INTERVIEWS

INTERVIEW WITH EMILY BAZELON[*]

Dean Joanne Epps: So my job this afternoon is really brief, and it is to extend a welcome to family, friends, former colleagues, our wonderful students—both members of the Law Review and others—and distinguished guests. My job is to welcome you to Temple Law School and to this wonderful Symposium. It is a delight that we are in a position to celebrate the fortieth anniversary of Juvenile Law Center and its [founders], Bob Schwartz and Marsha Levick. So, thank you very much for enduring this long and giving us something to celebrate. We're really, really pleased—and welcome to the new executive directors. Thank you all very much for being here, and I'm going to hand over the microphone to Bob, who is going to introduce our wonderful keynote guest.

[*audience clapping*]

Bob Schwartz: So, that handing over [of] the mic was a metaphor [*audience laughter*]. Thank you, Joanne, thank you all for coming, and thank you to Emily Bazelon for joining us today. The biography of Emily that I memorized and spent the last weeks memorizing for today turns out to be the one you have in your programs [*audience laughter*]. So, rather than repeat that, I think that I should just mention why we asked Emily to speak today. First, her book *Sticks and Stones . . .* is insightful, nuanced, [and] a remarkably thoughtful book about very complicated issues. Emily has the great ability to take complicated issues and speak about them clearly, and to recognize the nuance behind the battles we fight. Having followed her work at *Slate* and other venues—lately with the *New York Times Magazine*—I knew it would be a real treat to hear what she has to say about the issues we are confronting at this gathering. So, with that, I won't go on with more adjectives because your parents are here and it would be embarrassing.

Emily Bazelon: [*laughs*] Exactly.

BS: So, can you tell us first why you wrote *Sticks and Stones*?

EB: I am going to answer that question, but I have to start just by saying how honored I am to be here. Juvenile Law Center just does amazing work. I have called Bob and Marsha on more occasions than I can count to ask them to explain something to me and to basically help me figure out everything about it. It's also great to be here at Temple. I grew up in Philadelphia. I've known Dean

Epps for a really long time. It's really a pleasure to be here with all of you.

Okay, so why did I write my book? One is supposed to have a good answer to this question, right?

BS: Well I told you I was going to ask it, so—

[*audience laughter*]

EB: Right, and you are not the first person to ask me this question [*laughing*].

So, in around 2009 and [2010], I noticed that there was starting to be a lot of fairly alarmist coverage of kids and technology. It wasn't the beginning of the Internet era, but it was around the time that the phrase "cyberbullying" really popped into the popular consciousness. I was working at *Slate,* which is an Internet magazine, and I'm interested in kids and the problems they have. It's a question that I've been trying to cover in different ways for a long time. And also at that point, my kids were tweens. They were just starting to come into this world of technology themselves, and, frankly, my husband and I were really perplexed by how to deal with it. So I sort of felt like I was having one of those moments where my journalistic interests and my interests as a mother were intersecting. That started me down this road, and then, like a lot of topics that I'm interested in, I decided the more I learned about this topic that some of the alarmism was not warranted. Or at least that things were more complicated than the sort of initial wave of coverage of cyberbullying really gave room for. And so that tends to be a moment where, for better or for worse, I get really interested in and feel like, well, I can really dig in here—there are some important social consequences, there are some tricky legal issues that I can call Bob and Marsha about. And so that was the way that I launched into this subject area. And, I guess the one other thing I'll say about this is that the reason I stuck with it is that I think that the sort of concern about bullying—and there are problems with this word, [and] we can talk about that, endlessly—writ large became for the country this very cross-cultural, cross-economic issue that was drawing a lot of attention to kids and their well-being. And so the more I've reported on this topic, the more I've become convinced that there is a risk here of overreaction, or of looking for solutions that are not the right fit for the problem. But, there's also a lot of opportunity because people are really focusing on teenagers, and they are doing it in a way that isn't [out] of a fear of predatory kids in a way that's often loaded in racial terms or in terms of class. Bullying is a concern that parents across the country have—[in] rural, urban, suburban settings, [with] kids of different income[s], different backgrounds, different races. And so, my hope was—and continues to be—that because it has this kind of all-across-America wave of tension to it, that it can be an engine for solutions for kids and really for galvanizing the country to think about the well-being of kids and teenagers.

BS: In the course of jumping in, you look at the stories of three different teens who were accused of bullying, both in school settings [and] also in terms of criminal prosecutions. Where did your inquiry lead you?

ES: Right, so I have three main characters in my book, and I started with the story that in some ways is the trickiest. It's a story from South Hadley, Massachusetts, about a girl named Phoebe Prince, who tragically committed

suicide in the beginning of 2010. She had come to this country from Ireland a few months earlier with her mom and her sister, and she had this terrible death [happen]. And it was right at this moment [that] a lot of concern about cyberbullying [arose], and the story about what had happened to her turned into a story in which a group of girls at her school were being blamed, and really being accused of torturing her in this way, and bullying her in this way, that was very dramatic and sounded really scary. So, I live ninety minutes away from South Hadley, Massachusetts, and when I'm reporting on a story I like to go a lot of times. So, I drove up to South Hadley thinking: "What is wrong at this high school? This sounds like such a scary, alarming situation—almost like a movie. How did this happen?" And what I found, as I started spending time with more and more kids at that high school, was that the very kind of black-and-white dramatic, even melodramatic, story about Phoebe was actually much more complicated. That, in fact, she had had a history of mental health problems—a history of depression—which of course is the major risk factor for suicide. There were things going on in her family [that fall] that could be very upsetting to her, and she had actually attempted suicide before. And, so while it was also true that there were kids at her school who had been cruel to her before she died, there was just more to this story. And so I was spending a lot of time on Interstate 91 going back and forth, talking to lots of kids and teachers, and trying to put this together. There was a lot of unrest in the community in the aftermath of her death. And then the district attorney in Western Massachusetts brought criminal charges against six kids, and they were charges that blamed these teenagers for Phoebe's death very directly and came with ten-year prison sentences as a maximum penalty. So that was, as you can imagine, another moment of intense media coverage and a lot of upheaval in the community. Those kids had to leave school. Their lives were really changed. And then I had a moment where someone sent me a whole bunch of documents, basically the police investigation, [containing] lots and lots of interviews that the cops had done with people—kids, teachers, parents, really everybody. And when I got this trove of documents, I thought to myself: "Okay, now I'm [going to] understand why the district attorney sees this case the way in which she does, and why she brought these criminal charges. Clearly [in] my reporting, I must be missing something that would explain this." And as I read the documents, I just didn't feel that that was the case. I felt like this: the documents told the story that I thought was the true story—the story that was much more complicated that people didn't know. And as you can imagine, while Phoebe's suicide was clearly this tragic event and was incredibly sad, it started feeling to me that it was a different sad story than the one that had been told, and I started feeling a lot of concern for these six teenagers who were still alive and whose lives had been so affected. So, I wrote a series for *Slate* that spring laying out what I had found, and that story appears in a slightly different form in my book. But, that sort of question to me—about the criminalization of bullying and when we want to be criminally blaming teenagers, as opposed to using other kinds of strategies to deal with their [poor] behavior—that started to seem like it was a really important thing to think about.

    BS: And that also took you to a couple of other kids. Do you want to briefly

highlight what those situations were?

EB: Yeah, sure. So one of the other characters in my book is a girl named Monique, who was really bullied very seriously in seventh and eighth grade in Connecticut, and I was interested in her because her mother had made a choice to take her out of school. So I wanted to see what was going to happen to her because of that, how long it would take her to go back to school. [In] that story there was a boxing coach, who Monique had, who was a social worker who really helped her. I was interested in that idea of an adult who wasn't Monique's teacher or parent, but someone else in the community who had really reached out and gotten other kids to help her. Some of you probably know the term "upstanding," which has kind of taken off. [It is] this idea of what about the other kids around the victim of bullying—what are they doing, and how can we persuade them, or give them the right reasons, to try and help? And so this boxing coach, I thought, was really skilled at that, and I was watching that play out. And then the third character in my book is a boy named Jacob who lived in upstate New York, and when he was in middle school he started wearing makeup and dying his hair and painting his fingernails and really kind of gender bending. And in terms of the national media he was exposed to—he watched a lot of *Glee* [and] he was super into Pink, the pop star—he was getting a lot of affirmation about his new style. But in his community, there wasn't support for it. There was the opposite, and he was the target of a lot of bullying and some physical assault at his school, but his school was really not supportive of him. And so I was interested in that story because LGBTQ bullying is such a problem—really the numbers are very unsettling[ly] high. So I wanted to think about what he was going through and what people might have been able to do to help him, and also he was suing his school district, so I was interested in all that, too.

BS: But before we get to the different kinds of bullying behavior you identify in the book, you've already just touched on an adult in the life of Monique, but you also talk about the role of adults in either allowing bullying to happen, reacting inappropriately to bullying allegations that they hear, and, in many instances, making things worse rather than making things better. So where were the adults in the schools and in the communities that you were looking into?

EB: So, this is such a hard question. One of the more dispiriting findings about bullying is that kids report that when they tell an adult at school—which of course they're supposed to do, right?—that actually more than half the time it doesn't really improve their situation. And, sometimes, that's because adults truly turn a blind eye. One of the most troubling things to me about Jacob's story was that a couple of years before he went to high school, and the bullying followed him into high school, another older kid at his school had tried to start a gay-straight alliance. And the research about gay-straight alliances in high schools, and even middle schools, [shows that they are] great. They really help reduce bullying of LGBTQ kids. There are strong findings, but this school basically shut down this group. [It] refused to give it official recognition. One day, the kids showed up for their yearbook photo and were told, "No, you guys

can't be in the yearbook." And that really bothered me. It was an example, I thought, of an opportunity, and the kids really showing some initiative and leadership, and the adults not taking them up on that and not encouraging them in the right way. You know, there are other happier stories in my book about adults who really do try to help, and I think one of the big challenges for schools is figuring out how to change or maintain the culture of a school so that you're really encouraging kids to advance socially by being kind to each other. So at Monique's school, I spent a lot of time with the girls who were bullying her, and what became clear to me was that they were classically acting in the way that the best defense is a good offense. They were in a really volatile environment, where people were yelling at each other and mean to each other, and some physical fighting was going on. And when I walked in, I could hear it in the hallways. I could hear it from the teachers, too. And so their meanness to Monique was, in a way, their way of trying to make sure they weren't going to be perceived as weak and the kids who might be the victims of bullying. One of the challenges, as I was saying, is to have a different kind of culture in a school, and I do think that we are learning some things about how to make that easier, [and] how to do that successfully, but it's hard work. [It's] like an everyday part of, really, the social fabric of the school, and it's not something schools can kind of check off the list, and so I think that can also remain a challenge.

BS: Can you describe the categories of bullying—and I realize that they are artificial in some way [and] they overlap—that you found and identified in *Sticks and Stones*?

EB: Yeah, sure. One thing I think is important about this is that when [we were] growing up (and this is probably even more true for older people in the room), if you think back to your own childhoods and your own experiences of bullying, or when you saw bullying happen, you may have in your mind the kind of classic image of the big, "oafy" boy who punches someone in the face or steals someone's lunch money, right? So when I am talking to people who are older than me, or my age, that tends to be what we remember.

BS: That's who I remember.

[*audience laughter*]

EB: Right, often people will name someone to me. It's pretty visceral. It's deep within us—*that* kid. I don't want to say that kid is gone forevermore, but when you look over time [at] the rates of violent victimization of kids in school, it's like this. It's really dramatically dropped, and the reason I think is that schools have had success in cracking down on that kind of violence; it's unusual. Even at Monique's school, it was unusual to have actual, physical fighting. [A fight] happened one day while I was there, but [that] was not an everyday occurrence. And so what kids are experiencing today is much more often, essentially, the "mean girl" or the "mean boy"—there are boys like this, too. I always want to make sure to say that. But, the tools of kids who bully today tend to be more subtle. They're on social media, or they're, you know, in class moving their chair away from some other kid, and making it clear that someone is not welcome in the group. They're freezing people out. And this is harder for schools and adults to deal with, and I think it helps explain why kids report such a lack of

satisfaction with the way that adults respond because, you know, schools cannot have a rule against eye-rolling [*audience laughter*]. This is just not possible. But, in a particular environment, eye-rolling can actually be deadly, and so the ways in which kids who fit into my kind of "mean kid" category act are much more manipulative and socially damaging than our image from the past. Not that it was great to get punched in the face either, but this can be corrosive. It can really eat away at kids' confidence. And when it translates online, it can feel to the recipients—the targets of the bullying—like there's no escape from it; it's going on all the time, everyone can see it, and there it is written out. And that is really hurtful and a lot for kids to deal with. It is also important to say that there's a different type of bullying, although you are right about the overlapping categories, but there are bullies who really are also victims. In the literature, they're called "bully-victims," and they are kids who are really struggling socially. They're not manipulative particularly, or at least not successfully. They are often having psychological problems, really not fitting in with their peers, and sometimes they lash out, and other times they are the target of other kids being mean to them. And those kids can be really hard to deal with for both adults and other kids, but in their case the bullying is really a cry for help. And so those are pretty different kinds of behaviors, and I think that's a challenge because it means that there isn't a monolithic solution for dealing with them.

BS: What about the issues of status and power, in terms of who bullies whom and why people bully?

EB: Well, certainly bullying is a form of aggression. But, the definition of bullying that I use and think makes the most sense, in terms of really addressing the behavior, comes from the psychology field. It started with a Scandinavian academic named Dan Olweus around 1970, and what he did, which no one had thought to do before, was to ask about 400 middle school kids: "What is a behavior from your peers that really bothers you, that sticks with you, that really disturbs you?" And what he found was that they named different types of abuse—it could be verbal, it could physical, it could be social exclusion—but it was repeated over time and involved a power imbalance. And I think the key here, when you think about it, [is] this idea of a kind of lasting campaign to make you miserable by kids who feel, to you, like they are much more powerful in the social constellation than you are. That makes sense to me as a definition of bullying that's a kind of behavior we really should be trying to prevent, and it also is different from what teenagers often call "drama." And when they use [these terms], they are not perfectly using "bullying" and "drama," but you know, of course. But, [when] they talk about drama, they usually—if you start asking questions—are talking about a conflict in which the power dynamic is going back and forth. And, yeah, there may be a kid who's slightly more socially successful than another kid, but it isn't the same as really picking on someone who can't adequately stick up for themselves. And then, of course, there are one-off conflicts that come and go, and they don't necessarily really involve bullying either. But, one of the other interesting findings about social status and aggression is that it's actually not the kids at the very top of the social hierarchy in middle school or high school—the idea of a "Queen Bee." Those kids are not

usually overtly mean to other kids. Maybe they don't really have to [be]. It's the kids who are somewhere else in the social hierarchy, trying to climb up it, [that] tend to be the most aggressive toward the kids just below them or like a rung below them, and this is measured by social networks of friends. There is a sociologist at UC Davis who's done interesting work on this. And, so basically, what he's shown is that the idea of the really weak kid, who really, really can't stick up for himself—that victim exists. But again, what's more prevalent are these social conflicts among kids who are closer to each other in the social hierarchy. And if you think about it, if you're in a culture in which being mean is a way to progress, then it probably is [going to] get you more to be mean to someone who actually has a little bit of social standing compared to yourself, not to like game out, but I think it helps explain what's going on [*audience laughter*].

BS: I think that's a bit of what happens in law school [*audience laughter*]. So, I want to swing back to some of the responses to bullying in a bit, but one of the themes [of] this morning has been about who we criminalize and why—for what kind of behavior. So this issue of power relationships, of joint participation in ventures, the bullying-victim, the distinctions, the ambiguity of relationships that you describe in the book so well, also appear in other contexts, including cyberbullying and sexting, which you talk about, some of which is quite normative, but some of which is by the kids trying to get back at other kids and embarrass them. So in terms of the potential with technology now and bullying and where the [law] should be involved, if at all, can you share your thinking about where you are today?

EB: Yeah, sure I'll try. It's just a hard question because one of the most important facets of technology is that it leaves behind a record, and so suddenly we are seeing on the page or on the screen the words that teenagers and adults are using about each other, and they have more power because they are captured in that way, and also [because] they force us to respond. I mean it used to be that these fights were much more ephemeral—who knew what who said or who didn't say, right? And in some ways you could argue there are situations in which everybody is actually better off if adults don't know exactly what happened because it's complicated, and adult[s] can think they understand the whole picture from one exchange of texts or Instagram, but actually they're missing the whole context. And I do think there is a way in which the technology has invited in more supervision and surveillance and the kind of looming possibility of criminalization, and that's not always such a great thing if we think that expanding the reach of the juvenile justice system over our teenagers [is] a concern. On the other hand, some of what we learn when we see these exchanges is really troubling. I think to me, especially in the context of sexting, what matters most (I mean this is totally an idea taken from Marsha, so I'm just saying that) is whether there is consent or not. Are kids sending pictures back and forth voluntarily because that's part of their courting rituals? Now, maybe we think that's a bad idea because it can backfire on them, and we want to try to figure out how to help them see that they shouldn't be doing this. But, do we really want to criminalize consensual decisions that kids are making? Or, should we really be saving that powerful weapon for a situation in which one kid takes an

explicit or revealing photo and shows it to everyone, or uses the threat of doing that to coerce the other person into doing something he or she doesn't want to do? That distinction makes a lot of sense to me still, and I think some states have had more success than others in making sure that that's how police and prosecutors are thinking about this area. I do feel somewhat encouraged. I do think that [there are] cases in which kids are charged with child pornography for what really seem to be consensual exchanges online, [but] I have not heard so much about that happening.

BS: Let me switch to a different subject that you have written about to get at this issue of consent, because the issue of consent could also be tied to the issue of concern about status and peer relationships, and this came up today in our sex offender registry discussion and some other discussions on the second panel. So you covered the St. Paul's rape trial, the St. Paul, New Hampshire—

EB: The fancy private school.

BS: The fancy private school. So can you describe that? It was a criminal prosecution. The defendant was eighteen, but [he] was still in high school. The young woman was fifteen, I believe.

EB: Yep.

BS: So there was a gap in age, but the argument of consent or no consent (whether yes means yes, no means no), and how that relates to how we think about consent in these kinds of situations—where kids are still developing and affected by their peer relationships and place in the world—has affected your writing and your interest in it here?

EB: Yeah, well, I have written about campus sexual assault in the last couple of years, and this case at St. Paul's was like watching that conversation migrate down to high school. And it's a tricky conversation in college, but in high school, given all of the developmental changes that are happening—which I know that you were learning about and talking about this morning—it seems to [make] it even trickier. This was a case in which this older boy, whose name was Owen Labrie, had—unfortunately for him—all his words captured on Facebook and emails with his friends. He really, the spring of his senior year, seemed to have kind of lost his mind. I don't know, maybe he was always like this, but he really was basically going out and trying to find girls—younger girls—to "slay," and there were other lovely euphemisms. It wasn't really clear to me whether he really meant to have sex with all these girls, but certainly that was the implication. And so, there was a lot of build up, in the sense that these boys [we]re actually competing to graduate from St. Paul's with the most . . . I mean it was really that old-fashioned, sort of ugly, idea of how boys are using girls for sex—it's gross—at least in its teenage boy, Facebook version. And so, he invited this one girl to meet him in a room that he had a secret key to, which was passed around among the kids. I mean, this is really like our movie version of boarding school. And she didn't want to go, and then she changed her mind, and she went with him. And, according to her, they were kissing, and she said no, and then he kept going. And [the moment], according to her, kind of froze. She had said no— I want to make that clear—but then after saying no, the sexual activity continued and she told the police afterward that she had frozen and that she didn't want to

offend him. He was a cool senior, and she didn't want to seem like she was[n't] going to do anything he want[ed] to do. And, according to her, they did have sex. And a few days later she was really upset, and she told her mom. They went to the police and she gave the police the version of the story that I just told you. And so Owen Labrie was charged with three different misdemeanor counts for essentially statutory rape, like a Romeo-and-Juliet law in New Hampshire where there [are] different levels of exposure based on the age difference, [and] he was also charged with rape. New Hampshire has a law where if you don't consent to sex, that is rape, and so he was charged with that offense—a felony offense—as an adult. Then, he was also charged with a felony under a kind of anti-cybercrime law, which made it a crime to lure or solicit a minor over the Internet. And that law did not have any Romeo-and-Juliet gradations in it, so it treated him as this eighteen-year-old using a St. Paul email to email a fifteen-year-old. Right, so we are talking about a senior and freshman at the same school—it was as if he was like a forty-year-old pedophile who had stalked her online. And that offense in itself carried, I think, a maximum seven-year prison sentence. So in the time up to trial, there was a plea offer from the prosecution. They actually offered that he could plead out simple assault, and he would not have had to register as a sex offender and would not have had to do any time, but he decided not to take that plea deal. He had been admitted to Harvard; his admission was on hold. I have not talked to him, but for whatever reason he decided not to take that deal, and then there was this trial in which all this came out. His defense, I should say, [wa]s that they never had sex, but that was not very convincing to the jury because DNA was found in her underwear. It just seemed like that was really not going to work. I find the lawyering of this part of it . . .

BS: Yeah, I was going to say a defense attorney issue—

EB: I really don't understand that part. I don't get it. So, what the jury did was to kind of split the difference. The jury did not find him guilty of the sexual assault felony offense. Essentially, I think [the jury] was uncertain or, I would like to say uncertain, about whether the victim's account was rape. Was that not consent? Had she done enough to make it clear to Owen Labrie that she did not want this to happen? The jury seemed to find that it couldn't say beyond a reasonable doubt that that occurred, but [it] found him guilty of the statutory rape charges and also of the felony computer offense. So he has mandatory lifetime registration as a sex offender in New Hampshire, and he's facing prison time. The sentencing is scheduled for the end of October. This is a really tricky case. I don't have some big conclusions about it, except to say that one of the prosecutors after the trial said that this was really a wake-up call that parents and schools need to be educating high school students about consent, about where the lines are—and [when I heard this point,] I paused. I was listening on the radio, and, wow, that is not where I would expect a really glaring call for a good sex education to come from, but I'll take it. There's a lot to this, so anyway.

BS: I guess the final question, [before] I'd like to open it up to the audience. [There] are obviously gradations here—the bullying stories I'd think [are] a lot more ambiguous, and the prosecutor decided to prosecute the St. Paul's case,

which was arguably rape, where prosecution seems more obvious. If you were thinking about it, either as a legislator or a prosecutor, how do you see the use of the criminal law in regulating teenage behavior? Where is its place?

EB: Right, well, you know, I'm not such a big fan of using the criminal law for teenagers when we can avoid it. They're developmentally not in the same place as adults, and it's a big deal for the rest of their lives to get caught up in the juvenile justice system. In the context of bullying, there were some states a few years ago that were, essentially, making it easier to prosecute kids criminally for bullying, and I was not in favor of that—not that anyone particularly was [asking] me. I think we've seen a pulling back from that and a concern about going into an area that's very subjective. If we are really talking about kids being mean to each other, even writing the statute becomes tricky. What is harassment exactly? How do you know that's really the direction you want to go in as a state? You know, in the context of sex, things are more problematic, as you were saying. You may end up feeling like it's important for society to be making it clear that not consenting to sex is a criminal offense, and there may be some more room there. But, I mean, I do feel strongly that if we are going to have those laws, these kinds of recognitions of age differences—and treating teenagers differently from adults in this context—[are] really important.

BS: Why don't we open this up? We have about ten minutes. Larry, why don't we start with you?

Audience Member 1: So, it seems to me that one of the things that a lot of these different cases have in common is a collision of three things that grumpy adults don't know: teenagers, technology, and technology with teenagers [*audience laughter*]. And I wonder if you've given thought to how much of the public outcry about these kinds of cases is affected by the fact that technology is a part of it. I mean, after all, there's always been bullying, there's always been mean girls, [and] there's always been adolescent boys that try to get girls to have more sex than they both want to have. So, in some sense, none of that is new. So what is your take on the role of technology? Has it changed what these things are? Has it simply changed the way in which we write about it and pay attention to it?

EB: I think the paying attention part is really key. Now, there is a way in which, as I was saying earlier, the existence of these messages and communications, in the way that is captured and recorded, forces us to confront them and deal with them, and it becomes harder to just say: "Oh, these are just words. Who cares?" Or, you know, "Who knows what really happened?" Those excuses for inaction have drifted away for better or worse. And you know, to me, there's also this kind of fundamental paradox here. For those of us who are parents, my kids are now twelve and fifteen, [and] I do not open my door at midnight and say to my kids: "Oh, go explore the city of New Haven. Good luck to you, and I hope it goes well. See you when you get back." [*audience laughter*] That's not how we parent kids, right? But we do, many of us, let kids go up to their rooms by themselves, go online, and do whatever they want for hours without necessarily first talking them through how to think about how they are behaving [and] what kind of sites they are going on. [It] seems kind of crazy to

me, as a society, that we have essentially just decided that, [in] that realm, we cannot understand where they are now—[we might say,] "First it was Facebook, now they're on Instagram, who knows? Who can keep track?" Look, I am not the most tech-savvy person in the world. Don't get me wrong, I am not following my son on Instagram, but I did [check it out] before I let him sign up [to] make sure. I mean, my poor children, they hear about all this way too much, but we did not just hand them a computer to carry around in their pocket when they were pretty young and expect them to use it correctly without any supervision. That just seems like it's probably not going to work. So I do think there is a way in which we are blaming the kids for misusing tools that we have actually handed over to them without a whole lot of instruction or guidance. The other thing I find really poignant is the research about how much less time kids spend outside and going places on their own, physically and with each other physically (face-to-face communicating), versus how much time they are on computers and online. This is the adventure-free realm we have left them with, and that also seems to not be so great for them.

Audience Member 2: Can you talk some more about the beneficial effects of gay-straight alliances in schools, and in particular [the effects on kids]?

BS: The question is about the beneficial effects of gay-straight alliances in schools.

EB: Yeah, I mean it's pretty clear. Gay-straight alliances, one of the good things about them is that they are not just segregating LGBTQ kids. They're gay-straight alliances, so kids come together and they talk about different sexual orientations and sexuality. The idea of it is to create a supportive environment. They may show movies to try and get other kids to think about these issues, and they are student led. And so in the schools that have gay-straight alliances, on average, you see the rate of anti-gay harassment and bullying and violence go down, and I think it is because the kids themselves are surfacing these issues and trying to figure out how to talk about them. I am a big believer, especially in high school but sometimes younger as well, of asking kids what they think is going to make their school a better place, and giving them ways of really showing initiative and leadership. It is really hard for adults to design a good program without the input of kids because we don't know what the latest social media site is, or whatever we're missing, that's going to make us sound tone deaf, and the kids tend to be better at that.

Audience Member 3: So, I just wanted to say that I did try to be one of those parents, and it turns out that you can tell your kid that they can't use Facebook, but Google Translator can allow them to use Facebook anyway.

EB: Right, saying absolutely no seems to be really hard online. My husband tried to do that.

Audience Member 3: Anyway, I wanted to come back to the story where you were talking about the girl having depression and having attempted suicide—and so, actually, this connects to the gay-straight alliance. What do you think we could do in the school environment that might prevent a child, who is probably the most vulnerable kid in the building, from being the target? What do we need to educate our kids about?

EB: Yeah, that is such a good question. A few years ago you'd hear, and I'm sure we'll hear again, a news story about a kid who was essentially bullied to death, and it was the bullying, not the underlying mental health factors, that were the target. One of the researchers that I was talking to said to me, "You know, it is a generational pattern that teenage suicide is so troubling and upsetting." And so you have a moment in the eighties where it gets blamed on divorce, and then you have absent fathers. People like to imagine that there is some bogeyman, and it's not just depression, which is such a hard question to deal with. So, the suicide prevention experts that I talked to said to me that we need to make sure that kids, and teachers, and everyone who works with kids, recognize the signs of depression. People think depression is sadness. They don't understand the full range of psychological symptoms that people experience, and I think that can make people [and] kids miss those signs, [or] feel frustrated with someone. Phoebe Prince, the girl in the South Hadley story, was someone who was a very charismatic kid. When she was up, she was very fun to be around. She was a social magnet. She was a freshman who was dating senior boys. She had a lot of social clout, and so the other kids just didn't realize how vulnerable she was. I mean, when you look at her poems and drawings from the months before her death, they are heartbreaking. They are a big cry for alarm, but I don't think the kids at school, especially the kids who were being mean to her, saw her that way at all. They didn't really know her. Those girls saw her as a rival. When you look back at her story, a couple of the boys she was dating probably should have known that something was wrong, but they were seventeen-year-old boys. It's a little hard for me to be super surprised that they were not immediately sensitive to that. I'm all for getting teenagers to think about this. There were also, I think, things that her parents and the adults at the school could have done. But, what I also want to say about these stories is that hindsight is 20/20, and I feel so reluctant to start blaming people around the victim of suicide. It's just the whole thing is really heartbreaking, so I think it is important to think about what happened without starting to blame

BS: We have time for one last question.

Audience Member 4: You suggested this in comments, but one of the problems is that criminal laws that are aimed at adults exploiting children are being applied to teenagers hurting each other, so that solicitation laws in the sexting context were sometimes charged with child pornography laws. At least that's some small area where there could be reasonable reform that might avoid cases that really shouldn't be criminal prosecutions.

EB: Yeah, absolutely. I think Juvenile Law Center has been the leader in trying to change those child pornography laws so that they just don't apply to minors. When those prosecutions were happening, it seemed like it was really a mismatch, and I think underlying this—it goes back to your question—is this fear of technology. Our original fear about the Internet is all about "stranger danger." That was the big alarm. There was a lot of discussion about it among the state attorney general [and] a lot of ramping up. It turns out—I mean, it is a terrible thing when it happens, I don't want to minimize it—[that] it is very rare, and really the trouble that kids have online comes from their peers. Okay, now

[that] we know that, let's figure out different kinds of tools that are the right match for that problem instead of using the ones really designed for something else.

    BS: And that will be the subject of a future symposium. Emily Bazelon, thank you for joining us.