

Sixth-Grader Punished for Unusual Case of Bullying—But Was It Bullying?

I was noshing on a juicy cheeseburger on my lunch break the other day when I came across a fascinating story in the *Washington Post* written by Eugene Volokh.

The story involves a New Jersey sixth-grader who ran afoul of the state's Anti-Bullying Bill of Rights Act after he poked fun at a vegetarian classmate. (For you folks on the professional barbecue circuit, a vegetarian is someone who abstains from pork butts.)

"Vegetarians are idiots," the youngster declared. "It's not good not to eat meat."

The 11-year-old, identified in court documents as C.C., went on to tell K.S. (the vegetarian) that "he should eat meat because he'd be smarter and have bigger brains."

The vegetarian child reported the incident to officials at Lower Middle School in Montgomery Township.

At that point, the school's anti-bullying specialist launched an investigation to determine if the meat-lover had "committed an act of harassment, intimidation or bullying."

By the way, Montgomery Township employs 10 anti-bullying specialists. *Ten.*

The school district's investigation determined the youngster's anti-vegetarian comments "were reasonably perceived as being motivated by a distinguishing characteristic between the two boys, namely vegetarianism, which substantially interfered with the rights of K.S. and had the effect of insulting or demeaning him."

Instead of being forced to eat tofu or fermented soy, the child was slapped with five lunch time detentions.

Volokh, who also teaches free speech law at UCLA School of Law, weighed in, calling the punishment “modest.”

“Once the law calls such speech ‘harassment,’ ‘intimidation’ or ‘bullying’ in one area, it’s easy for these labels to be applied in other areas as well, especially because the labels are so ill-defined and potentially so broad,” he wrote.

The 2014 vegetarian smack down landed in the lap of an administrative judge after the local board of education affirmed the school’s findings.

On March 7, an administrative judge also upheld the local school’s handling of the matter.

This is what our nation’s public school system looks like, folks.

Are students no longer allowed to opine on the virtues of pork chops or chicken-fried steak?

Are those who dine on butter beans and rutabagas so feeble they can’t handle some good-natured ribbing?

And why does a school district need to employ 10 anti-bullying specialists? Do unkind comments made by an 11-year-old really rise to the level of an official investigation?

I will concede that vegetarians are not idiots. Perhaps unfortunate would be a better description.

But based on my reading of the events in New Jersey—the only idiots are the township’s anti-bullying specialists.