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## Mandating Internet Filtering at Public Libraries Undermines Freedom

*The Pennsylvania Alliance for Democracy believes that creating productive, responsible citizens requires that people be taught to think critically, to understand and respect the views of those different from them, to appreciate a broad spectrum of ideas and to respond to controversial ideas and different views with understanding and open talk, rather than suppression and censorship. The Pennsylvania Alliance for Democracy will work to ensure that Pennsylvania schools and libraries remain intellectually free and uncensored in any medium.*

*Adopted May 1997*

The Pennsylvania Alliance for Democracy opposes laws requiring that public libraries receiving state or federal funding install internet filtering software that prevents patrons from accessing constitutionally protected material. The federal Public Law 106-554 and proposed state legislation (H 10, S 583) are each titled Child Internet Protection Act, although it should be noted that the provisions restrict access of adults as well as children.

- ▶ Democracy requires that citizens have access to information. Public libraries are an important source of information, including access to the internet, especially for low income patrons.
- ▶ Libraries are local institutions, and have policies that have been developed with community input and local control.
- ▶ Internet filters often fail to block the type of material they are intended to filter out. At the same time, they may also filter information that is not objectionable and is constitutionally protected.
- ▶ As citizens we cherish our freedom of speech and of the press, as well as our right to privacy. Only the courts can determine what material does not deserve constitutional protection.

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**Democracy requires that citizens have access to information. Public libraries are an important source of information, including access to the internet, especially for low income patrons.**

Free public libraries facilitate the dissemination of a wide range of information on many diverse topics. Libraries make it possible for citizens to be well informed, even if they do not have substantial economic resources. A well-informed citizenry is essential for meaningful participation in democracy. Whether it is voting, writing to lawmakers, interacting with administrators of public agencies, knowing how to access services, calculating the proper amount of taxes, seeking justice in the

courts, or running for public office, civic activity requires information. For many citizens, the best place to get that information is the library, and access to the internet at our libraries has become an essential source of information.

**Libraries are local institutions, and have policies that have been developed with community input and local control.**

Libraries are responsible to their communities; most of their funding comes from their communities and they are governed by local community trustees. As members of the community they serve, library trustees are sensitive to local standards and aware of concerns about children accessing inappropriate material. At the same time, they must be true to their mission of making information accessible. The vast majority of libraries have adopted standards about the availability of sensitive material, whether on the internet or in other media. These standards help parents keep their children safe, while not restricting the rights of adults to access constitutionally protected material.

Libraries are places to find information. They serve diverse populations with varying needs and standards. The growth of the internet has expanded the amount of information available. Its effects are no less revolutionary than development of the printing press. Locally controlled public libraries are the best places for all of us to learn how to best use all of the information that is available.

Although most library funding comes from their local communities, state and federal funding are important to provide library users with access to electronic communication. Federal e-rate funding and Library Services and Technology Act grants are designed to assist libraries with their use of internet technology. Rather than require that libraries purchase ineffective filtering technology, we should respect the decisions of local libraries regarding both internet use policies and how to use their resources.

**Internet filters often fail to block the type of material they are intended to filter out. At the same time, they may also filter information that is not objectionable and is constitutionally protected.**

All internet filters sometimes fail to block the type of material they are intended to filter out, while at the same time, they may also filter information that is not objectionable. Although filters may be useful at home, in the context of a public library which serves a wide range of patrons, mandatory filtering is not workable.

Filters block large amounts of material that could not by any reasonable standard be considered obscene, indecent or harmful to minors. Blocked material can include art and literature, medical information, sexual information and advice, or discourse on controversial political subjects. According to the American Library Association, during its research into filters, the Chicago Public Library found that its own site was blocked. In testimony regarding a successful challenge to the mandatory internet filtering policy that had been adopted for Loudoun County, Virginia public libraries, the blocking software at issue was found to block out a vast amount of constitutionally

protected information including websites relating to the Society of Friends, the American Association of University Women, the Heritage Foundation, the Yale graduate school of biology, sex education, and even beanie babies.

In addition to being blocked from accessing specific sites, library patrons would be hampered in their searches for information. Filtering software does not provide a list of addresses being blocked and software companies consider their list of filtered material to be proprietary information, so library patrons won't know what they are not getting unless they know a particular site exists.

A filter may be useful at home, where parents are dealing directly with the software producer, and can review what material is being blocked or allowed for access by their own children. Still, parents need to be involved with their children's internet use, whether at home or in the library. Filtering isn't the same as critical thinking; it doesn't help children develop good decision-making ability. Children need to learn how to deal with the rapidly increasing amount of information available from many sources.

**As citizens we cherish our freedom of speech and of the press, as well as our right to privacy. Only the courts can determine what material does not deserve constitutional protection.**

A federal law and two state bills threaten public financial support for libraries if they do not install commercially produced filtering devices which are purported to restrict access to objectionable material over the internet. Libraries that do not comply with these mandates are at risk of losing federal e-rate funding and Library Services and Technology Act grants, which are designed to improve access to technology in libraries as well as state funding. All terminals, not just those in children's areas, would have to be filtered. Patrons who wish to view a blocked site must make a request of the librarian, who would have to respond to the request in two days. If then denied, the patron has the right to appeal to the court of common pleas.

For many personal and sensitive reasons, library patrons may be interested in information about gender identity, sexual abuse or medical conditions. To access relevant information, the patron will have to disclose their interest to a librarian. The required disclosure itself may keep people from learning helpful information about serious personal concerns.

There is no clear standard for the librarian to use in determining whether a patron shall have access to a blocked site. Librarians are not medical professionals or counselors, and are not bound by any standards of confidentiality. It is inappropriate to require patrons to provide librarian with their reasons for seeking information, nor is it reasonable to expect librarians to judge the propriety of their requests.

Mandating filters at public libraries threatens our freedom of speech and our right to privacy. Public libraries provide access to a broad range of information for diverse individuals, giving them the tools to be active and informed citizens of a democracy. Public libraries must not be forced to choose between funding and censorship.