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Internet Filtering and Individual Choice

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As the debate about the use of Internet blocking/filtering software by public libraries rages on, I am reminded of the Indian parable of "The Blind Men and the Elephant." Six blind men, each feeling a part of an elephant in order to learn about it, described it variously as like a wall, spear, tree, fan, and rope.

*And so these men of Indostan
Disputed loud and long,
Each in his own opinion
Exceeding stiff and strong,
Though each was partly in the right,
And all were in the wrong!*

John Godfrey Saxe (1816-1887)

It is not my contention that any or all of the regular participants in the current dialog about libraries and Internet filters are "in the wrong." But I do believe that much discussion is happening without full consideration of the role of the public library in American society today.

American public libraries are usually designated by the policies of their own governing bodies to be places where the people served by the library gain access to ideas and information. Public libraries are, in other words, designated public forums. The public library is the only government agency in America with the prime mission to provide access to information to all individuals eligible for library service, regardless of income, age, or any other arbitrary distinction. It is the American public library that makes the promise of the First Amendment to the U.S. Constitution a realizable possibility.

Freedom of speech does not exist if individuals are not free to choose and access all ideas and information they wish. As Justice Dalzell, Court of Appeals for the Third Circuit (Pennsylvania) wrote:

At the heart of the First Amendment lies the principle that each should decide for him or herself the ideas and beliefs deserving of expression, consideration, and adherence. Our political system and cultural life rest upon this ideal. *ALA v. Reno*, 929 F. Supp. 824 (1996)



Candace Morgan

Public libraries provide their users with freedom of choice by developing diverse collections of constitutionally protected speech. Individual titles in collections are determined by a selection or collection policy that is adopted by the library's governing body. This body offers opportunities for discussion and input in public meetings.

Choices of public library users, however, are not limited to those identified items from the selection policy. When an individual does not find what she or he wants in the library's collection, the library offers interlibrary loan and reference services. Such available choices are usually not limited by the selection policy. Libraries providing, for example, access to online periodicals and reference sources like Information Access Corporation's health, business, and general databases, do not select each available title in the database.

This framework or context, for discussing the role of the American public library, suggests some questions that library boards and staff might ask when considering their library's Internet access. I have included some possible questions, with subsequent comments, below. These comments are my opinion and are not suggested as either the only or right way to consider the question.

The library provides access to constitutionally protected speech. Is there a way to block only speech that is not constitutionally protected?

This is a question that must be asked of each potential vendor. To my knowledge, no filter claims that it only excludes constitutionally unprotected speech. The technology and techniques used by companies that produce filters are improving. Many filters can be fine-tuned. An example of such filter fine-tuning would be one that excludes sexually oriented nudity. Sexually oriented nudity, however, is not necessarily legally obscene.

When the library offers Internet access, has it selected everything on the Internet in the same way that it selects the titles in the collection?

It depends on what policy the library's governing body uses to make the decision to offer access. The content of the Internet is continually changing. Such change makes it extremely difficult, or impossible, to make a selection decision for each individual site. Since the individual using the Internet chooses what to access and the result of the search does not become part of the collection, it can be argued that selecting Internet access as an information service makes more sense.

Developing a library home page is a way that the library can suggest to its patrons the Internet sites chosen by the library's selection policy.

What is the library's role in protecting children from materials that are inappropriate for them?

In most cases, libraries classify materials that are intended for children as juvenile or young adult, but do not restrict children's access to materials that are specifically intended for them. Parents and guardians have both the right and the responsibility to choose whether to limit their children's choices in the library. Library staff helps locate materials that parents find appropriate for their children. Libraries also produce children's book lists to assist parents.

A library home page with a "kid's page" and lists of children's web sites would perform this same function for the Internet. There are also search engines that filter Internet searches from a religious or family perspective. These can also be linked to the library's home page.

What are the policy implications of using an Internet filter that blocks access to some constitutionally protected speech?

The library does not purchase all constitutionally protected speech. However, the library's governing body uses a public process to develop the selection policy. Library patrons can use a complaint policy to learn more about the selection criteria. Internet files are produced by private companies. Such companies are not required to disclose the criteria or reasons for their actions to block access to certain sites.

What are the policy implications of providing access on the Internet to materials that the library has not selected:

The individual, not the library, makes the decision to access materials on the Internet. The library has selected a tool that enables the individual to exercise choice.

How can a library provide choices for individuals who want Internet filtering for themselves or their children?

Currently the only way is to have both filtered and unfiltered workstations. However, this usually will not provide true choice for the library user wishing certain types of materials blocked from access for themselves or their children. The library, in consultation with the filtering company, would still be imposing the same limitations on all users of the filtered workstation. In order to limit the amount of constitutionally protected speech that is blocked, libraries who filter have usually not selected all of the filtering categories offered by their selected software. There are likely to be individuals wanting more categories blocked than the library has chosen.

Are there other ways the library might offer more choices for individuals?

Currently libraries and librarians have conceded the choices to software filter vendors. Some of us advocate imposing filters on everyone. Some agree, willingly or as a compromise, to install filters on some, but not all workstations. Freedom to choose what is blocked is limited on the filtered workstations in both of these cases. Finally, some of us oppose any filtering that blocks constitutionally protected speech.

Perhaps if we all agreed that the role of public library service in America is to provide the full range of choices to each individual, we would have the purchasing power to convince at least one software filter company to develop a filter with many options that could be installed on a workstation with a default of "off." The individual Internet searcher could then choose whether to use a filter and, if she or he decides to filter, there could be a number of filtering options from which to choose.

CONCLUSION

So I, like the blind men in the Indian parable, have ventured to describe Internet filtering as I "see" it. And I too am probably partially right and partially wrong. However, I think it is time that we focus our efforts on the needs of individual library users and, in whatever way possible, become advocates for each individual's ability to exercise free choice in the Internet marketplace of ideas. 