



From Watergate to Wedgiegate

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Gene Healy | May 15, 2012

From Watergate to Wedgiegate—the *Washington Post's* investigative journalism has surely come a long way. If last week's "expose" on Mitt Romney's prep-school bullying is any indication, from now on the fully informed voter will have to pore over every nasty prank potential candidates committed as kids.

Thanks to the *Post*, the punditocracy spent the better part of last week debating the forcible haircut that Romney gave a fellow student 47 years ago. The incident in question makes teenaged Mitt look like an abusive jerk. But it's not clear what it tells us about Romney's character nearly five decades later.

The story struck a chord however, perhaps because it comes amid massive state and federal efforts to eliminate bullying in our nation's schools.

No doubt some schools should do a better job disciplining or expelling children who abuse their peers, but much of the current anti-bullying crusade smacks of the misguided idea that every human problem can be sorted out with zero tolerance policies and skads of social workers.

Savor the irony that it was the pugnacious New Jersey Gov. Chris Christie—famous for bellowing at constituents—who in 2011 signed the nation's most sweeping anti-bullying law. The Anti-Bullying Bill of Rights mandates training programs for school employees and students, grades school districts on compliance, disciplines teachers who "should have known of an incident," and requires the appointment of "school liasion[s] to law enforcement." One New Jersey district has even formed a partnership with the local Crime Stoppers hot line, allowing middle-schoolers to report suspected bullying to the police via text message or email.

President Obama, who on the first day of school in 2009 took time out from running two wars to have himself piped into the nation's classrooms, urging students "to stand up for kids who are being teased," is working hard to catch up to Christie.

In a 2011 letter to the nation's school boards, Department of Education Assistant Secretary for Civil Rights Russlynn Ali outlined the administration's federal anti-bullying policy. As Competitive Enterprise Institute legal scholar Hans Bader noted at the time, the document "defined 'harassment' so broadly as to reach both speech protected by the First Amendment, and conduct the Supreme Court says does not legally qualify as harassment."

Indeed, the definition of bullying offered on the administration's website, stopbullying.gov, includes "spreading rumors," "attacking someone...verbally," and even "excluding someone from a group on purpose." This may be difficult to police.

More concerning still are the efforts to combat bullying—broadly defined—among young adults and grown-ups.

In 2010, New Jersey Democrats Sen. Frank Lautenberg and Rep. Rush Holt introduced the federal Tyler Clementi Higher Education Anti-Harassment Act, named after the Rutgers University student who committed suicide that year. The Clementi case was tragic, but the statute in question validates Radley Balko's axiom that "Laws named after crime victims and dead people are usually a bad idea." The law's broad wording would have the effect of reinvigorating campus speech codes that have come under constitutional challenge for violating the First Amendment.

Meanwhile, according to the Workplace Bullying Institute, legislation has been introduced in 17 states that would allow employees to sue when their boss is a jerk. One such law, passed by the New York Senate in 2010, proscribes behavior "that a reasonable person would find to be hostile, offensive and unrelated to the employer's legitimate business interests."

At its best, the anti-bullying movement has made progress disciplining truly abusive behavior. At the extremes, however, it resembles an effort to take the rough edges off of life by smothering school and workplace interactions with bureaucrats and lawyers.

As one New Jersey school administrator told the New York Times, "kids have to learn to deal with conflict." That goes double for adults.

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