

1999

Libraries Face Internet Filter Question

Pat Newcombe

Western New England University School of Law, pnewcombe@law.wne.edu

Follow this and additional works at: <http://digitalcommons.law.wne.edu/media>



Part of the [Library and Information Science Commons](#)

Recommended Citation

Pat Newcombe, Libraries Face Internet Filter Question, *GOV'T TECHNOLOGY*, May 1999, at 50.

This Article is brought to you for free and open access by the Faculty Publications at Digital Commons @ Western New England University School of Law. It has been accepted for inclusion in Media Presence by an authorized administrator of Digital Commons @ Western New England University School of Law. For more information, please contact pnewcombe@law.wne.edu.

Libraries Face Internet Filter Question

Recent attempts by some libraries to electronically bar access to objectionable Internet sites has run into legal trouble with civil libertarians.

It's a nightmare every librarian dreads: Someone sees a child viewing pornographic material on the library's PC, which is connected to the Internet. Or worse, someone in the library catches an adult showing pornography to a child. A quick call to the media and City Hall, and soon a torrent of controversy erupts as outraged citizens, politicians and the media tell the library to reign in the smut or else.

In 1997, that nightmare became reality for the Austin, Texas, Public Library. To gain control of the situation in the face of intense media scrutiny, the library quickly installed filtering software on the two Internet-enabled PCs at each of the city's 19 library branches.

Not every public library in the country faces such a scenario, but an increasing number of libraries are turning to filtering software to limit access to the vast amounts of indecent material available on the Internet. Last year, however, a federal judge ruled against the use of filtering software in a Virginia library.

Dark Side of the Net

There's no question that the Internet has become, in a few short years, a radical and even revolutionary form of information access. The proof of its popularity can be found in the statistics showing that tens of millions of Americans are now surfing the Internet and millions more log on each year. The same heavy demand for access can be found in our libraries. Sixty percent of the country's public libraries offer Internet access directly to the public, according to the American Library Association (ALA). That's up from 28 percent in 1996.

But what makes the Internet so wildly popular — free and unfettered access to all sorts of information from around the world — also has its dark side — easy-to-reach Web sites loaded with extremely pornographic material. As libraries embrace the Internet as yet another source of information, they must confront the dilemma of whether to provide full access or to limit what patrons can view.

By Patricia Newcombe
Contributing Writer

The ALA, the American Civil Liberties Union and other free-speech advocates have strongly resisted having libraries play the role of Internet censor. But parents and patrons who use the libraries on a regular basis have pressured libraries in a growing number of communities to devise some kind of barrier to viewing sexually explicit material from the Internet on library PCs.

Faulty Filters

The response by many of these libraries has been to install filtering software, which is used to block access to unwanted materials on the Internet. Filters look for characters,

as proof that users, not government censors, were the best defense against offensive material on the Internet.

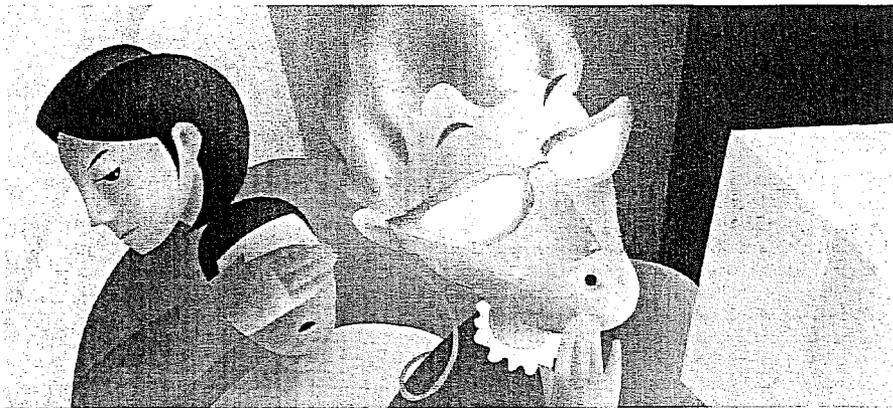
Now, however, civil libertarians have widely criticized filters as ineffective because they fail to screen out all harmful material while blocking offensive material. Filters can block strings of words without regard to context. For example, they can block such topics as Essex County and chicken breasts, and such innocuous Web sites as *Redbook* magazine and Godiva Chocolatier.

Just as importantly, they cannot distinguish pornography from art or literature. Because of these software limitations, computer users lose access to useful, valuable information along with the pornography. While a home computer user may be willing to sacrifice access to Web sites to avoid

County's highly restrictive Internet policy unconstitutional. According to the judge's decision, the library's policy violated the First Amendment, failed to serve a compelling government interest, was too broadly applied and had inadequate procedures to ensure judicial review.

In defense of the library's policy, Ken Bass, an attorney representing the library's board, emphasized that the intent was to prohibit and prevent, to the extent possible, access to potentially offensive or illegal material. "The only way I know to do that is to use a filtering system," said Bass.

Judge Brinkema's ruling is only legally binding on public libraries in the U.S. District of Eastern Virginia and does not set a national precedent. But the ALA, civil libertarians and other librarians seemed pleased with



codes or strings of words deemed indecent. So far, about 15 percent of libraries with Internet access have installed filters, according to the ALA. Some of the leading products include SurfWatch, from Spyglass Inc., Cyber-sitter, from Solid Oak Software, Cyber Sentinel, from Security Software Systems and Cyber Patrol from The Learning Company.

Originally, civil libertarians supported filters as a more acceptable alternative to laws that tried to ban indecent material outright. Lawyers who challenged the original Communications Decency Act of 1997 pointed to filters

pornography, when a tax-supported library board makes that decision for its patrons, it is acting as a censor.

In Loudoun County, Va., the public library's policy, which began in October 1997, required both adults and children to use Internet PCs that filtered both obscenity and material deemed harmful to minors. In December 1997, a group of Loudoun County residents filed suit, calling the use of filtering software a form of government censorship.

In a landmark ruling in November 1998, U.S. District Judge Leonie Brinkema of Virginia ruled Loudoun

the fact that, for the first time, a federal judge has ruled that a public library providing Internet access cannot pick and choose among Web sites. Although a library is under no obligation to provide Internet access to its patrons, ruled Judge Brinkema, if it has chosen to do so, it must comply with the First Amendment.

Library Policies Vary

Today, Loudoun County's library system, with its six branches, still has filtering software installed on its computers, but the filters are turned off by default. Because of space limitations,

the library doesn't have separate computers for adults and children. Adults can ask to have the filter turned on. Children who want to surf the Internet must present their library card, which is marked "filter" or "unfilter."

According to Douglas Henderson, director of Loudoun County's library system, few adults have requested filtered access. How does he feel about the ruling? "We hoped the judge would have come out with a few more guidelines that

would have been more helpful in devising policies," he said.

Around the country, library Internet policies reflect the rainbow of views people have about indecent material, censorship and free speech. In Medina County, Ohio, the policy is no filters. "The filters we were looking at at the time, indicated to us that it was going to create a false sense of security," explained Director Mike Harris. "We were finding many things that were restricted by the filters

and many things that were not restricted at all, things that were not necessarily appropriate for that age group."

But at the Indianapolis-Marion County Public Library, filters are part of the screening process for appropriate material. "In the same way that we make determinations in the selection of our print materials, we make determinations in what we have electronically," explained Maria Blake, the library's community relations manager. "Filtering software

allows us to do that and to respond in a very short period of time to any questions that happen to come up, whether it's about eliminating a particular site or putting one back in."

After the Austin Public Library installed filters on all its computers, it became clear to the library's staff that software was not the long-term solution, but a stop-gap measure to satisfy the public outcry over access to indecent material. "It was such a media sensation that we had to take control of [Internet access]; so that's how we ended up where we were," said Brenda Branch.

Today, the library system is in the process of removing filtering software from one of the two computers in each branch. With this compromise solution, children are protected (one must be over 18 to use unfiltered PCs) and the adults have unrestricted access.

A Wake-up Call

So far, Loudoun County is the only library system mandated by a court to drop its filtering policy. But libraries in communities where the decision to use filters has been particularly controversial have been carefully reviewing the Loudoun County decision.

The case is also expected to trigger more lawsuits. Gary Daniels of the ACLU told the *Cleveland Plain Dealer* in December that the Loudoun County ruling "should be a wake-up call" for libraries that filter both adult and children's access. Already, a number of libraries have taken heed of the decision. Library systems in Hillsborough County, Fla., and Hennepin County, Minn., for example, have dropped plans to install filters, according to a report in the *Library Journal News*.

While it's still too early to tell where the debate on filtering will finally end, it appears that libraries are backing away from the notion that they should play the role of community gatekeepers, especially when it involves software that is far from perfect.

"There are concerns that do need to be addressed in trying to provide open access to information and in trying to provide an atmosphere of trust and openness within a public facility," said Medina County's Harris. "We still need to be aware that we are stewards of public dollars and in that process we need to make decisions that are responsible ones. Cutting information off before it has the opportunity to reach adults based on a third party's potentially less-than-ideal software is one that I think can be dangerous."

Pat Newcombe is the reference librarian at Western New England College School of Law. E-mail: <pnewcombe@law.wnec.edu>.

We're providing IT transformation and integration from a unique perspective. Yours.

Bringing the benefits of Information Technology to government can be a daunting task. That's why we approach problems from the perspective which makes the most sense. Yours.

New technologies are effective when they work in your world, with your procedures and your way of doing business. This is how we begin our Concept-to-Completion™ approach to problem solving. We continue by helping you extend your organization using IT in clear, comprehensible and powerful ways.

Does our approach work? We've proven ourselves in 44 states, in a variety of business and technical environments, and within the full range of federal, state and local government programs.

We are now one of the world's largest providers of integrated business and technology consulting services. Renaissance Government Solutions bridges the gap between today's IT challenges and the IT solutions that will serve you well into the next millennium.

For more information call us toll free at 877-777-9119, visit www.rens.com or email GovernmentSolutions@rens.com



A PARTIAL LIST OF OUR GOVERNMENT CLIENTS INCLUDES:
 COUNTY OF LOS ANGELES DEPT. OF PUBLIC SOCIAL SERVICES • STATE OF NEW JERSEY DIVISION OF TAXATION • STATE OF TEXAS DEPT. OF HUMAN SERVICES
 STATE OF MICHIGAN FAMILY INDEPENDENCE AGENCY • STATE OF COLORADO DEPT. OF HUMAN SERVICES • STATE OF INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION
 STATE OF MINNESOTA DEPARTMENT OF REVENUE • METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY