

## *Massive Anti-Bullying Law and Bullying Initiatives Were Based on Misleading Publicity*

by Hans Bader on February 9, 2012

“It launched a hundred ‘anti-bullying’ initiatives at all levels of government, but much of what you think you know about” the Tyler Clementi case “is probably wrong,” [notes legal commentator Walter Olson](#) at Overlawyered, the world’s oldest law blog. [Andrew Sullivan](#) discusses this as well, linking to [Ian Parker’s article in The New Yorker](#).

We wrote earlier about how the [current panic over bullying](#) is leading to [attacks](#) on [free speech](#), [political debate](#), and [free association](#) in the schools; [political pandering](#); dishonest [stretching of existing federal laws](#) by federal officials; and [violations](#) of basic principles of [federalism](#).

*Reason*’s Jacob Sullum [writes](#) about New Jersey’s massively-long “Anti-Bullying Bill of Rights,” enacted after Clementi’s suicide at New Jersey’s Rutgers University, and how it infringes on free speech and imposes illegal unfunded mandates. When New Jersey passed this incredibly complicated anti-bullying law, which contains [18 pages of “required components,”](#) that gave a huge boost to a burgeoning “anti-bullying” industry that seeks to define bullying as broadly as possible (to include things like “[eye-rolling](#),” or always associating with the same group of friends) in order to create demand for its services. Hundreds of New Jersey schools “[snapped up](#) a \$1,295 package put together by a consulting firm that includes a [100-page manual](#).”

Rod Dreher [sees](#) a lesson from the Clementi case about jumping to conclusions:

I too thought that Clementi had been outed after Ravi filmed him having sex. As Parker shows, Clementi was not closeted, and he wasn’t filmed having sex. And yes, Dharun Ravi [who is being prosecuted for hate crimes over the filming that allegedly caused Clementi’s suicide] is an ass. But he is not facing criminal trial for being an ass. This is what moral panic does. . .It is *hard* for me to be fair [to the defendant] in these particular cases, but it is necessary to fight against my own instincts in this case and in every case. You too.

The Obama administration's StopBullying.gov website defines bullying incredibly broadly in ways that conflict with freedom of speech and common sense. It defines "[teasing](#)" as a form of "[bullying](#)," and "[rude](#)" or "[hurtful](#)" "[text messages](#)" as "[cyberbullying](#)." Since "creating web sites" that "make fun of others" also is deemed "cyberbullying," conservative websites that poke fun at the president are presumably guilty of cyberbullying under this strange definition. (Law professors like UCLA's Eugene Volokh have [criticized](#) bills by liberal lawmakers like Congresswoman [Linda Sanchez](#) (D-Calif.) that would ban some criticism of politicians as [cyberbullying](#).)

Anti-bullying regulations can backfire and have [bad consequences](#) for child development. As a school official [noted](#) after passage of New Jersey's sweeping anti-bullying law, "The anti-bullying law also may not be appropriate for our youngest students, such as kindergartners who are just learning how to socialize with their peers. Previously, name-calling or shoving on the playground could be handled on the spot as a teachable moment, with the teacher reinforcing the appropriate behavior. That's no longer the case. Now it has to be documented, reviewed and resolved by everyone from the teacher to the anti-bullying specialist, principal, superintendent and local board of education."