

**Ames Public Library**  
**Section: Guidance Documents**

**Board**  
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**Revised:**

**Subject: ALA Statement on Library Use of  
Filtering Software**

**Statement on Library Use of Filtering Software**  
**American Library Association Intellectual Freedom Committee**

On June 26, 1997, the United States Supreme Court in *Reno, Attorney General of the United States, et al. v. American Civil Liberties Union, et al.*, issued a sweeping reaffirmation 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 was 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 serves 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 protects that access.

The use in libraries of software filters to 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 text, based on a keyword or phrase or text string, or;
- restrict access to Internet content by scanning pixels, based on color or tone, 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 not only prevents 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.

- 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 was designed for the home market and was intended to respond to the preferences of parents making decisions for their children. As these products have moved into the library market, they have created a dissonance with the basic mission of libraries. 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.
- Filtering all Internet access 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 to read or view. Libraries will be unable to fulfill this implied contract, due to the technological limitations of the software.
- 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. Information on libraries and the Internet is available on the OIF Web site at Filters and Filtering.
- 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. Information on Internet Use Policies is available on the OIF Web site at Checklist for Creating an Internet Use Policy. (See also "Internet Filtering Statements of State Library Associations" at Resolutions of State Library Associations Supporting Legal Action by the American Library Association to Challenge CIPA in Federal Courts and *Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights* at Access to Electronic Information, Services, and Networks.)
- 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 Internet information and training for parents and children on internet use which will include; the wide variety of useful resources on the internet, child safety on the Internet, limitations of filtering software and library rules regarding time, place and manner restriction.
- Establish and implement user behavior policies.