

PERFORM THE TASK

Should individuals be prosecuted for statements made on social media?

**You will read:**

- ▶ **A RADIO INTERVIEW**
The Dangers of Cyberbullying
- ▶ **AN INFORMATIONAL ARTICLE**
Sacrificing the First Amendment to Catch "Cyberbullies"
- ▶ **A FACT SHEET**
What is Cyberbullying?

You will write:

- ▶ **AN ARGUMENTATIVE ESSAY**
Should individuals be prosecuted for statements made on social media?

Part 1: Read Sources

Source 1: Radio Interview

THE DANGERS OF CYBERBULLYING

by Brett Warnke

AS YOU READ Look for evidence that supports your position—or inspires you to change your position on this question: Should individuals be prosecuted for statements made on social media?

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September 25, 2009 – BRETT WARNKE, moderator:

Until recently, children who were victims of bullying in the classroom or on the playground could find peace at home. But with a surge in the popularity of new technology among children and teens, bullying has become a problem that doesn't always stop at the end of the school day. As bullies turn to email, text messaging, or even social networking sites, cyberbullying has infiltrated the confines of the home, as was the case with 13-year-old Megan Meier.

In 2008, Lori Drew was convicted of violating the Computer
10 Fraud and Abuse Act after creating a fake Myspace account. Assuming the fake identity of a teenage boy, Drew used the account to flirt with, and then later break up with, Megan Meier. However, the case was later appealed, and the charges lessened.

In response to the case, Congresswoman Linda Sanchez is sponsoring the Megan Meier Cyber Bullying Prevention Act. The bill would make bullying through an electronic means a federal crime. Child psychologist and strong supporter of the bill, Ms. Eden Foster, joins us today in the studio. Welcome.

20 Psychologist EDEN FOSTER: Thank you.

WARNKE: Thanks for joining us. Now, what exactly does the proposed bill seek to accomplish?

FOSTER: The Megan Meier Cyber Bullying Prevention Act helps to define what is covered under the term “cyberbullying.” For instance, in order for a behavior to be defined as cyberbullying, it must be repeated, hostile, and severe with the intent to embarrass, threaten, or harass. We included the term *repeated* in our definition so that actions that are a part of an isolated incident, such as telling someone you hate him or her in the
30 midst of a verbal argument, is not considered cyberbullying.

WARNKE: But shouldn't law enforcement officials be focusing on the kinds of crimes that affect more people? Cyberbullying might seem somewhat trivial, as it only affects only two people: the bully and the victim.

FOSTER: Although cyberbullying may seem insignificant in the big picture, in a survey conducted in 2006, nearly 1 in 3 teens admitted to being the victim of cyberbullying. Cyberbullying can also lead to kids getting physically injured. This bill ensures that someone is held accountable for the behavior that led to
40 someone getting hurt. And by passing the Prevention Act, we're deterring people from engaging in cyberbullying by showing such behavior is a punishable crime that won't be tolerated.

WARNKE: What are the differences between bullying and cyberbullying?



Close Read

What is a limitation of the proposed law that Ms. Foster cites?

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FOSTER: Conventional bullying usually takes place between two people in the same place at the same time. On the other hand, the victim and the bully don't even need to know each other for cyberbullying to occur. It's much harder to flee a cyberbully, as they can "attack" through a variety of electronic means. The effects of cyberbullying can also reach a much wider audience, due to popularity of social networking sites.

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WARNKE: But then, why don't kids just "unplug"?

FOSTER: Technology has become an essential part of our society and our homes. Use of technology has extended beyond simple entertainment. For example, teens often use their cell phones to contact their parents in emergency situations, not just to send texts with their friends or play games.

WARNKE: How has the bill been received by Congress so far?

FOSTER: There has been a lot of support in Congress from both the democratic and republican parties, not only for the Cyber Bullying Prevention Act, but also other legislation that raises community awareness about cyberbullying and ways to prevent it. I'm confident the bill will be very successful.

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WARNKE: Thanks so much for coming in.

FOSTER: Thank you.

Close Read

Which is more difficult to avoid: bullying or cyberbullying? Cite text evidence to support your answer.

Source 2: Informational Article

Sacrificing the First Amendment to Catch “Cyberbullies”

October 10th, 2011 by Kirk Sigmon

For some reason, a handful of Democratic New York State senators think that the First Amendment should be treated “not as a right but as a privilege,” implying that the right to free speech should essentially be revocable¹ to prevent “abuses” of free speech including “flaming” (sending angry, rude, or obscene messages to people online) and other forms of “cyberbullying.” I only wish I was kidding.

10 NY State Senators want NY citizens to be criminally prosecuted for cyberbullying, where they define cyberbullying as a plethora² of allegedly offensive acts on the Internet. hilariously, the Senators include “trolling” (posting deceptive information to trick or provoke people online) and “exclusion” (“intentionally and cruelly excluding someone from an online group”) as part of their definition of cyberbullying. Thus, in a sense, the Senators seem to imply that they want to not only criminally prosecute harassment and deceptive tricks posted online, but they also want to punish people for not allowing NY citizens to join their online clubs.

20 As you can probably imagine, I find this absolutely ridiculous.

First of all, the Senators are simply mistaken about the First Amendment. Indeed, the First Amendment is regularly limited by legislation in various ways, but this does not make

¹ **revocable** can be recalled, withdrawn, or reversed

² **plethora** a superabundance, an excess

AS YOU READ Pay attention to the evidence the author presents. Jot down comments or questions about the text in the side margin.

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it some sort of nebulous³ “privilege” such that hurt feelings justify its abridgement. The last time I checked, hurting someone’s feelings—even in real life—never justified criminal prosecution. It usually doesn’t justify civil litigation⁴ without constituting outright slander⁵ or libel.⁶ Like it or not, implicit⁷ within the text of the First Amendment is the right to be as
30 cruel as one wants, right up to the point of libel or slander.

Moreover, it is patently offensive that these Senators wish to essentially regulate the Internet. [In my opinion], regulation of the Internet to “protect” children is incredibly stupid and pointless, and a ridiculous attempt to assert US jurisdiction over the Internet generally. The idea that one could be criminally prosecuted for refusing to allow someone to join, say, a guild in a video game, is preposterous.⁸ Moreover, the idea that hurt feelings justify criminal prosecution at all is an
40 offensive use of the criminal justice system to prosecute minor crimes, ultimately wasting judicial time and taxpayer resources.

The real solution to cyberbullying isn’t criminal prosecution, it’s education and selective participation. Children should be educated to manage and avoid offensive situations on the Internet. If the child in question can’t handle that, they should not use the Internet. It’s that simple.

³ **nebulous** lacking definite form or limits, vague

⁴ **litigation** a contested or argued legal proceeding

⁵ **slander** oral communication of false statements that damages a person’s reputation

⁶ **libel** a false publication that damages a person’s reputation

⁷ **implicit** implied or understood though not directly expressed

⁸ **preposterous** contrary to nature, reason, or common sense, absurd, foolish

Close Read

The senators define *exclusion* as “intentionally and cruelly excluding someone from an online group.” Why might the author find this “absolutely ridiculous”? Cite text evidence in your response.

Source 3: Fact Sheet

What is Cyberbullying?

*Willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices*¹

Cyberbullying includes:

- Writing hurtful statements on a social media site or website
- Forwarding rumors and gossip through text messages or emails
- Posting embarrassing pictures of someone online
- Digitally editing and distributing pictures of another person
- Flaming, insulting, or slandering others in a public area online
- Pretending to be another person online
- Setting up fake user accounts to stalk, harass, or embarrass others
- Anytime technology is used to harm another person

The Ophelia Project identifies two main contributors to the hurtful impact of cyberbullying:

- 1. Empathetic Disconnect:**
This describes the inability to sense the emotions and feelings associated with the receipt of a message. In traditional bullying, an aggressor immediately sees the hurt they have caused the target. The lack of immediate emotional feedback in cyberbullying allows an aggressor to often continue the hurtful behaviors unchecked. Also, due to the ability to maintain anonymity on the Internet, an aggressor and target may never know each other or interact face-to-face.
- 2. The Infinite Bystander Effect:**
In a traditional bullying situation, the number of bystanders is limited to whoever is present at the time of the incident. With cyberbullying, the aggression remains present online and can be viewed by anyone with access to the web.

References:
¹Cyberbullying Research Center. www.cyberbullying.us (accessed: February, 2011)
²Patchin, J. W. & Hinduja, S. (2006). Bullies move beyond the schoolyard: A preliminary look at cyberbullying. *Youth Violence and Juvenile Justice*, 4(2), 123-147.
³Ybarra, M.L., & Mitchell, K.J. (2004). Online aggressortargets, aggressors, and targets: A comparison of associated youth characteristics. *Journal of Child Psychology and Psychiatry*, 45(7), 1308-1316.
⁴National Crime Prevention Council <http://www.nopc.org/cyberbullying> (accessed: March, 2011)
⁵A Thin Line: 2009 AP-MTV Digital Abuse Study. <http://www.athinline.org/MTV-AP-Digital-Abuse-Study-Executive-Summary.pdf>

the Ophelia project

Cyberbullying Fast Facts

According to Cyberbullying Research Center¹:

- Estimates on the prevalence of cyberbullying vary from **10-40%** or more.
- **20%** of youth ages 11-18 have been a victim of cyberbullying
- **10%** of youth ages 11-18 have been both a victim and offender

60% of targets said that their online experiences as a target of cyberbullying affected them at school, home, and with friends, and reported experiencing feelings of frustration, anger and sadness²

84% of cyberbullies report to know their target³

When teens were asked why they think others cyberbully, **81%** said that cyberbullies think it is funny.⁴

45% of young people (ages 14-24) reported that they see people being mean to each other on social networking sites.⁵

NOTES

Area for handwritten notes.

Discuss and Decide

Which fact in the sheet most strongly indicates that cyberbullying is a serious problem? Cite text evidence in your discussion.

Respond to Questions on Step 3 Sources

These questions will help you think about the sources you've read and viewed. Use your notes and refer to the sources in order to answer the questions. Your answers to these questions will help you write your essay.

- 1 Is the evidence from one source more credible than the evidence from another source? When you evaluate the credibility of a source, consider the expertise of the author and/or the organization responsible for the information. Record your reasons.

Source	Credible?	Reasons
Radio Interview The Dangers of Cyberbullying		
Informational Article Sacrificing the First Amendment to catch "Cyberbullies"		
Fact Sheet What is Cyberbullying?		

- 2 **Prose Constructed-Response** You have read three texts about cyberbullying. All three take a position on cyberbullying. Analyze the strengths of the arguments made in at least two of the texts. Remember to use textual evidence to support your ideas.

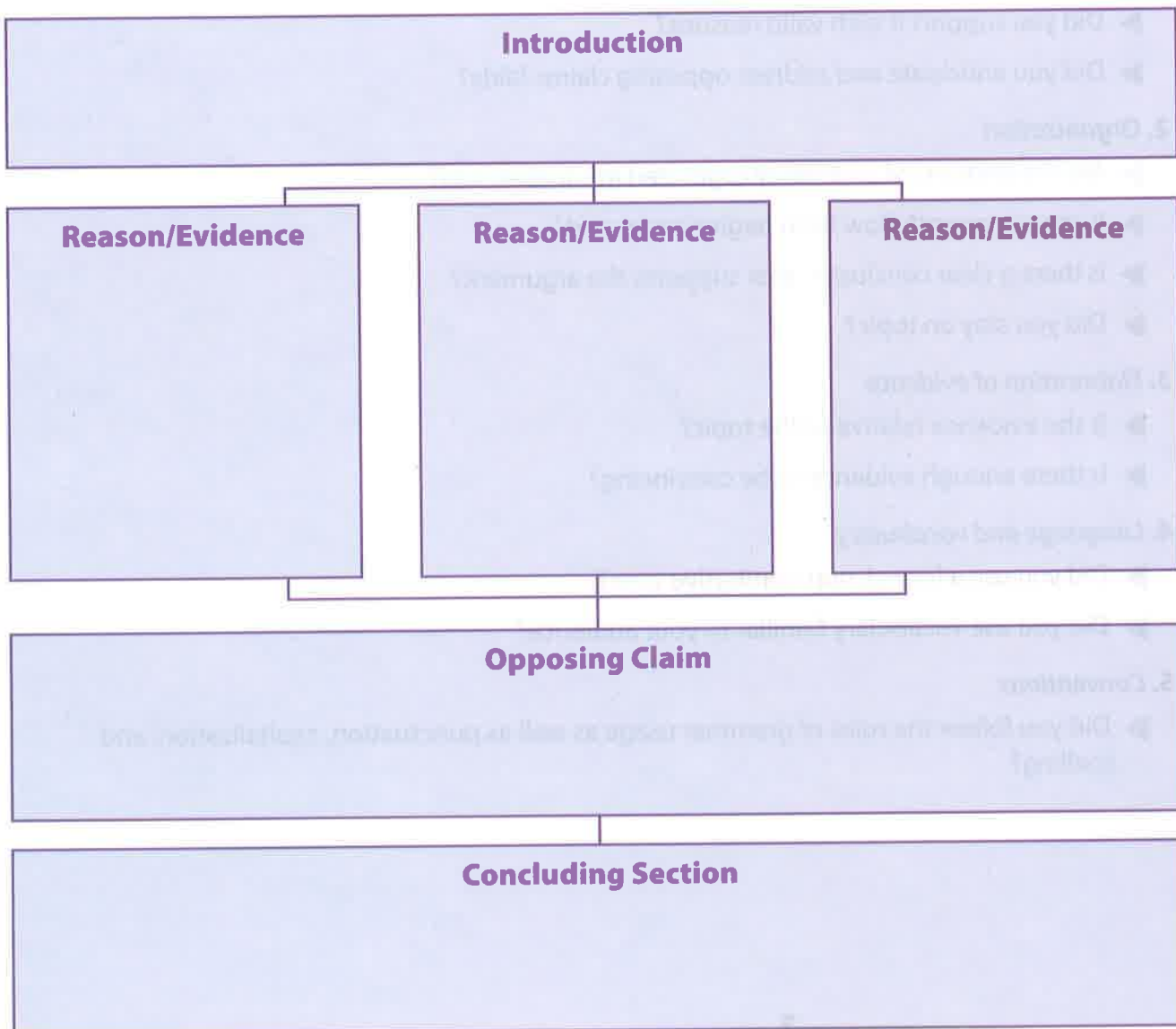
Part 2: Write

ASSIGNMENT

You have read about social media, free speech, and cyberbullying. Now write an argumentative essay explaining why you agree or disagree with the idea that individuals should be prosecuted for statements made on social media. Support your claim with details from what you have read.

Plan

Use the graphic organizer to help you outline the structure of your argumentative essay.



Draft



Use your notes and completed graphic organizer to write a first draft of your argumentative essay.

Revise and Edit



Look back over your essay and compare it to the Evaluation Criteria. Revise your essay and edit it to correct spelling, grammar, and punctuation errors.

Evaluation Criteria

Your teacher will be looking for:

1. *Statement of purpose*

- ▶ Is your claim specific?
- ▶ Did you support it with valid reasons?
- ▶ Did you anticipate and address opposing claims fairly?

2. *Organization*

- ▶ Are the sections of your essay organized in a logical way?
- ▶ Is there a smooth flow from beginning to end?
- ▶ Is there a clear conclusion that supports the argument?
- ▶ Did you stay on topic?

3. *Elaboration of evidence*

- ▶ Is the evidence relative to the topic?
- ▶ Is there enough evidence to be convincing?

4. *Language and vocabulary*

- ▶ Did you use a formal, non-combative tone?
- ▶ Did you use vocabulary familiar to your audience?

5. *Conventions*

- ▶ Did you follow the rules of grammar usage as well as punctuation, capitalization, and spelling?