Are You Sure You Want an Internet Filter? Virtual Censorship is Still Censorship

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> *"The other day I had a student looking for academic sites via a search and a small gif popped up in the corner of the screen that depicted a sexual act with an invitation to link to a XXX site. Would a filter be able to block that? Should they be able to? Do I want or care if my students see this and it sets off the hormonal fountain of youth in my room for 15 minutes? Should we subscribe to an Internet blocking service? Is learning to search as important as finding information or is it a waste of valuable time? Should students know exactly where to go for information and not have to worry about where to find material and if the material is valid?" - posting on Middle-L electronic mailing list.*

The questions this teacher raises are ones with which I have been struggling for five years now, and I am not sure that I am any closer to knowing what to do or what is right than when I first started.

The Internet is a strange beast. In schools and libraries do we treat it as a single resource or millions of separate resources? Is it a content provider and regulatable like radio or television, or is it only a carrier service like the telephone system? Can or should the school or public library control access to some of its resources? Which ones? How do we protect and support the information and learning opportunities which are derived from the Internet, but at the same time "protect" children from its unsavory, or even dangerous aspects?

My library training has instilled in me a fierce support of free, uncensored access to information for children, as well as for adults, regardless of format. I will admit that bias right up front. I've always advocated in talks and articles that the existence of potentially objectionable materials should not be used as a reason for schools or libraries to deny children access to the Internet. At the present time, I believe the Internet is an all or nothing proposition for schools and libraries because controlling devices, such as filters and rating systems, either do not work or eliminate the best features of the Internet. While these devices may be appropriate for use by parents on home computers or for use by private institutions, their use conflicts with the precepts of intellectual freedom. Most public schools and libraries recognize that they serve a broad and diverse community with different preferences and views and that they have an obligation not to allow a single preference or view to dictate access to learning materials or opportunities.

The mechanical means of controlling Internet access using workstation based filtering software has been hailed by many as an alternative to the Communications Decency Act. The CDA which claims the protection of children as one of its intended purposes would have made criminal the transmission of materials deemed "indecent." Philosophically such a sweeping attempt to control Internet content is objectionable to many (American Civil Liberties Union 1997, American Library Association 1996); and physically it may be impossible to monitor or enforce given the international scope of the Internet. Yet while only 39% of Americans favored government regulation of the Internet, a recent survey indicated that 80% of the public answered "yes" to the question: "Do you think the government should take steps to control access to pornographic or sexually explicit material on the Internet to protect children and teens under 18 years of age?" (Richtel 1997)

As an alternative to the CDA, software filtering programs are installed on individual workstations and use a combination of lists of "inappropriate" Internet sites and algorithms to keep Internet pages from appearing on the individual computer screen. Some log each site a user visits and some will even shut down the computer if the user attempts to access such a site. Most work in the background without the user's knowledge that the sites they visit or attempt to visit are recorded. Originally developed and marketed for home use by parents, these programs are being promoted and used by a growing number of schools and libraries. There have been a number of comparison studies (Munro 1997, Venditto 1996) and that show slight variations in their approach to limiting access.

These programs have significant limitations. The lists of banned sites which are "blocked" become dated almost as quickly as they are distributed. Since listing individual pages is onerous, the programs tend to block entire servers resulting in inaccessibility to huge blocks of suitable information. One program blocks a huge California web server just because of the classified ads it carries. Another filter blocks all sites which contain a tilde (~) because they are so often used to indicate a personal page. Cybersitter spokesman Brian Melbourn states, "We'd rather block more than less." (Berlin and Kantor 1996)

An insidious problem from the viewpoint of one who advocates intellectual freedom is that the makers of these blockers will not release the list of sites which they block. (McCullagh 1996b) Some lists have reportedly been "cracked" and on them have been found sites which are blocked for political reasons: the National Organization of Women's site, animal rights groups information pages, and gay and lesbian support resources. Sites dealing with drugs, including alcohol and cigarettes are blocked. This is not surprising since one heavily promoted filter, Cybersitter, is supported by Focus on the Family.(Winner 1997). CyberPatrol restricts access to the League for Programming Freedom, the Electronic Frontier Foundation's censorship

archives, alt.feminism, and soc.support.fat-acceptance. (McCullagh 1996a) Other filters have been demonstrated to block the sites of anyone who has written personal or public criticisms of filters.

A site on Time Warner's Pathfinder Network Netly News (McCullagh 1997) allows users to see if specific sites are blocked by one of five popular filtering programs. (By entering a site in the page's form, the censorware search engine reports back up to 10 URLs from each of the filtering program's database. These searches may be inaccurate because of the age of the lists the engine uses, but give an idea of the scope of the blocking which occurs.

Blockers that use algorithms, formulas which use identify combinations of words or letters which may have objectionable uses, also have serious problems. A common algorithm blocks all sites that contain the letters S.E.X, for example. Students doing research on poet Ann Sexton, the use of sextants, or asexual reproduction won't be able to use Internet resources. Sites on breast cancer and sexual harassment have been know to be blocked by algorithmic filters.

Filters can also be amazingly expensive. Initial costs per machine run about $50 and there is often an annual or even monthly update charge. Staff time is required to update each machine on an ongoing basis. Some filters are now being placed on servers or firewalls, so all computers on the network are automatically blocked, but this means a school would need to limit teacher and high school access to the same things deemed appropriate to elementary students. Generally the more expensive the filter, the greater the customizablity the user has. Freeware versions of programs such as The Internet Filter <http://turnercom.com/if/> have preset "levels" of filtering which cannot be changed. The temptation for financially challenged schools and libraries to use the least expensive filter, especially if mandated to do so, will be great.

Commercial Internet service providers are beginning to offer filtering services. America On-line, CompuServe and MSN give their subscribers the ability to control Internet access with built in blockers.(Robinson 1997) This may be a trend which will be emulated by local or non-profit Internet providers.

Filtering devices are becoming more sophisticated, however. Many now allow the administrator to determine what categories of materials the filter will block. Others are allowing various levels

of access determined by a user password. While others designed for home use, allow parents to limit the time of the day and number of hours a child can use the Internet.

Increasingly filters and filters built into web browsers are using "self-rating" systems such as SafeSurf <http://www.safesurf.com> or Recreational Software Advisory Council's RSACI system <http://www.rsac.org>. Rather than blocking a list of "bad" sites, this method of limiting Internet access allows the user to view only those sites which have a special code embedded in them. The designer of a Web site voluntarily uses a standard protocol called PICS (Platform for Internet Content Selection) to write in the page's HTML code a rating which is read and interpreted by a Web browser or filter. If it finds a site which has a rating which is deemed inappropriate by the administrator of the filtering device or finds no code at all, the site cannot be accessed. Microsoft Explorer currently supports PICS; Netscape is planning to do so. To date, these voluntary initiatives have only a small percentage of total Internet resources available, and they have not been widely adopted by non-US Internet providers.

Do such rating systems offer a solution to libraries by becoming an electronic selection system? Rating systems themselves only evaluate appropriateness, not quality, of content. The "G" rating of motion picture is no indication of its

quality. Any true selection process of Internet resources must meet the same evaluation standards of other educational material if the institution intends to build a finite "collection."

Other significant issues about rating systems need to be addressed. Will self-ratings be accurate and honest? Commercial sites hoping to sell products by providing editorial or informational content and web sites which rely on advertising are likely to be among the first users of such a system. These sites will likely be as inclusive for age suitability as possible.

Perhaps more importantly, by allowing patrons access only to rated pages, are we keeping them from too large a segment of useful and appropriate information? This type of system depends on every page of website being individually rated, although there is a PICS command which allows all pages in a directory to be given the same rating as the index page. To what extent will the designers of Internet sites take the time and effort to code their sites with such a rating system if they are unconcerned about access by children or if they philosophically disagree with such systems? Might webmasters attempt to control what content an author might communicate using such a rating system?

Currently libraries use reviews and guides such as School Library Journal, Booklist, and the Children's Catalog to help them select quality print and audio-visual resources for their collections. Could or should similar professional review sources be instituted to develop a PICS rating system for schools, media centers, or libraries? The task seems Herculean, especially in light of the dynamic nature of Internet resources. Once a book is reviewed it pretty much stays reviewed; not so with the continually changing digital resources of the Internet. By its nature, the Internet is a dynamic, rather than static environment. If a site is altered, the rating would need to reflect that change.

Fran McDonald a professor of Library Media Education at Mankato State University and noted intellectual freedom expert argues that if schools adopt filters or other mechanical means of limiting access to the Internet, they may be placing themselves at greater legal risk than by not doing so. Case law at this time is not conclusive on this issue. Regardless, by assuring parents and the community that students won't be exposed to "harmful" materials, the responsibility for Internet use shifts from the student user to the school, and sets up yet another a not-too-difficult security challenge for the determined hacker to overcome.

Does this mean we do nothing? Savvy school media specialists, administrators, and public librarians will continue to make sure patrons use the Internet in acceptable ways by:

•   writing and enforcing an institutional Acceptable Use Policy. Nancy Willard, an information technology consultant who has a background in both education and law, has a superb guide on the Web. Willard 1996)

•   developing and teaching the values needed to be self-regulating Internet users including proper on-line etiquette

•   supervising, and possibly limiting, computers with Internet access and making sure the lab monitors are knowledgeable about the Internet

•   educating and informing parents and the public about school Internet uses and issues

•   creating a learning environment that promotes the use of the Internet for accomplishing resource-based activities to meet curricular objectives. (Johnson 1995a, Johnson 1995b)

We need to give students the freedom, responsibility, and the training to make good decisions. Real learning, the genuine practice of exercising one's ability to make good choices, cannot occur in a protected hothouse environment that never gives one the chance to make mistakes .

If public schools don't start offering students the same freedom to choose educational materials and experiences they are already getting in their homes, in their friends' homes, in other libraries, or at techno-coffee shops, we will be seen as increasingly irrelevant to our best and brightest. Already, I see students whose most meaningful learning comes from The Learning Channel, the college library, a home copy of Encarta, the hockey arena, or the job site. Home schooling is growing at an amazing rate. Schools need to have the courage to be more like the real world than they have ever been, because young people instinctively know that that is where they'll be living.

I can't help but get a knot in my stomach when I hear that a sexual depiction "pops" up on the screen while a student uses a computer. (I wonder if the Internet is changing? Of the hundreds of hours I have spent searching and surfing, I have never just "stumbled" onto an obscene site. If fact, most sexually oriented sites have innocuous initial pages warning the user not to proceed if underage or offended by such materials.) It's the same knot I get when I browse the magazine racks with my son. It's the same knot I get when I am embarrassed by the sexual references of a primetime sitcom I watch with my daughter. It's the same knot I get when I watch an R rated movie and see that half the audience is under 16 - many under age 12 with their parents.

In *The Disappearance of Childhood*, Neil Postman argues that we are returning to a time more reminiscent of pre-literate societies.(Postman 1994) In those times people before the age of 18 were not afforded special protections because they were "children." They were simply regarded as small adults. They dressed, ate, worked, and lived like adults. People of all ages lived in the same room, and children, regardless of age, saw and heard everything the adults did. Postman suggests we are beginning to live in the electronic version of that one big room.

In the end we have to ask ourselves if we are living in a "filterable" world. Do we deny or fight against a changing society, or do we teach children to live intelligently and with dignity in it? Maybe some of both. As Howard Reingold has argued, "The only protection that has a chance of working is to give our sons and daughters moral grounding and some common sense." (Reingold 1994) That approach to protecting children works with movies, books, and playgrounds, too.

And we must be doing something right. A recent Newsweek poll showed only 14% of teens surveyed admitted to having seen or done something they "wouldn't want their parents to know about" while in the virtual world of the Internet. (Newsweek 1997) I wonder how that compares to teens' actions in the physical world?

- American Civil Liberties Union. (1997) "Cyber-Liberties." [online] www.aclu.org/issues/cyber/hmcl.html.
- American Library Association. (1996) "Access to Electronic Information, Services and Networks: An Interpretation of the Library Bill of Rights." [online] winslo.ohio.gov/alaacces.html.
- Berlin, Eric and Andrew Kantor. (1996) "Who will watch the watchmen (The Surfboard)." Internet World (7) 11, 30.
- Johnson, Doug. (1995) "Emerging Technologies, Emerging Concerns" Technology Connection (2) 8, 50.
- Johnson, Doug. (1995) "Student Access to Internet," The Emergency Librarian (22) 3, 8-12.
- McCullagh, Declan. (1997) "Censorware Search Engine 2.0." [online] pathfinder.com/netly/spoofcentral/censored.
- McCullagh, Declan. (1996) "The CyberSitter Diaper Change." [online] cgi.pathfinder.com/netly/1,1039,453,00.html.
- McCullagh, Declan. (1996) "The Keys to the Kingdom" [online] www.eff.org/pub/Publications/Declan_McCullagh/cwd.keys.to.the.kingdom.0796.article.
- Munro, Kathyrn. (1997) "Filtering Utilities." PC Magazine On-line. [online] www8.zdnet.com/pcmag/features/utility/filter/_open.htm.
- Postman, Neil. (1994) The disappearance of childhood. New York: Vintage.
- Robinson, Phillip. (undated) "Grad school: Blockers keep the net safe for child's play " [online] www.connect-time.com/tutorials/blockers.html.
- Reingold, Howard. (1994) "Why Censoring Cyberspace is Dangerous & Futile." [online] www.well.com/user/hlr/tomorrow/tomorrowcensor.html.
- Richtel, Matt. (1997) "Poll: Protect kids from net smut." Wired (News) [online] The PointCast Network. (May 13)
- "Teenagers and Technology." (1997) Newsweek. (129) 17, 86.
- Venditto, Gus. (1996) "Safe Computing: Seven Programs That Filter Internet Access." Internet World (7) 9, 48-58.
- Willard, Nancy. (1996) "A Legal and Educational Analysis of K-12 Internet Acceptable Use Policies." [online] www.erehwon.com/k12aup/legal_analysis.html.
- Winner, Langdon. "Electronically Implanted 'Values'." Technology Review (100) 2, 69.

This statement was developed by the Intellectual Freedom Committee to accompany the filter resolution.

STATEMENT ON LIBRARY USE OF FILTERING SOFTWARE 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 forum 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 abridges 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.

FOR FURTHER INFORMATION ON THIS TOPIC, CONTACT THE OFFICE FOR INTELLECTUAL FREEDOM AT 800/545-2433, EXT. 4223, BY FAX AT (312) 280-4227, OR BY E-MAIL AT OIF@ALA.ORG.

Following is the resolution passed by Council in San Francisco. It is also available on the web site at www.ala.org/oif.html.

RESOLUTION ON THE USE OF FILTERING SOFTWARE IN LIBRARIES

WHEREAS,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; and

WHEREAS,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*; and

WHEREAS,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; and

WHEREAS,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; and

WHEREAS,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; and

WHEREAS,The Supreme Court's decision will protect that access; and

WHEREAS,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; now, therefore, be it

RESOLVED,That 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.

Adopted by the ALA Council, July 2, 1997

SEX ON THE NET

Media Metrix/PC Meter, a company that monitors consumer activity online, says that 28.2% of Americans (presumably Americans with Net access) visited "adult" Web sites in May, compared to 23% a year ago. But Vanderbilt University marketing professor Donna Hoffman notes that sex-related sites make up only 2% to 3% of the Web's approximately 200,000 commercial sites (and an even smaller percentage of about 500,000 Web sites overall). Hoffman says that "sex is a small part of the Net experience in general and a small part of the commercial Web experience." (USA Today 20 Aug 97)