-post/2010/09/suicide_of_gay_teenagers_four.html) , bullied for being gay. The most twisted example yet came last week, when Tyler Clementi (http://www.nytimes.com/2010/09/30/nyregion/30suicide.html) , an 18-year-old New Jersey college student, threw himself off the George Washington Bridge after his roommate and a friend allegedly streamed a Webcam video of his tryst with a man.

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Cases like these are being invoked as potent symbols for why, in the digital age, schools need bullying policies and states need legislation. But do they? Is the notion of being bullied to death valid? No one would deny that Clementi's roommate did the unconscionable; the alleged crime is all the more disturbing because of the specter of antigay bias. Yet he couldn't have known how badly the stunt would end. (He and his friend now face up to five years in prison for privacy invasion; there is also talk of additional bias charges.) In the case of Prince, the answer of who's to blame might change if you knew that she had tried to kill herself before the epithets, was on medication for depression, and was struggling with her parents' separation. So where is the line now between behavior that's bad and behavior that's criminal? Does the definition of old-school bullying need to be rewritten for the new-media age?

In effect, it already has been. Forty-five states (http://www.bullypolice.org) now have anti-bullying laws; in Massachusetts, which has one of the strictest (http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92) , anti-bullying programs are mandated in schools, and criminal punishment is outlined in the text for even the youngest offenders. It's a good-will effort, to be sure—prevention programs have been shown to reduce school bullying by as much as 50 percent. With 1 in 5 students bullied each year—and an appalling

9 in 10 gay and lesbian -students (http://www.glsen.org/cgi-bin/iowa/all/news/record/2624.html) —that's good news: kids who are bullied are five times more likely to be depressed, and nearly 160,000 of them skip school (http://www.vmad.com/joomla/index.php?option=com_content&view=article&id=60&Itemid=90) each day, fearful of their peers. Bullies themselves don't fare well, either: one study, of middle-school boys, found that 60 percent of those deemed "bullies" would be convicted of at least one crime by the time they reached 24.

But forget, for the moment, the dozens of articles that have called bullying a "pandemic." Forget the talk-show specials, the headlines, the Florida dad (http://www.nbcmiami.com/news/local-beat/School-Bus-Cam-Catches-Dads-Threat-to-Daughters-Bully--103087829.html) who rushed onto a school bus to scare his 13-year-old daughter's bullies straight. School bullying can be devastating, but social scientists say it is no more extreme, nor more prevalent, than it was a half century ago. (And it's even gotten better over the past decade, says Dan Olweus, a leading bullying expert.) Today's world of cyberbullying is different, yes—far-reaching, more visually potent, and harder to wash away than comments scrawled on a bathroom wall. All of which can make it harder to combat. But it still happens a third less than traditional bullying. And those "mean girls" we keep hearing about? Turns out, boys are still twice as likely to bully as girls.

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The reality may be that while the incidence of bullying has remained relatively the same, it's our reaction to it that's changed: the helicopter parents who want to protect their kids from every stick and stone, the cable-news commentators who whip them into a frenzy, the insta-vigilantism of the Internet. When it comes down to it, bullying is not just a social ill; it's a "cottage industry," says Suffolk Law School's David Yamada—complete with commentators and prevention experts and a new breed of legal scholars, all preparing to take on an enemy that's always been there. None of this is to say that bullying is not a serious problem (it is), or that tackling it is not important. But like a stereo with the volume turned too high, all the noise distorts the facts, making it nearly impossible to judge when a case is somehow criminal, or merely cruel.

In Phoebe Prince's case, it's hard to make sense of the punishment without first understanding the crime. Court records indicate that Phoebe's problems at South Hadley High School began around November of last year, when the freshman became involved with two senior boys—Austin Renaud and Sean Mulveyhill, the school's star football player—both of whom had girlfriends. According to their indictments, the boys, their girlfriends, and students Ashley Longe and Sharon Velasquez engaged in what the DA described as a "nearly three-month campaign (http://www.scribd.com/doc/29114833/Attorney-Elizabeth-Scheibel-s-statement-on-Prince-death) " of verbal assault and physical threats against Phoebe. What appear to be the worst of their crimes involves repeated taunts of "whore" and "Irish slut"; threats to "beat Phoebe up"; and, on the day of her death, the soda-can incident, which left Phoebe in tears. When Phoebe got home that afternoon, she texted a friend: "I can't do it anymore." At 4:30 pm, her sister found her body, hanging from the scarf she'd given her for Christmas.

Video muted: click volume for sound Battle Against Bullies 10/4/10: NEWSWEEK's Jessica Bennett discusses whether or not the apparent bully epidemic is really as widespread as the media is making it out to be.

Phoebe's death, understandably, sent normally quiet South Hadley into a spiral of shame and blame. The school principal opened an internal investigation, but allowed the then-unidentified bullies to remain in class. A community member sympathetic to Phoebe's story went to *The Boston Globe* *(http://www.boston.com/news/local/massachusetts/articles/2010/01/24/the_untouchable_mean_girls)*, which published a column chastising school officials for allowing the "untouchable mean girls" to remain in school, "defiant, unscathed." A Facebook group with the headline "Expel the three girls who caused Phoebe Prince to commit suicide" suddenly had thousands of fans (http://www.slate.com/id/2249307). School officials took to the press (http://www.masslive.com/news/index.ssf/2010/04/anderson_cooper_gus_sayer.html)—defending how they could have let the bullying go on, asserting they had only learned of the problem the week before Phoebe's death. "I'm not naive [enough] to think we'll have zero bullying...but this was a complex tragedy," the principal of South Hadley High School, Dan Smith, tells NEWSWEEK.

Enter District Attorney Elizabeth Scheibel (http://www.slate.com/id/2260952/entry/2261092), whose profile on the National District Attorneys Association Web site, until recently, detailed how, as a child, she beat up a schoolyard bully who was picking on her brother. On March 29, Scheibel released the names of the six students she would indict on felony charges, whose "relentless activity (http://www.scribd.com/doc/29114833/Attorney-Elizabeth-Scheibel-s-statement-on-Prince-death)," she said, was "designed to humiliate [Phoebe] and make it impossible for her to remain at school." Since there is no law in Massachusetts explicitly making bullying a crime, Scheibel charged two of them with stalking, two with criminal harassment, and five with civil-rights violations resulting in bodily injury, alleging that Phoebe's ability to get an education had been made impossible. She also charged both of the boys with statutory rape (http://www.malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter272/Section4), for allegedly having sex with Phoebe while she was underage—an offense punishable by up to three years in jail. The civil-rights violation carries a maximum of 10 years. (All six defendants have pleaded not guilty.)

Related Article: The Booming Anti-Bullying Industry » (/2010/10/04/the-booming-anti-bullying-industry.html)

The law (and the media) may assess the world in black or white, but the players in the case don't fall into neat categories. Quiet and pretty, Phoebe had moved only recently from Ireland to South Hadley, a working-class town full of wood-paneled homes, manicured lawns and a vibrant Irish-American community where Phoebe's family fit right in. She would ultimately suffer a terrible tragedy, but court filings, uncovered by Emily Bazelon, of Slate Magazine (http://www.slate.com/id/2260952/entry/2260953/), have since revealed that Phoebe had her own

demons, too. She struggled with depression, self-mutilation, had been prescribed Seroquel (a medication used to treat bipolar disorder, among other psychiatric conditions), and had attempted suicide once before (http://www.slate.com/id/2260952/entry/2260953/) . Bazelon also reported (http://www.slate.com/id/2263470/) that Phoebe—like nearly a third of kids who are victimized by bullies, studies show—had also played the role of bully, calling another girl a "paki whore" while she was still in Ireland, enrolled in a private school. By the same token, each of the students charged with bullying Phoebe were in good academic standing, says South Hadley's superintendent, Gus Sayer. Does that in any way excuse their behavior? Not at all—and each has been out of school since March, suspended, indefinitely, until their case is resolved in court. (Their trials are expected early next year.) But it goes to show there's more to this story than the headlines might imply. "These are not the troubled kids we sometimes deal with," Sayer tells NEWSWEEK. "These are nice kids, regular kids. They come from nice families. They were headed to college. And now, in addition to losing Phoebe, we're losing [them] too."

Phoebe's father, Jeremy Prince, has said he would ask the court for leniency (http://www.slate.com/id/2262194) if the teens confess and apologize. Yet even if they are acquitted, it's clear their lives are forever altered—their names and faces now international symbols of teen callousness. None completed school last year; Mulveyhill has already lost a football scholarship to college. Angeles Chanon, the mother of Sharon Velasquez, says her daughter is studying for her GED, but heartbroken that she can't return to class—and since there aren't any other public high schools in South Hadley (and schools in Massachusetts can deny entrance based on a felony charge) her options are slim. In the meantime, Sharon is haunted by the tragedy of Phoebe's death. It's hard for her to turn on the television without seeing Phoebe's smiling face (or her own) staring back at her; reporters camp out in the parking lot outside her mother's housing complex, peering into windows at all hours. Sharon sits at home most days, reading, listening to music—but scared to leave the house alone. Her family has received death threats, prank calls, and a rock thrown through a second-story window—along with a stream of nasty unsigned letters delivered to their door. Some call for Sharon to be "raped and killed"; others hurl insults and racial slurs. "I don't know if I can even describe what my family has been through," says Sharon's mother, who agreed to speak exclusively to NEWSWEEK, in the presence of her lawyer. "The cameras in our faces, the harassment, the letters—I'd come home and people would be in the parking lot waiting for me."

The irony, of course, is that it all sounds a bit like the kind of torment Phoebe allegedly endured—particularly when it comes to the anonymous vigilantes (http://www.salon.com/life/broadsheet/2010/04/08/phoebe_prince_bullies_get_bullied) who've taken to the web to chastise the teens, publishing their phone numbers and addresses to the public, along with violent rape imagery and calls for their deaths. "It's painful to watch what [these kids] have had to go through," says Colin Keefe, the attorney for Velasquez. Indeed, if these students are bullies, according to the law, what does that make the rest of us? Massachusetts's anti-bullying statute defines bullying as repeated behavior that, among other things, "causes emotional harm" or "creates a hostile environment" at school. If it were applied to the real world, wouldn't most of us be bullies? It's easy to see how the blossoming field of bullying law could ultimately criminalize the kind of behavior we engage in every day—not just in schoolyards, but in workplaces, in politics, at home. And what do you do when the bullies get bullied? "You're not going to prevent a lot of this stuff," says former New York prosecutor Sam Goldberg, a Boston criminal attorney. "It may seem harsh, but to some degree, you're going to have to tell your kid, 'Sometimes people say mean things.'"

What most bullying experts and legal scholars agree on is that prosecution—in the Prince case, anyway—may be the worst possible scenario. There is longstanding research to show that law is not a deterrent to kids who respond emotionally to their surroundings; ultimately, labeling a group of raucous teens as "criminals" will only make it harder for them to engage with society when they return. Certainly, there is behavior that should be treated as a crime—the story of Clementi, the young Rutgers student who jumped off the bridge, is particularly hard to stomach. But many kids "just mess up," says Sameer Hinduja, a criminologist at Florida Atlantic University, and the codirector of the Cyberbullying Research Center (http://www.cyberbullying.us). "They react emotionally, and most of them express a lot of remorse. I think most kids deserve another chance."

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