

INTELLECTUAL FREEDOM STATEMENTS

American Library Association

American Library Association -- www.ala.org

Statement on Internet Filtering

American Library Association/Intellectual Freedom Committee July 1, 1997.

On June 26, 1997, the United States Supreme Court issued a sweeping re-affirmation of core First Amendment principles and held that communications over the Internet deserve the highest level of Constitutional protection.

The Court's most fundamental holding is that communications on the Internet deserve the same level of Constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox. The Court found that the Internet "constitutes a vast platform from which to address and hear from a world-wide audience of millions of readers, viewers, researchers, and buyers," and that "any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox."

For libraries, the most critical holding of the Supreme Court is that libraries that make content available on the Internet can continue to do so with the same Constitutional protections that apply to the books on libraries' shelves. The Court's conclusion that "the vast democratic fora of the Internet" merit full constitutional protection will also serve to protect libraries that provide their patrons with access to the Internet. The Court recognized the importance of enabling individuals to receive speech from the entire world and to speak to the entire world. Libraries provide those opportunities to many who would not otherwise have them. The Supreme Court's decision will protect that access.

The use in libraries of software filters which block Constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities. The American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights.

What is blocking/filtering software?

Blocking/filtering software is a mechanism used to:

- restrict access to Internet content, based on an internal database of the product, or;
- restrict access to Internet content through a database maintained external to the product itself, or;
- restrict access to Internet content to certain ratings assigned to those sites by a third party, or;
- restrict access to Internet content by scanning content, based on a keyword,

- phrase or text string or;
- restrict access to Internet content based on the source of the information.

Problems with the use of blocking/filtering software in libraries

Publicly supported libraries are governmental institutions subject to the First Amendment, which forbids them from restricting information based on viewpoint or content discrimination.

Libraries are places of inclusion rather than exclusion. Current blocking/filtering software prevents not only access to what some may consider "objectionable" material, but also blocks information protected by the First Amendment. The result is that legal and useful material will inevitably be blocked. Examples of sites that have been blocked by popular commercial blocking/filtering products include those on breast cancer, AIDS, women's rights, and animal rights.

Filters can impose the producer's viewpoint on the community.

Producers do not generally reveal what is being blocked, or provide methods for users to reach sites that were inadvertently blocked.

Criteria used to block content are vaguely defined and subjectively applied.

The vast majority of Internet sites are informative and useful. Blocking/filtering software often blocks access to materials it is not designed to block.

Most blocking/filtering software is designed for the home market. Filters are intended to respond to the preferences of parents making decisions for their own children. Libraries are responsible for serving a broad and diverse community with different preferences and views. Blocking Internet sites is antithetical to library missions because it requires the library to limit information access.

In a library setting, filtering today is a one-size-fits-all "solution," which cannot adapt to the varying ages and maturity levels of individual users.

A role of librarians is to advise and assist users in selecting information resources. Parents and only parents have the right and responsibility to restrict their own children's access -- and only their own children's access -- to library resources, including the Internet. Librarians do not serve in loco parentis.

Library use of blocking/filtering software creates an implied contract with parents that their children *will not* be able to access material on the Internet that they do not wish their children read or view. Libraries will be unable to fulfill this implied contract, due to the technological limitations of the software, thus exposing themselves to possible legal liability and litigation.

Laws prohibiting the production or distribution of child pornography and obscenity apply to the Internet. These laws provide protection for libraries and their users.

What can your library do to promote access to the Internet?

Educate yourself, your staff, library board, governing bodies, community leaders, parents, elected officials etc., about the Internet and how best to take advantage of the wealth of information available. For examples of what other libraries have done, contact the ALA Public Information Office at 800/545-2433, ext. 5044 or pio@ala.org.

Uphold the First Amendment by establishing and implementing written guidelines and policies on Internet use in your library in keeping with your library's overall policies on access to library materials. For information on and copies of the *Library Bill of Rights* and its Interpretation on Electronic Information, Services and Networks, contact the ALA Office for Intellectual Freedom at 800/545-2433, ext. 4223.

Promote Internet use by facilitating user access to Web sites that satisfy user interest and needs.

Create and promote library Web pages designed both for general use and for use by children. These pages should point to sites that have been reviewed by library staff.

Consider using privacy screens or arranging terminals away from public view to protect a user's confidentiality.

Provide information and training for parents and minors that remind users of time, place and manner restrictions on Internet use.

Establish and implement user behavior policies.

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