



# Social Media Victims Law Center

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Vermont House Education Committee  
C/O Annie Gianni, Committee Assistant

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My name is Laura Marquez-Garrett, and I am an attorney at the Social Media Victims Law Center (SMVLC). This letter is submitted to explain why we support H54, the Phone and Social Media Free school legislation.

## **Background**

SMVLC is a small Washington State law firm, founded by Matthew Bergman in late 2021 for the sole purpose of representing children harmed by social media products that, as currently designed and distributed, are health harming products.

In three years, SMVLC has been retained on behalf of more than 4,000 children across the U.S. (most between the ages of 10 to 18) in connection with social media related harms such as:

- Suicide
- Accidental Death
- Attempted Suicide
- Problematic use (also referred to as addiction)
- Anxiety and depression
- Sexual Exploitation
- Sextortion
- Eating disorders

Our team has intimate knowledge and expertise of how the design of social media products endanger Vermont's children. SMVLC currently represents eight Vermont families residing in the following counties,

- Chittenden
- Lamoille
- Windham
- Washington
- Windsor

Over the last three years, we have met with thousands of parents and children, reviewed medical, school, and police records, analyzed back-end data pulled from children's accounts across all major platforms, engaged in product testing and reviewed related studies, and engaged in discovery and interviewed industry experts. When we provide examples, when we talk about

social media products and the harms kids are suffering because of them, that “terrible” expertise comes from actual, verifiable data.

While the data points tell us about these products, the human stories help us understand.

We are still learning about what these health harming products are doing to our kids; but I promise you, what we know already is more than enough to warrant a bill like the Phone and Social Media Free School legislation.

### **Social Media is Not the Internet**

The benefits social media companies take credit for – community, connectivity, resources – are benefits the internet provided and those benefits still exist on the internet and certain apps. It’s just hard to see sometimes because of the harmful dependencies social media creates, and false promises social media provides to parents and schools.

Our children will be okay without phones in school and without social media.

More importantly, H54 is written in a way that will maintain the benefits of the internet and a wide range of apps that children can use for community, connectivity, and resources, but without exposing them to products engineered in a manner that causes addiction, depression, and serious risk of exploitation and abuse.

I discussed this during my testimony, but the exceptions built into H54 are careful ones that account broadly for the types of apps and products children and schools may be able to use without creating unnecessary risks of harm to students.

H54, in its current form, § 5811(6)(A)-(C) creates significant exceptions for products that might or might not otherwise fall under a broader definition of “social media.” The language was designed to do just this. For example, subsection (A) allows for more practical tools like email platforms without public posting features; (B) allows for platforms that have some educational or utility purpose, but without providing strangers with information and access commonly used to identify specific students at specific schools (such as news apps and, as discussed during my testimony, products like Khan Academy for educational purposes, though I would urge teachers in Vermont to re-consider using anything that promotes or portrays YouTube and/or untested AI features as safe for children); and (C) school managed products that would cover student journalism apps, event announcements, educational subjects, and similar.

In short, these are broad exceptions. But also, and more importantly, children are suffering unnecessarily, and we have the ability to stop many of these harms. If there are apps that are not excluded and should be, or apps that are excluded and shouldn’t be, Vermont lawmakers have the ability to make changes via amendment. While the potential for some hypothetical but unidentified app to fall under the definition is not a reason to continuing exposing children to identified, health harming products in our schools.

**Emma Claire (September 2, 2004 to August 8, 2021)**



Emma Claire was a beautiful young woman from Louisiana. Her parents said no to Snapchat and, when she was 16, she appealed their decision. Here are photo of Emma Claire holding up a sign titled “Reasoning.” Among her reasons were things like ...

- Basketball group chat (like many kids, her school sports team used Snapchat, and if you didn’t have it, it was hard to get announcements, and you felt left out)
- Group Chats with your class about homework



When you have a child who listens and is well-behaved, a child whose friends and school all use social media, it’s hard to say no. Not because a parent has trouble saying “no,” but because schools recommending and/or requiring use of these health harming products make those

products seem safe. Couple that with social media industry false advertising (including App store 12+ ratings), and parents don't stand a chance.

Parents often say yes because it's required by the school, or encouraged, or used, and that makes it seem safe. They trust their districts and their teachers.

But these products are not safe.

Emma Claire died less than a year after her Snapchat use began. We've seen her data, and her suicide note. We've seen her medical records too, and her parents were being told that she was a healthy, well-adjusted child who just wanted a bit more independence ... like being able to use the app that her school encouraged all of her teammates and classmates to use.

I wish her story was uncommon, but it's not.

### **Sextortion Related Suicide**

Sextortion and suicide is another harm we see and that is far more connected to schools than most people realize. This is when a teen is tricked into sending an explicit photo, then told to pay or the photo will be published. There more than 46 reported cases of this in the last few years alone.

Did you know that Instagram is the number one app for sextortion? Here is a report that helps explain why: <https://networkcontagion.us/reports/yahoo-boys/> (NCRI, 1/30/24 – *A Digital Pandemic: Uncovering the Role of 'Yahoo Boys' in the Surge of Social Media-Enabled Financial Sextortion Targeting Minors*). SMVLC (a small PNW firm) has been retained in connection with a dozen cases of sextortion related suicide, and all of those involved Instagram. This is due, in part, to Instagram features – for example, the follower/following lists are public. It helps with platform engagement, while making kids incredibly vulnerable to predation.

The difference between an app where a predator can get an explicit photo and one where they can get the photo and say “look, I screenshot your followers and am about to send this to your family, friends, and classmates” often is one of life and death. We've seen that data too.

The other data point I want to share is that many of these kids – the ones who are dying this way – are high school athletes. An easy way to find kids is through High School sports pages. With what Meta makes public, you can automate and create a roster quickly and easily, with personal details about these kids to which no one should have access. The public availability of this data is embedded in features Meta could change and has been asked for years to change; but Meta has refused to make Instagram safer because access to data helps with connectivity and connectivity increases engagement. Children are dying as a result.

Here are just two: Braden Markus (January 24, 2006 – October 17, 2021) and Jordan DeMay (June 7, 2004 - March 25, 2022),



### **School Should Be a Safe Place, Free of Distractions and Abuse**

The types of social media apps H54 would prohibit are ones that have either inherent and unnecessary dangers or addiction built into them as a matter of design. Most of the kids we work with had no issues before social media, then they couldn't sleep and didn't want to do anything else. Certain social media products are designed to create hits of dopamine – the same mechanism as nicotine, only they are aiming it at 12 and 14-year-olds instead of 18- and 30-year-olds. In fact, here are some **ACTUAL** quotes taken from Meta (Instagram and Facebook) and TikTok/ByteDance (TikTok) internal records, as released in recent Attorney General filings,

- “The young ones are the best ones... You want to bring people to your service young and early.”
- “It’s better to have young people as an early adopter, especially the teenagers in the U.S. Why? They got a lot of time.”
- “The lifetime value of a 13 y/o teen is roughly \$270 per teen.”
- “[Teens] have an addicts’ narrative about their use -- it can make them feel good, feel bad. They wish they could spend less time caring about it, but they can’t help themselves.”
- “The product in itself has baked into it compulsive use.”
- “Compulsive usage correlates with a slew of negative mental effects like loss of analytical skills, memory formation, contextual thinking, conversational depth, empathy, and increased anxiety[.]”
- “The reason kids watch TikTok is because the algo is really good ... we need to be cognizant of what it might mean for other opportunities ... I literally mean sleep, and eating, and moving around the room, and looking at somebody in the eyes.”

These are the companies we currently allow in our schools and provide with access to our children. In some cases, schools even assure parents that they are educational and safe to use and encourage them to allow such products into their homes. The thing is that it doesn't have to be this way. These companies could make their products safer, but until schools push back and demand accountability and safety by design, they won't. Their products are far too profitable in their current, dangerous form.

There are schools that have gone phone and social media free, and they report ... noisier lunchrooms; kids engaging with each other; fewer fights, less depression, anxiety, and suicidality. Our kids deserve to be kids and schools should be a safe place.

We also can't stop kids from using addictive and harmful products at home but imagine the difference between playing a video game for 20 hours nonstop versus giving a child's brain a seven-hour break – a time when they can learn, and engage, and be safe. The positive impact on their brains of that break cannot be overstated. And that's what school is supposed to be ... a place where they can learn, be free of distractions, conflict, and danger.

### **The Potential for Liability**

Social media is not necessary in school, and in fact, it is a liability. Schools could be held liable in courts of law for exposing children to unnecessarily harmful products, particularly as emerging science confirms more harms and schools become less able to claim that they do not know. It is only a matter of time before people look to schools and ask why ...

- Why our children are being exposed to health harming products that are not essential?
- Why, when parents turn off their wi-fi at home, say no phones and/or social media, and do everything possible to keep these products away from their children are those same children being provided access to them at school?

In fact, schools already are being sued in connection with harms made worse by social media products. The Washington Post, for example, reported in November 2023 that there were over 200 incidents in recent years of children being bullied and then taking their own life; and that parents were starting to sue schools in connection with these harms:

<https://www.washingtonpost.com/education/2023/11/10/school-bullying-suicide-lawsuit/> (Washington Post, *When bullied students end their lives, parents are suing. And schools are paying.*). I know of multiple families that have claims against social media defendants and that have taken or are considering this route as well, and because engaging schools in the protection of our children is critical to have any chance at protecting them. No one wants to sue a school district; but things have to change, and we need schools to be part of that change.

The kids I talk with are tired, frustrated, and feel trapped. They can't stop using, and wish these products never existed. They wish they had a safe place, and you can give that to them.

Vermont has a chance to do this and, when it does, you will see a difference in a matter of months, not years. Please prioritize these children and the facts over big tech business interests and "what if" speculation, and do not forget that these companies have the ability and have had years to make their products safer for our children. They have chosen to do nothing and will continue to do nothing until we make clear to them that child safety is not a choice that any corporation can afford to take lightly.

May 7, 2025  
Page 7 of 7

Sincerely,

SOCIAL MEDIA VICTIMS LAW CENTER

A handwritten signature in blue ink, appearing to read 'LMG', is positioned below the text 'Sincerely,'.

Laura Marquez-Garrett  
Senior Counsel