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## Internet Filtering and the Adolescent Gay/Lesbian Patron

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### Abstract

With the recent passage of the Children's Internet Protection Act (CIPA), and its constitutionality subsequently affirmed by the Supreme Court, libraries are faced with challenges presented by Internet filtering, and the obstacles to access it poses for disadvantaged patron groups. This paper discusses the ramifications of Internet filtering at public libraries on sexual minority youth and how this may translate into a negative health impact on this community and a restriction on intellectual freedom. Topics discussed include filtering technology, the risks it presents to equitable access, the disproportionate effect on the gay/lesbian community, and how filtering impairs the creation of online communities for this minority group.

### Introduction

The emergence of information technology has had profound effects on the gay and lesbian civil rights movement and the way it

organizes itself and constructs its communities. The Internet represents an invaluable resource where sexual minorities can freely discuss their issues, concerns, and problems without the fear of community reprisal. This is particularly true for gay youth, who may find the Internet and its online communities the only conduit through which they can reach others like themselves and access health information that addresses their particular issues and needs. These adolescents contend with environments often without sufficient social networks, such as empathetic adults or friends, and may face daily discrimination due to their sexual orientation. Because of this, national health organizations such as the American Psychological Association recognize that access to important health information is essential for public welfare as it enables adolescents to make healthier decisions about their sexuality and their bodies. The emerging problem of Internet filtering, however, jeopardizes the role the Internet plays in the lives of sexual minorities and threatens the confidentiality and privacy essential for the Internet as an effective health information resource. The filtering software, mandated by the Children's Internet Protection Act (CIPA), poses significant health risks to gay youth left without access to important health and safer-sex information, and to online communities such as forums, chat groups, or other collaborative online mediums.

## Internet Use among Youth

In order to understand the implication of filtering, it is important to recognize the significance of Internet use among all youth. In 2002, a study conducted by the Kaiser Family Foundation found that 74 percent of adolescents between the ages of 15 and 17 reported having Internet access at home, with 31 percent having access in their bedrooms (Rideout, 2001). Along with an increasing reliance on the Internet in general, adolescents have increased their use of online resources to answer their health questions. In fact the Kaiser study found that some 70 percent report they have used the Internet as a health information resource. Among these, 50 percent were found to use the Internet for information on general health topics such as cancer or diabetes, with 40 percent also using it for information about sexual health topics ranging from teen pregnancy and birth control to STD transmission. For issues such as depression and mental illness, 23 percent reported using the Internet as an information resource. The Internet ranked higher as a resource for health information above even friends (23 percent), or TV shows/movies (17 percent). When asked what made the Internet such an important resource, the most frequent response was its privacy and confidentiality. This element of confidentiality played a key role in the reason why adolescents felt comfortable using the Internet to access this information, with 82 percent reporting it as the most important reason in using the Internet as a health resource. The results of the study suggest, therefore, that the Internet is increasingly vital for adolescents seeking out health and sexuality information they may be reluctant or unable to access via other means. The importance of privacy may also encourage adolescents to choose to use a library Internet connection rather than one available at home, as they may be under the impression that a public terminal will not keep a record of where they go

online. According to the Kaiser report, 58 percent of adolescents reported not being concerned that their online activity would be documented on terminals available at their school or library (Rideout).

## Brief History of Filtering

The use of Internet filtering began long before the passage of CIPA and already had a history in the courts. In 1997, the Mainstream Loudoun v. Loudoun County case in Virginia found Internet filtering for both adults and adolescents unconstitutional. Congress continued its work to pass an Internet filtering proposal that would withstand constitutional challenges in the court. In 1998, Senator John McCain introduced the Internet School Filtering Act, which ultimately languished in committee and never came to a vote on the floor (Garry et al., 1999). During the same period, challenges against the Child Online Protection Act (COPA) continued, and the ACLU won a preliminary injunction against it in February 1999. The software products that have been the focus of this debate have been widely available since the mid 1990s and are used in millions of homes and organizations (Garry et al.). The difference with the current success of CIPA is the mandate that public libraries receiving federal funds to offset the cost of Internet access and infrastructure must also install filtering software to restrict minors from receiving images which are deemed "harmful to minors," obscene, or depicting child pornography (Jaeger, Bertot, and McClure, 2004). The legislation itself, introduced by Senators John McCain and Ernest Hollings on January 20, 1999, and signed quickly into law by then President Clinton on December 21, 2000, was part of a larger communication spending bill. The funds that CIPA affects include the following: schools and libraries which receive E-rate discounts for Internet access and telecommunications services, schools which use Elementary and Secondary Education Act of 1985 funds to purchase

computers, and libraries which receive funds from the Museum and Library Services Act to purchase computers and Internet access/infrastructure. These grant programs and special discounts were designed primarily to alleviate the “digital divide” between more affluent communities and those which have difficulties surmounting the expenses involved with providing libraries and schools with Internet access. Accordingly, library recipients of these federal grant programs are more likely to serve communities which are lower-income and have a higher rate of minority group representation.

### **Pushed to the Net**

The continuing trend towards abstinence-only education has often resulted in a lack of discussion on topics such as contraception and safer sex, as well as homosexuality and gender dysphoria issues in the classroom, making the Internet an increasingly essential conduit to access information about these health issues. According to Dailard (2000), the focus on abstinence-only education in public schools has eliminated discussion about contraceptives and safer sex information, other than their failure rates, and aims to discourage not only pre-marital sex, but extra-marital sex altogether. And the Alan Guttmacher Institute, along with Planned Parenthood and the Sexuality Information Council of the United States, joined the American Library Association in a failed lawsuit against CIPA, recognizing its negative impact on adolescents seeking vital health information.

Because the Internet plays a vital role in disseminating health and sexuality information, it is essential to understand the unique impact it has on the lives of sexual minority youth. Gay, lesbian, and transgendered adolescents often find themselves in hostile, openly homophobic environments, which may contribute to feelings of isolation and despair. Without a

sufficient social network to handle the issues endemic to adolescence and issues regarding their sexuality, many sexual minority adolescents struggle without the necessary tools to make informed decisions about their health and sexual choices. They may find little solace in their friends and family when seeking out information about their sexuality or mental health and find the Internet to be their sole avenue to answer their questions. Interestingly, the studies that have attempted to measure the online information-seeking behavior of sexual minority youth indicate that 51 percent admit they revealed their sexual orientation to someone online before their friends or family (Garry et al., 1999). This statistic highlights the importance of Internet use among gay youth, effectively demonstrating the importance of their ability to build a community in which they can discuss their particular concerns and issues. Building a social network of support and community is vital to mental health and social development, ultimately allowing adolescents to make more informed choices about their health.

This same study also reported that 68 percent of respondents revealed that being online helped them to accept their sexual orientation, with 51 percent calling the Internet “crucial” to that acceptance (Garry et al., 1999, p. 20). The American Psychological Association (APA) recognizes that “coming-out” is conducive to mental health and is an important step towards the acceptance of one’s sexuality and personal development. Additionally, the APA (2004) strongly recommends the inclusion of homosexuality and other sexual minority issues in sex education curriculum, and that access to important health and sexuality information is available to adolescents. In their statement on sexual orientation, the APA asserts that “the process of identity development for lesbians, gay men and bisexuals called ‘coming out,’ has been found to be strongly related to psychological adjustment – the more positive the gay, lesbian, or bisexual identity, the better one’s

mental health and the higher one's self-esteem" (§ 14). This stronger sense of self also translates into making informed and wiser decisions about health and sexuality.

## **The Implications of CIPA Legislation**

Knowing that discussion and acceptance of sexual minority issues leads to higher self-esteem and mental health, what exactly are the consequences of preventing this discussion from taking place either in the classroom, due to the preponderance of abstinence-only education, or on the Internet, due to filtering? According to a study commissioned by the Washington-based Safe Schools Coalition, some 34 percent of gay adolescents experience some form of harassment in their schools and often face situations of isolation and homophobia that affect their mental and social health (Reis, 1996). Additionally, the study found that this group has a suicidal ideation and attempt rate twice as high as their peers and may represent up to 30 percent of successful teen suicides (Gerry et al., 1999; Reis, 1996). These statistics give clear evidence that grave problems exist for this community, and imply that the consequences of preventing access to health information may be, quite literally, life or death.

CIPA most profoundly affects communities unable to decline the federal programs it restricts, such as grants and E-rate discounts. These communities may have lower rates of Internet access at home and greater reliance on public Internet terminals. For example, the Kaiser Family Foundation survey on online usage among adolescents found that 45 percent of African-American adolescents used the Internet to access information about HIV/AIDS, while only 26 percent of Caucasian adolescents did the same. This suggests that cultural and socio-economic issues affect information-seeking behavior and the relationship adolescents have with the Internet as a

health information resource (Rideout, 2001). Also, this number implies that minority or low-income youth may be more likely to use publicly available Internet terminals as they have lower rates of home Internet access.

Florida State University undertook a study in 2004 to translate this digital disparity between communities into hard numbers. The study found that of all public libraries in the United States, some 98.7 percent already had Internet access with 95.3 percent of these being available to the public. Of those libraries which provided Internet access to their patrons 24.4 percent reported that all connections they offered passed through a filtering system, with 17.5 percent reporting that filtering was only installed on specific workstations (Jaeger et al., 2004, p. 1133). With regard to how many of these libraries will likely be forced to comply with CIPA, the Florida State University study also found that 43.4 percent of public libraries were already receiving e-rate discounts, with 23.1 percent receiving discounts through the Library Services and Technology Act grant program, which gives federal grants to state agencies for "statewide initiatives and services" (IMLS, 2006, § 1).

## **New challenges to Old Library Values**

Libraries compelled to filter their Internet access must reconcile this restriction on expression and access with their commitment to the ALA's Freedom to Read policy statement. Included in this statement is the value to "contest encroachments upon freedom by individuals and groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information" (ALA, 2006, § 8). Regardless of the degree to which filtering software blocks health or sexuality Web sites, any restriction would be a reduction in the public's access to information and therefore violates the

principles of intellectual freedom enshrined in librarianship.

In the tenuous balancing act of abiding by CIPA's filtering restrictions while holding true to principles of intellectual freedom, librarians must walk a careful line and construct practices policies that address filtering and its possible impact on access. Additionally, librarians must familiarize themselves with the filtering technology itself and be able to select options suitable to their particular needs. The issues that need to be addressed when choosing a filtering product are whether the filtering aims to be value-neutral, and whether the product will reduce or increase overblocking of non-objectionable material, such as health and sexuality information.

### **How Does Filtering Work?**

In 2002, the University of Michigan Medical School and the Henry J. Kaiser Family Foundation conducted one of the few studies undertaken to quantitatively measure the overblocking of filtering software. The study simulated the information-seeking behavior of adolescents: "Using this model, [we] tested the ability of six different blocking software packages commonly used in schools and libraries...under a variety of blocking configurations, to determine between health information Web sites and pornography Web sites" (Richardson et al., 2002). Based on this model, the study discovered that the least restrictive setting on these popular filtering products still blocked 1.4 percent of total health information sites and approximately 10 percent of health sites that included search terms related to either sexual minority issues (such as "gay," "homosexuality," etc.) or safer sex. At the most restrictive setting, the overblocking of Web sites containing these terms rose to 24 percent. Ironically, even at this highest setting some nine percent of pornographic sites remained accessible, demonstrating that these products are hardly a solution for

preventing access to pornography online (Kranich, 2004; Richardson et al., 2002).

The popular commercial filtering products used by many libraries for CIPA compliance typically use either a pass-through system, a pass-by system, or some combination of the two. A pass-through Internet filter uses a proxy system, such as the workstation server or router, which examines the requested URL and then verifies it against a list of blocked URLs from known-objectionable domains and sites. The network, if contained in the block list, would not access the requested site, and instead display a page stating that the site is blocked. This method, known as URL Blocking, is a standard feature among the commercially available products. In many more recent products, "webcrawlers" are used to search for objectionable content available on the Internet and then evaluate whether or not to include it on the list. This requires continual updating of the URL list and, even with great effort, fails to exclude all objectionable materials available.

Libraries, in essence, rely on filtering companies to determine what is objectionable instead of making those decisions themselves. With most products, an administrator can manually add a domain to the blocked list; however, the contents of this list are often inaccessible to administrators and users. The inverse of this method is Controlled Access filtering, which permits access only to sites contained in a list of URLs known to be non-objectionable. This method may be particularly well suited for young children, as the possibility of inadvertently viewing objectionable material while using this method would be very low. The disadvantage, of course, is that the list of available sites would be a mere fraction of what is available (Rideout, 2001).

Another popular method drawing particular concern is keyword blocking. This method limits access to URLs that contain words

from a list the filtering companies consider likely be objectionable. Although the more notorious examples—breast cancer sites being blocked because of the word “breast”, for instance—have largely been improved, filtering companies continue to include words in their keyword blocking mechanisms that restrict access to sexual minority communities and information about safer sex and mental health. CyberPatrol blocked Geocities’ “West Hollywood” online community, for instance, and CyberSitter included “gay,” “lesbian,” and “gay community” in their blocked keyword list (Rideout, 2001).

Stealth Monitoring, particularly troubling for sexual minority youth, poses significant risks to confidentiality and privacy while online. Stealth Monitoring, which is a feature common among these products, logs online activity that can be later viewed by the network administrator. This removes the element of privacy and discourages Internet users from accessing some types of health information, particularly information regarding sexual orientation and safer sex.

A main point of contention for all of these filtering products is that the process and methods are largely held as proprietary secrets of their respective companies. As a result, librarians have little influence over what the filtering product will block and must trust that the filtering lists are objective and unbiased. Accordingly, even with a reduction in overblocking with improved filtering technology, serious issues to access remain.

## **Reducing the damage**

When left with no other choice, libraries that are forced to use these commercial filtering products must struggle to construct a policy which conforms with the principles of making “available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority” (ALA Freedom

to Read statement). In effect, filtering products that restrict access to topics such as sexual minority issues are doing so because they deem them controversial. This, of course, represents a value judgment on the part of these filtering companies and goes beyond what is required for CIPA compliance. There exists an established link between many of the popular filtering products (such as Symantec’s I-Gear, N2H2’s Bess, 836Technologies’ X-Stop, Solid Oak Software’s Cybersitter, and Websense) and largely Christian organizations, whose members serve on the boards of several of the largest filtering companies (Ayre, 2004). The University of Michigan study agrees with this finding, concluding that “the main effect of the more restrictive settings [in these popular filtering products] is to block other categories of controversial material besides pornography,” including sexual minority materials (Richardson et al., p. 2894).

In her article, Ayre (2004) offers suggestions for dealing with filtering and for decreasing the overblocking problem presented by filtering software. She begins by recommending that the monitoring feature available on many filtering products be disabled and that this be made known to patrons so that they have a reasonable assurance that their privacy is maintained and that their online usage will not be documented.

Librarians should also familiarize themselves with the category description in the software they choose. Many of the filtering products will hide exactly what URLs are blocked in a certain category so a librarian must be willing to investigate exactly what is contained in a category the filtering company self-defines as “sex” or “sexuality.” For example, the two popular filtering products Smartfilter and N2H2 both have content categories called “Sex,” yet Smartfilter’s rate of overblocking health sites is much lower than N2H2’s, whose filter would block non-explicit sites dealing with

adolescent sexuality (Ayre, 2004). Essentially, a librarian should be wary of putting absolute faith in the filtering company's category descriptions and should vigorously investigate the product's settings in an attempt to lower the rate at which they block access to health information.

Ayre's (2004) suggestions continue with the recommendation that filters reinforce existing Internet use policy. For example, if the Internet use policy prohibits gambling, online gaming, or chatting, the filtering software may have features that enable this. Separate profiles can be made so that gambling, for example, could be blocked for everyone, while information about sexuality could be available via the teen profile in the teen library and blocked in the children's section (Ayre). Working closely with staff to create these profiles would be wise, as they are often the best resources and will ultimately be the ones asked to turn off the filtering when it is overblocking a requested site. Creating separate profiles enables libraries to comply with CIPA while demonstrating to their patrons that the library remains a safe place for young children to use the Internet.

Ensuring simple, and minimal, compliance with CIPA should be all that any librarian requires of a prospective filtering product. As such, Ayre (2004) recommends that the librarian or network administrator who chooses and configures the product keeps in mind that compliance with CIPA is all that is necessary. Many popular filtering products used in libraries, such as CyberPatrol, contain broadly defined categories such as "adult/sexually explicit" which includes both materials that are objectionable, and sites that are not. Configuring the product to reasonably reduce the amount of overblocking will go a long way in reducing these requests on staff.

After choosing and configuring the complying filtering product, staff should perform a product test before making it available to patrons. Such training is necessary in order to teach the library staff how to disable the filtering and monitor the accuracy of the configuration. In addition, the library should provide a method for patron feedback and a clear explanation of the filtering policy and what exactly is blocked to the public. Ayre (2004) recognizes that anonymity is essential in this effort when it comes to both patron feedback and requests to unblock permitted sites. She warns: "Patrons don't always want to ask for help or disclose what they are looking for. The embarrassed teenager looking for sex education information that has been erroneously categorized as sexually explicit and thus blocked is not likely to request the page be unblocked. If patrons could make override requests anonymously, they might" (p. 59). In this regard, it would be advantageous for libraries to create a procedure by which patrons are able to anonymously submit a request for the unblocking of a particular site.

When handling these unblocking requests, a library should create an effective procedure to handle them as quickly and fairly as possible. When possible, librarians should immediately evaluate a blocked site and respond appropriately. Alternatively, a policy to automatically unblock sites and evaluate them after the fact may be more appropriate, depending on time and staff constraints (Ayre, 2004). Because of the rapidly changing nature of online sources, expediency is critical in ensuring that processing requests for non-objectionable materials are processed as quickly as possible.

## **Conclusion**

While the current debate over Internet filtering remains unresolved, many libraries have little choice but to abide by the filtering

restrictions mandated by the Children's Internet Protection Act. The ways in which filtering affects access to health information is clear, as is the disparate impact this mandate has on sexual minority youth. There is solid evidence that providing adolescents with the information they need to make informed choices about their sexuality and health lead to reductions in STD transmission, mental illness, and teen suicide. It is therefore a matter of public health that librarians be proactive in dealing with Internet filtering and the issues of intellectual freedom it raises for adolescent patrons. Creating a clear and comprehensive Internet use policy and making a vigilant effort to reduce unnecessary overblocking will reflect the ideals of the profession and the values of librarianship. Librarians have an important role in ensuring equitable access and providing critical health information to those in our communities who may be disadvantaged and unable to access this information elsewhere.

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