

Case 8

According to the Information Technology Policy Office of the American Library Association (ALA) 15% of the 11,600 public libraries in the United States with internet access have installed filtering software intended to prevent patrons from accessing pornographic material inappropriate for children. Filtering software works by blocking certain key words and/or thousands of pre-selected websites considered to have objectionable content. The use of filtering software by public libraries has recently generated much controversy. A group of library patrons in Loudoun County, Virginia, along with the American Civil Liberties Union (ACLU) and various web publishers, have filed a lawsuit in which they contend that the use of filtering software by the County's public library infringes upon their right of free expression under the First Amendment of the U.S. Constitution. In direct contrast, a parent in Livermore, California recently sued the Livermore Public Library for failing to install software, that would restrict access of children to pornographic material on the internet.

For the past two years, the Public Library in Austin, Texas has struggled with policy issues related to filtering software, which, in the words of the Library's Director, Brenda Branch, pose the question of "how to balance the rights of adults with the need to protect children." In the summer of 1996 the Library installed highly restrictive software on all of the fifty two computers in the Library system with internet access, that not only blocked pornographic websites, but others as well dealing with artistic and scientific subjects of interest to library users. In response to criticism of the Library's policy Austin city officials convened a community roundtable which included Ms. Branch and other librarians, Electronic Frontiers-Texas, a local civil liberties group that focuses on internet issues, the ACLU, the City, and a representative of the local PTA. As a result of the roundtable meeting the Library disabled the key word blocking part of the program and reduced the number of filtered categories to four: "gross depictions," "sexual acts," "partial nudity," and "full nudity." Currently there are plans to have one unfiltered computer at every branch library in the Austin system by October of 1999, which will be out of public view and available only for use by patrons over 18 years of age. Minors will not be allowed to use the unfiltered computers even with parental permission, or accompanied by parents.

Although intended as a compromise approach, the Austin Public Library's policy has not satisfied the complaints of many individuals and groups in regard to the use of filtering software in libraries. The American Library Association supports unrestricted internet access for adults and children alike. In the words of an ALA spokesperson, "our policies are very carefully considered. We certainly have addressed the First Amendment implications of our stance against filtering, and to take any position accepting something less than that ... stance would be unacceptable." Supporters of the ALA position note that under a key words approach, one can only increase the effectiveness of a software package in filtering out objectionable material by making the

key words more inclusive, which inevitably will increase the amount of unobjectionable material to which library patrons will also be denied access. As for blocking pre-selected websites, supporters of the ALA position question how those sites are chosen, and, in this regard, whether public libraries have the right to delegate choices in this matter to a software company.

In contrast, supporters of the Austin Public Library's policies regard them both as reasonable and consistent with a wide range of restrictions society imposes on minors out of concern for their well being. In the words of one Austin, Texas parent, "if we live in a society that requires one to be 21 to drink, 18 to smoke, and ... 18 to purchase pornographic magazines, why [should it be] free and acceptable to view porno on the internet at a public library?"