

JUSTICE

CASE FILES

5



The Case of the Cyberbully

Dear Readers,

When the Founding Fathers established our nation's system of self-government, they skillfully and deliberately drafted a system of three separate but equal branches of government, with built-in limits on each branch's power. This separation of powers divides the government into the executive branch, the legislative branch, and the judicial branch—the courts.

Today, more than 200 years later, the judiciary is the least understood of the three.

To remind the public of the important role courts play in our democratic society, the National Center for State Courts has created "Justice Case Files," a series of stories told in the form of graphic novels to engage and educate readers about the justice system. Through these stories, readers will learn the role of courts in society, how judges make decisions, and how courts work.

"The Case of the Cyberbully" is the fifth in this series, and we hope you discover and enjoy a deeper awareness for the third branch of government, the judiciary.

Sincerely,



Mary Campbell McQueen
President
National Center for State Courts

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THE FAULKNER HOUSEHOLD

LATER THAT EVENING...



... and that was my day. How was yours, GF?

Awful. I've still got a headache from where Madison Jones beaned me with a volleyball.

Really? LOL. U got 2 look alive in sports! :-)



AMBER!
DINNER IN FIVE MINUTES!

ARE YOU DOING
HOMEWORK OR
TALKING TO THAT
BOY AGAIN?



Ha-ha. That's what SHE said. She knocked my glasses off. What if she had broken them?

Accident. School should have 2 pay for new 1s.

If you say so, Carter. I'm glad I only have 2 classes w/her pack of wolves.

I don't know why she's always picking on me.

MayB she's jealous of ur awesome bf! LOL!



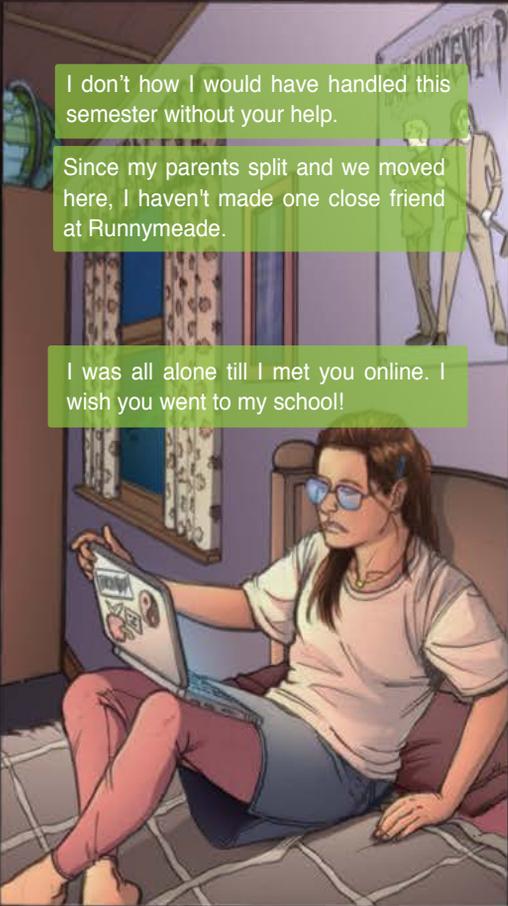
No. I don't talk about you at school. You're mine and mine alone.

Does that make me selfish?





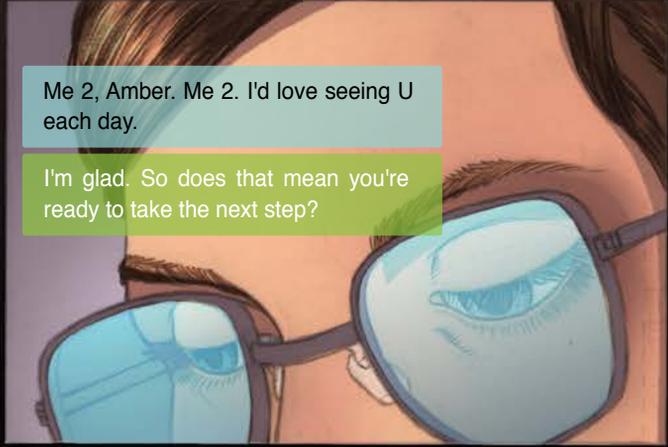
No way, gf. I'm all urs. Ever since our 1st chat.



I don't how I would have handled this semester without your help.

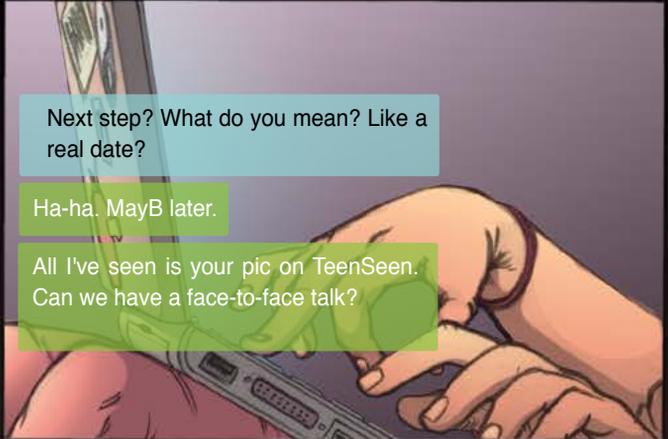
Since my parents split and we moved here, I haven't made one close friend at Runnymede.

I was all alone till I met you online. I wish you went to my school!



Me 2, Amber. Me 2. I'd love seeing U each day.

I'm glad. So does that mean you're ready to take the next step?



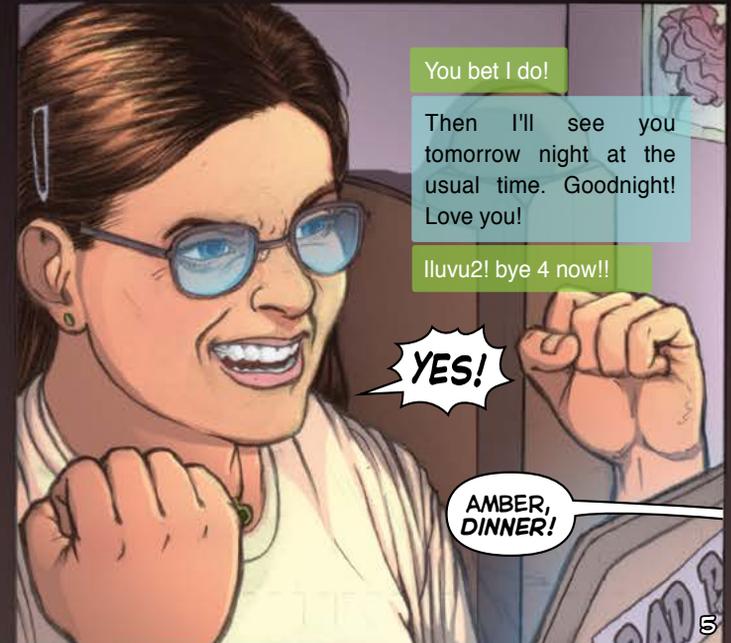
Next step? What do you mean? Like a real date?

Ha-ha. MayB later.

All I've seen is your pic on TeenSeen. Can we have a face-to-face talk?



Have you got the "Face Front" chat software?



You bet I do!

Then I'll see you tomorrow night at the usual time. Goodnight! Love you!

lluvu2! bye 4 now!!

YES!

AMBER, DINNER!

THE NEXT DAY

DR. LANGTON'S CIVICS CLASS

DUE PROCESS.

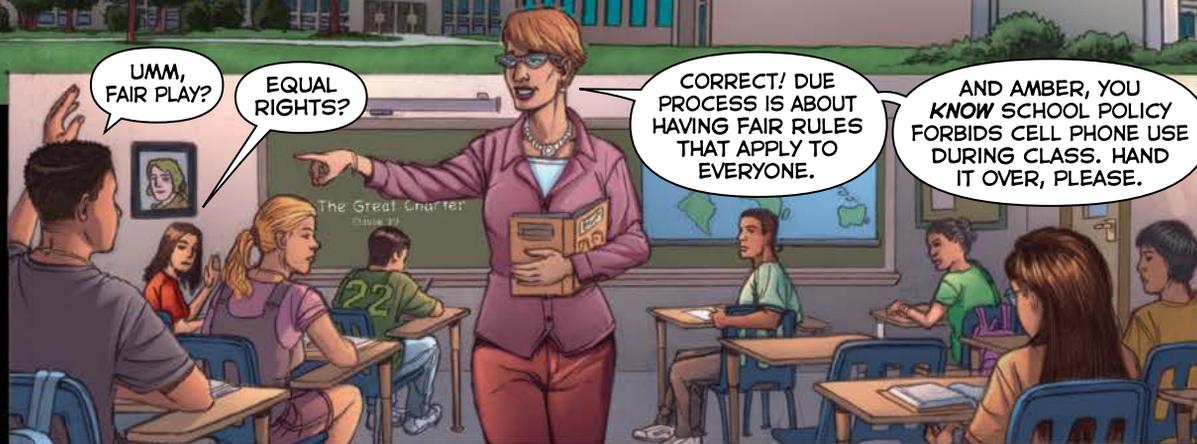
WHAT DOES IT MEAN? CAN ANYONE TELL ME?

UMM, FAIR PLAY?

EQUAL RIGHTS?

CORRECT! DUE PROCESS IS ABOUT HAVING FAIR RULES THAT APPLY TO EVERYONE.

AND AMBER, YOU **KNOW** SCHOOL POLICY FORBIDS CELL PHONE USE DURING CLASS. HAND IT OVER, PLEASE.



SORRY, DR. LANGTON. I'LL PUT IT AWAY.

JAMES, GIVE ME YOUR PHONE AS WELL.

NO, YOU'LL GIVE IT TO ME.



WHY NOT?

AS A STUDENT, MS. FAULKNER IS AWARE SHE CAN'T USE CELL PHONES EXCEPT DURING BREAK AND LUNCH.

SHE BROKE THE "LAWS" IN THE STUDENT HANDBOOK, SO I CAN LEGALLY SEIZE HER PHONE.

MY PHONE? I WASN'T EVEN USING IT.

THAT'S RIGHT. YOU CAN'T JUST TAKE **THEIR** PERSONAL PROPERTY.



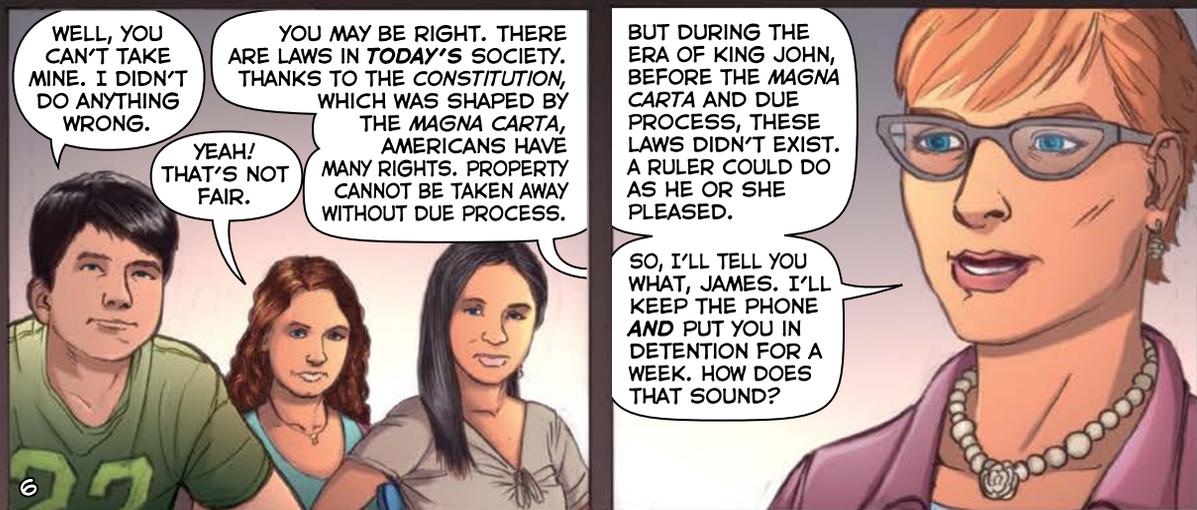
WELL, YOU CAN'T TAKE MINE. I DIDN'T DO ANYTHING WRONG.

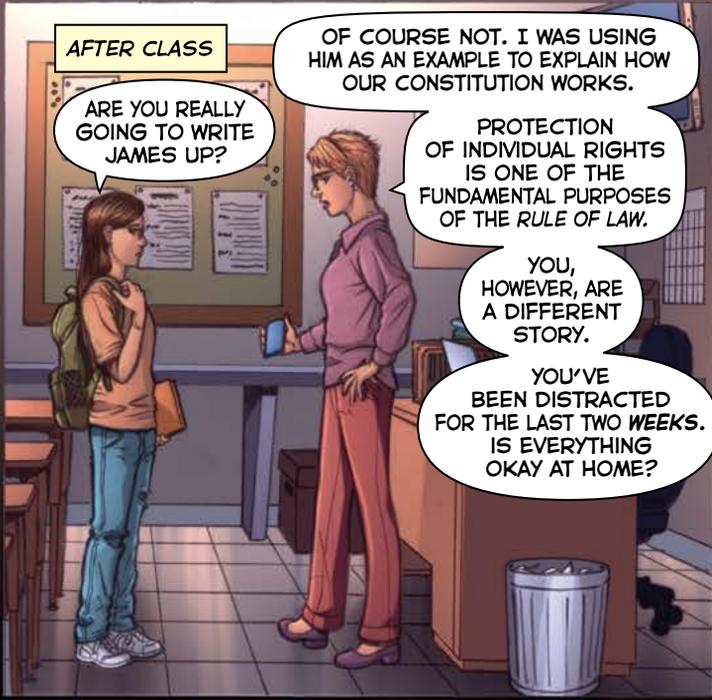
YEAH! THAT'S NOT FAIR.

YOU MAY BE RIGHT. THERE ARE LAWS IN **TODAY'S** SOCIETY. THANKS TO THE **CONSTITUTION**, WHICH WAS SHAPED BY THE **MAGNA CARTA**, AMERICANS HAVE MANY RIGHTS. PROPERTY CANNOT BE TAKEN AWAY WITHOUT DUE PROCESS.

BUT DURING THE ERA OF KING JOHN, BEFORE THE **MAGNA CARTA** AND DUE PROCESS, THESE LAWS DIDN'T EXIST. A RULER COULD DO AS HE OR SHE PLEASSED.

SO, I'LL TELL YOU WHAT, JAMES. I'LL KEEP THE PHONE AND PUT YOU IN DETENTION FOR A WEEK. HOW DOES THAT SOUND?





AFTER CLASS

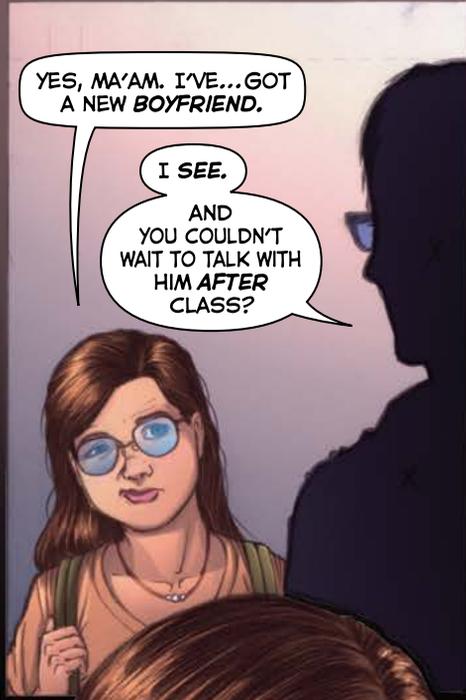
ARE YOU REALLY GOING TO WRITE JAMES UP?

OF COURSE NOT. I WAS USING HIM AS AN EXAMPLE TO EXPLAIN HOW OUR CONSTITUTION WORKS.

PROTECTION OF INDIVIDUAL RIGHTS IS ONE OF THE FUNDAMENTAL PURPOSES OF THE RULE OF LAW.

YOU, HOWEVER, ARE A DIFFERENT STORY.

YOU'VE BEEN DISTRACTED FOR THE LAST TWO WEEKS. IS EVERYTHING OKAY AT HOME?



YES, MA'AM. I'VE...GOT A NEW **BOYFRIEND**.

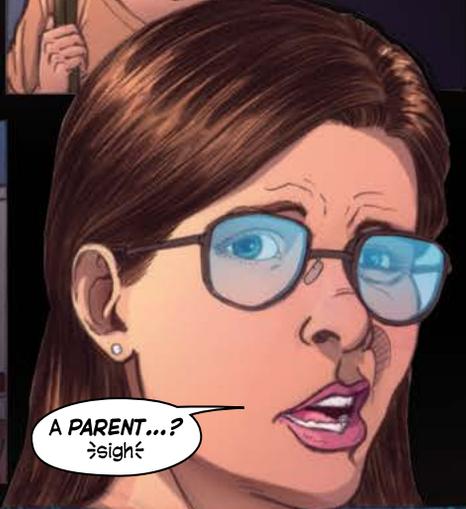
I SEE.

AND YOU COULDN'T WAIT TO TALK WITH HIM **AFTER CLASS**?



HE GOES TO A DIFFERENT SCHOOL. I'M SORRY FOR TEXTING DURING YOUR LECTURE.

WELL, APOLOGY ACCEPTED. YOU CAN PICK UP YOUR PHONE AFTER SCHOOL IN THE OFFICE... **WITH A PARENT PRESENT.**



A PARENT...? *~sigh~*



I ALREADY SAID I'M SORRY, MOM.

WELL, SAY IT AGAIN. I HAD TO GET OFF WORK EARLY OVER THIS!

I KNOW THINGS HAVE BEEN ROCKY SINCE THE DIVORCE, BUT I NEED YOU TO BE MORE MATURE.



FOR NOW, YOU'RE **GROUNDED**. NO CELL PHONE FOR **TWO WEEKS**.

HARDLY. AT LEAST I KNOW YOU WON'T BE FOCUSED ON THAT BOY DURING THE DAY.

TWO WEEKS?

BUT-- BUT THAT'S A **LIFETIME!**

LATER THAT EVENING...

So how was ur day, GF? U never texted back.

Awful!! I got busted using my phone in class.



Now I'm grounded. Mom took my phone for 2 weeks.

And gym class was rough. As usual, Madison and the other jockettes are still on my case.



Maybe Madison nos a loser when she sees 1.

What do u mean?



Carter L. has activated his web cam.

FACE FRONT is now live.

SURPRISE!
SO, DO YOU STILL WANT TO GO TO THE PROM WITH ME?

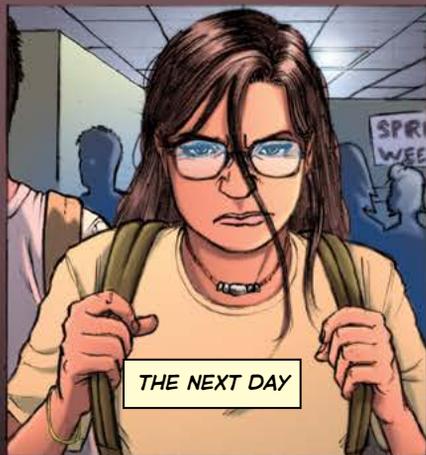
HA-HA! HI, AMBER!

OH, AND I HOPE YOU DON'T MIND, BUT I'VE POSTED ALL OF OUR LOVEY-DOVEY CHATS ON MY BLOG. MAKES FOR HILARIOUS READING!

NO...

->sob<-

NOT YOU...



THE NEXT DAY



--GO TO COPPOLA'S FOR PIZZA AFTER PRACTICE. SOUND GOOD?

HEY, MADISON.

I THINK SOMEONE IS HERE TO SEE YOU.



WELL, IF IT ISN'T MY GIRLFR--

HEY!!

SHUT UP!

WHAM!



BACK OFF, AMBER.

BACK OFF AND WALK AWAY.



DO YOU HAVE ANY IDEA WHAT YOU'VE DONE?! DO YOU?!



I SAID BACK OFF!

STOP!



MADISON, REPORT IMMEDIATELY TO MR. CANTERBURY'S OFFICE.

RIGHT NOW, I DON'T CARE WHO STARTED WHAT.

SHE STARTED IT, OFFICER DENNING!

AMBER, YOU COME WITH ME.

YES SIR...



AMBER, WE'VE PHONED YOUR MOTHER.

NOW, WOULD YOU PLEASE EXPLAIN YOURSELF?

I...I JUST COULDN'T TAKE IT ANYMORE.

I REVIEWED THE HALLWAY VIDEO FOOTAGE.

LOOKED TO ME LIKE YOU PUSHED MADISON FIRST.



I PUSHED HER BECAUSE OF WHAT HAPPENED LAST NIGHT.

IS THERE A PROBLEM BETWEEN THE TWO OF YOU?

SHE MAKES FUN OF ME EVERY GYM CLASS. AND NOW SHE'S...SHE'S POSTING JUNK ABOUT ME ONLINE!



SUCH AS?

PRIVATE THINGS.

PERSONAL... STUFF.

HOW DID SHE GET THIS INFORMATION?



BY PRETENDING TO BE SOMEONE ELSE.

BY LYING TO ME AND SAYING SHE WAS MY ONLINE BOYFRIEND.



AMBER, ARE YOU ALL RIGHT?

I'M OKAY, MOM.

IS THIS ABOUT THAT BOY YOU'VE BEEN TALKING TO ONLINE?



THERE IS NO CARTER, MAMA. MADISON TRICKED ME!

SHH-- IT'S OKAY, HONEY.



MADISON IS ALWAYS ON MY CASE. THE OTHER DAY, SHE NEARLY BROKE MY GLASSES IN GYM.

ALL I WANTED TO DO WAS PUNCH MADISON RIGHT IN HER SMIRKING FACE.

I'M GLAD THAT DIDN'T HAPPEN.

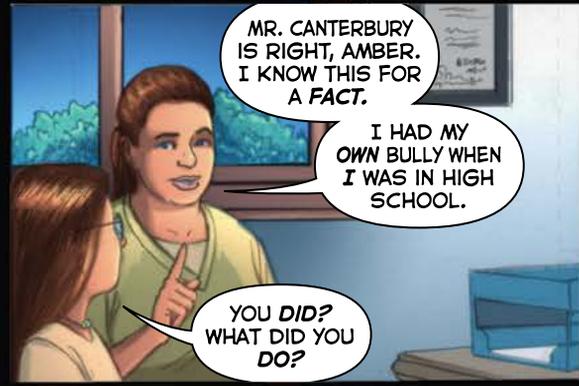
THANK YOU, OFFICER.



INSTEAD, WHAT WE'RE DEALING WITH ARE TWO GIRLS IN AN ARGUMENT. IT'S A GOOD THING OFFICER DENNING ARRIVED IN *TIME* TO BREAK IT UP.

HITTING MADISON WOULD HAVE BEEN A *MISTAKE*. USING VIOLENCE OR INTIMIDATION TO SETTLE A CONFLICT *NEVER* WORKS.

WE HAVE *RULES* AND *LAWS* TO SETTLE CONFLICTS.



MR. CANTERBURY IS RIGHT, AMBER. I KNOW THIS FOR A *FACT*.

I HAD MY OWN BULLY WHEN I WAS IN HIGH SCHOOL.

YOU *DID*? WHAT DID YOU DO?



GOT INTO A FIGHT IN THE LUNCHROOM.

IT WAS A BIG *MESS*. I SHOULD HAVE *KNOWN* BETTER.



HOW DID THE CYBERBULLYING TAKE PLACE, AMBER?

SHE MADE UP A FAKE PROFILE ON *TEENSEEN*, AND THEN SENT ME A MESSAGE.

I THOUGHT SHE WAS A BOY, AND SOON WE WERE TEXTING BACK AND FORTH DURING THE DAY AND CHATTING ONLINE EVERY NIGHT.



NOW SHE'S PUT *EVERYTHING* WE EVER TALKED ABOUT ON HER *BLOG*.

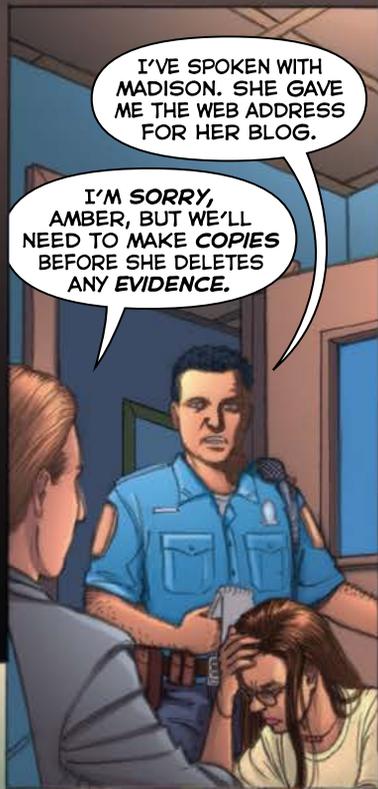
IS THAT SO? *HMM*.

EXCUSE ME FOR A MOMENT, PLEASE. I'LL BE RIGHT BACK.



I WISH I HAD KNOWN.

IF I HAD...



I'VE SPOKEN WITH MADISON. SHE GAVE ME THE WEB ADDRESS FOR HER BLOG.

I'M SORRY, AMBER, BUT WE'LL NEED TO MAKE COPIES BEFORE SHE DELETES ANY EVIDENCE.



THIS IS *INEXCUSABLE*. THE SCHOOL HAS A *POLICY* ON CYBERBULLYING, AND THIS INCLUDES HER TEXTS TO YOU DURING *CLASS TIME*. THIS CALLS FOR AN IMMEDIATE OUT OF SCHOOL *SUSPENSION*.

I'LL CALL HER PARENTS IMMEDIATELY.



PROSECUTE HER? I DON'T KNOW. THAT SEEMS KIND OF *DRASTIC*.

WITH THIS ONLINE *EVIDENCE*, HER ACTIONS MAY VIOLATE THE LAW.

AMBER, IF YOU'RE WILLING TO *TESTIFY*, WE CAN REFER THIS CASE TO A PROSECUTOR.



HONEY, IT IS YOUR CHOICE, BUT I THINK YOU SHOULD TAKE A *STAND* HERE.

NOT JUST FOR *YOU*, BUT TO HELP OTHER TEENS SEE WHAT IT MEANS TO *STAND UP* TO A BULLY.



YOU'RE RIGHT, MOM.

OFFICER DENNING, I'LL *TESTIFY*.

SEVERAL WEEKS LATER...

I'M SO NERVOUS, MAMA. I WISH ALL OF THIS WAS OVER.

SURREY COUNTY JUVENILE COURT

IT WILL BE SOON ENOUGH. THAT NICE PROSECUTOR, MR. WINDSOR, HAS GONE OVER WHAT TO EXPECT IN THE COURTROOM.

I KNOW. MY QUESTION IS...

BECAUSE YOU'RE A GOOD AND COMPASSIONATE PERSON.

HOWEVER, MAKE NO MISTAKE. YOU HAVE BEEN WRONGED HERE--

--AND YOUR TESTIMONY TODAY WILL HELP TO STOP FUTURE BULLIES.

ALL YOU HAVE TO DO IS START AT THE BEGINNING AND TELL THE TRUTH.

ARE YOU READY TO GO INSIDE THE COURTROOM?

I... GUESS SO.

...WHY DO I FEEL GUILTY ABOUT ALL OF THIS?

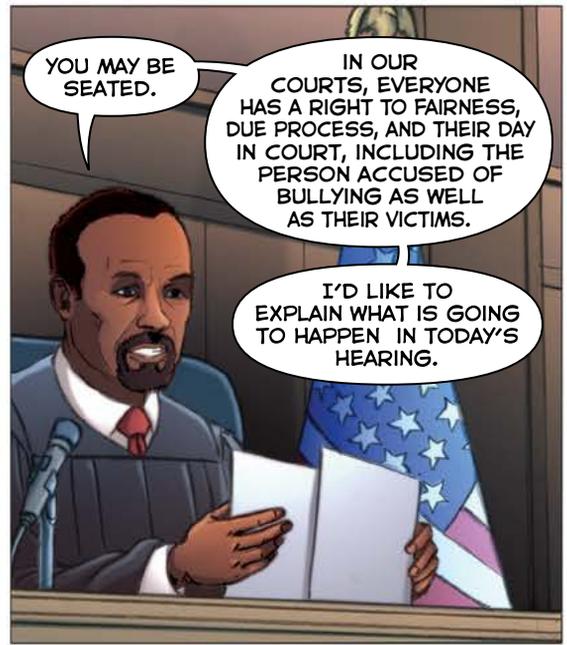
AMBER, YOU'RE LONG OVERDUE TO BE HEARD.

TODAY, WE'RE GOING TO TELL YOUR STORY.



ALL RISE.

JUVENILE COURT IS NOW IN SESSION. HONORABLE JUDGE WILLIAM BLACKSTONE PRESIDING.



YOU MAY BE SEATED.

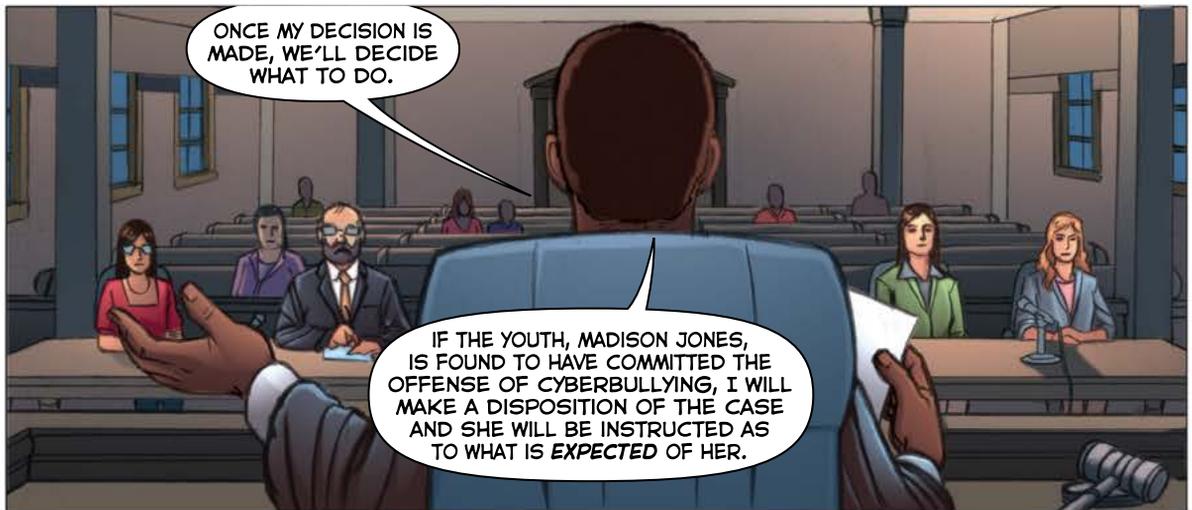
IN OUR COURTS, EVERYONE HAS A RIGHT TO FAIRNESS, DUE PROCESS, AND THEIR DAY IN COURT, INCLUDING THE PERSON ACCUSED OF BULLYING AS WELL AS THEIR VICTIMS.

I'D LIKE TO EXPLAIN WHAT IS GOING TO HAPPEN IN TODAY'S HEARING.



PROSECUTOR WINDSOR HAS FILED A DELINQUENCY PETITION DUE TO THE EMOTIONAL AND PHYSICAL INJURY OF THE ALLEGED ASSAULTED PARTY.

THIS PETITION MEANS I WILL HEAR THE EVIDENCE AND MAKE MY DECISION AT THE END OF THE CASE.



ONCE MY DECISION IS MADE, WE'LL DECIDE WHAT TO DO.

IF THE YOUTH, MADISON JONES, IS FOUND TO HAVE COMMITTED THE OFFENSE OF CYBERBULLYING, I WILL MAKE A DISPOSITION OF THE CASE AND SHE WILL BE INSTRUCTED AS TO WHAT IS EXPECTED OF HER.



ARE THERE ANY QUESTIONS?



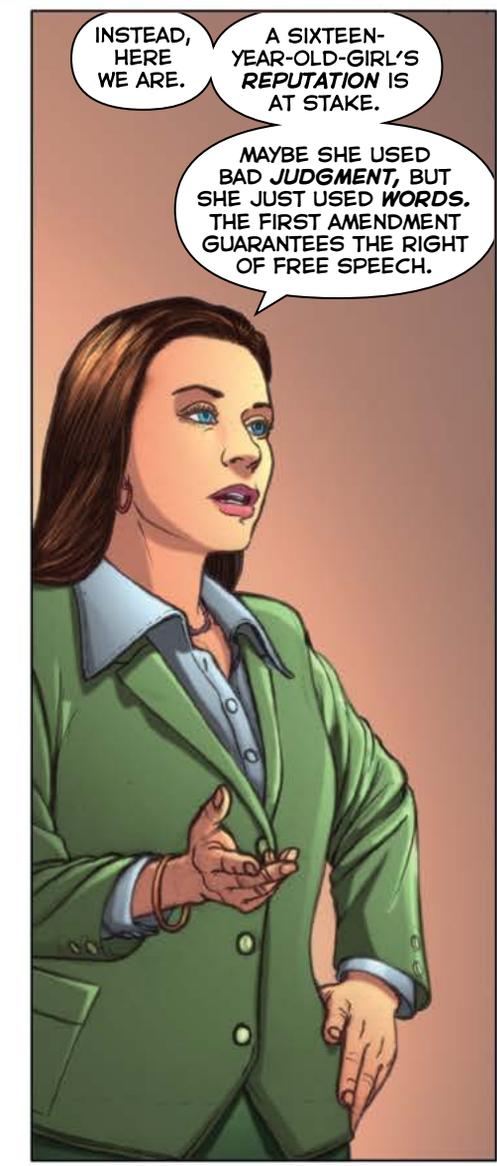
YOUR HONOR, I REPRESENT MADISON JONES. AT THIS TIME THE DEFENSE WOULD LIKE TO PRESENT AN OPENING STATEMENT.

PLEASE PROCEED, MS. DONABO.

THANK YOU. AS I LOOK AT THE FACTS OF THIS CASE, I CAN'T HELP BUT ASK--HOW DID WE GET HERE?

ARRESTING A TEENAGE GIRL WHO IS AN OUTSTANDING STUDENT ACADEMICALLY AND ATHLETICALLY OVER PULLING A PRANK?

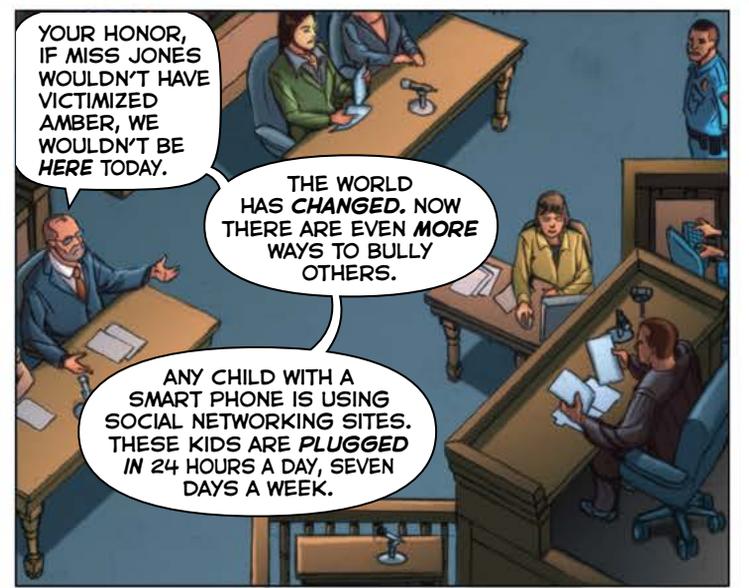
THIS NEVER SHOULD HAVE LEFT THE WALLS OF THE HIGH SCHOOL.



INSTEAD, HERE WE ARE.

A SIXTEEN-YEAR-OLD-GIRL'S REPUTATION IS AT STAKE.

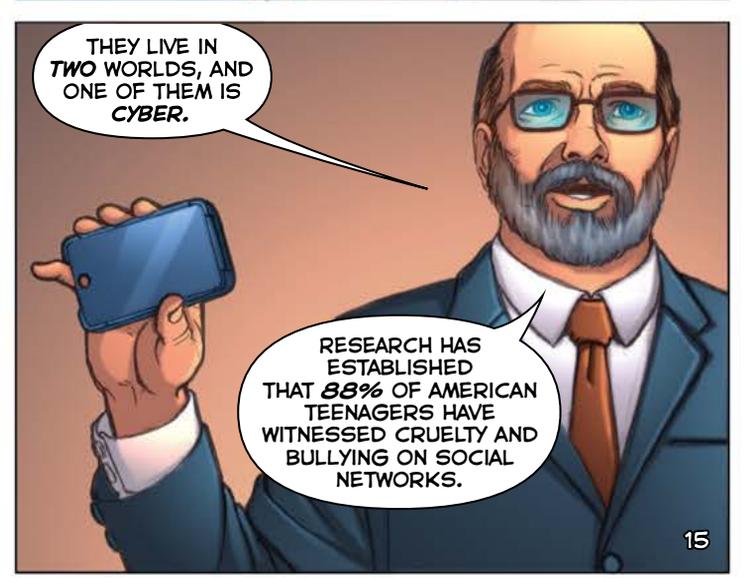
MAYBE SHE USED BAD JUDGMENT, BUT SHE JUST USED WORDS. THE FIRST AMENDMENT GUARANTEES THE RIGHT OF FREE SPEECH.



YOUR HONOR, IF MISS JONES WOULDN'T HAVE VICTIMIZED AMBER, WE WOULDN'T BE HERE TODAY.

THE WORLD HAS CHANGED. NOW THERE ARE EVEN MORE WAYS TO BULLY OTHERS.

ANY CHILD WITH A SMART PHONE IS USING SOCIAL NETWORKING SITES. THESE KIDS ARE PLUGGED IN 24 HOURS A DAY, SEVEN DAYS A WEEK.



THEY LIVE IN TWO WORLDS, AND ONE OF THEM IS CYBER.

RESEARCH HAS ESTABLISHED THAT 88% OF AMERICAN TEENAGERS HAVE WITNESSED CRUELTY AND BULLYING ON SOCIAL NETWORKS.

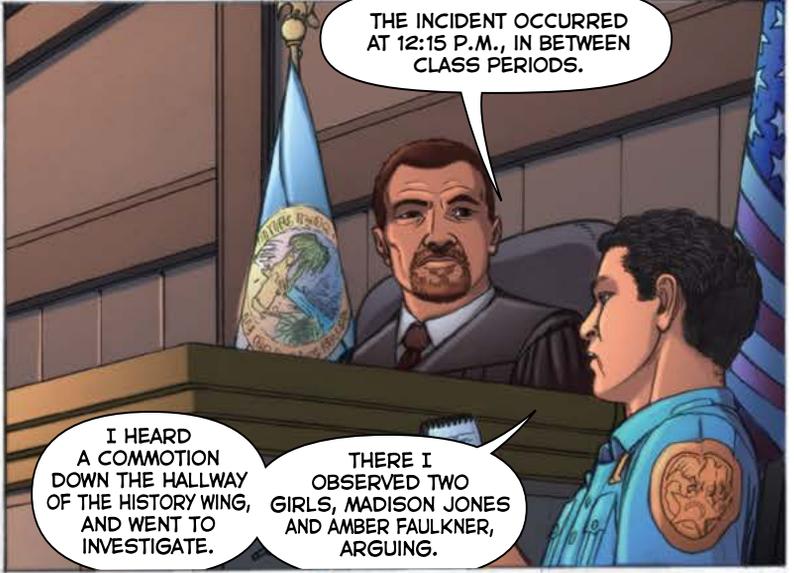


AMBER WAS PHYSICALLY BULLIED IN GYM CLASS. **THAT** STAYED "WITHIN SCHOOL WALLS," BUT THE SCHOOL DID NOT RESPOND IN AN APPROPRIATE MANNER.

IT TOOK **PUBLIC SHAMING** AND **HUMILIATION ONLINE** TO FINALLY MAKE HER STAND UP.



AT THIS TIME, YOUR HONOR, THE STATE WOULD LIKE TO CALL SCHOOL RESOURCE OFFICER **EDWARD DENNING** TO THE STAND.



THE INCIDENT OCCURRED AT 12:15 P.M., IN BETWEEN CLASS PERIODS.

I HEARD A COMMOION DOWN THE HALLWAY OF THE HISTORY WING, AND WENT TO INVESTIGATE.

THERE I OBSERVED TWO GIRLS, MADISON JONES AND AMBER FAULKNER, ARGUING.



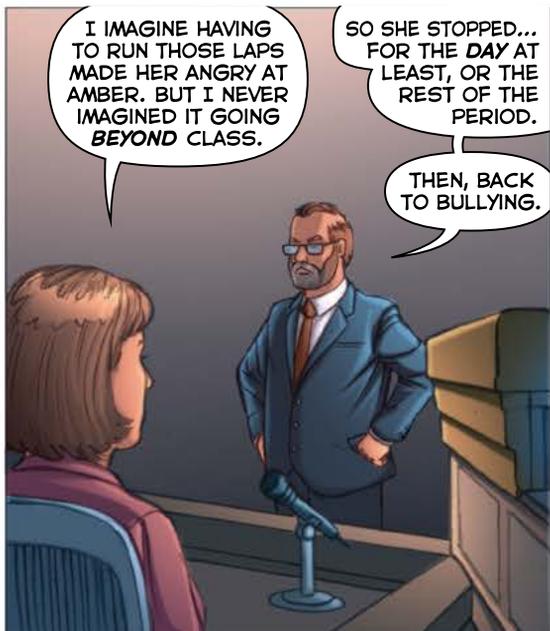
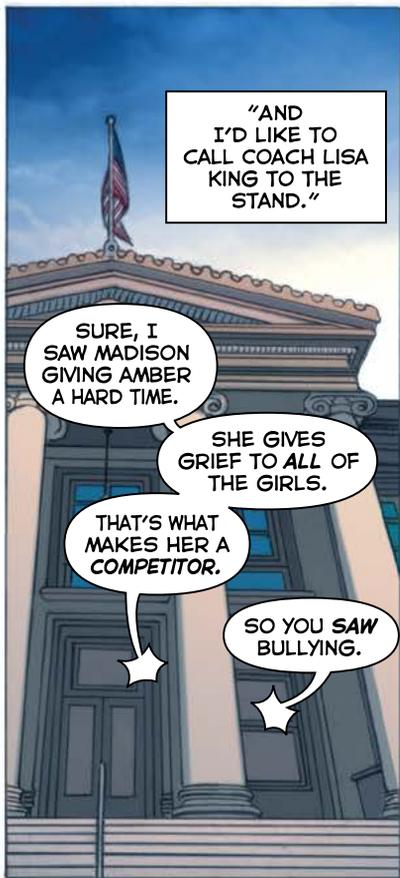
I SEPARATED THE GIRLS AND INVESTIGATED WHAT **CAUSED** THE CONFRONTATION.

I DISCOVERED A LONG HISTORY OF BULLYING AGAINST AMBER THAT ENDED IN WEEKS OF SYSTEMATIC, ONLINE ABUSE WITH MADISON JONES PRETENDING TO BE A BOY.

THROUGH THIS FALSE IDENTITY, SHE WON AMBER'S CONFIDENCE AND BEGAN POSTING INTIMATE CONVERSATIONS ONLINE TO **MOCK** AND **BULLY** AMBER.



YOUR HONOR, I HAVE HARD COPY PRINTOUTS OF THOSE CONVERSATIONS MS. JONES PLACED ON HER BLOG, AND WOULD LIKE TO ENTER THEM INTO EVIDENCE AS **EXHIBIT A**.



SINCE TRANSFERRING TO RUNNYMEDE HIGH, I COULDN'T FIND A SINGLE TRUE FRIEND. THE TEACHERS WERE NICE, BUT THE STUDENTS...

WELL, THEY WEREN'T AS INVITING.

LET ME GET ONE THING STRAIGHT. I DON'T HATE AMBER. I BARELY EVEN KNOW HER.

THE WHOLE "CYBERBULLYING" THING GOT OUT OF HAND FOR ONE REASON: MY FRIENDS FOUND IT HILARIOUS.

RUNNYMEDE HIGH SCHOOL IS ALL ABOUT SPORTS AND COMPETITION. THE MORE YOU PLAY, THE MORE RESPECT YOU GET.

I HAVE ZERO INTEREST IN SPORTS. MAYBE THAT'S WHY I GOT A BULL'S-EYE PAINTED ON MY BACK, I DON'T KNOW.

DID YOU EVER SAY OR DO SOMETHING, AND WISH YOU COULD TAKE IT BACK?

I KNOW I WENT TOO FAR, BUT MY FRIENDS KEPT PUSHING ME TO SEE WHAT ELSE WE COULD GET AMBER TO TELL US.

I WISH... I WISH INSTEAD OF MAKING FUN OF ME, JUST ONE OF THESE GIRLS HAD APPROACHED ME AS A FRIEND.

BEING TRIPPED IN A HALLWAY OR HIT WITH A VOLLEYBALL HURTS, BUT THAT PAIN FADES.

LOOK AT ME. I'VE BEEN SUSPENDED FROM SCHOOL. I'M A GOOD STUDENT. I'M IN THE NATIONAL HONOR SOCIETY!

NOW, I'M OFF THE TEAM FOR THE REST OF THE YEAR. ALL OF THIS IS A PART OF MY SCHOOL RECORD.

BEING LIED TO BY A GUY WHO WASN'T EVEN REAL? YEAH, THAT CUTS PRETTY HARD.

IT'S GONNA BE TOUGH TO TRUST ANYBODY AFTER THAT...

... BUT YOU KNOW WHAT?

SHE DOESN'T SCARE ME ANYMORE. AND I'M NOT GONNA BE BULLIED EVER AGAIN.

I'VE BEEN ACCUSED OF WHAT AMOUNTS TO A CRIME, BUT I'M NOT A BAD PERSON.

I'LL ALWAYS FEEL GUILTY OVER WHAT I'VE DONE. AND AMBER, PLEASE KNOW HOW SORRY I AM FOR WHAT I DID TO YOU.



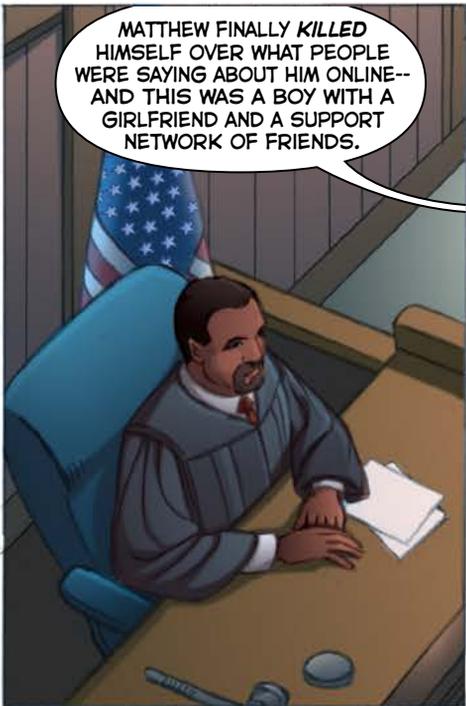
THIS IS THE RUNNYMEDE HIGH STUDENT HANDBOOK, WHICH IS CONSISTENT WITH OUR LAW. **HERE'S WHAT THE LAW SAYS ABOUT BULLYING.**

"BULLYING IS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT SUBSTANTIALLY INTERFERES WITH OR LIMITS THE VICTIM'S ABILITY TO PARTICIPATE IN OR BENEFIT FROM THE SERVICES, ACTIVITIES, OR OPPORTUNITIES OFFERED BY A SCHOOL."



OPEN A NEWSPAPER OR MAGAZINE. THERE ARE **ENDLESS** TALES OF DESPONDENT STUDENTS WHO HAVE BEEN DRIVEN TO **SUICIDE** OVER CYBERBULLYING.

TAKE 14-YEAR-OLD **MATTHEW HOMYK**, FROM BRUNSWICK, OHIO, WHO SUFFERED FROM DEPRESSION.



MATTHEW FINALLY KILLED HIMSELF OVER WHAT PEOPLE WERE SAYING ABOUT HIM ONLINE-- AND THIS WAS A BOY WITH A GIRLFRIEND AND A SUPPORT NETWORK OF FRIENDS.

HISTORY HAS TAUGHT US THAT A BULLY MUST BE STOPPED-- EVEN IF THAT BULLY IS A KING. THE **MAGNA CARTA** AND LATER THE **CONSTITUTION** CREATED A JUSTICE SYSTEM WHERE ALL PEOPLE ARE TREATED EQUALLY.

EVERYONE IS ENTITLED TO JUSTICE. ALL I ASK FOR IS JUSTICE FOR THE VICTIM.

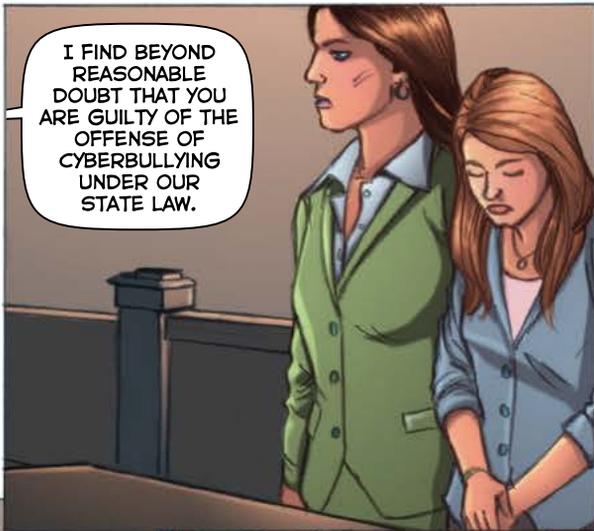




YES, MR. WINDSOR, YOU ARE CORRECT.

EVERY TIME TECHNOLOGY EVOLVES, NEW WAYS OF HARASSMENT AND BULLYING ARE CREATED. THE LAW MUST EVOLVE AS WELL.

MS. JONES, THE RESULT OF YOUR ACTIONS HARMED ANOTHER PERSON PHYSICALLY AND EMOTIONALLY, AND NOW YOU FIND YOURSELF IN JUVENILE COURT.



I FIND BEYOND REASONABLE DOUBT THAT YOU ARE GUILTY OF THE OFFENSE OF CYBERBULLYING UNDER OUR STATE LAW.



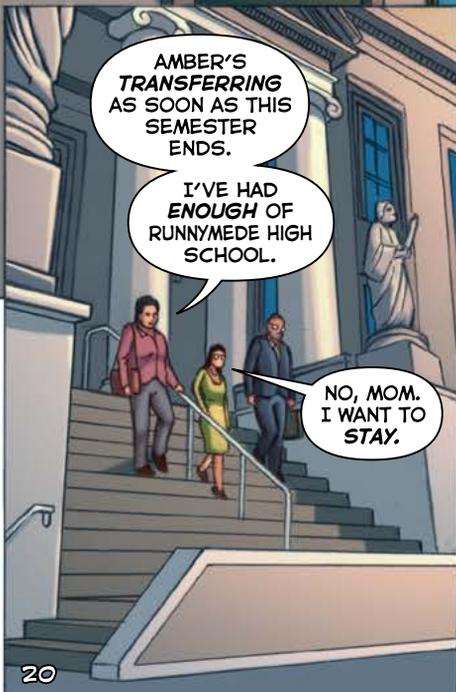
HOWEVER, IN LIGHT OF HER SCHOOL RECORD AND ADMITTED REMORSE, IT IS THE RULING OF THE COURT THAT MADISON JONES WILL UNDERGO SIX MONTHS OF PROBATION FOR HER OFFENSE, ALONG WITH 200 COMMUNITY SERVICE HOURS.

"IF THERE ARE NO FURTHER INCIDENTS, THIS ADJUDICATION WILL BE EXPUNGED FROM YOUR RECORD WHEN YOU TURN 18."

SO, AMBER, HOW DO YOU FEEL ABOUT THE VERDICT?

I'M SATISFIED. I WAS LISTENED TO AND SO WAS MADISON. WE HAD OUR DAY IN COURT.

STILL, I'M GLAD THE SCHOOL CHANGED MY SCHEDULE SO I DON'T HAVE ANY MORE CLASSES WITH MADISON AND HER CLIQUE.



AMBER'S TRANSFERRING AS SOON AS THIS SEMESTER ENDS.

I'VE HAD ENOUGH OF RUNNYMEDE HIGH SCHOOL.

NO, MOM. I WANT TO STAY.



OTHER KIDS HAVE TALKED TO ME. SOME OF THEM BULLIED, TOO.

I WANT TO WORK WITH DR. LANGTON TO SET UP A PEER COUNSELING GROUP TO HELP KIDS DEAL WITH THESE KINDS OF PROBLEMS.

I HAVE FRIENDS NOW. REAL FRIENDS.



Celebrating the Magna Carta

Major provisions in the U.S. Constitution that were influenced by principles in the Magna Carta.

• DUE PROCESS

Due process developed from clause 39 of the Magna Carta and became incorporated in the Constitution of the United States.

 **Magna Carta:** The phrase, "No person shall . . . be deprived of life, liberty, or property, without due process of law" is a direct descendent of Magna Carta's guarantee of proceedings according to the law of the land. "To no one will we sell, to no one will we deny, or delay, right or justice."

 **Constitution:** The Fifth and Fourteenth Amendments to U.S. Constitution contain **due process clauses**. Due process deals with the administration of justice and thus the *due process clause* acts as a safeguard from arbitrary denial of life, liberty, or property by the Government outside the sanction of law.

These clauses provide four protections: procedural due process (in civil and criminal proceedings), a prohibition against vague laws, as the vehicle for the incorporation of the Bill of Rights, nor, shall any person be deprived of life, liberty, or property, without due process of law.

• PROTECTION AGAINST UNLAWFUL IMPRISONMENT

 **Magna Carta:** No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

 **Constitution:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury.

• TRIAL BY JURY

 **Magna Carta:** Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offence. To any man whom we have deprived or dispossessed of lands, castles, liberties, or rights, without the lawful judgement of his equals, we will at once restore these.

 **Constitution:** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

"The democratic aspiration is no mere recent phase in human history . . . It was written in (the) Magna Carta."

*--Franklin Delano Roosevelt,
1941 Inaugural*

1215
Magna Carta

1776
U.S. Declaration of Independence

1788
U.S. Constitution

1789
U. S. Bill of Rights

The Rule of Law Helps Americans Stand Up to Bullies

● ● ● START HERE

Follow the establishment of the **RULE OF LAW** and see when bullying started to be recognized as being against the law.

1212 King John of England continued to raise property taxes on the people. He intimidated, or bullied, citizens and was known to imprison them for no reason.

1215 A group of land barons who were tired of being taxed and suppressed by King John, confronted him, and demanded their rights be restored. King John launched war on the barons, but soon he agreed to meet their demands. Sealed by King John, the Magna Carta, or "Great Charter," set limits on the King's power. The **RULE OF LAW** was established.

1606 First Virginia Charter by James I promises that the "Liberties" afforded to native-born English subjects in England, such as those described in the Magna Carta, would be enjoyed by those born or living in the colony.

1641 Massachusetts' *Body of Liberties*, established as first legal code written by European colonists in the Americas, copies several provisions of the Magna Carta.

1682 The Pennsylvania Frame of Government repeats many of the Magna Carta's guarantees including "that all courts shall be open, and justice shall neither be sold, denied nor delayed."

1776 Thomas Jefferson writes the Declaration of Independence, using the principles established in the Magna Carta that all men are by nature free and independent. At the same time, many constitutions of the newly formed states included direct references to the Magna Carta, such as Maryland's guarantee that people "ought to have justice and right freely without sale, fully without any denial, and speedily without delay."

1774 Thomas Jefferson and other Americans believed they were denied the rights of free men. As the Magna Carta said: "No taxes may be set in the kingdom without its general consent."

1773 English Parliament imposed taxes on the colonists for products like paper and tea. Angry that they had no representation in Parliament, colonists dumped all the tea in Boston Harbor.

Hey! Doing some research. It turns out bullies have existed for centuries, and people have been fighting back for just as long. King John wasn't the first, but his intimidation of people put into motion a history of laws drafted to protect people's rights and to limit the powers of others. Check it out.



2014 49 of 50 states have some variation of law against bullying.

■■■ END HERE

2007 After 13-year-old Megan Meier committed suicide in Missouri as a result of cyberbullying, several state jurisdictions enacted legislation prohibiting harassment over the Internet and classified it as a misdemeanor. In 2008, new legislation was passed to cover loopholes in the current law, which also increased the penalty to a felony.

2003 13-year-old Ryan Halligan from Vermont committed suicide after being the target of an onslaught of cyberbullying. His father lobbied for laws to be passed in Vermont and to improve how schools address bullying. His case has been cited by legislators in various states proposing legislation to curb cyber-bullying.

1999 Georgia becomes first state to enact anti-bullying laws specifically targeting bullies in schools. This took place three months after the tragic killing of 15 students at Colorado's Columbine High School.

1776-1777

The Articles of Confederation were drafted by the Second Continental Congress and ratified by all 13 states, which limited the central government's power.

1819 The U.S. Supreme Court makes its first direct reference to Magna Carta, noting it represents "*the good sense of mankind*" that individuals must be free from "*the arbitrary exercise of the powers of government.*"

1788 Colonial leaders met to write the U.S. Constitution giving power to the people, just as the Magna Carta did.

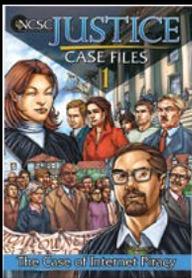
1789 The Bill of Rights were drafted to guarantee a number of personal freedoms, limit the government's power in judicial and other proceedings, and reserve some powers to the states and the public. The Bill of Rights was influenced by George Mason's 1776 Virginia Declaration of Rights, the English Bill of Rights from 1689, and the 1215 Magna Carta.



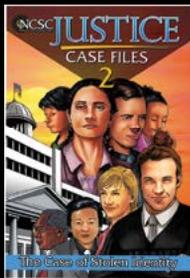
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National Center for State Courts

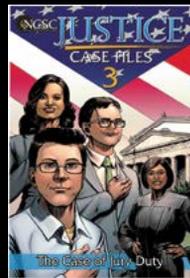
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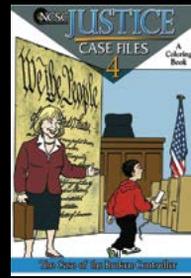
Justice Case Files #1 stars Megan, who gets sent to criminal court for pirating music while her grandmother faces the loss of her house through imminent domain.



Justice Case Files #2 stars the Gonzales family as they try to put away an identity thief for good.



Justice Case Files #3 stars Matt as he learns what jury duty is all about as an alleged drunk driver takes the stand.



Justice Case Files #4 stars Tyler, who wants justice because he says his friend broke his videogame controller.

To purchase printed copies of all the Justice Case Files or for more information, email NCSC at communications@ncsc.org.

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