

**Testimony of Representative Linda T. Sánchez
Megan Meier Cyberbullying Prevention Act**

**Before the
House Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security**

September 30, 2009

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 cuts, 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 hung 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 each other. 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.