

**DANGEROUS ACCESS,
2000 EDITION:
Uncovering Internet Pornography
in America's Libraries**



David Burt, Author

Dangerous Access, 2000 Edition:
Uncovering Internet Pornography in America's Libraries
By David Burt
© 2000 by the Family Research Council

Family Research Council
801 G Street, NW
Washington, DC 20001

Printed in the United States of America

CONTENTS

Foreword	v
1. Introduction	1
Why This Report Is Necessary	
The Philosophy of the American Library Association	
2. Library Incidents Involving Internet Pornography	5
Children Accessing Pornography	
Public Libraries as Conduits for Child Pornography	
Adults Exposing Children to Pornography	
Pedophiles Luring Children Through Libraries	
Adults Accessing Pornography	
The True Extent of the Problem	
3. How the ALA and State Libraries Discouraged Responses	25
Involvement of the American Library Association	
Involvement of State Libraries	
Problems of Collecting Data	
4. The Solution	35
Why Current Internet Policies Do Not Work	
Filtering Software	
Appendix A: Library Log Analyses	39
Appendix B: A Review of Pornography Law	47
Notes	53

FOREWORD

by

Janet M. LaRue, Esq.
Senior Director of Legal Studies
Family Research Council

The author, David Burt, is a public librarian in Lake Oswego, Oregon, a loving husband, father, and good friend. Despite his full life and schedule, he has become a tireless and effective activist working to keep America's libraries safe for children and adults and free from the destructive presence of illegal pornography and sexual predators.

As a librarian, David knows and supports the mission and purpose of a public library, best expressed in the mission statement of the Los Angeles Public Library: "The Los Angeles Public Library strives to inform, enrich, and empower every individual in its community by creating and promoting free and easy access to a vast array of ideas and information and by supporting lifelong learning in a welcoming environment." No one could imagine that such a noble purpose was meant to include a pedophile operating a child pornography website and soliciting sexual liaisons with children in that very library.

Aware that pornography is becoming a staple in one library after another because adults and children are accessing it through unfiltered library computer terminals, David could no longer reconcile the mission of public libraries with what was happening. Equally distressing to him was the absolute refusal of the American Library Association (ALA) to admit a problem existed or to exercise its enormous political and financial clout to keep America's libraries from becoming virtual dirty bookstores open to children and funded by taxpayers. Thankfully, a growing number of public librarians and officials have recognized the magnitude of the problem and are acting to stop it, despite the resistance of the ALA.

David's activism has exponentially increased since he created his website, www.filteringfacts.org, where he continues to gather, archive, and disseminate information as well as provide assistance to those who share his concerns and efforts to stop the misuse and perversion of public libraries.

While 74 percent of public libraries provide some access to the Internet and related services through interactive computer services, only 15 percent of those libraries utilize some type of blocking technology on at least some of their public workstations. The most significant reason that so few libraries have utilized blocking technology is the policies, pressure, and practice of the ALA in advocating for unrestricted access by anyone, regardless of age, to all of the materials available on the Internet regardless of content, including the most deviant pornography. This includes child pornography, hard-

core depictions of rape, sexual torture, sadomasochistic abuse, group sex, and sex involving urination, defecation, and bestiality.

Dangerous Access, 2000 Edition, reports on a project David initiated last year to follow up to his original *Dangerous Access* released in March 1999. With the help of the Family Research Council, David submitted Freedom of Information Act requests to all fifty state-library systems; responses were sent to him for study and analysis. Because of the explicit nature of many of the reported incidents that David highlights, reader discretion is advised; the material is clearly not suitable for children. David is the sole author of *Dangerous Access, 2000 Edition: Uncovering Pornography in America's Libraries*. As the reader will see in the following pages, David lays the blame at the doorstep of the ALA.

The following pages prove that library online-services are being used by adults and children to access illegal pornography and that libraries are scenes of public masturbation and other sex crimes, often with full knowledge of library staff, some of whom have refused to call police. The ALA has acknowledged that the First Amendment protects none of this material. It is the height of hubris and duplicity for the ALA and public librarians knowingly to provide this illegal material and attempt to wrap themselves in the Constitution. (An analysis of federal obscenity, child pornography, state material-harmful-to-minors law, and the ALA Bill of Rights and Code of Ethics is provided in Appendix B.)

All who want to enjoy the services provided by public libraries with the knowledge they and their children are safe “in a welcoming environment” owe David Burt their deepest thanks for his momentous work. If Americans fail to act upon it and do nothing to stop the degradation and abuse of public libraries, it will be to their shame and loss.

INTRODUCTION

A six-month investigation of documents obtained through Freedom of Information Act requests to public libraries has uncovered more than two thousand documented incidents of patrons, many of them children, accessing pornography, obscenity, and child pornography in the nation's public libraries. Many of the incidents were highly disturbing, as librarians witnessed adults instructing children in how to find pornography, adults trading in child pornography, and incidents involving both adults and minors engaging in public masturbation at Internet terminals. Analysis of computer logs from just three urban libraries revealed thousands of incidents that went unreported, indicating that the 2,062 incidents represent only a fraction of the total incidents nationwide. The total number of incidents each year nationwide is likely to be between four hundred thousand and two million.

Nearly all of the nation's public library systems were contacted with freedom-of-information requests, but 71 percent of the public library systems ignored the requests. Both the American Library Association and a number of state libraries sent messages to public libraries suggesting ways that libraries could avoid compliance with the requests. Several state librarians actually told public libraries in their states not to comply.

The incidents suggest that Internet policies alone do not deter crime on library Internet stations. The incidents supplied by libraries included 172 incidents where librarians described crimes being committed, such as the accessing of child pornography, the accessing of material described by the librarians as "obscene," public masturbation, and adults exposing children to pornography. In only six of these incidents (3.5 percent) were the police notified.

Obtained along with the incident reports were the Internet access logs of three public libraries that employ filters in Tacoma, Washington; Cincinnati, Ohio; and Dayton, Ohio. The logs reveal that among those sites blocked by filters, only 0.01–0.07 percent were nonsexual in nature. In other words, 99.93–99.99 percent of the time, the filter did not block innocent sites.

The failure of many libraries to prevent these incidents combined with the demonstrated effectiveness of filtering software supports the appropriateness of legislation to require the use of filters in public libraries.

WHY THIS REPORT WAS NECESSARY

According to a 1999 study in *Nature*, there are approximately 12 million pages of pornographic content on the Internet, accounting for 1.5 percent of all Internet content.¹

The anonymous environment of the public library offers the ideal place to access this sea of pornography. Children who want to avoid supervised access to the Internet at home and school, men who do not wish to risk their pornography habits being discovered by their wives and children, transients without any other access to Internet pornography, pedophiles wishing to download illegal child pornography, and sexual perpetrators wishing to expose others to pornography would all be attracted to a public library to obtain free access to the Internet.

Many librarians report situations in their libraries where “porn surfers” create serious problems. Michael Schuyler, systems’ librarian for the Kitsap, Washington, Regional Library System, describes the experience in his own library:

“Porn Alley” is what we call it here—a row of PCs facing away from the reference desk with full Internet access. It’s inhabited from the moment we open until the moment we close by brazen folk who, with no shame, will look at pornography no matter who is around or how shocking it may seem.²

Orange County, Florida, Public Library director Dorothy Field described her own situation:

A number of people were coming into the library and accessing sites that would be described as hard-core porn. I am not talking about *Playboy* and naked ladies. I am talking about stuff in the back room of adult bookstores. They would view this for hours on end.³

The response of both the American Library Association and the “free speech community,” organizations such as the American Civil Liberties Union and People for the American Way, has been to discount such reports. Ann Symons, immediate past president of the American Library Association, recently said, “The whole issue of protecting children has been blown way out of proportion by the media and those who seek to promote their own agendas.”⁴ Judith Krug, director of the ALA’s Office of Intellectual Freedom, even went so far as to say that “their number is so small that it is almost laughable,” and “only one child out of a trillion billion” might use library computers to seek out pornography.⁵

Other free-speech organizations have taken a similar line. Larry Ottinger, staff counsel for the People for the American Way, called filtering “an unconstitutional solution in search of a problem.”⁶ The ACLU has dismissed the many published accounts of patrons viewing pornography in libraries as “a few unconfirmed press reports.”⁷

THE PHILOSOPHY OF THE AMERICAN LIBRARY ASSOCIATION

The American Library Association is a 58,000-member organization with a stated mission “to provide leadership for the development, promotion, and improvement of library and information services and the profession of librarianship.”⁸ The ALA has tremendous influence over library policies and the practice of librarianship. A key part of the ALA philosophy is its Library Bill of Rights. In 1980, the Library Bill of Rights was amended to include nondiscrimination based on age:

A person's right to use a library should not be denied or abridged because of origin, age, background, or views.⁹

ALA officials sometimes attempt to finesse ALA's policies to suggest that ALA does not support children's access to Internet pornography. However, the official ALA statement, *Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights*, makes the ALA position clear:

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material.¹⁰

Statements by leading ALA officials also make this point. Judith Krug, director of the ALA's Office of Intellectual Freedom, stated, "Blocking material leads to censorship. That goes for pornography and bestiality, too. If you don't like it, don't look at it."¹¹ Krug not only seems to feel that pornography is not harmful to children, she has even said that parents who would tell their children not to read *Playboy* "don't really care about their kids growing up and learning to think and explore."¹² Krug's assistant director, Richard Matthews, in response to proposals that the Internet access of minors be filtered stated that "We recognize that minors have First Amendment rights, and any attempt to treat them differently from adults really infringes on those rights."¹³

ALA's immediate past president, Ann Symons, made her philosophy clear in a 1997 interview with John McChesney of *Hot Wired*, an on-line magazine:

McChesney: I wonder if, if I were 13 and I went into a public library . . . and I wanted to get a variety of pornographic material, whatever they had there. Would the library in any way stand in my way? I'm talking about hard copy here, physical stuff made of atoms, magazines and so on. Would there be any attempt to keep me away from it, to interfere with me?

Symons: I would say from my point of view there shouldn't be, and if the library didn't own this material and you as a 13-year-old asked for an interlibrary loan, that should be granted to you just as it would be to an adult patron.¹⁴

LIBRARY INCIDENTS INVOLVING INTERNET PORNOGRAPHY

The data for this report was gathered during two periods. Filtering Facts published *Dangerous Access, 1999 Edition*, in March 1999 after gathering the details from 613 freedom-of-infor-

	1999 Study	2000 Study
Requests Sent to Public Libraries	613	9,767
Libraries Reporting No Incidents	NA	2,333
Libraries Reporting Incidents	114	338

mation requests filed with public libraries. Three months later, the Family Research Council funded a more comprehensive series of freedom-of-information requests. Using the mailing list of *American Library Directory, 1997-98 Edition*, more than fourteen thousand requests were mailed to the nation's 9,767 public library systems.

After the responses were received, the total number of incidents from all the 452 libraries that reported incidents were tabulated and classified. The incidents, along with a few news stories published independently of this study, totaled 2,062. These incidents involved library patrons viewing pornographic material as defined by the incident reports using the terms "pornographic," "porn," "pictures of naked women," "obscene material,"

Incident Reports, Patron Complaints, and News Stories	Number
Child Accessing Pornography	472
Adult Accessing Pornography	962
Adult Exposing Children to Pornography	106
Adult Accessing Inappropriate Material	225
Attempted Molestation	5
Child Porn Being Accessed	41
Child Accidentally Viewing Pornography	26
Adult Accidentally Viewing Pornography	23
Child Accessing Inappropriate Material	41
Harassing Staff with Pornography	25
Pornography Left for Children	23
Pornography Left on Printer or Screen	113
Total Number of Incidents	2,062

"sex picture," "sexually explicit material" "adult web sites," and "smut sites." Also included in the total incident number were incidents that featured the names of sites being viewed by patrons that were obviously pornographic in nature. Patrons viewing "inappropriate" material were also included because the request letter specifically asked for incidents of "patrons accessing pornographic or sexually explicit material"; these incidents are, therefore, thought to be of patrons accessing pornographic material. Phrases used in these incidents included "inappropriate," "not appropriate," "objectionable," "violating policy," and "offensive."

In addition, eight freedom-of-information requests were submitted to public libraries that use Internet filters and maintain logs of sites accessed by patrons. Three library systems supplied their respective incidents recorded in their computer logs:

Public Library	Number of Annual Incidents*
Tacoma, Washington, Public Library	1,764 (actual)
Cincinnati, Ohio, Public Library	30,159 (attempted)**
Dayton, Ohio, Public Library	14,358 (actual & attempted)***

*An *incident* in a library computer log is defined as a single unique Internet session.

**Based on a fifty-two day sample. All recorded accesses were blocked.

***Adults may override the filter. It is unknown how many blocks were overridden or the content of the sites blocked.

CHILDREN ACCESSING PORNOGRAPHY

A significant portion of the total incidents involved children. The category, “Child Accessing Pornography,” accounted for 472 incidents. There were 673 total incidents involving children; that is 33 percent of the total. Most of the children were young adolescents, but many of these children were quite young. In some incidents, older children were showing the younger children pornography. The following incidents involved young children:

A patron at the Houston Library noticed:

A set of brothers using two side by side display monitors. One child about twelve was teaching two others about ten and eight years old how to access the pornography sites.

A patron in Bremerton, Washington, complained:

While my daughter checked out the books, my attention was immediately drawn to this vivid full screen photo of a sensuous blonde with full frontal nudity! The 8-year-old boy operating the screen glanced around with a mixture of guilt and desperation written all over his face.

A staff member at the Kokomo Howard County Public Library in Indiana reported:

A young boy, about 9–11 years old, was signed up to use computer #1 for the Internet. He had purchased paper and was printing off pictures before we noticed that he was sitting at the wrong computer. Another patron who was signed up for computer #2 told us about the mistake. We asked the boy to move over to computer #1 and discovered that he had been printing colored pictures of obscene material. When the computer patron came over to use computer #2 we had to clear his sites in full view of the patron. We did not have any complaints and so

we did not ask him to leave his sites. I discussed this incident with other staff members, so that we could watch him & monitor his behavior. We may want to take another look at our Internet policy.

A librarian at the Morton Grove Public Library in Illinois reported:

Patron reported that she had been working in a study carrel near the Internet terminals for approx. 2 hours. During that time she witnessed a male child, approx. 7 years old accessing adult oriented web sites at Internet station #3. When she would walk past him, he would quickly switch to another screen. The patron reported having seen staff stroll past a couple times. The patron brought this to the attention of desk staff. When I returned from lunch, I spoke with her. Her main concern is that the Internet terminals are much too far away from the staff/information desk. She said that even if the staff patrolled by every 10 minutes, it still wouldn't be enough because the kids are so fast. She said the Internet stations should be directly in front of the information desk so that staff can easily see what the kids are into at any given moment. She is concerned with all the children who use this tax-supported library, not just her own kids.

These incidents often upset library staff as well as patrons. A branch manager of the Yakima Regional Library in Washington wrote to her director:

This is a difficult letter to write. . . . On Monday of last week a group of about eight to ten teenage boys came to the library and asked me if they could get pornography on the Internet. I replied that they could . . . Several pictures were printed of naked women from the waist up. Later that afternoon, one of the younger boys (elementary age) said that the big boys had shown some dirty pictures on the computer . . . First, it is against my personal convictions to provide pornography or X or R-rated pictures to children. When I applied to work at the library, running a porn shop was not in the job description. A second and greater issue is that we are supplying pornography to minors without their parents' permission or knowledge.

A staff member at the Seattle Public Library sent a similar e-mail to co-workers:

Every day children are viewing materials that [they] are by law denied access to in other venues. Traditionally the library has offered free unfettered access to all materials to any person regardless of age. The library also had control over what materials are available. The Internet is uncontrolled. The best and worst that humanity has to offer is there in vivid color and sound for anyone who can point, click, and type a few words. Why isn't the library providing protection from this kind of material? Immediate steps should be taken to form a policy on what children should and should not have access to.

More incidents involved older children, sometimes with very explicit pornography and chat rooms, as these library staff incident reports show:

A couple of our younger patrons were printing out porno from the Internet stations in the cubicles. They were between the ages of 10-12. These were

explicit bondage photos. I discovered them quite by accident. It was closing and a printout was left in the printer. So, I would like to put an age of 14 restriction on the cubicles.

—Escondido, California, Library

At about 9:30 am, circulation forwarded a call to me from a mother concerned that her 12-year-old son had found “very explicit” and “disgusting” sexual pictures on our Internet computer, printed them and brought them home. She didn’t seem to want to leave her name so I didn’t push it. She claimed the child said an adult in the periodicals room showed her son where to find these pictures. I of course, clarified that she didn’t mean a staff member. I explained that library policy is that we don’t allow such things, etc. Once I got her to understand that the library has no control over what is on the Internet, she seemed to accept my answer.

—Grove City, Ohio, Library

A young lady about 13 years was using a chat terminal. As I walked by I noticed the word “f---ing” used a couple times. Next time I checked I noticed the screen said “Now I’m touching your t-s.” Then it went on into “Now I’m f--ing. . . .” At that point I said to her that objectionable language shouldn’t be used on the computers and she should switch to another chat site. She said she would and then logged off and left.

—Medina County, Ohio, Public Library

Shortly after the Columbine shootings in Littleton, Colorado, a librarian at the Bemis Public Library in Littleton expressed grave concerns to a supervisor about the possibility of another incident tied to the library:

Last Friday I met with a mother who was cleaning her 15-year-old son’s room and looking around to see what he’s been up to. What she discovered was a 2 inch thick stack of Internet downloads. The stack included 1. Credit card fraud—how to do it, 2. Counterfeiting money—how to do it, 3. How to make a portable grenade launcher, 4. How to make an auto exhaust flame thrower, 5. How to make dynamite, 6. Chemical equivalencies, 7. Light bulb bombs and tennis ball bombs, 8. How to hot wire cars, 9. Mail box bombs and smoke bombs, 10. Sexually explicit pictures and sexually explicit stories like “how many loads of c-- can Kaitlyn swallow?” In the wake of Columbine, his mother wanted to turn these and her son in for this. The investigation and interview of this boy revealed that ALL of these downloads came from the Bemis library. There is no computer in the child’s home and his mother confirmed that the only place she takes him is the Bemis library where he told her he does his homework. The kids also offered that it is widely known that you can get anything from the Internet at the library without any password, username or other information. Is there anything that can be done about this? We have enough problems with juveniles without giving them a library to gain access to whatever illegal and crime related material they want. I would hate to see where someone was injured or killed from a tennis ball bomb that the suspect offers they learned to make from an Internet download at the

library. Ironically, the *Rocky Mountain News* had an article on it today (p. 22A). I want to let you know this appears to be a growing problem.

Accessing Internet pornography led some children to other behaviors. The director of the Grayville Library in Illinois stated:

Five teenagers/young men lost computer privileges for accessing sexually explicit/pornographic web sites . . . Two of the young men actually entered the library after hours to access these locations. Needless to say, the matter was turned over to our local police.

Four children were even observed who appeared to be masturbating, one to bestiality. A Broward County, Florida, staff member reported that a

Young man probably 13 or 14 years old had accessed something having to do with sex with animals. He acted strangely, perhaps also masturbating. I asked him questions about what he was doing and after a while he left.

In Ft. Collins, Colorado, a staff member wrote:

Boy looking at pornography on the web and fondling himself. Sandy-haired boy of 11 or 12, hair cut short, rather chubby. A library customer telephoned the library to say that when he had been on a www station earlier he had looked up and seen a boy looking at "hardcore" pornography on station #9 and touching himself.

An incident report filed by a Ft. Vancouver, Washington, Public Library staff member noted the following:

After several prior incidents of sperm being found by staff in the restroom on the floor after a particular set of brothers have been using the Internet and restroom, I approached one of the patrons, asked him into my office and told him that we had seen a pattern of sperm and his Internet use. After examining his hands for an extended period of time, I said that ejaculation was an inappropriate activity in the library.

Internet pornography, pornographic chat rooms, and masturbation at the library played a key role in the attempted molestation of a four-year-old boy by a thirteen-year-old boy at the Phoenix Public Library, according to this police report:

On 6-29-98 at approximately 1430 hours, [S]ergeant Ruiz was contacted by a patrol sergeant reference an attempt sexual conduct with a minor, occurring at the Phoenix Public Library. . . .

Officer Jackson first talked with Cheryl ____, who informed him that she had arrived at the library approximately a little after 1:00 p.m. and her [four-year-old] son needed to use the restroom. She walked her son over to the restroom located on the second floor of the library and let her son go into the men's restroom by himself. Her son was gone for approximately 2 to 3 minutes when he came back outside and told his mother that there was a boy inside the bathroom who was willing to give him a quarter to "suck his d--."

Interview with Damian [Suspected perpetrator, age 13]. Damian told me he arrived at the library approximately 12 o'clock. He stated he had taken the bus from his house and that he comes to the public library daily. I asked Damian to tell me a little bit of what he does at the library. Damian stated that he always gets on the computer and gets on the Internet and goes into the chat room on the computer. He told me that his handle on the computer was Aqua 3000. He said he entered a chat room and began to talk with a subject who referred to himself as Macho Man 73, at which time this subject was making several remarks to Damian. Damian told me that the subject was typing in remarks such as he knows that his Mom smokes dope and that he was so skinny that you could hula hoop him through a cheerio. Damian stated that he changed from that chat room and went into a second chat room on the Internet and once again Macho Man 73 let him know that he knew that Damian was at the public library and asked him if he wanted to play truth or dare. Damian stated that he was willing to play that with this subject on the computer at which time the subject told him to go into the boys restroom which was located on the second floor and ask another little boy if he would let him suck his d--. Damian responded back into the computer to Macho Man 73 and stated that he would do it.

I once again asked Damian if what he had done was right or wrong. Damian state[d] that he knew that this was wrong and that he has never approached anybody like this before. I asked Damian then why did he do it this time, to which he responded that it was a dare from the Macho Man 73 guy on the computer and that he just wanted to do it. I then asked Damian what he meant by earlier in the conversation that he was going to the restroom by himself. Damian told me that he was going to the restroom after he had been looking at pornography on the Internet and he would masturbate himself while inside one of the stalls in the restroom. He told [me] that during this two to four hour period while at the library he would go a minimum of two times each visit and masturbate.

—Phoenix Police Department Report, June 29, 1998

Patrons seeking to protect their children in some cases reported meeting with indifference or exasperation from librarians. As one incident report revealed, a patron wrote to the Sacramento Public Library after this experience:

I was at the library with my children ages 7, 10, 12. A child was looking at an Internet file that I felt was not appropriate to view in a public place. On the screen was a photo of a nude woman lying with legs spread. Another person was touching her bottom with his/her tongue. This child's activity was in plain sight of everyone who happened by the computer area or was descending the stairway to the "kids place." My children along with others in the area were unwilling subjects to this unsuitable material. When I spoke to the staff person, I was informed that she had no control in this matter, that is was the parent's responsibility to control their children. Unfortunately, the parent of this child did not appear to be in the area at the time.

In another incident report, a patron at the Novi, Minnesota, Public Library wrote to her library about her experience:

On a Saturday afternoon when we visited the library, I observed a young man (around age 12 or 13) sit down at an Internet station. Within a matter of seconds he was viewing full screen, live action, pornography. He changed the screen a few times and viewed a variety of other pornographic material. I notified a librarian who told me “there’s nothing I can do” and “this happens all the time. . . . I am especially bothered by the men who come in here to do this.”

Another patron of Timberland Regional Library in Olympia, Washington, wrote:

More and more as I visit the library I see children sitting on the computers looking at very graphic pornography. This time I glanced over and saw a young teen viewing an explicit image and an eight or nine-year-old boy was happily looking over his shoulder. I told the librarian who simply shook her head and said there was nothing she could do about it.

These reactions by the librarians are consistent with how the ALA instructs librarians. A recent ALA pamphlet for librarians, *Frequently Asked Internet Questions*, addresses the question, “What do I do when I find a child looking at sexually explicit information online?” The answer given states: “Public Libraries do not have policies that restrict the content or use of information provided by the library. Therefore, these policies also protect Internet use.”¹⁵

PUBLIC LIBRARIES AS CONDUITS FOR CHILD PORNOGRAPHY

One of the most serious problems with anonymous, unfiltered Internet access is the use of libraries as conduits for the distribution of child pornography. Filtering Facts documented forty-one of these incidents.

Many public libraries employ policies that would seem to encourage the illegal transmission of child pornography. Many public libraries not only have privacy screens, but also destroy patron sign-up sheets after use, and employ computer programs that delete any trace of user activity. These policies make it very difficult for law enforcement to catch pedophiles using public library Internet stations to download child pornography. Indeed, such an anonymous environment of Internet access would seem attractive to pedophiles, since there is little chance their crimes will be traced back to them. At the Multnomah County, Oregon, Public Library and the Los Angeles Central Library, pedophiles have taken advantage of the anonymity to run child pornography businesses using library computers. The *Los Angeles Times* reported:

A convicted child molester who routinely used computers at the Los Angeles Central Library to collect and distribute child pornography was arrested after planning what he thought would be a sexual liaison with six youngsters—one as young as 3, police said Thursday . . . “He would go to the library as soon as it opened up and signed up to use each computer on each floor. . . From there he maintained his Web site, while e-mailing and communicating with members of his club. He sent me as many as 300 images of child pornography.”¹⁶

The response of librarians to the transmission of child pornography in their libraries at times encourage these activities. Only five of the forty-one (12 percent) incidents of child pornography were reported to the police. Librarians actually observed the child pornography on thirty-three of these occasions reported to Filtering Facts. Among the material librarians described seeing were “nude pictures of young boys and girls” (Brevard County, Florida), “pictures of babies attempting sex” (Jeffersonville, Indiana), “pictures of naked little boys,” (Grand Rapids, Michigan), and a photo that “showed a child no more than five with a man’s penis in her mouth,” (Olympia, Washington). In one incident report, a patron at the Sunnyvale, California Library complained because the librarian did nothing:

During a visit at the copy machine once I was able to view one of the monitors for the Internet screen. The person was viewing child pornography. I complained to the library staff and was informed that nothing could be done to stop this. I was very shocked and frustrated!

Some librarians confiscate the material, issue warnings, or bar the patron from the library, as this staff incident report from the San Diego Public Library reveals:

Patron was using the Internet along with 2 young boys. Mr. W. was standing behind them about 8 feet away. Patron turned around and said something to Mr. W., which he could not hear and he moved closer to ask what he said. Patron was verbally abusive to Mr. W. and used foul language. Mr. W. observed that patron was viewing nude pictures of young boys and girls on the Internet and he reported it to library staff. I escorted Mr. W. to another area in the library and returned and asked patron to leave because of his inappropriate use of library equipment. I reminded him that he had been warned several times about this kind of behavior. Patron refused to leave. At this time I told him if he didn’t leave voluntarily, I would call the police and have him removed. Patron continued to use the Internet for about 10 more minutes before police arrived. I signed a trespass order against patron.

A staff report from the Skokie, Illinois, Public Library is similar:

Our biggest complaint has been _____. I did approach a man on the reference side who was bringing up pictures of babies attempting sex. I explained that this was inappropriate and we had several children in the building at the time. He said OK, but was trying to download to a disc.

Yet not all librarians are as responsive. At the Sonoma, California, Public Library, a staff member sent an e-mail message to his supervisor stating:

There are 3 men on my shift who come in regularly, perhaps daily. One views child porn of nude boys in tubs. . . . These images are clearly visible. . . .What does it mean to have child molester posters up in our staff lounge & yet we make daily Internet appointments for someone to watch kiddy porn in the library on the library comp? Isn’t this crazy?

But the supervisor responded:

I don't like it either, but there is nothing we can do about it. The best thing for staff is to ignore it . . . please use your time in more constructive ways.¹⁷

One of the five incidents where the library actually notified police occurred at the Lakewood, Ohio, library. In an account from the *Akron Beacon Journal*:

But it was the library more than the police and prosecutor that alarmed Chris Link, executive director of the American Civil Liberties Union of Ohio. "Traditionally, librarians have protected their records of lending activity to the point of being subpoenaed or going to jail," she said. But now, she said, "librarians are scrutinizing what it is you look at and reporting you to the police." In the case of kiddie porn, Link said, such scrutiny "would seem to make sense" until it is viewed in light of the government's history of searches for socialists and communists or members of certain student movements.¹⁸

The Callaway County Public Library in Missouri even actively resisted police efforts to investigate a patron accessing child pornography. Library staff refused to cooperate, even when issued subpoenas. The county attorney explained in a letter to the library:

When Fulton police received a report of a man going to the library, accessing the Internet on the library computer, using that library Internet access to view child pornography and then using the library equipment to print out child pornography at the library, an officer went to investigate. The officers and I were shocked that the library through you and Nancy resisted cooperation rather than doing everything you legally could to help.

Finally, the pedophile monitoring group, PedoWatch, has confirmed that on-line pedophiles are telling each other to use public libraries to download child pornography. PedoWatch is "one of the oldest organizations on the Internet that is working with law enforcement worldwide to remove child pornography and child luring activity," and currently works with "over 125 law enforcement officers" to monitor the activities of on-line pedophiles. The director of PedoWatch, Julie Posey, wrote the following in response to a query from Filtering Facts:

Basically what happens out there is that pedophiles on the Internet "network" together. It is much like just about any other interest that a person may have. There are mailing lists, message boards, chat rooms and multitudes of other resources that they use. When a particular pedophile finds that the library is a safe secure place to view and download pornography, he shares this information with others with his same interests that he comes in contact with. Some libraries won't allow downloading so that information is passed on too. Remember that before there can be child pornography in the first place, there has to be a perpetrator and a victim. I have seen cases where pedophiles on the Internet use the library to talk with children and eventually lure them to have a face-to-face meeting. These children are then molested, photos taken and further exploited when he sends the child's pictures to masses on the Internet.¹⁹

ADULTS EXPOSING CHILDREN TO PORNOGRAPHY

There were 106 incidents of adults exposing children to pornography. In most of the incidents, the adult porn surfers appeared simply not to care who was around, even openly viewing pornography in children's departments, on terminals set aside for children. Several reported incidents contained letters from parents describing scenes they witnessed in public libraries:

My fifteen-year-old daughter returned from the library recently, visibly upset, and told me that the computers in the library were being used by patrons to view pornography. She personally observed graphic pictures on the screen and also stated that the computers in the children's section were being used by a minor to participate in an adult chat room.

—Seminole County, Florida, Library

I am writing this letter to inform you of a very real problem that demands yesterday's attention. Specifically, the problem is a blatant abuse of the PC's that have Internet access. I learned last week that my six year old daughter, while walking through the PC area, came across a young man who had movie footage of two men engaged in oral sex displayed on his PC screen. My ex-wife went directly to the front desk and reported this situation. A few minutes later she saw the man leave the library. What type of controls does the library have on the PC's? With all of the filtering devices available through the Net am I to understand one or more of the PC's are not filtered? Let me propose to you a simple solution. Turn the PC's in such a direction that allows the front desk a view of what is displayed on the screens. My other solutions are not quite as constructive.

—Brookfield, Illinois, Public Library

I am so appalled at the pornography displayed on the computers by adult users! My 11 year old son and I were flashed by one of these men with this obscenity on the screen. Why is this not prevented? The look on my son's face was horror!

—Lafayette, Louisiana, Public Library

The man next to my 13 year old daughter was in a party/chat room discussing extremely obscene material via the Internet . . . This man seemed to be very excited during his conversation on the Internet and I was uncomfortable leaving my daughter next to him.

—Orange County, Florida, Public Library

In most states, exposing children to pornography is a crime. Yet not one of these 106 incidents was reported to the police by library staff. Other incidents involved adults actually interacting with children and the use of pornography, as these three library staff incident reports illustrate:

Patron __ used the Internet from 9 to 12:45. He was observed in inappropriate sites, and was also observed showing younger children how to view power rangers on the Internet. Staff member Karen asked him not to allow children to

view the Internet, then he was warned by staff member Donna about site[s] which could be construed as pornographic.

—Clermont County, Ohio, Public Library

White male with glasses and straight blond hair with balding on top. Man was “skinny” and wearing a white T-shirt. Three young boy[s] (8-9 years old) were waiting to use an Internet workstation. When the man using the workstation finished, he handed a paper to the boys with the following URL: persiankitty.com (see attached). The boys accessed the site and discovered that it was pornographic. They came to the Reference desk and explained the situation to _____ referred them to me. I asked them to repeat their story. According to the boys, the man gave them the paper with the UR[L] and told them, “Look up this. You’ll like it.” I cautioned the boys against talking with strangers. I told them to come to the Reference Desk if someone was bothering or worrying them. I thanked them for telling us about their situation. They didn’t want to give their names or telephone numbers.

—Kern County, California, Public Library

A young boy (about 12-13) complained about an adult male who was viewing “bad pictures” on the Internet behind the reference desk and that the man was harassing the young boy about doing his homework on the Internet.

—Salt Lake County Public Library

PEDOPHILES LURING CHILDREN THROUGH LIBRARIES

There were five incidents of pedophiles attempting to use the library to molest children. All five cases involved Internet access. The first report was published in the *Southwest Arkansas Times*:

Jill Michelle Cronk, 26, was charged with third-degree carnal abuse for allegedly fondling a 14-year-old girl she had typed messages to over a lesbian chat line on the Internet. The girl corresponded with the woman on the Internet using a Fort Smith Public Library computer. Cronk, who had talked to the girl over the Internet for about a month, caught a flight to Fort Smith Tuesday afternoon and met the girl at the library branch on Market Trace, detective Cpl. Ron Scamardo said.²⁰

The second report was submitted by staff at the St. Charles, Missouri City-County Library:

Stepmother called me, reported that Josh is 17, has been at Fulton for two years in treatment for sexual offenses. Josh was using their computer at home to view pornographic sites . . . a violation of his treatment plan. . . . She found him at the library and discovered what he was viewing [pornography] and reported it to staff. . . . When I finished my conversation with her he was in the company of a younger boy who looked about 10-years-old. . . . The police were called and discovered outstanding warrants against Josh.

The *Charlotte News & Observer* supplied the third report:

A Harnett County man has been charged with using the Internet on public terminals at the county library to offer his 7-year-old daughter for sex . . . He was using a free e-mail service to solicit people to have sex with his daughter, officials of the State Bureau of Investigation said. The incidents began in June and continued through October, when the e-mail account was discovered by the man's estranged wife . . . The warrant said the man told his wife he was using computers at the Harnett County Library. The suspect "had access to numerous libraries and may have been using multiple sources to access his account," said Sabrina Currin, a sheriff's detective.²¹

A fourth case involving a thirteen-year-old boy's attempt to molest a four-year-old after viewing pornography and using a pornographic chartroom in the Phoenix Public Library is described earlier in the section "Children Accessing Pornography."

Two incident reports claimed perpetrators exposed themselves in front of children:

We had a report from a mother who had left her child, a girl about 7 years old, alone in the children's room. When she returned the little girl's screen had up a picture of male frontal nudity. There was an adult man sitting next to the girl. After the mother grabbed her child and left the area the little girl told her mother that the man had exposed himself to her. When the mother returned to the children's room the man was gone. The mother did not want to report it to the police.

—Jefferson County, Colorado, Public Library

A mother in Ft. Lauderdale, Florida, writes of her daughter's experience at the Broward County Public Library:

In mid-September, I dropped my daughter off at the public library while I attended a morning class. When I picked her up, I could tell something was wrong, but it took her several minutes to tell me what had happened. She told me that she had seen a man sitting at a computer and he was looking at naked women. She then told me that she had seen him touching himself "down there." I immediately turned around and went back to the library. My daughter, who is 12-years-old, told me that she went to the information desk right away to report what she had seen, but the library staff member did not call the police. He did a search of the library, determined that the man had left the premises, and asked my daughter if she wanted to fill out an incident report. I spoke with this same library staff member. I told them I wanted the police and campus security called. One of the library staff said there was nothing the police could do, but I insisted that the police be called or I would call them myself. A report was taken by the police, campus security, and the library. My daughter was so traumatized by the incident, that she could not remember her address or phone number, and she had to be hospitalized the next day for post-traumatic stress and suicidal intentions with intent. Later the following week, I learned that this man had come back to the library again, and he was escorted off library property and given a "no trespass"

warning. The library staff failed to obtain this man's name, address, phone number, or any other identifying information before giving him this warning. I also learned from a staff member, that this man had been reported doing the same thing on six prior occasions without the police being notified. It is the policy of the library that the police not be called for any criminal activity unless directly asked by a patron of the library to notify the police department. My daughter continues to have nightmares about this incident and she is currently in therapy and on medication. At one time, she loved going to the library, now she is terrified to enter the building.

The problem with pedophiles using library computers to lure children has become serious enough that it is even being explicitly mentioned in the terms of supervised release for Internet sex offenders, as this article from *The Roanoke Times* describes:

A man who called himself "Dr. Evil" was sentenced in U.S. District Court Wednesday to 37 months in prison on charges related to his attempt to lure a 13-year-old girl into a sexual encounter. Raymond P. Canupp, 41, of Charlotte, N.C., was also fined \$3,000, and must serve three years of supervised release after he leaves prison, said Assistant U.S. Attorney Rusty Fitzgerald of Lynchburg. Canupp, who called himself "Dr. Evil" on the Internet, was caught in the Bedford County Sheriff's department's cyber sting operation. U.S. District Judge Norman K. Moon prohibited Canupp from owning a computer, possessing a computer, and even being around a computer with an Internet hookup. "For instance, he couldn't go to a cyber cafe and sign on and check his e-mail like you and I could," Fitzgerald said after the sentencing. The restriction also keeps Canupp away from libraries with online services, he said.²²

ADULTS ACCESSING PORNOGRAPHY

The majority of the incidents involved adults. There were 962 incidents of adults accessing pornography. A number of these incidents described adults accessing material, such as bestiality, that could fall under obscenity laws. On twenty-five occasions, library staff reported seeing patrons accessing material the librarians themselves described as obscene. Again, even though accessing and displaying obscenity is a crime, it appears that in none of these incidents were police called.

Porn surfing by adults has created such a hostile environment that some patrons no longer feel comfortable in the library, as these three letters from incident reports indicate:

We must also consider that the library should not become a "hostile environment" where patrons must guard against accidentally seeing something obscene. The privacy screens only blot out so much. I still recall how uncomfortable I felt six months ago when a younger teenager nervously watched me and everyone else who had walked past him and the computer he was using. Not comprehending his concerned look, I looked back at him and inadvertently saw the word CHEERLEADERS scroll across the screen, and then an image started to appear. I

walked on, still being watched. I felt like I was somehow an intruder. Suddenly, after forty years of going to the library, it didn't seem such a safe and friendly place anymore.

—Sno-Isle Library System, Marysville, Washington

I am writing a letter expressing the fact that the public library has now become completely unusable for me and my family. My husband and I went into the public library in Silverdale to look at some house plans on the Internet. I was shocked to look over and see the man next to me looking at pornography. Right in the middle of our public library a man was watching sexually explicit acts. My children will never enter the library again until there is some kind of blocking on this. I will never vote for another library levy again because it is now unusable to me. My children are 8, 10, 12 and have used the library for years. But not again.

—Kitsap Regional Library, Bremerton, Washington

Is there any way you could move the Internet stations outside of the 4th floor study rooms? I am a student who studies here 5 days a week and almost daily the station is occupied by 1 or more men looking at pornographic and violent scenes on the Internet. These men are occasionally loud and they spend time staring into the study rooms while printing out pornography. I'd feel very uncomfortable if the door didn't lock and feel it necessary to bring a cell phone in with me every day.

—Denver Public Library

Library staff also reported they felt these conditions were creating an unsafe or unpleasant work environment, as these staff memos to supervisors show:

Since we do not have a filter system, we do have patrons that pull up pornography, and I tell you, I hate it. I don't care if someone chooses to look at pornography, or to not use that term, nekkid people having sex on the computer screen, in their own home, but please don't expect me to see it in my workplace. It really affects me when I have to go tell someone to remove that site from their screen because it is against policy. I don't mind telling them, but I end up getting a close up view of what they are looking at.

—Public Library of Charlotte and Mecklenburg County, North Carolina

I know this is not the first time I have expressed this, BUT I feel a need to express myself on this issue again. I am personally offended having to work in surroundings where pornography is openly viewed. Today I was photocopying the time sheets and I had a full view of the Internet workstation and could very clearly see 10 feet away what was being viewed. The privacy screens do not work from straight on. They only omit a sidelong view. I thought the info from Project Hope was very interesting in the Commission packet. I especially agree with their points on workstations in the children's area. Thanks for letting me vent.

—Sonoma County, California, Library

Tonight at 5:05 p.m., I confronted a man named ____ on Internet #2. He was attempting to hide the screen he was viewing by pulling down the "Please Sign in at Reference Desk" sign, and peeking under. I met his gaze, looked at the screen

and told him he needed to log off that terminal. There were over 40 windows of pornography open, and I told him to close them. Up at the desk, I informed him that he was no longer able to use the Internet in the library, as he had violated the policy. . . . I'm tired of confronting these men, and I'd be happy to put filters on all PCs.

—Irdell County, North Carolina, Public Library

Other staff memos and incident reports also depict uncomfortable librarians:

Viewing pornographic sites including bondage—naked women in chains. When spoken to, he shut down the site to a point where we couldn't back screen into sites. Jennifer complained that sites made her uncomfortable as she was using the other workstation.

—Saint Charles, Illinois, Public Library District

Patrons are viewing pornography and 1 man took great joy in embarrassing a staff member by leaving a picture of 3 women having sex on the screen and then calling her attention to it. It appears to be the same little group of people who are doing this. The material they are pulling up ranges from the average Playboy centerfold to explicit photographs of genitalia or people having sex. There are also photos of women in degrading situations.

—Kansas City, Kansas, Public Library

Type of Incident: Verbal/Sexual Harassment Date of Incident: Ongoing ___ began using Netscape about 3 or 4 weeks ago. He tries to engage in conversation and frequently turns around and looks at me. He found out my name and calls me on a first name basis. He's asked where I live and I didn't tell him. What makes me particularly uneasy is I have to lean over to log him back on. A few times I've noticed him viewing partially clothed women on Netscape, which adds to the awkwardness... I'm not going to work the desk when he's there. Claudia and I have discussed this and we have discovered that Mr. ___ is also bothering other staff discussing the "only soft-core" pornographic pictures he is printing out. We are trying to reschedule Claudia's hours so she can avoid him.

—Harford County, Maryland, Public Library

Finally, a group of forty-seven librarians and other library employees of the Minneapolis Public Library published this letter of protest in the *Minneapolis Star Tribune*:

Every day we, too, are subjected to pornography left (sometimes intentionally) on the screens and in the printers. We do not like it either. We feel harassed and intimidated by having to work in a public environment where we might, at any moment, be exposed to degrading or pornographic pictures.

While the American Library Association (ALA) and our Minneapolis Public Library administration have taken the firm stand that restricting Internet access in any way is unacceptable censorship, most of us working directly with the public disagree. The issue is not one of intellectual freedom, but rather whether obscene material should be publicly displayed. If a *Penthouse* magazine cover must be

kept out of public view in a grocery store should not the same principle apply in a public library?

Compromise solutions do exist, and are being used successfully at other libraries. Sophisticated filters could provide intelligent monitoring on those terminals in high access areas of the library.

Contrary to the “official” line of the ALA, filters can be designed to allow searching of topics such as “breast cancer,” while at the same time blocking most pornographic sites. And for patrons wanting unrestricted access, a number of nonfiltered terminals could be located in a less-traveled area of the library. With such an arrangement no one’s rights would be violated.

Libraries across the country are coming to the realization that they must deal responsibly with the problem of Internet pornography, or permanently lose patrons

At our reference desks we hear numerous complaints, often from parents with children or teenagers in tow, and many say they are not coming back unless the situation is improved. Yet letters and calls to our director and to the Library Board have gone unheeded.²³

Some urban public libraries report that their Internet stations are almost taken over by porn surfers, as this news story shows:

In the Los Angeles Central Library, for instance, the machines are regularly steered to online photos of naked women, digitized videos of sex acts and ribald chat-room discussions. A few patrons even use stolen or made-up credit card numbers to visit pay-per-peek porn sites, according to a browser familiar with the scam. Despite a 30-minute time limit on Internet use at the Los Angeles Library, for example, legitimate researchers sometimes have to wait in line because the machines are tied up by people perusing personal ads or X-rated chat rooms. One of the sex browsers, an 18-year-old college student who declined to be identified (we’ll call him Patron X), says he and at least half a dozen friends—plus assorted businessmen and “street people”—routinely cruise the Central Library Internet for porn. That last part, computer-savvy homeless people, might seem hard to imagine, but Patron X says they’re “really good at this. . . . We trade secrets.” One of the most prized tricks: finding Internet sites that post credit-card-number formulas that can be used to get into live-action Web sites where customers must pay up to \$10 a minute to type instructions to a stripper and watch her perform as requested.²⁴

There were thirteen incidents where library users were engaged in public masturbation. Nine of these were adults, and four were children. (For details, see the previous section on “Children Accessing Pornography.”) Most of these incidents would violate state laws against indecent exposure or public lewdness. Once again, police were seldom called.

The Broward County, Florida, Library recorded four separate incidents of public masturbation, and only saw fit to bar a single user from the building. The records detail the following occurrences:

Masturbation while viewing porn sites. Main Library—RIS (3rd floor). Fort Lauderdale Police Officer on the scene. Sergeant ___ approached me about a young man using the computers who was viewing porn sites. Patron had been escorted out the library earlier this week by an officer(?). I approached the young man to investigate the report. The young man was sitting at the computer masturbating. I called his attention to his action and he instead continued. Sergeant ___ then told him to leave. Sergeant ___ warned him not to return to this library or risk being arrested for trespassing. Sgt. ___ told him not to come on the property as well.

I was coming back from a break at 3:45 and ___ informed me that she had just called security due to an incident with a patron. ___ said that as she was escorting an elderly lady to the medical reference index table, she saw this young man watching a Java script movie of a man masturbating. ___ asked him to get off the web site. She went back to check a second time and she said the patron this time had his hands in his pants and continued to be in the unauthorized web site. Security escorted the patron outside the building.

The defendant was given a verbal trespass warning on July 9th, 1998 by this officer after being asked by library staff to leave the library after he was observed looking at sexually explicit material and at the time of contact he appeared to be fondling himself. Subject had at that time his pants unbuttoned which was observed by librarian. Subject ___ continually re-enters library and did so today and was subsequently arrested.

Other library staff reported similar masturbation incidents:

This man is a regular user of Internet IP station where he views sites that feature female nudity. Frequently this man places his hand in his pants and has been observed doing this during the past several weeks. Today I approached him and asked that he not place his hand in his pants, stating that it was inappropriate behavior. I asked if he understood what I was saying—he shook his head “yes” but made no other communication.

—Highland Park, Illinois, Public Library

Just after we had opened a patron wanted to use the reference dept superstation. I walked over to the computer and noticed a condom lying right by the keyboard. It was not in a package and appeared to have been used. I had worked the evening before and had been the one to shut down the computer. If the condom would have been there then, I’m sure I would’ve noticed. I grabbed a handful of tissues and picked it up and threw it away. Then I sprayed cleaner on the area and wiped it up and apologized to the patron who had witnessed the whole thing.

—Kansas City, Kansas, Public Library

A regular customer told me he was working on computer #3 and the man next to him at #2 was masturbating. I approached the person and said we had a complaint and please remember that you are in a public place where the nude pictures on the screen might offend others. Person left a few minutes later.

—Ann Arbor, Michigan, Public Library

As I was walking in at the start of my shift, the librarian on duty took me to the back to tell me that the person we caught masturbating before was here and doing it again. I walked around the computer stations and noticed patron had a pornographic image up on the screen and was looking around very nervously. After watching for a few minutes I could see movement of the left hand which appears to be masturbation. So I approached patron and let it be known that that kind of behavior is against the library rules of behavior and that the library will not tolerate it. I told patron to leave and not to re-enter for another month. I took a copy of library ID and handed patron a copy of the rules of behavior.

—Ann Arbor, Michigan, Public Library

Today one of our long time porno viewers got out of hand. He was viewing some porno and masturbating. J.____ and I both agreed—it was obvious in many ways. Marlene ____ advised me to call after we discussed it. 6 month T.W. issued—no further incident.

—Orlando, Florida Public Library

This Indiana patron filed a similar complaint:

I have seen a man bring up teen porn with pictures of totally naked guys on the screen and rub himself in the genital region while viewing this. Children from the age group of 7 on up were in the Reference Dept during this time, including my 2 daughters. This incident happened 11/5/98 between 7–8 PM. I informed the librarian at the desk and she then informed the man that he had to get off of the Internet. I have seen this same man bring up Internet sites with pictures of naked men on other occasions.

—Michigan City, Indiana, Public Library

THE EXTENT OF THE PROBLEM

How extensive a problem is the viewing of pornography in public libraries? This is a difficult question to answer, because no scientific studies have ever been conducted addressing what public library patrons access on the Internet. When the author testified before the National Commission on Library and Information Science in December 1998, he requested that both the National Commission and the ALA conduct such studies.²⁵ The request was ignored.

The 2,062 documented incidents in this report only tell a small part of the story. Only 29 percent of the public library systems in the country even responded to requests for information about the use of pornography, and these reports include only those incidents for which there was documentation that the library was willing to provide.

Actual measurements of Internet access in public libraries strongly suggest a much bigger problem than is reflected by the incident reports themselves. Internet access log-files from public libraries suggest that between 0.5 percent and 2.5 percent of public library Internet access is pornographic. Five public libraries took actual sampling data of what library patrons were accessing, based on logs generated by filtering or monitoring

software. Three of these libraries also recorded the number of incidents, defined as a unique Internet session where a patron accessed or attempted to access blocked material. For a complete discussion of how this data was gathered and analyzed, see Appendix A.

Public Library	Number of Annual Incidents	Percent of Sites Classified as Pornographic
Chicago Public Library	N/A*	5.00
Tacoma Public Library	1,764 (actual)	0.95
Cincinnati Public Library	30,159 (attempted)**	0.53
Kalamazoo Public Library	N/A*	0.50
Dayton Public Library	14,358 (actual & attempted)***	0.36

*Gathered using monitoring software. No actual filtering took place.

**Based on a 52-day sample. All recorded accesses were blocked.

***Adults may override the filter. It is unknown how many blocks were overridden, or the content of the sites blocked.

The wide variation among libraries is almost certainly the result of different policies and procedures. The Chicago Public Library has unfiltered, unmonitored Internet access from workstations equipped with privacy screens. The Cincinnati Public Library has completely filtered workstations with no privacy screens and a monitoring policy. Tacoma and Dayton have “partial filtering.” Dayton allows adults to override blocked sites; Tacoma displays blocked sites, but deletes all images. Kalamazoo has a monitoring “tap on the shoulder” policy.

Estimating the percentage of Internet use devoted to pornography in public libraries nationwide is problematic based on this sampling, for a number of reasons. The sample size, five, is small and is composed disproportionately of urban libraries. Urban libraries are thought to have higher incident rates because of the greater degree of personal anonymity than in smaller communities. Three of the five (60 percent) have partial or total filtering, compared to just 15 percent nationwide.²⁶ Total or partial filtering obviously decreases the number of incidents.

Kalamazoo, Michigan, probably comes the closest to representing a typical public library. Located in the Midwest, it serves a medium-sized population (116,000) and has a “tap on the shoulder” policy where porn surfers are instructed to stop if seen. The percentage of pornographic web sites accessed (0.5 percent) may be typical for similar libraries.²⁷ Other libraries, like Chicago, employ “privacy screens,” which no doubt encourage porn surfing, and likely record much higher rates, such as Chicago’s 5 percent. These urban libraries with lax Internet policies make up a large chunk of the nation’s thirty-nine thousand public library Internet terminals.²⁸

Therefore, an estimate of between 0.5 percent and 2.5 percent of Internet use in public libraries is probably for pornographic purposes. This might sound trivial, and indeed the Chicago Public Library even stated that its own pornography rate of 5 percent “allows us to paint the far-right agenda as much ado about not very much.”²⁹ Yet when

one considers--based on state statistics of annual Internet sessions—America’s public libraries had approximately 82 million Internet sessions last year, the problem is not trivial.³⁰ This would indicate an annual incident rate of between four hundred thousand and 2 million.

This suggests massive underreporting of incidents, and indeed comparison of the number of incidents written in incident reports and patron complaints to incidents recorded in log files strongly supports this conclusion:

Library	Number of Written Incidents*	Number of Annual Log Incidents
Cincinnati, Ohio**	14 (Since January 1996)	30,159 (attempted)
Dayton, Ohio***	0	14,358 (actual & attempted)
Tacoma, Washington	8	1,764 (actual)

*An *incident* in a library computer log is defined as a single unique Internet session.

**Based on a 52-day sample. All recorded accesses were blocked.

***Adults may override the filter. It is unknown how many blocks were overridden, or the content of the sites blocked.

HOW THE ALA AND STATE LIBRARIES DISCOURAGED RESPONSES

The response rate of 27 percent was a disappointment, as an earlier series of 613 freedom-of-information requests in 1998 to public libraries resulted in a 50 percent response.³¹ One thing changed between then and now. The most likely reason why 73 percent of public libraries ignored the requests was the action by the American Library Association and many of the state libraries to discourage responses. Both the ALA and a number of state libraries sent messages to public libraries suggesting ways that libraries could avoid compliance with the requests. Several state librarians told public libraries in their states *not* to comply. Both the ALA and a number of the state libraries made public comments that would suggest attempts to influence the attitudes of librarians against compliance. Considering that the ALA feels the mission of public libraries is to uphold the public's right to information, and that both the ALA and state libraries lobby for more comprehensive freedom-of-information statutes, this behavior is highly unusual and contradictory.

Initial Response by the ALA. Within a few days after the requests were mailed, employees of the ALA and its elected representatives began publicly discussing the requests, contacting thousands of public libraries, providing advice on ways to avoid responding to the requests, and making members aware of the views of the requestors.

Christine Lind Hage, ALA councilor and president of the Public Library Association, sent an e-mail message to other ALA members stating, "I asked [ALA President] Ann Symons if ALA could respond or at least offer some support to public librarians. Evidently Bruce Ennis, attorney for the Freedom to Read Foundation, has prepared a document for their consideration."³²

The ALA Office of Intellectual Freedom sent a broadcast message via electronic mail to thousands of public libraries on June 23, 1999, titled "Coping with FOIA [Freedom of Information Act] Requests." The message alerted libraries to the freedom-of-information requests, stating that "libraries receiving FOIA requests should consult their attorneys who will determine whether they can or must provide the information requested," and urging libraries to "identify possible exemptions" to the freedom-of-information requests that would allow libraries to avoid compliance, such as "out-of-state requestors—some states have citizenship requirements."³³

ALA council member Karen Schneider, who plays an active role in the association's efforts to oppose filtering in libraries, also sent a broadcast message via electronic mail to more than thirty-five hundred public librarians.³⁴ In her message Schneider stated that:

An interesting point about the Filtering Facts FOIA (FFF?) is that the postage meter used to mail all those FOIA requests from Holland, Michigan, is owned by the Family Research Council. Check them out at <http://www.frc.org>. This is a group with some very . . . *definite* views.³⁵

Finally, a news item appeared in the web version of *American Libraries*, the ALA's official organ, informing libraries that Filtering Facts President David Burt has launched a new phase in his effort to force libraries to turn over documentation."³⁶

Later Responses by the ALA. The ALA became even more aggressive in its handling of the freedom-of-information requests, sending a message to thousands of libraries seeking information about the requests, publishing an article in a newsletter warning libraries that the "queries have raised confidentiality concerns," publicly discussing the connection with the Family Research Council and making an issue of its mission statement. It would also be revealed through freedom-of-information requests to state libraries that ALA had sent similar broadcast messages to many of the state libraries, a number of which took active steps to stop release of the records.

On July 13, the ALA Office of Intellectual Freedom sent the following broadcast message to thousands of public libraries:

The Office for Intellectual Freedom is interested in obtaining photocopies of letters that libraries have received requesting information under the Freedom of Information Act regarding patron and staff complaints, internal memos, e-mail messages, or incident reports about patrons accessing "pornographic or sexually explicit material" on public Internet terminals. OIF also is interested in obtaining photocopies of the envelopes in which these letters were received. Please send them to the address below or fax them to 312-280-4227. Thank you.³⁷

This message generated a great deal of controversy.³⁸ The author pointed out that this seemed to violate two of ALA's own principles. Here is what its own code of ethics affirms:

We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.³⁹

In responding to Filtering Facts' requests, the ALA also violated their confidentiality policies:

The ethical responsibilities of librarians, as well as statutes in most states and the District of Columbia, protect the privacy of library users. Confidentiality extends to "information sought or received, and materials consulted, borrowed or acquired," and includes database search records, reference interviews, circulation records, interlibrary loan records, and other personally identifiable uses of library materials, facilities, or services.⁴⁰

Ironically, it was in response to attempts by the Reagan Administration to gather intelligence information about library users that prompted the "Policy Concerning

Confidentiality of Personally Identifiable Information.” Now the ALA was engaging in the same type of intelligence-gathering behavior directed toward an individual library user.

In the *School Library Journal*, the ALA Office of Intellectual Freedom Director, Judith Krug, publicly commented on the freedom-of-information requests:

Krug says that most of the librarians who have called her for advice on how to handle Burt’s FOIA requests see Burt’s actions as a “prick in the side.” According to Krug, ALA is advising librarians to consult their state FOIA laws and to contact attorneys to determine whether they must provide the information requested.⁴¹

In its publication, *Newsletter on Intellectual Freedom*, the ALA reported:

David Burt, a librarian in Lake Oswego, Oregon, has been contacting libraries nationwide and asking them, under state freedom of information laws, to turn over records of complaints they have received about patrons, especially children, viewing inappropriate material on library computers. His queries have raised confidentiality concerns.⁴²

In *American Libraries*, the official organ of the ALA, an article about the freedom-of-information requests actually discussed the views of the organization assisting Filtering Facts in processing the requests, the Family Research Council:

Librarians across the country reported that the FOIA request they had received from Burt bore a Holland, Michigan postmark, although Filtering Facts is headquartered in Lake Oswego, Oregon. According to Dave Bradley of the Holland Post Office, the postage meter on a number of those envelopes is registered to the Family Research Council. On its Web site (www.frc.org), the nonprofit public-policy advocacy group lists among its goals: “inform and educate citizens on how they can promote Biblical principles in our culture.”⁴³

Again, this would seem to violate the ALA’s own principles, as political or religious views should never be taken into account when a librarian meets an information request. Again quoting from the ALA’s Bill of Rights: “A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.”⁴⁴

The ALA would have good reason to emphasize a connection between religious conservatives and the requests, since many librarians are liberal and the ALA actively promotes hostility toward religious conservatives. A 1991 survey compared attitudes toward religious activists among librarians and the general public. They were asked, “How much of a say should [ministers and leaders of religious groups] have in controversies about the kinds of materials that should be in libraries?” “No say at all,” was the response of 57 percent of librarians, compared to 27 percent of the general public.⁴⁵

The attitudes that the ALA promotes toward social conservatives show themselves in the *ALA Intellectual Freedom Manual, 5th edition*, a guidebook that the ALA provides to librarians for dealing with censorship. The manual devotes a portion of the introduction and an entire chapter, “Pressure Groups: Politics, Religion, and Censorship

in Libraries” to instructing librarians on dealing with religious conservatives, suggesting they are “simplistic” and motivated by prejudice:

In the past thirty years, the United States has become a more pluralistic society. . . African-Americans have a more prominent voice in shaping cultural norms. Puerto Rican, Mexican, Cuban, and Central American cultures have enriched many sections of this country. . . . Not all persons embrace these changes or are comfortable with them. A growing sector of American society considers such pluralism dangerous. Some believe that our founding fathers did not intend for us to become a country of such diversity. . . .

Why is membership in such pressure groups increasing? Fear of the unknown, a feeling of lack of control over one’s life, and a longing for a mythical “simpler time” may all be factors. These are coupled with a strong yet simplistic view of Christianity.⁴⁶

In the introduction to the manual, Krug also argues:

In the politically conservative climate that prevailed following the November 1994 congressional elections, free expression came under intensified attack—conservative religious organizations made headway in their demands for restrictions on the availability of information their members find offensive, often using the excuse of “protecting the children” to advance a broader social agenda of a return to “family values” and one type of fundamentalist Christian belief.⁴⁷

The article on pressure groups urges librarians to familiarize themselves with “self-described ‘Christian conservative’ pressure groups” because:

Unfortunately, some “liberal-minded” people have gained a dubious reputation for complacency and even smugness—and for their tendency to take liberty for granted and ignore the need to be constantly vigilant. Pressure groups know this and take advantage of it.⁴⁸

Candace Morgan, the president of ALA’s sister organization, the Freedom to Read Foundation, also writes in *Library Journal* warning librarians that upset local parents may in fact be part of the “Bible-bruiting” religious right:

FOF [Focus on the Family] is part of a conservative coalition of groups thriving under the country’s resurgent tolerance for the Bible-bruiting agenda of the Religious Right, an agenda that in some cases has sought to eclipse the First Amendment. As a result, a local library having to contend with what it thinks is a grass-roots effort to keep a certain book out of its collection actually may be up against an extension of a powerful national outfit.⁴⁹

Again, the ALA has been a strong advocate for freedom-of-information laws and principles. ALA celebrates Freedom of Information Day every March 16—the birthday of James Madison—and presents a Madison Award that “honors those who have championed, protected and promoted public access to government information and the public’s right to know.”⁵⁰ On Freedom of Information Day 1999, ALA President Ann Symons said:

No value is more highly regarded by librarians than freedom of access to information, and that freedom has special significance when it comes to accessing government information.⁵¹

Liberal access to government information has also been a priority for ALA President-elect Nancy Kranich:

Librarians and libraries have a unique role to play in assuring equal and ready public access to government information. . . . But unless librarians make the right to know happen by actively advocating the rights of users, it simply will never be a reality. . . . Without the vigilance and leadership of librarians working together with other organizations interested in promoting the public's right to know, access to government information will deteriorate even further. . . . At risk is the very survival of the democratic system that safeguards our cherished freedoms and rights.⁵²

Explanation for the ALA Response. There does not appear to be any precedent for this type of behavior from the American Library Association: publicly disclosing the name of a library information-seeker, actively gathering information about the seeker's requests, contacting libraries and advising them on ways to avoid complying with the information requests, publicly discussing the seeker's affiliations, and assessing the religious and political views of those participating in the information seeking. As discussed above, this behavior would appear to violate many of ALA's own ethical standards.

Why would the ALA violate so many of its own principles? An exchange on the ALA Council Discussion List between the ALA president and an ALA councilor sheds some light. ALA Councilor Karen Schneider expressed great concern over how the freedom-of-information responses would be used:

Prediction: FF [Filtering Facts] is going to come out with a "report" that will be used by senators, lawyers, and others involved in legislative and judicial processes, not to mention the media, "demonstrating" that the Internet is such a "problem" in libraries that filtering is urgently required and is the only real solution to this manufactured problem. . . . We don't have a body of research (though I know the data is out there, if we look) to underscore what any librarian will tell you—that the "problem" has been manufactured by folks who are dead set on censorship. . . . Do we really want the next judicial battle on this issue to be an uphill fight? My suggestion—to anyone who would listen—was that ALA should sponsor a report (or, even better, reports) much, much sooner than later, demonstrating the importance of the Internet in public libraries and refuting the concept that there is a "problem."⁵³

ALA President Ann Symons responded and agreed, citing a meeting among ALA officials where the issue was to be discussed:

Today—as we speak—Bill Gordon, Carol Henderson, Judy Krug, Linda Wallace, Nancy Kranich, Steve Herb (chair of IFC) and representatives from IFC and Legislation Committee are meeting in Washington to deal with some of the issues

Karen raises as well as how we help our members. I faxed Karen's message to Carol Henderson so that the assembled group could have it at their meeting and I am sure that Bill, when he returns, [will have] read all the ensuing messages. I believe there is agreement that we must have more than anecdotal evidence.⁵⁴

INVOLVEMENT OF STATE LIBRARIES

When it became clear that state libraries were actively involved in coordinating responses to the freedom-of-information requests, Filtering Facts filed fifty more such requests, one to each state library. These additional requests sought documents relating to the state libraries' involvement in public libraries' responses to the original requests and communications they may have had with the ALA involving the requests.

A total of thirty-three state libraries responded, twenty-one admitting they were involved in coordinating responses to the requests. Six state libraries released messages they had received from the ALA Office of Intellectual Freedom that described methods for responding to the freedom-of-information requests. Six state libraries either recommended that libraries in their state should not or need not comply. Other state libraries suggested ways to avoid cooperating with the requests. Nine states claimed they had neither sent nor received freedom-of-information-related messages, though in two states other documents suggested otherwise.

State Libraries Admit Coordinating Responses. A total of twenty-one of the thirty-three state libraries admitted coordinating responses to the freedom-of-information requests. Six of these states released documentation that the state library had answered questions from local libraries related to the requests, while fifteen of the states released documentation indicating the state library had preemptively sent out broadcast messages via fax, letter or e-mail alerting libraries to the requests. Several state libraries instructed local libraries that these were legal requests and they were obliged to comply, while several others instructed libraries not to comply.

The fact that the state libraries were cooperating with each other in responding to the requests also emerged from the freedom-of-information responses. The Utah state librarian released a message from the Oregon state librarian that was posted on the Chief Officers of State Library Agencies electronic discussion list to the other forty-nine state librarians advising "that libraries might consult with legal counsel before assuming they must turn anything over to Mr. Burt."⁵⁵ A message from Nancy Bolt, state librarian of Colorado, was sent to the Western Council of State Libraries discussion list. It discussed Filtering Facts' second freedom-of-information request to the state libraries and said, "I received it as well as a fax yesterday. Ironically, all my correspondence is with other State librarians and he hasn't asked for that."⁵⁶

At the ALA conference on June 28, 1999, a meeting of the State Library Consultants' Discussion Group made the requests part of their agenda. State library consultants from Missouri, Mississippi, Connecticut, Indiana, and Oregon discussed the requests.⁵⁷

As was the case with the reaction of the American Library Association, there appeared to be no precedent for this behavior among state librarians. There are no known instances of state librarians coordinating responses to the requests of library information-seekers, particularly in light of ALA's well-known privacy policies. It also appeared highly unusual for government agencies from multiple states to be monitoring requests of a citizen, then sharing what information they had gathered with one another.

No direct evidence suggests that the ALA specifically asked *state* libraries to monitor the freedom-of-information requests. However, the Alaska state library released the broadcast message it had received from the ALA Office of Intellectual Freedom seeking copies of requests.⁵⁸ The state libraries of six other states released copies of broadcast messages received from the ALA Office of Intellectual Freedom that provided instructions for dealing with the requests.

Attempts by State Libraries to Discourage Responses. At least seven state libraries tried to discourage libraries in their states from responding to the requests. Five state libraries recommended that libraries should not or need not comply, and two suggested ways to avoid cooperating. Of the state librarians that advised local librarians not to comply, Karen Strenge, the state librarian of Montana, was the most vocal. Strenge sent several broadcast messages to Montana librarians, saying:

The library must not release any library record as defined above, any other document that is judged to meet the Constitutional criteria, and is not required to redact any personal information from any library record.⁵⁹

Filtering Facts contacted Strenge and determined that the source of this advice was the Montana state library's attorney. The author sent another request to Strenge asking: "Could you please have the state library's attorney put his/her opinion in writing?" Strenge responded that "correspondence between myself and the attorney for the Montana state library is privileged information."⁶⁰

Four other state libraries told libraries they need not comply. Martha Roblee, associate director of the Library Development Office of the Indiana state library, sent a broadcast message to Indiana public libraries stating she did "not believe you are required to make these records available in any way, even if the names are marked out."⁶¹ Michael York, New Hampshire state librarian, sent a memo to New Hampshire public libraries stating, "I have discussed this request [with] the Attorney General's office and have the following response: You are not required to send this information."⁶² Patty Davis, library systems administrator for the Texas State Library and Archives Commission, sent the following message to a group of public librarians in Texas: "At this time, please advise the libraries in your area not to respond until we have some additional information." The Texas state library later advised libraries to comply after the Texas attorney general issued an opinion that the records were public information.⁶³

While the state libraries of Kansas and Kentucky reported that they had "no documents" relating to the requests, other documents suggested otherwise.⁶⁴ A letter from a public library in Kentucky stated that, "We have been advised by officials of the Ky. Dept. of Libraries & Archives that [in] 'The Attorney General's opinion . . . the custodian of those records was not obligated to make such records available.'"⁶⁵ A letter sent by the

Kansas state library to Filtering Facts stated: “All patron records retained by the library pertain to an identifiable individual which, by policy of the library and with the authorization of K.S.A. 45-221, are confidential records not subject to public disclosure.”⁶⁶ Thirteen Kansas libraries sent letters to Filtering Facts refusing the requests using nearly identical language.

Other e-mail messages generated by state librarians and state library employees suggested ways for libraries to avoid complying with the requests. In a memo to public library directors, Nancy Bolt, Colorado state librarian, writes, “Mr. Burt’s letter is addressed to Colorado Public Library. Ask your attorney if you are obligated to respond to a generic letter not seeking information from your library specifically.”⁶⁷

The New York Department of Library Development made libraries aware of a loophole in the law they could use to avoid responding:

Based on 253 of the Education Law and the judicial interpretation concerning that and related provisions, I believe that a distinction may be made between a public library and an association or free association library. The former would in my view be subject to the Freedom of Information Law, while the latter would not.⁶⁸

PROBLEMS OF COLLECTING DATA

Some libraries are no longer creating records that could be used to demonstrate the amount of pornographic Internet use in libraries. The most useful data obtained came from the computer log-files from the public libraries of Cincinnati and Hamilton County. The Cincinnati library recently changed its policy to allow adults unfiltered access and installed privacy screens. This policy change offered promising research potential, as the rate of incidents could be measured to see what, if any, changes occurred as a result of the policy change. Unfortunately, the director of the Cincinnati library confirmed that all log-files are now being destroyed on a daily basis.⁶⁹

Some of the most interesting data would have been that gathered by the Chicago Public Library, which announced that its server logs showed that five percent of use was for pornography. Unfortunately, the Chicago Public Library refused a freedom-of-information request, claiming the logs “constitute notes and memoranda in which opinions are expressed or policies or actions are formulated. Therefore, the requested documents are also exempt from disclosure.”⁷⁰

Library publications are already urging librarians to lobby for laws to exempt Internet incident reports, even if the names are deleted. Erwin O. Switzer, a lawyer and the board president of the St. Louis Public Library, recently wrote in *Library Journal*, telling librarians that:

Deleting names is a risky way to maintain confidentiality. That is why some laws protect even a mere “portion” of a record of a library transaction. Other laws allow as much of a library record to remain confidential as is necessary to protect the privacy of the patron. There may well be a way to maintain confidentiality by deleting more than the name, but it is sound policy not to require librarians or

their lawyers to spend time and money hypothesizing on what possible disclosures of parts of records could be made while still ensuring confidentiality. In some cases it will be difficult, if not impossible, to anticipate how information released to the public at different times and to different people could be pieced together to destroy confidentiality.⁷¹

Switzer goes on to describe his proposed ideal solution:

Lobby the legislature to establish a bright-line categorization: [so that] your state now requires that all or part of a record reflecting any Internet activity or access is confidential. You now have the legal protection you need, and you have a firm policy not to disclose a person's Internet use in any way.⁷²

Librarians are already trying to put the advice given in *Library Journal* into practice. Proposed library record confidentiality legislation in Ohio would not require libraries to release Internet incidents:

5) A library may release under division (b) of section 149.43 of the Revised Code records that document improper use of the Internet at the library so long as any patron information is removed from those records. As used in division (b)(5) of this section, "Patron information" does not include information about the age or gender of an individual.⁷³

The Ohio Library Council reported this as a positive development on their website:

Confidentiality Legislation—H.B. 389 passed the State Government Committee of the Ohio House of Representatives on January 12th. An amendment was offered by the sponsor, and accepted by the committee that will permit, but not require, libraries to release records that document improper use of the Internet so long as any patron information is removed from the records. We expect that H.B. 389 will pass the full House of Representatives during the week of January 17th. The bill will then move to the Senate for consideration.⁷⁴

Libraries are generally not required to document incidents of Internet abuse, or to keep server logs. The freedom-of-information requests were ignored by 71 percent of the libraries, and some librarians are now moving actively to make such records, that may still be created, inaccessible to the public.

THE SOLUTION

The nature of the incidents and their volume speak for themselves. No further commentary is needed to highlight the seriousness of the problems open access to obscenity, child pornography, and material harmful to minors is causing in the nation's public libraries. It is to be hoped that this report will finally move the discussion beyond "Is there a problem?" to "What is the solution?" Public libraries have attempted a number of ways to address the pornography problem, but practical solutions revolve around picking one of two options: monitoring patrons or filtering Internet access.

WHY CURRENT INTERNET POLICIES DO NOT WORK

Most public libraries have an Internet policy. These policies range from terse statements about the library not being responsible, to detailed rules of behavior. A common policy is the so called "tap on the shoulder" policy, where library staff monitors use and gives a "tap on the shoulder" to anyone seen viewing pornography. As these library staff incident reports illustrate, this leads to a game of "hide and seek" with porn surfers:

He's here at the Internet! Just wanted to alert you. Someone said that he's getting quite slick. He goes back and forth between innocuous and offensive screens quickly if he thinks someone is looking. And he doesn't appreciate librarians behind him.

—St. Louis County, Missouri, Library

I just closed out another computer with a long list of porno sites. My problem with this man is that he always comes at lunchtime and goes to one of the computers down on the end (6 or 7). I noticed once before that he'd been viewing porno, so I tried to catch him today. But he knows how to toggle out by the time I get all they way down there. If I stand at a computer nearby he watches me until I leave. Then (after he leaves) I find this string of "objectionable" sites. Because our schedule varies, I'm not usually assigned in here at lunchtime. Should I pass this info along to the rest of the staff (or to the lunchtime person) so someone can try to catch him? Or should I consider this confidential information? (I hate having to deal with this stuff.)

—Medina County, Ohio, District Library

Reported that she had been working in a study carrel near the Internet terminals for approximately 2 hours. During that time she witnessed a male child, approximately 11 years in age, accessing adult-oriented web sites at Internet

station #3. When she would walk past him, he would quickly switch to another screen. The patron reported having seen staff stroll past a couple of times.

—Skokie, Illinois, Public Library

I found him looking at a site titled “Farm Sex.” As I approached, he must have sensed my coming because he clicked out. I told the reference desk what I saw and as I walked back toward the machine on the screen was another “Farm Sex” site with a photograph of a woman lying in the hay legs spread apart. When I got closer, I heard him mutter “oh my gosh.” I told him that we had a talk yesterday about this same subject. He kept saying he didn’t know how he got to these sites. After he left I looked in history and the site he was looking at was *www.wilma.farmsex.net* with several web sites listed beneath. This seems like a big waste of time for us to constantly monitor someone’s Internet session for inappropriate material, especially when the sign says “Research Only.” In my opinion, if we see someone looking at things that are not research related, they should not be using the machine.

—Davis County Library, Farmington, Utah

While police more often were called for the most serious type of crimes, such as attempted molestations, nearly all other crimes went unreported, as the chart below illustrates:

Crime	Number Documented	Number Reported to Police	Percent Reported to Police
Accessing Child Pornography	41	5	12
Accessing Obscenity	25	0	0
Exposing Children to Porn	106	0	0
Public masturbation/fondling	13	1	8
Total	172	6	3.5

Often sexual perpetrators in libraries do face consequences for their behaviors, but in comparison to arrest, they are trivial, as these library staff incident reports illustrate:

Viewing pornography. ___ reported him to me. He said he had just clicked there. I was about to believe him when a print of a very inappropriate picture came out of the printer. I then looked at the stack he printed. All were of pornographically obscene subjects. I confiscated and tore them up. Please talk to and ban for 30 days.

—Rockford, Illinois, Public Library

Offense by patron displaying material reasonably construed to be obscene. 2nd offense = banned for 60 days. 3rd offense = banned forever.

—Delphos, Ohio, Public Library

_____ was in on Saturday afternoon. Enclosed are cover sheets of what he was viewing on the Internet and printing (*www.hotpeep.com*, *www.bizar.com*). Not only was he viewing inappropriate web sites, but he was doing so while sitting next to a girl who was about 11 years old. I explained to him the policy and asked him if he thought what he was looking at was appropriate viewing for the young girl sitting next to him. He did not answer.

—DeKalb County, Georgia, Public Library

Patron who had been previously warned about using the Internet to access pornography came in at about 12:45. Staff began to keep an eye on what he was doing and at about 1:45 I saw him looking at child pornography. I told him his search was inappropriate and that I was going to need to file an incident report about this. He said “OK.” The name he gave me was _____. (I asked him to spell the last name.) He then immediately left the building. . . . Could find no patron record under the name he provided.

—Salt Lake City, Utah, Library

We reprimand maybe one person a month [for viewing obscene material]. Two reprimands and your Internet privileges are revoked for a month. Three and they're revoked permanently. We've only had to do this twice, and both the patrons were adult men who were accessing kiddy porn. This is illegal, so we probably should have called the cops.

—Tuscarawas County, Ohio, Public Library

Sexual perpetrators who frequent public libraries probably are aware that they run a low risk of apprehension in when 96.5 percent of the time the worst consequence they face if caught committing their criminal acts is being escorted from the library.

While some public libraries fail to inform the police of more serious crimes, one library saw fit to have this woman arrested, as reported in *American Libraries*:

Beverly Goldman, 24, was arrested January 13 for failing to appear in court after being charged with not returning seven children's books and videotapes she had checked out more than 16 months ago from Clearwater, Florida Public Library. Before taking her into custody, police allowed Goldman, who is seven months pregnant, to see her five- and six-year-olds off to school. She spent eight hours in jail before friends and relatives posted bail, and the library dropped charges after Goldman's family promised to pay the \$127.86 she owed for the items, according to the January 14 *Miami Herald*.⁷⁵

FILTERING SOFTWARE

Filters are much maligned because of their reputation for supposedly blocking innocent sites, particularly AIDS sites, gay sites, and breast-cancer sites. Yet the evidence

suggests that the number of sites blocked accidentally by filters is extremely small. Several reports by the group Censorware Project each revealed only a few dozen or hundred wrongly blocked sites, out of millions of individual web sites.⁷⁶ A 1998 survey of twenty-four public library administrators who used filters found that public libraries that filter receive only 1.6 complaints per month about wrongly blocked sites.⁷⁷ The Memphis Public Library recently installed filtering software, and after several months reported problems were “a nonevent”:

In a report given to the commission’s education and libraries committee, [City Librarian Judith] Drescher stated, “Since installation, the library has received no requests from the public to review and block a site. Library staff has submitted five sites for review, all of which were blocked.”⁷⁸

Until now, there had been no actual data gathered from filters in public libraries and analyzed to examine the nature of web sites blocked from library patrons.

The data obtained from the Tacoma, Washington, Public Library and the Public Library of Cincinnati and Hamilton County support the other evidence gathered by the Censorware Project and Filtering Facts in the conclusion that the amount of innocent speech being blocked is indeed extremely small. (See Appendix A.) In Tacoma, 1,853 web-page accesses were inappropriately blocked out of 2,510,460 web pages accessed, or 0.07 percent. In Cincinnati, only 1485 files were inappropriately blocked out of 14,376,211 total files accessed, about 0.01 percent. Clearly, all the evidence to date indicates that the problem of filters blocking legitimate information is indeed extremely small.

Opponents of filtering sometimes argue that children using filtered Internet access will be at a competitive disadvantage because they will be denied crucial information. Children will become pregnant and catch venereal diseases because they were denied sexual education information. Gay teenagers will commit suicide because they will be unable to reach out to fellow gay teens on the Internet. Yet millions of children are required to use filters in public school settings, and there is not one confirmed instance that any of these things have happened.⁷⁹ Of all the millions of children who rely on filtered Internet access in the home and in school, no child has committed suicide, become pregnant, contracted a disease, flunked a class, or even gotten a bad grade on a paper because they were required to use a filter. There is not one shred of evidence to suggest that any person has ever been meaningfully harmed in any way by being required to use filters.

All of these imaginary problems are in contrast to the many real, well-documented incidents of real harm being inflicted on children by unfiltered Internet access in public libraries. Children are being accosted with porn, propositioned by pedophiles, and having their innocence stripped away even further in an already too-grown up world. The failure of librarians to control these problems supports the appropriateness of laws requiring filtering software.

APPENDIX A

LIBRARY LOG ANALYSES

TACOMA PUBLIC LIBRARY

The Tacoma, Washington, Public Library supplied one-year's worth of blocked and unresolved web site accesses in 1,020 printed pages covering the period of July 1, 1998, through June 30, 1999. Analysis revealed 1,764 individual users sessions where patrons accessed commercial pornography sites. Patrons accessed 22,364 partially blocked websites, which accounted for .9 percent of all web pages. Nonsexual sites and *DejaNews*, a mega-site with a significant amount of pornographic content, being blocked accounted for 0.07 percent. In other words, 99.93 percent of the time the filter functioned properly.

Data Supplied by the Tacoma Public Library. The Tacoma Public Library has an unusual form of filtering. All access is screened by the filter, Cyber Patrol. But rather than placing a message on the screen saying "blocked by Cyber Patrol," the library has a customized web browser that launches a text-only browser when a blocked website is encountered, to allow the viewer to read the text.

A sample entry in the Tacoma log looks like this: IC102 1999/06/15 15:51:51 16:11:54 PID BLOCKED. The first number, IC102 represents the workstation number. The second represents the date, the third the time that the logged session began "15:51:51," the fourth the time of the blocked access, "16:11:54," the message BLOCKED, and finally, the address of the website.

This information was used to determine the number of blocked sites, the number of separate incidents of accessing pornography, and the content of the blocked sites.

Number of Separate Incidents. Each page of the log files was scanned to identify separate incidents of patrons viewing pornography. A "separate incident" was defined as a unique user session from a unique station number, separated by at least two hours from any previous incident on the same workstation. Only commercial pornography sites were examined, so this left out hundreds of sexually related web sites that were not commercial pornography sites. There were a total of 1,764 of these incidents, compared to eight incidents for which there was written documentation, meaning that for every documented incident in Tacoma, more than two hundred went unreported.

Number of Blocked Web Sites. The number of blocked web sites was determined by taking a random sample of ten pages from each month of logs, for a total

of 120 pages out of 1,020 or 11.76 percent. Based on the sample, 22,364 web pages were blocked during the year out of 2,510,460 total web pages accessed, or 0.9 percent.

Content of Blocked Web Sites. The bulk of the blocked sites were outright commercial pornography sites, and sexually explicit sites either not selling anything or featuring simple nudity or explicit sexual discussions. The nonsexual sites were composed mostly of one web site, *www.dejanews.com*. The blocking of *DejaNews*, a complete archive of Usenet posting has been controversial. The makers of Cyber Patrol claim they must block the entire site in order to block the numerous and explicit sexual discussion groups where pornographic pictures are exchanged. Apparently the library thought it too valuable a resource to completely block, as it disappears from the block logs in October, when the library apparently unblocked it.

	Commercial Pornography Sites	Sexually Explicit Sites	Dead Links	Nonsexual Sites and <i>DejaNews</i>
Number	12,385	6,180	1,947	1,853
Percent	55	28	9	8

CINCINNATI/HAMILTON COUNTY PUBLIC LIBRARY

The Public Library of Cincinnati and Hamilton County, Ohio, supplied fifty-two days' worth of computer server logs that recorded attempts to access web sites blocked by the filter, "Bess." From July 27, 1999, to September 16, 1999, the logs recorded patrons attempting to access files, including images, from blocked web sites 76,570 times in at least 5,055 separate incidents.

Analysis of the blocked web sites indicates this represents at least 4,297 separate incidents where patrons attempted to access approximately 14,878 pornographic web pages over fifty-two days. Further analysis of the content of the blocked web sites showed that only 2 percent of the blocked sites were nonsexual in nature, and that this accounted for only 0.01 percent of all web accesses—or that 99.99 percent of the time the filter did not block innocent sites.

Data Supplied by the Cincinnati Library. The library system employs a filtering server computer that centrally handles all Internet requests. The filtering server is called Bess and is supplied by a Seattle company, N2H2. Every day Bess generates a group of summary statistics describing total Internet activity, along with attempts to access blocked sites. The summary includes nineteen different statistics, such as "Search Engine Requests" and "Total Bytes." Five of the nineteen statistics were examined to determine the amount of Internet requests that were blocked by the filter, the content of the requests being blocked, and estimations of how many web pages and individual sessions this represented. An abbreviated example of a daily server log is shown below:

Bess Proxy Server Statistics for Thursday, September 16, 1999

Total Requests: 308,870

HTML Requests: 77,734

Total Blocked Requests: 849 (0.27 percent)

Unique Blocked Clients: 115

Top Thirty Blocked URLs:

(39 / 5 percent) *stats.hitbox.com/buttons/hitbox.com0.gif*

(28 / 3 percent) *www.cyberlounge.com/dc.gif*

(21 / 2 percent) *www.partyhouse.com/banners/kara/kasmod2f.gif*

Top Thirty Blocked Domains:

(82 / 10 percent) *stats.hitbox.com*

(79 / 9 percent) *www.partyhouse.com*

(38 / 4 percent) *www.xxx500.com*

- *Total Requests* represents the total number of all web-related files, such as html pages, as well as *gif* and *jpg* image files requested by Internet users.
- *HTML Requests* represents the total number of html files, or individual web pages, requested by Internet users. The ratio of *Total Requests* to *HTML Requests* was 3.87.
- *Total Blocked Requests* represents the total of all Internet requests, including images, blocked by the filter. This indicates that *Total Blocked Requests* exaggerates the total number of web pages blocked by 3.87 times.
- *Unique Blocked Clients* represents the number of individual workstations from which Internet requests were blocked. A minimum number of unique user sessions where there were attempts to access blocked files can be drawn from this figure.
- *Top Thirty Blocked URLs* represents the thirty most often blocked Internet files. The majority of these blocked files are *jpg* and *gif* image files. The numbers to the right of the URL of each blocked file, such as (39 / 5 percent), represent the number of times that file was blocked on that day, and the percentage of total blocked files it represents.
- *Top Thirty Blocked Domains* represents the thirty most frequently blocked Internet domains or highest level web site addresses. This information was less useful than *Top Thirty Blocked URLs*, since the files being blocked were sometimes several directory levels down from the top of domain. For example, *Top Thirty Blocked Domains* would report the file *www.angelfire.com/in2/exoticbikini/images/nl.gif* being blocked as simply *www.angelfire.com*. Therefore, the content of *Top Thirty Blocked URLs* was analyzed rather than *Top Thirty Blocked Domains*.

Summary of the Statistics. Total numbers for four of the statistics for each of the fifty-two days were compiled in a manner displayed in the table on the next page:

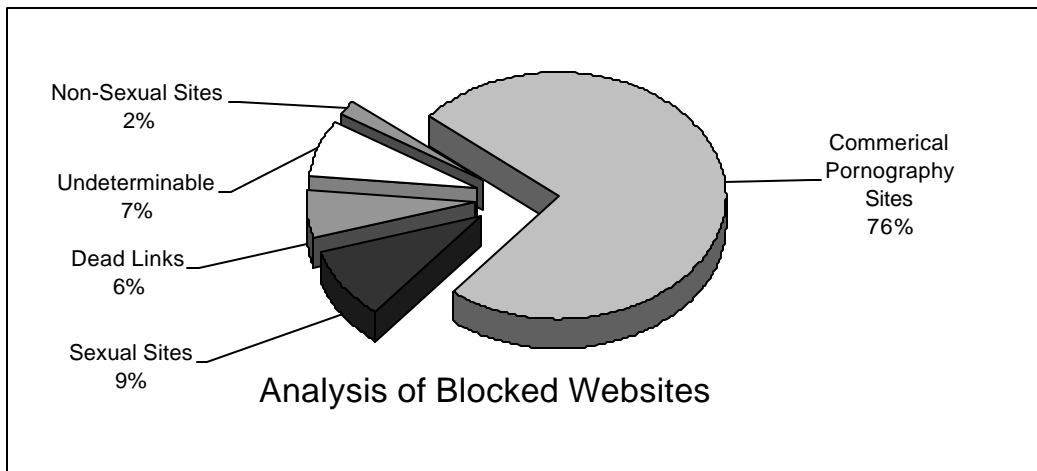
Total Requests	HTML Requests	Total Blocked Requests	Percent Blocked	Unique Blocked Clients
14,376,211	3,717,383	76,570	0.53%	5,055

Total Requests were divided by *HTML Requests* to determine the ratio of total requests to actual web pages, 3.87. Applying this ratio to *Total Blocked Requests* indicates that approximately 19,837 actual web pages were blocked during the fifty-two-days.

The 5,055 *Unique Blocked Clients* means that on at least 5,055 separate occasions users were blocked from accessing files. This almost certainly understates the number of separate occasions, since there were likely multiple incidents from the same workstation on the same day.

Each of the 1,500 URLs supplied in the *Top Thirty Blocked URLs* were analyzed for content. The total number of occurrences of blocked URLs that could be identified through the *Top Thirty Blocked URLs* statistic was 35,701. This represents 47 percent of the 76,570 *Total Blocked Requests*, and there is no reason to assume that this does not reasonably reflect the content of all blocked accesses. The number of times each URL was blocked was added to determine the totals for each content area. Some URLs were blocked hundreds of times. The complete data is contained in this table:

	Commercial Pornography Sites	Sexual Sites	Dead Links	Undeterminable	Nonsexual Sites	Total
Number	26,695	3,381	2,254	2,639	732	35,701
Percent	76	9	6	7	2	100



Content of Blocked Web Sites. Every URL listed in the *Top Thirty Blocked URLs* statistic was checked for content. There were 1,500 separate entries, although a number of the URLs were listed multiple times. Each URL was examined, along with the main domain home page and the immediate directory web pages. For example, www.partyhouse.com/banners/kara/kasmod2f.gif was examined, along with the main domain home page, www.partyhouse.com, and the immediate directory web pages in www.partyhouse.com/banners/kara. A determination was made as to which category the blocked portion of the web site belonged.

Commercial Pornography Sites were sites that: 1) featured “Adults Only” type warnings somewhere on the site, and 2) were engaged in selling pornographic photographs, text, or chat rooms. Examples of this type of site were xx.fsn.net, “The Fetish Sex Network,” and www.slut-o-rama.com.

Sexual Sites were either non-commercial pornography sites, sites that depicted nudity in a casual or artistic way, or sites that featured explicit sexual discussions. Examples of this type of site were energy4life.com and www.chocolatebikini.com both of which featured mild nudity.

Undeterminable URLs were portions of sites that served images or banners to meta-sites, and the directory or sub-page where the image was serving was not determinable. The majority of these URLs were from the meta-site www.geocities.com, which features thousands of individual user home pages, and serves these sites with image files such as www.geocities.com/toto?s=19190030.

Dead Links were sites or relevant portions of sites that returned a “not found” or “error” message.

Nonsexual Sites were sites that had no explicit sexual content at all. This included sites such as www.dylanology.com, a site devoted to Bob Dylan and www.defendoor.com, a door security product.

Number of Incidents. Because the logs do not link each access with an individual workstation, it is not possible to precisely determine how many separate incidents occurred. However, Bess records the *Unique Blocked Clients* statistic for the number of individual workstations where a blocked attempt occurred. The total number of *Unique Blocked Clients* for the fifty-two days was 5,055. Assuming that at least 85 percent of blocks were sexual or from commercial pornography sites, this translates into an estimate of at least 4,297 separate incidents where patrons attempted to access pornography. Since more than one session involving an attempt to access a blocked site almost certainly occurred on the same workstations, this number understates the total number of incidents.

Conclusions. The sample of 47 percent of all blocked URLs analyzed revealed only 732 times where a patron encountered a wrongly blocked site. This would translate into about 1,485 wrongly blocked accesses out of 14,376,211 total accesses, about 0.01 percent. What this means is that 99.99 percent of the time the filter blocked no innocent

sites, and that the chance of a patron encountering a wrongly blocked site is about one in ten thousand.

Patrons at the Public Library of Cincinnati and Hamilton County made significant attempts to access hard-core pornography and obscenity through the Internet. While 0.53 percent of all web accesses may not sound significant, this translates into thousands of separate incidents in only a two month period, many of which very likely involved the illegal transmission of obscenity.

The fact that during the testing the library had complete filtering on all terminals and no privacy screens certainly decreased attempts to access pornographic web sites. It is worth noting that another large urban library system in the Midwest, the Chicago Public Library, performed a similar test during a similar period, the summer of 1999. The Chicago Public Library has unfiltered access and privacy screens, and its logs show 5 percent of access to be pornographic, or ten times the levels recorded by the Cincinnati library.

On December 12, 1999, the Public Library of Cincinnati and Hamilton County changed its policy to allow adults to have unfiltered Internet access at workstations that employ privacy screens. One of the sites patrons attempted to access hundreds of times was <http://soiroom.hyperchat.com/rapfan>, a "Rape Fantasy" chat room. On one day alone, August 8, 1999, there were 225 separate attempts to access this site. The most likely conclusion is that all 225 attempts were made by a lone individual compulsively trying to reach the "Rape Fantasies" chat room. Assuming this individual is an adult, he is now free to use the Cincinnati library to act out his "Rape Fantasies."

DAYTON/MONTGOMERY COUNTY PUBLIC LIBRARY

The Dayton and Montgomery County Public Library supplied seventeen months worth of computer server log daily summaries that recorded attempts to access web sites blocked by the filter Bess. A total of 342 days worth of log summaries were usable. From June 4, 1998, to October 24, 1999, the logs recorded patrons attempting to access files, including images, from blocked web sites 248,589 times in at least 14,358 separate incidents. Adults at the Dayton library have the ability by entering their patron barcodes to override the filter and look at anything they want. Unfortunately, only summary statistics were provided, so the content of the blocked web sites was unavailable for analysis, and there is no log of how often the filter was overridden.

Data Supplied by the Dayton Public Library. The Dayton and Montgomery County Public Library employs a filtering server computer that centrally handles all Internet requests. The filtering server, Bess, is supplied by a Seattle company, N2H2. Only 342 of the daily logs were usable, because many of the daily logs contained only partial information. Every day Bess generates a group of summary statistics describing total Internet activity, along with attempts to access blocked sites. The summary includes nineteen different statistics, such as "Search Engine Requests" and "Total Bytes." Five of the statistics were examined to determine the amount of Internet requests that were

blocked by the filter and estimations of how many web pages and individual sessions this represented. An abbreviated example of a daily server log is shown below:

Date	Total Requests	HTML Requests	Total Blocked Requests	Percent Blocked Requests	Unique Blocked URLs	Unique Blocked Clients
1-Jun-98	157,185	40,294	333	0.0021	189	41

- *Total Requests* represents the total number of all web-related files, such as html pages, as well as *gif* and *jpg* image files requested by Internet users.
- *HTML Requests* represents the total number of html files, or individual web pages, requested by Internet users. The ratio of *Total Requests* to *HTML Requests* was 3.99.
- *Total Blocked Requests* represents the total of all Internet requests, including images, blocked by the filter. This indicates that *Total Blocked Requests* exaggerates the total number of web pages blocked by approximately 3.99 times.
- *Unique Blocked Clients* represents the number of individual workstations from which Internet requests were blocked. A minimum number of unique user sessions where there were attempts to access blocked files can be drawn from this figure.

Summary of the Statistics. Total numbers for four of the five statistics for the 342 days are shown below:

Total Requests	HTML Requests	Total Blocked Requests	Percent Blocked	Unique blocked Clients
69,032,300	17,289,865	248,589	0.36%	14,358

Total Requests were divided by *HTML requests* to determine the ratio of total requests to actual web pages, 3.99. Applying this ratio to *Total Blocked Requests* indicates that approximately 62,303 actual *web pages* were blocked during the 342-day period.

The 14,358 *Unique Blocked Clients* means that on *at least* 14,358 separate occasions users were blocked from accessing files. This almost certainly understates the number of separate occasions, since there were likely multiple incidents from the same workstation on the same day.

Number of Incidents. Because the logs do not link each access with an individual workstation, it is not possible to determine precisely how many separate incidents occur. However, Bess records the *Unique Blocked Clients* statistic for the number of individual workstations where a blocked attempt occurred. The total number of *Unique Blocked Clients* for the 342 days was 14,358. Since more than one session involving an attempt to access a blocked site almost certainly occurred on the same workstations, this number understates the total number of incidents.

APPENDIX B

A REVIEW OF PORNOGRAPHY LAW

by
Janet M. LaRue, Esq.
Senior Director of Legal Studies
Family Research Council

There is an absolute and enforceable criminal prohibition under current federal laws against the transmission of obscene material and child pornography over the Internet, Usenet, World Wide Web, Bulletin Board Systems, chat rooms, e-mail, and other online services (*Reno v. ACLU*, 521 U.S. 844, 117 S. Ct. 2329 (1997)). (See Title 18 of the United States (Criminal) Code, Sections 1462 and 1465.) It is unlawful to transmit obscenity and child pornography by computer and services that use phones lines and common carriers, just as it is by mail or any other method of interstate or foreign commerce. Such illegal acts also constitute racketeering predicates under the RICO Act (18 U.S.C. § 1961, *et seq.*) State laws likewise make it illegal to bring child pornography into a state or distribute it within a state.

Obscenity and child pornography are not protected by the First Amendment and are not within the area of constitutionally protected speech or press. The universal judgment that obscenity and child pornography should be restrained is also reflected in the international Treaty first adopted in 1911 and now administered by the United Nations on behalf of the United States and more than 100 nations. [See Agreement for the Suppression of the Circulation of Obscene Publications, 37 Stat. 1511, Treaties in Force 209, U.S. Dept. of State, cited in *Roth v. United States*, 354 U.S. 476, 495 n. 15 (1957).]

The dissemination of sexually explicit material legally defined as “harmful to minors” involves the *safety of children*—a matter of “surpassing” public importance. Most states have enacted “harmful to minors” legislation, patterned after the U.S. Supreme Court case of *Ginsberg v. New York*, 390 U.S. 629 (1968), which upheld controls on the dissemination of harmful matter to minors even though that matter may not be obscene for adults. In *Ginsberg*, the Supreme Court definitively held that protecting children from exposure to obscene and harmful material satisfies a compelling state interest. This was reaffirmed by the Court in *Reno v. ACLU*, *supra*, which recognized the legitimacy and importance of the goal of protecting children from harmful materials, even though it struck the indecency provisions of the Communications Decency Act. The Court in *Reno* did not deny the states their power to enforce such “harmful to minors” laws, just as the Court reaffirmed the enforcement of obscenity laws in “cyberspace.”

The voluntary and discretionary use of filtering/screening software by libraries and schools, both public and private, as well as by private companies and institutions, to assist in preventing the acquisition of illegal and objectionable pornography from the various interactive computer services available through the Internet and other online databases and to restrict access to sexually explicit pornographic material on computer terminals, is lawful and fully consistent with the Constitution. It is constitutionally permissible and appropriate for an administration or governing board to employ a software-filtering device for library or school computers that provide access to the Internet, Usenet, or other online services.

Even though the use of such filters may or may not be required by law, libraries and schools have the right and the privilege of making voluntary use of software programs and services to avoid public, semi-public, and private property from being used to improperly acquire, select, or access material that is unsuitable, offensive, or otherwise undesirable. Such materials may include, but are not limited to, that which meets the definition of obscenity as expressed in *Miller v. California* and its progeny (“hard-core pornography”); child pornography, as defined in *New York v. Ferber*, and 18 U.S.C. §§ 2252, 2256 (minors engaged in sexually explicit conduct or lewd/lascivious genital exhibitions); material harmful to minors, as defined by the “*Millerized*” *Ginsberg* test (“soft-core pornography”). Such discretion may also include denying access to whatever other material a board, administrator, librarian, or teacher finds to be “educationally unsuitable” for patrons or minor children; or materials which could cause the use of property, facilities, or services to create a hostile work environment or constitute sexual harassment under applicable state or federal law.

Libraries, schools, and businesses making good faith use of such access restriction software to protect children or to avoid illegal materials for adults are protected from liability by the “Good Samaritan” immunity provided by the CDA. *See* 47 U.S.C. § 230 (c)(2), 110 Stat. 139 (1996). Libraries, in particular, should not, need not, and have no legal justification or obligation to provide minor children with access to hard-core or soft-core pornography or to child pornography and have no obligation or justification to obtain or provide adults with access to obscenity or child pornography.

In addition to the above considerations, whether exposure occurs in a public library, school, non-profit group, or a business, workplace pornography and computerized “cyberporn” are a source of potential legal liability for those vested with management or control over the respective work environments. The viewing of pornography in public places creates an offensive, uncomfortable, and humiliating environment (in addition to unlawfully exposing or displaying such “harmful” material to minors). Pornography in the workplace can constitute, or be evidence of, sexual harassment in violation of state and federal civil rights laws and create or contribute to a hostile environment in violation of Title VII’s general prohibition against sexual discrimination in employment practices. *See* 42 U.S.C. § 2000e-2; 29 CFR § 1604.11; 18 U.S.C. § 242; 42 U.S.C. §§ 1981, 1982. *See* “Pornography, Equality, and a Discrimination-Free Workplace: A Comparative Perspective,” 106 HARVARD LAW REVIEW pp. 1075-92 (1993); *Robinson v. Jacksonville Shipyards*, 760 F. Supp. 1486 (M.D. Fla. 1991).

Library officials and governing bodies should also be reminded of the concession made by the ALA in *Reno* that, obscenity is lawfully and totally “banned” in cyberspace because it is illegal and enjoys no First Amendment protection. *See Reno* at 879. Consistent with this admission of existing and valid law, the ALA’s “censorware” opposition to filtering practices is legally and morally groundless. Therefore, obscenity, child pornography, and harmful to minors materials should not be subject to unrestricted access on library Internet equipment.⁸⁰ It is unimaginable and unacceptable for a public library, which is a government agency acting as patron of services, to provide access to illegal material in violation of its own laws, when, acting as sovereign, government has a duty to prosecute and punish others for doing so.

THE ALA BILL OF RIGHTS AND CODE OF ETHICS

Even though the ALA and their lawyers at the ACLU admit that obscenity, child pornography, and material harmful to minors that is knowingly displayed or disseminated to minors are without constitutional protection, they vehemently disagree with the law and want it changed.

The ALA’s position is expressed in their Bill of Rights⁸¹ and their Code of Ethics.⁸² When one has an informed understanding of the nature of obscenity and child pornography, it is evident that for the ALA to knowingly allow adults, and especially children, access to illegal pornography in public libraries is a violation of its own self-proclaimed principles.

First, legislators and library and school boards should understand that the ALA is a private trade association, with no legal right or authority to impose policy on a publicly supported institution. The ALA, as a private entity, cannot lawfully be granted veto power over the discretion vested in these public officials. In the public debate regarding filtering software, public officials’ reliance on the Library Bill of Rights to the exclusion of state and federal law proscribing obscenity and child pornography and state laws protecting minors from exposure to material harmful to minors, is the legal equivalent of an unlawful delegation of the lawmaking power to a private association, as condemned in the mandatory MPAA rating cases. To permit the ALA to run America’s libraries is akin to permitting the American Bar Association to run America’s courts.

The ALA’s Library Bill of Rights merely represents the personal opinion and private views of a private entity and/or of its members. It does not constitute “legal authority” upon which public decisions may be lawfully based. The Library Bill of Rights represents a “model code” of the ALA, and must be accorded the same treatment given the self-regulatory “model codes” of any other private entity, such as a plumbers or electricians union standards, Teamsters Union driving code, Underwriters Laboratory standards, or the Motion Picture Association of America (MPAA) movie rating system.

The law cannot be interpreted as giving private organizations, such as the ALA, a “veto power” over federal and state law. The California Court of Appeal addressed the treatment to be accorded a model code of a private trade association in *International Association of Plumbing and Mechanical Officials et al. v. California Building Standards*

Commission, 55 Cal. App. 4th 245 (1997), *petition for rehearing denied* June 17, 1997, *petition for review denied* August 13, 1997, 1997 Cal. LEXIS 5089.

“Manifestly, any association may adopt a ‘code’ but the only code that constitutes the law is a code adopted by the people through the medium of their legislatures. The Plumbing Officials Association is purely private and in no sense represents the people.”[quoting *Columbia Specialty Co. v. Breman* (1949) 90 Cal. App. 2d 372, at 378].⁸³

Next, an informed understanding of the pornography available on the Internet is essential. Child pornography is neither art nor “expression.” It is a crime scene photograph that records the sexual abuse of a child in progress and in pictures. It is produced, distributed, and possessed by preferential child molesters (pedophiles), not to express an opinion, but for their own perverse sexual stimulation and gratification. It is used by pedophiles to desensitize children and to educate them as to what the molester wants them to do; it is used to “black mail” the child victim into silence; it is traded with other pedophiles for additional child pornography or to gain access to other child victims.⁸⁴

But even if child pornography were a type of expression, it certainly is not the “free expression” of the child victim depicted in the photograph. It is compelled expression, which is a violation of the child victim’s right not to engage in “speech” or “expressive” conduct against his or her will.

It is the result of either the use of force, duress, or coercion of a child, who is physically and emotionally incapable of resisting an adult sex offender and legally incapable of consenting to engage in sexual conduct, or to the production, distribution, purchase, or possession by another, of the visual depictions of the illegally produced visual images.

In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943), the Supreme Court struck down a state board of education rule requiring public school pupils to salute the flag of the United States while reciting the pledge of allegiance. The majority opinion, often quoted in “compelled speech” cases, held: “If there is any fixed star in our constitutional constellation, it is that no official can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”

As the First Amendment protects a child from being compelled to salute the flag and recite the pledge of allegiance, it would also protect the child’s right not to have a visual reproduction of the compelled “expression” viewed or possessed by others. No one has a First Amendment right to see or hear another’s compelled “expression.”

A compulsory New Hampshire license plate law that made it a crime to obscure the motto, “Live Free or Die,” was struck down in *Wooley v. Maynard*, 430 U.S. 705, 715 (1977). The Court stated:

We begin with the proposition that the right of freedom of thought protected by the First Amendment against state action includes both the right to speak freely

and the right to refrain from speaking at all. . . . The right to speak and the right to refrain from speaking are complementary components of the broader concept of ‘individual’ freedom of mind. . . . Here, as in *Barnette*, we are faced with a state measure which forces an individual, as part of his daily life—indeed constantly while his automobile is in public view—to be an instrument for fostering public adherence to an ideological point of view he finds unacceptable. In doing so, the State invades the sphere of intellect and spirit which is the purpose of the First Amendment to our Constitution to reserve from official control. [Citations omitted].

Certainly, if a citizen cannot be compelled to use his private automobile as a “mobile billboard,” a child cannot be compelled to have his or her body sexually violated and used as the “daily” and “constant” “public” means of facilitating the perverse and illegal “expression” of a child molester.

The First Amendment protects every person, including children, from forced or coerced expression. Each time a visual reproduction of a child’s sexual abuse is viewed by others, his or her First Amendment free expression and privacy rights are violated in the most outrageous way. That is precisely what the ALA facilitates by advocating for unfiltered access to all Internet material, including child pornography. It is the epitome of hypocrisy for the ALA to facilitate the invasion of privacy and exploitation of sexually abused children, who have been forced or coerced into sexual “expression,” while claiming in their Bill of Rights and Code of Ethics to believe in and protect free expression and privacy rights.

In addition, to approve or assist the proliferation of hard-core adult pornography and child pornography on library computer terminals creates an offensive and hostile work environment for library employees. In doing so, the ALA is blatantly violating its own Code of Ethics, in which they claim to “treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.”

Exposing children, pedophiles, and adults to such material teaches a dangerous and distorted message about sex. In pornography, human beings have no value apart from their body parts; the “rape myth” is perpetuated; sex is separated from love and replaced by self-gratifying, self-centered lust at the cost of human dignity.

Will Americans ever forget the videotaped image of the two-year-old boy in England as he was being led out of a shopping mall to his death holding hands with his two ten-year-old murderers? Following the kidnapping and murder of the toddler, the British became alarmed about media effects. Mimicking *Child’s Play 3*, a horror video rented by the father of one of the killers, the two boys splashed the toddler with blue paint, battered his face and placed his tiny body on train tracks to be severed—all scenes in the film. The father had rented hundreds of horror and pornography videos, laying down the brain structure for a brutal killer. The Sky Television satellite network canceled its scheduled showing of *Child’s Play 3* and at least one British video store destroyed its copies of the film (*The Toronto Sun*, November 26, 1993).⁸⁵

Incredibly, the “Online Computer Library Center” lists twenty-five public libraries across the country that offer *Child’s Play 3*.⁸⁶ If those libraries follow the ALA Bill of Rights, we are assured that they will permit a child to borrow it. Furthermore, under the ALA privacy guidelines, the libraries would most likely refuse to respond to the parent’s request for information about what library materials and services their child has accessed. As the *Intellectual Freedom Manual* (ALA, 5th edition) states, “Freedom to express oneself through a chosen mode of communication becomes virtually meaningless if access to that information is not protected.” Indeed, does the ALA expect Americans to believe that the United States would not remain a free and open society if the ALA cooperated in keeping hard-core and child pornography out of public libraries and *Child’s Play 3* out of the hands of children?

Keep in mind the contempt the ALA has for “censors,” those individuals who challenge the ALA’s choice of certain library materials. They think others

may not have a broad knowledge of literature or of the principles of freedom of expression. . . . Although an attempt to stereotype the censor would be unfair, one generalization can be made: Regardless of specific motives, all would-be censors share one belief—that they can recognize “evil” and that other people must be protected from it. Censors do not necessarily believe their own morals should be protected, but they do feel compelled to save their fellows.⁸⁷

Even poor souls with knuckles dragging upon the ground can recognize the evil of child pornography and obscenity, unlike the enlightened spirits at the ALA.

NOTES

1. Lawrence and Giles, "Accessibility of Information on the Web," *Nature*, July 1999, p. 107.
2. Michael Schulyler, "Porn Alley: Now at Your Local Public Library," *Computers in Libraries*, November 1999, www.infotoday.com/cilmag/nov99/schuyler.html.
3. Pamela Mendels, "A Library That Would Rather Block Than Offend," *The New York Times*, January 18, 1997, p. 6.
4. Ann Symons, "Open Letter from the ALA President," *American Libraries*, January 1999, p. 44.
5. Niel Munro, "Quiet in the Library! Children Viewing Porn," *The Weekly Standard*, December 22, 1997.
6. David Hudson, decision in library filtering case, November 25, 1998, www.freedom.org/speech/1998/11/25library.asp.
7. ACLU, *Plaintiff's Response, Mainstream Loudoun v. Board*, 1998.
8. American Library Association, *ALA Mission, Membership, Organization—An Overview* (1998), www.ala.org/alaorg/mission.html.
9. American Library Association, Library Bill of Rights, adopted on June 18, 1948. Amended January 23, 1980, www.ala.org/work/freedom/lbr.html.
10. American Library Association, *Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights*, 1996, www.ala.org/alaorg/oif/electacc.html.
11. Scott Weinberg, "One Public Library that Is Not an Adult Book Store," *Culture Wars*, October 1997, p. 17.
12. *Citizen*, October 18, 1997.
13. "Library Is Sued to Bar Kids from Net's Porn," *Contra Costa Times*, May 29, 1998.
14. John McChesney, "Taking the Dick out of Moby Dick," *Hot Wired*, October 22, 1997.
15. ALA Office of Intellectual Freedom, *Frequently Asked Internet Questions* (June 1998), p. 3.
16. *The Los Angeles Times*, February 11, 1999.

-
17. E-mail message of administration of the Sonoma County Public Library to a staff complaint about a patron regularly viewing child pornography, October 5, 1999.
 18. "Library Calls Police About Man Viewing Nude Boys on Internet," *Akron Beacon Journal*, June 26, 1997.
 19. E-mail message from Julie Posey to David Burt, March 2, 2000.
 20. Sonya Boisvert, "Woman Charged in Library Internet Case," *Southwest Arkansas Times*, April 17, 1998.
 21. "Man Accused of Offering Daughter, 7, for Sex on Net," *Charlotte News & Observer*, December 24, 1999.
 22. "N.C. Man Gets 3 Years for Trying to Lure 13-year-old over Internet; the 'Girl' Turned out to be a Bedford County Deputy," *Roanoke Times*, January 13, 2000.
 23. "Letters to the Editor, Internet Porn at the Library," *Minneapolis Star Tribune*, February 12, 2000.
 24. Roy Rivenburg, "Public Libraries Debating How to Handle Net Porn," *Augusta Chronicle*, July 3, 1997.
 25. David Burt, "Testimony before the National Commission on Library and Information Science," December 14, 1998.
 26. Charles McClure, *1998 National Survey of U.S. Public Library Outlet Internet Connectivity*, figure 48.
 27. A study of Ohio public libraries, published in *Library Journal*, February 1999, found that 73 percent use the "tap on the shoulder" method. These policies are thought to be widespread in the Midwest.
 28. Charles McClure, *1998 National Survey of U.S. Public Library Outlet Internet Connectivity*, figure 22. Calculations of 39,012 graphical Internet workstations in 10,251 libraries.
 29. "Chicago PL Internet Hits Are Less than 5% Sexually Explicit," *American Libraries*, September 27, 1999.
 30. A survey of forty-two Virginia public library systems tabulated 807,717 total annual Internet sessions on 382 terminals. This annual average of 2,114 was then multiplied by the 39,012 terminals in the McClure survey to arrive at an estimate of 82 million annual Internet sessions nationally. Virginia State Library, November 11, 1998, "Public Library Internet Survey."
 31. David Burt, "Dangerous Access," *Filtering Facts*, March 1999, www.filteringfacts.org/da-main.html.
 32. E-mail message from Christine Lind Hage, forwarded to the Oklahoma Department of Libraries, June 23, 1999.
 33. E-mail message from Don Wood, "Coping with FOIA Requests," June 23, 1999.

-
34. *Library Journal* refers to Schneider as the filtering expert of the ALA council, www.ljdigital.com/articles/news/thisweek/p9466.asp; Schneider also testified as an expert witness against filters in Loudoun County, Virginia, www.censorware.org/legal/loudoun/980730_exprebutkgs_ml.htm.
 35. E-mail message from Karen Schneider, "FOIA, FOIL, etc.," June 24, 1999.
 36. "Pro-Filtering Crusader Blankets States with FOIA Requests," *American Libraries*, June 28, 1999, www.ala.org/alonline/news/1999/990628.html.
 37. E-mail message from Don Wood, "Letters Requesting Information under FOIA," July 13, 1999.
 38. David Burt, "Filtering Facts Causes ALA to Violate Own Principles," *Filtering Facts Friday Letter*, July 16, 1999.
 39. American Library Association, "Code of Ethics of the American Library Association," adopted by the ALA Council June 28, 1995, www.ala.org/alaorg/oif/ethics.html.
 40. American Library Association, "Policy Concerning Confidentiality of Personally Identifiable Information about Library Users," adopted on July 2, 1991, by the ALA Council, www.ala.org/alaorg/oif/pol_user.html.
 41. Rick Margolis, "Doing the Right Thing? Conservative Activist David Burt is Forcing Libraries to Turn over Their Complaints of Internet-related Complaints," *School Library Journal*, August 1999, p. 16.
 42. "Filtering Inquiries Raise Library Confidentiality Issues," *Newsletter on Intellectual Freedom*, July 1999. p. 90.
 43. Beverly Goldberg, "Filter Advocate Blankets States with FOIA Requests," *American Libraries*, August, 1999, p. 22.
 44. ALA Library Bill of Rights.
 45. Leigh Estabrook, *National Opinion Poll on Library Issues* (Urbana: Graduate School of Library and Information Science, University of Illinois, Fall 1991), p. 2.
 46. Carol Nielsen, "Pressure Groups: Politics, Religion, and Censorship in Libraries," in *Intellectual Freedom Manual, 5th edition* (Chicago: American Library Association, 1996), pp. 244–246.
 47. Judith Krug, *Intellectual Freedom Manual*, p. xi.
 48. *Ibid.*, p. 254.
 49. Candace Morgan, "Fighting the War Against Censorship: A National Perspective," *Library Journal*, October 15, 1995, p. 36.
 50. American Library Association, "Freedom of Information Day," March 16, 1999, www.ala.org/foiday/index.html.

-
51. Real Audio Web Radio Broadcast, "Freedom of Information Day Conference—Lunch Session," March 16, 1999,
www.webevents.broadcast.com/freedomforum/mar99/freeradio990316b.ram.
 52. Nancy Kranich, "The Public's Right to Know and Electronic Government Information," in *Citizen Rights and Access to Electronic Information: A Collection of Background Essays Prepared for the 1991 LITA President's Program*, 1991, p. 29.
 53. E-mail message from Karen Schneider, July 29, 1999.
 54. E-mail message from Ann K. Symons, July 29, 1999.
 55. E-mail message from Jim Scheppke, January 4, 1999, forwarded by Amy Owen, January 5, 1999.
 56. E-mail message from Nancy Bolt, August 3, 1999.
 57. E-mail message from Mary Ginnane, July 22, 1999.
 58. E-mail message from Don Wood, ALA Office of Intellectual Freedom, received by Aja Razummy, Coordinator, State Library, State of Alaska Department of Education, July 13, 1999.
 59. E-mail message from Karen Streng, June 28, 1999.
 60. Letter from Karen Streng to David Burt, June 23, 1999.
 61. E-mail message from Martha Roblee, June 21, 1999.
 62. Memorandum from Michael York, June 21, 1999.
 63. E-mail message from Patty Davis, June 21, 1999.
 64. Letter from Duane Johnson, Kansas state librarian, to David Burt, August 2, 1999.
Letter from James A. Nelson, state librarian and commissioner, Kentucky Department of Libraries and Archives, to David Burt, August 9, 1999.
 65. Letter from Virginia T. Green, Director, Bell County Public Library System, Pineville, Kentucky, to David Burt, June 22, 1999.
 66. Letter from Duane Johnson, Kansas state librarian, to David Burt, August 2, 1999.
 67. Memorandum from Nancy Bolt, August 5, 1999.
 68. E-mail message from the New York Department of Library Development, "Freedom of Information Request," NYLINE, June 23, 1999.
 69. E-mail message from Kimber Fender, director, Public Library of Cincinnati and Hamilton County, January 20, 2000.
 70. Letter from Mary Dempsey, commissioner, Chicago Public Library, to David Burt, October 13, 1999.
 71. Erwin Switzer, "Net Laws: Privacy or Disclosure? (Internet and Privacy of Library Privacy)," *Library Journal*, October 15, 1999.

-
72. Ibid.
 73. Ohio legislative website, www.legislature.state.oh.us/bills.cfm?ID=123_HB_389.
 74. *Ohio Library Council News Bulletin*, www.olc.org/newsbulletinjan00.htm.
 75. *American Libraries*, "Pregnant Florida Library Patron Jailed for Overdues," January 24, 2000, www.ala.org/alonline/news/2000/000124.html#pregbust.
 76. Censorware Project, 1998 and 1999. "Reports on Bess, X-Stop, CyberPatrol, WebSense and Smart Filter Each Show No More than 300 Wrongly Blocked Sites," www.censorware.org/reports.
 77. David Burt, "Survey of 24 Public Libraries Finds That Filtering Generates Few Complaints, Takes Up Little Staff Time," January 1998.
 78. Wayne Risher, "Porn Blocking Software Works at Library," *Memphis Commercial Appeal*, January 6, 2000.
 79. Pamela Mendels, "Survey Indicates Increased Use of Filters," *The New York Times*, May 12, 1999.
 80. See National Law Center Memorandum of Law, "On Legal Issues Involving Use of Filtering Software by Libraries, Schools, and Businesses to Screen Acquisition of Pornographic Material from the 'Internet' Is Both Lawful and Constitutional," October 17, 1997, Bruce A. Taylor, Chief Counsel, J. Robert Flores, Senior Counsel, Janet M. LaRue, Senior Counsel, Carol A. Clancy, of Counsel.
 81. "Article IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas;" "Article V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The ALA's interpretation of Article V., available online, states: "The 'right to use a library' includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V. . . . Librarians and governing bodies should not resort to age restrictions on access to library resources in an effort to avoid actual or anticipated objections from parents or anyone else. . . . Librarians have a professional commitment to ensure that all members of the community they serve have free and equal access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and governing bodies must uphold this principle in order to provide adequate and effective service to minors."
 82. "Article III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted;" "Article V. We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions."

-
83. See National Law Center Memorandum of Law, “On Legal Issues Involving *Use of Filtering Software*.”
84. According to the Congressional Subcommittee on Child Pornography and Pedophilia, “No single characteristic of pedophilia is more pervasive than the obsession with child pornography.” U.S. Senate, Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, Child Pornography and Pedophilia, 99th Cong., 1st Sess. (1988) (Available at the U.S. Government Printing Office, Washington, D.C.) [Hereinafter “Subcommittee on Child Pornography”]. Law enforcement studies have verified that pedophiles almost always collect child pornography and child erotica. *Child Molesters* at 17–25. “Detective William Dworin of the Los Angeles Police Department estimates that of the 700 child molesters in whose arrest he has participated during the last ten years, more than half had child pornography in their possession. About 80 percent owned [some type of] pornography.” Subcommittee on Child Pornography at 40–60. “Child Pornography plays a central role in child molestation by pedophiles, serving to justify their conduct, assist them in seducing their victims and provide a means to blackmail the children they have molested in order to prevent exposure.” *Id.*
85. Judith Reisman and neurologist Richard Restak have written on the greater impact of viewing pictures than text. “Text (largely a left brain function) is generally a low stimuli function when compared to viewing pictures (largely a right brain function). The latter can often be understood cross-culturally and even by the smallest children. Images reach the brain more quickly than print and sexual, violent, grotesque, fear-and-shame inducing images reach the brain faster than benign images. Of all our senses, sight is the most likely to involve recall. And the more likely we are to see and remember it. To Aristotle, this formation of mental images was like tracing with a signet ring on wax.” Judith A. Reisman, “Pornography in Neighborhood Convenience Stores: Neurochemical Effects on Women,” The Institute for Media Research, January 18, 1993, pp. 10–11.
86. www.oclc.org.
87. www.ala.org/alaorg/oif/censors.html.

ABOUT THE FAMILY RESEARCH COUNCIL

Founded in 1981, the Family Research Council is an independent, non-profit education and research organization dedicated to ensuring that the interests of the family are considered and respected in the formation of public policy. The Council works to create in the legislative, executive and judicial branches of the federal government and understanding of the overall pro-family agenda. The Council also maintains an extensive educational outreach that equips individuals nationwide to address family issues and activates these citizens to influence the legislative and public policy process.

Family Research Council's Washington headquarters are located in a beautiful six-story building completed in 1996. The building houses FRC's Washington staff and includes a modern media center, colorful displays, and a gift shop. The building is owned by Family, Faith and Freedom Foundation and was built through the generosity of two dedicated families, the Princes and the De Voses of Michigan. Visitors are welcome during normal business hours. If you plan to visit us, please call us in advance at 202-393-2100 to make your time with us as pleasant as possible.



FAMILY RESEARCH COUNCIL

801 G. Street, N.W.

Washington, DC 20001

Order line: 1-800-225-4008

Newsline: (202) 393-NEWS

www.frc.org