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Internet filters in public libraries: do they belong?

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Abstract

With the Children's Internet Protection Act (CIPA) of 2000, hundreds of public and school libraries in the United States have implemented internet filters. While filtering can keep children from viewing inappropriate Internet materials, the use of filters in public libraries infringes on the intellectual freedom of library users. Over-blocking and under-blocking are negatively affecting open research and use of online resources, bringing about profession-wide discussions about emerging technological changes in libraries. This essay examines these discussions and advocates for an approach incorporating privacy screens or recessed monitors, the establishment of clear Internet use policies, and better user education to help maintain the role of libraries as valued centers for free self-education and learning.

Introduction

Historically, the public has trusted librarians' discernment in the selection of library materials, regarding them as "gatekeepers" of information. In the Information Age, however, signs of distrust in the profession are arising from members of the general public and the national government. Increasingly, the public is supporting federally mandated controls on library decisions, rather than relying on local community-based standards with regard to online materials. These controls take the form of software that filters Internet content on library public access computers. Never before have libraries encountered such a threat to the principles of intellectual freedom upon which they are founded.

With the Children's Internet Protection Act (CIPA) of 2000, filters have been implemented by hundreds, if not thousands of public and school libraries in America. While filtering can keep children from viewing inappropriate Internet materials, the use of filters in public libraries infringes on the intellectual freedom of library users, at times including the children they are meant to protect. Problems such as over-blocking, preventing constitutionally protected sites from being seen, and under-blocking,

allowing illegal and other materials considered harmful to minors to be seen, are negatively affecting open research and use of online resources, bringing about profession-wide discussions about the emerging technological changes in libraries.

Filters are not the answer to protecting minors from age-inappropriate and other “harmful” materials online. The use of computer equipment with privacy screens or recessed monitors and the establishment of an Internet use policy in combination with the education of library users is a better approach to maintaining the libraries’ role as valued centers for free self-education and learning.

Intellectual Freedom and the Children’s Internet Protection Act (CIPA)

Intellectual freedom has been defined as “the right of every individual both to hold and express opinions and to seek and receive information” in the Internet Manifesto written by the International Federation of Library Associations and Institutions (IFLA) and endorsed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2002 (IFLA, 2002). The concept of intellectual freedom is at the core of library services and considered by many the foundation of democracy (Bissonnette, 2003). In December of 2000, the concept of intellectual freedom in libraries was challenged anew with the passage of CIPA. This law requires the use of “technology protection measure[s]” in school and public libraries that wish to receive federal funding in the form of E-rate connectivity discounts and Library Services and Technology Act (LSTA) grants. The purpose of the protective measures is to prevent public access to obscene materials, child pornography, and materials considered to be harmful

to minors, defined broadly as “visual depictions of sexual conduct, pornography, [etc.]...that have no serious literary, artistic, political, or scientific value to minors” (Jaeger, et al., 2005, p. 105).

The entire law carries implications for libraries; however, there are a few points of significant concern. First, CIPA provides the option of disabling a filter when requested by an adult patron, thus allowing for unhindered Internet use in certain circumstances. The terms for disabling are vague, however, leaving it up to the library to decide if an adult must disclose the reason for the request for unfiltered access (Jaeger, et al., 2005). When the law was upheld by the Supreme Court in 2003, the court majority viewed the application of filters as an acquisition choice regarding the allowance of materials *into* a library, rather than a de-selection decision, in which materials are removed that already belong to a collection (Anten, 2005). This argument draws a significant amount of attention because it frames a longstanding debate—selection vs. censorship—in a new context. Dissenting to the Court’s decision, Justice Souter disagreed with the acquisition-based rationalization, instead taking the side of filtering as a removal of materials from a library collection, a decision which requires more careful scrutiny. Justice Stevens found the law burdensome to the intellectual freedom and First Amendment rights of adults. He suggested alternative measures for dealing with misuse of Internet access in the forms of “penalties for accessing illegal speech, requiring parental consent, and privacy screens” (Anten, p. 82).

The Pro-Filter Argument

The groups in favor of filtering in public libraries form their arguments around the idea of protecting the nation's children. They argue in concurrence with the majority of the court decision and as Hampton Auld (2005) did in a *Public Libraries* debate article, that choosing filters relates to the traditional selection process in which librarians make judgments on the materials to include and exclude from their library's collections. Just as libraries keep *Playboy* and *Hustler* off of the shelves, proponents might argue, they should strive to keep Internet pornography and materials deemed harmful to minors off of their computer terminals. This position paints the opposition as a group that does not care about the well-being of America's children (Bissonnette, 2003), which few would avidly proclaim.

A second argument used by advocates of CIPA legislation maintains the effectiveness of filters. Some librarians lend their support through frontline stories about less frequent problems with pornography access because of Internet filters. If it is true that less pornography is being accessed on library computers, the legislation seems to be sufficiently safeguarding children in libraries.

A 2003 Supreme Court decision upheld the original legislation as constitutional because, according to Auld (2005), it is a "significant interest of society" to keep children from harmful Internet materials. Free speech can be tempered with the "prudent use of filters" to ensure the "greatest amount of freedom of speech for the greatest numbers of people" (p. 198). Filters are described as easily disabled for adult patrons who would like unrestricted access, thereby offering protection only when needed for minors and desired by adults.

As the pro-filter argument stands, CIPA protects children from harmful, obscene, and inappropriate materials that can be viewed online. The filtering process can further the interests of society in maintaining libraries as family-friendly environments for the advancement of knowledge. According to testimonials from librarians, filtering has lowered the number of instances in which pornography has presented a problem. Furthermore, just as librarians use a variety of secondary aids and resources to help in the selection of library materials, filters are simply one more tool in the "arsenal of resources and services" (Auld, 2005, p. 198).

The Unrestricted Access Argument

Opponents believe the wrong issues are being addressed by those promoting Internet filtering. The question is not whether or not libraries want pornography on their Internet terminals; the question to address, rather, is for what and whose rights do libraries stand. Approaching the filter debate from professional core values enables librarians to step away from the controversial issue of pornography. Nancy Kranich, former president of the American Library Association (ALA), explained seven key values to which all librarians should adhere and related them to the filter discussion in a 2005 filtering debate article written by Hampton Auld: democracy, diversity, education, equity of access, intellectual freedom, privacy, and service. Most significant to this debate are equity of access and intellectual freedom. With the growing amount of information being published only on the Internet, filters actively deny those who use public libraries as their only Internet access point for some of their basic information needs, including those dealing with health and social issues (Auld, 2005;

Jaeger, et al., 2005). By “providing access to ideas across the spectrum of human interests and making them broadly accessible,” librarians are able to “protect and promote the First Amendment right to seek and receive all types of expression,” argues Kranich (Auld, p. 199).

Those against filtering point out the inefficiency of filters in carrying out the purposes for which they were designed; as one Indiana public librarian stated, “[filters] cannot discern between information and titillation” (Comer, 2005, p. 12). Over- and under-blocking are often reported. Over-blocking occurs when useful sites are not shown because of improper classification by the filtering software company, whereas under-blocking is the failure to properly keep pornographic or harmful materials from a user terminal (Heins, et al., 2006; Resnick, et al., 2004). Constitutionally protected topics that are most often incorrectly blocked include personal and women’s health, environmental, homosexual, and political issues, as well as civil rights (Auld, 2005; “Filtering,” 2005; Heins, et al., 2006; Jaeger, et al., 2005). For example, the legitimate research topic of “nudism” was blocked by the Websense software in the Providence Public Library in 2005, as reported by Rhode Island ACLU Program and Development Coordinator Amy Myrick (2005, p. 6). Filters, by their over- and under-blocking, are therefore not a reliable means of dividing the Internet into appropriate and inappropriate viewing materials. Because of their failure to function as desired by those who implement them, filters also give parents and librarians a false sense of security. The information from which they wish to be protected is not properly categorized and sufficiently blocked, causing misplaced faith in the software.

Filter inefficiency lies partly in the misclassification of Web sites. Most filtering software blocks sites based on keywords found in the URL, the text, or in metadata given by the site developer (Jacob, et al., 1999). Sites regarding education about autism, the Jewish Federation of Northeastern Pennsylvania, and religious ministry organizations have all been blocked by filtering software in categories including “gambling,” “sex,” and “tasteless,” respectively (Myrick, 2005, p. 6). CIPA legislation requires the blocking of “visual depictions,” not text, something which most filtering software are not equipped to handle. Some filters, like Image-Filter™, are designed to analyze features such as shape, color and texture in all visual formats including .jpg, .gif, .bmp, .avi, and others, but they are not widely used. Of the filters that do block images, few are effective (Auld, 2005).

Proponents of filters claim they are cost effective, yet many libraries have found the cost of installing and maintaining filters more than they are able or willing to pay. Government discounts and grants enabled by filtering are often not worth the effort and funds to maintain the equipment, the staff time required, and the inconvenience to users (Auld, 2005; Jaeger, et al., 2005).

Finally, the argument of filtering as an acquisition process is denied and is seen, rather, as censorship (Heins, et al., 2006). The decision to allow Internet access in public libraries is an acquisition decision. Individual site selection is a patron’s choice, in the same way that choosing a book from the shelves is their prerogative.

A Heated Debate

According to a national survey contracted by the ALA and conducted by the Library Research Center of the University of Illinois, Urbana-Champaign in 2000, 96.3 percent of a sample of 1,015 public libraries claimed they provided access to the Internet. Nearly 99 percent of the libraries reported control of Internet services through one or more of the following means: filters, Internet use policies and guidelines, user education, pre-selecting useful Web sites, required parental permission for children, and the most popular method, used by 80.6 percent, placing computers in locations easily monitored by staff (Estabrook & Lakner, 2000). As this survey was published prior to the passage and implementation of CIPA, it indicated that libraries were already concerned about proper use of the Internet and were taking measures to ensure safe and effective online searching. The survey also noted that less than one in five libraries reported formal complaints by patrons on improper use of the Internet (Estabrook & Lakner), a number surprisingly low when one considers the inflated media coverage of abuses of access. The vast majority of patrons use the library responsibly and an attitude of suspicion does not help the library serve those people well. Kranich recommends a shift in focus from the “small and shrinking fraction of illegal materials on the Internet” to the core values of public libraries and their role as a place for free speech and expression (Auld, 2005, p. 199).

Library collections are built on community standards—collections are meant to reflect the information needs of library patrons. While it is important for libraries to provide access to an array of materials, viewpoints, and formats, they must keep in mind the specific needs of those using the library. The Internet is

simply another means of access to the spectrum of information, and librarians have the responsibility of educating their communities as to its use as a research tool, even promoting the Internet as related to community information needs. It is also important that librarians indicate how this issue relates to intellectual freedom and free speech. Once librarians have fulfilled this duty to inform their communities, then those interested in determining library policies can make educated decisions on how to approach Internet use and regulation in their libraries. Currently, as filtering is sometimes used and sometimes not, access to the same information may vary greatly between different communities, both within and between states (Jaeger, et al., 2005). If one public library uses a filter that employs broad categories for blocking, such as “tasteless,” “sex,” and “obscene” while another library within the same state uses only the “obscene” filter category, the Internet content blocked by the first will far surpass that of the second. Discrepancies in access speak to the implications of filtering as a major infringement on citizens’ intellectual freedom.

Another problem arises when filtering software companies have the responsibility to judge the content of Internet materials. According to Kranich, library decisions regarding Internet content should not be delegated to the personnel of filtering companies, who are unaccountable and ill-equipped to make such choices (Anten, 2005). By choosing which sites to block and which to allow, filtering companies are taking over a central duty of librarians, who, when deprived of this duty, are unable to fulfill their “roles as the gatekeepers of content decisions” (Anten, p. 91). Because of their intentional community interactivity, librarians have the credentials to understand appropriate materials and use in their libraries.

Hampton Auld (2005) favors filter usage for several reasons. Filters, he claims, are easily bypassed when adults need to access useful, yet blocked information. However, Auld fails to acknowledge any of the stigmas placed upon, or reservations of, those who want to access blocked information. Patrons may fear the judgment or disapproval of librarians, if asked or required to disclose the type of information to which they need access. Examples could include a teenager needing information on sexually transmitted diseases or a young woman searching for women's health information and perhaps diagrams. When patrons enter a library seeking information in print, they do not need to approach a staff member in order to locate and digest it. With the Internet as the largest, most comprehensive information resource, patrons should have equivalent, unhindered access to whatever types of legal information they need.

Auld (2005) supports the Supreme Court decision to uphold CIPA in 2003 claiming that librarians can use filters to help parents "do what they believe is right for their children" (p. 198). This argument falls short in that few families share identical values. What one family believes is appropriate information for sex education, may cause another family to blush in embarrassment. The library should be neutral ground, providing access to all viewpoints. Libraries should not endorse or enforce independent beliefs or values. If parents wish to restrict their children's access to library materials in any format, they need to instill and enforce those boundaries themselves. They can accompany their children to library programs, sit with them while using the Internet, and browse the collections with them to help them discern what is appropriate and what is not. Librarians cannot be expected to take over that responsibility.

Sorting It Out

Filters are not particularly effective for their designed purpose and carry with them significant concerns for the intellectual freedom of library users. The ALA Web site defines intellectual freedom as "the right of every individual to both *seek and receive* [italics added] information from all points of view without restriction," providing "free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored" (Intellectual Freedom and Censorship Q & A, 2006). Based on that definition, it is clear that filters restrict access to multiple viewpoints, intentionally or not, because of their ineffective categorization process (Jacob, et al., 2005). By preventing free access, filters are acting as censors, inhibiting the pursuit of knowledge. Their use causes these libraries to act as censors, which is unacceptable according to professional ethics. While everyone would agree that illegal materials have no place in public libraries, at present there is no filter that can successfully block all illegal materials while allowing all legal materials—however objectionable to some—to pass through to the user.

Because democracy is built on the people, a well-functioning democracy must be based on a well-informed citizenry. With public libraries as the primary access point to the Internet for millions of Americans, librarians have a vested interest in providing unhindered access. Unfiltered Internet access allows for this open discourse, the gathering and processing of all kinds of information, whether or not one agrees with a particular position. Free access enables greater self-education, which can lead to more informed decision-making by individual citizens.

Options for guiding Internet use without filters

Alberta Davis Comer (2005) surveyed 144 public libraries in the state of Indiana regarding their Internet monitoring and filtering activities, as well as soliciting their comments on the process. She concluded, "It is apparent that no single policy could possibly serve all the needs of the varied public libraries in Indiana" (p. 15). This statement carries the implication that if one policy cannot sufficiently govern the use of filtering software in public libraries in one state, it is hard to imagine that a single policy could adequately meet the individual community needs of the thousands of public libraries around the nation.

Until filters are designed to precisely block illegal materials and allow all constitutionally protected speech through to Internet users, they will be infringing on the intellectual freedom of those using them. Instead of restricting access, librarians can implement other methods of regulation to ensure users are not abusing their rights to access. Resnick, Hansen, & Richardson (2004), after measuring the error rates of several kinds of filtering software, found that "student education, privacy screens, honor codes, and adult monitoring" are more effective means of regulation (p. 71). In a survey of Indiana public libraries, many indicated they were implementing specific locations for computers for easy monitoring by library staff, as well as Internet use policies that guided patrons' use of the Internet (Comer, 2005; Simmers, 2002). It may also be valuable for a library to have a formal procedure for complaints in order to deal with any abuses that might occur.

Other options mentioned by librarians and researchers include the blocking of pictures only, allowing all text for

patrons to read. This method would satisfy the law and would not excessively infringe on access to information; however, the reality is, as Anten says, that "pure image filters lack reliability" (2005, p. 94). Many libraries have found that recessed monitors and well displayed Internet use policies, explaining acceptable and unacceptable Internet behavior, enable patrons to understand and take responsibility for online research and entertainment in public places.

Conclusion

Public libraries cannot lose their position as community centers for discourse and exploration. Rather than placing unnecessary restrictions on users' ability to research, public libraries should take a stance against government regulations of Internet use, maintaining that individuals have the freedom to seek and digest information. Better methods of dealing with Internet use issues are developing, implementing, and publicizing an Internet use policy with specific repercussions for misuse, situating Internet computers such that they can be easily monitored by staff, and using privacy screens or recessed monitors if necessary to ensure the privacy of individual users. The First Amendment states that "Congress shall make no law...abridging the freedom of speech," which includes the right to seek and digest information on any topic. The ALA's Bill of Rights (2006) states that "[l]ibraries should provide materials and information presenting all points of view on current and historical issues," regardless of "origin, background, or views of those contributing to their creation." In combining the goals of these ideals, libraries should not prevent access to any kind of information, and the government should not be the regulator of the Internet.

References

- Anten, T. (2005). "Please disable the entire filter": Why non-removable filters on public library computers violate the First Amendment. *Texas Journal on Civil Liberties & Civil Rights*, 11(1), 65-99.
- Auld, H. S. (2005). Do Internet filters infringe upon access to material in libraries? *Public Libraries*, 44(4), 196-204.
- Bissonnette, S. T. (2003). Smothering free speech: Filtering the World Wide Web. *Journal of Library Administration*, 39(2-3), 87-105.
- Comer, A. D. (2005). Studying Indiana public libraries' usage of Internet filters. *Computers in Libraries*, 10-16.
- Estabrook, L. S., & Lakner, E. (2000). Managing Internet access: Results of a national survey. *American Libraries*, 60-62.
- Filtering software: Better, but still fallible. (2005). *Consumer Reports*, 36-38.
- Heins, M., Cho, C., & Feldman, A. (2006). *Internet filters: A public policy report, 2nd ed., fully revised and updated*. Brennan Center for Justice at NYU School of Law. Retrieved June 8, 2006, from <http://www.fepproject.org/policyreports/filters2.pdf>.
- Intellectual freedom and censorship Q & A. (2006). *Intellectual Freedom Basics*. Retrieved June 8, 2006, from <http://www.ala.org/ala/oif/basics/intellectual.htm>.
- International Federation of Library Associations and Institutions (IFLA). (2002). *The IFLA Internet Manifesto*. International Federation of Library Associations web site. Last updated January 17, 2006. Retrieved August 26, 2006, from <http://www.ifla.org/III/misc/im-e.htm>.
- Jacob, V., Krishnan, R., Ryu, Y. U., Chandrasekaran, R., & Hong, S. (1999). *Filtering objectionable Internet content*. Paper presented at the 20th International conference on Information Systems (ICIS).
- Jaeger, P. T., McClure, C. R., Bertot, J. C., & Langa, L. A. (2005). CIPA: Decisions, implementation, and impacts. *Public Libraries*, 44(2), 105-109.
- Library Bill of Rights. (2006). American Library Association. Retrieved June 4, 2006, from <http://www.ala.org/ala/oif/statementspols/statementsif/librarybillrights.htm>.
- Myrick, A. (2005). Reader's block: Internet censorship in Rhode Island public libraries [report]. Rhode Island Affiliate, American Civil Liberties Union. Providence, RI. Retrieved August 4, 2006, from <http://www.riaclu.org/friendly/documents/2005libraryinternetreport.pdf>.
- Resnick, P. J., Hansen, D. L., & Richardson, C. R. (2004). Calculating error rates for filtering software. *Communications of the ACM*, 47(9), 67-71.
- Simmers, C. A. (2002). Aligning Internet usage with business priorities: Regulating Internet activities so that targeted outcomes remain within acceptable limits. *Communications of the ACM*, 45(1), 71-74.
- United States Constitution, Bill of Rights. (2006). Legal Information Institute, Cornell Law School, Cornell University. Retrieved June 4, 2006, from

<http://www.law.cornell.edu/constitution/constitution.billofrights.html>.

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