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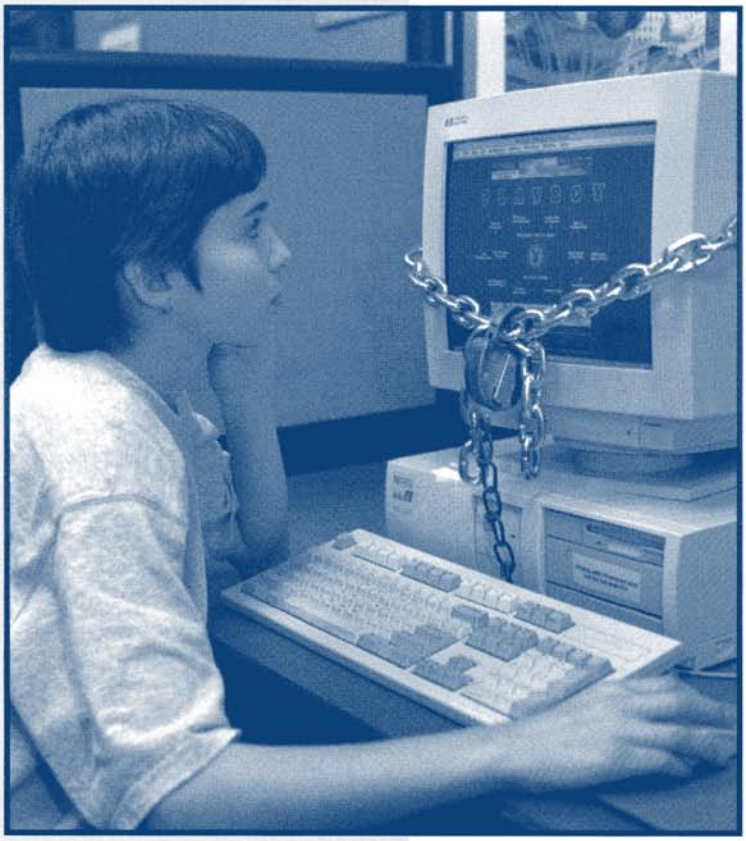

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OLA Quarterly

Sex in the Library: Internet Access Issues in Oregon

The steamy issues in librarianship today swirl around access to the wide open world of the Internet. From Constitutional issues to copyright, from child pornography to parents' rights, from dirty pictures to unfiltered access to materials on breast cancer, we are finding sex a hot topic in libraryland. Oregon libraries are grappling with questions concerning filtering, rights of minors, and outraged parents.

This issue of the *OLA Quarterly* examines the constitutional issues libraries face, what sorts of intellectual freedom challenges the Oregon State Library Clearinghouse has been receiving, and how public, school, and academic libraries are dealing with the latest challenges of the Information Age. We have also interviewed Oregon librarian David Burt who has gone on-line with his non-profit organization, Filtering Facts, which encourages libraries to voluntarily adopt filtering software on public access Internet terminals.

I hope these articles will provide you with an overview of the policies and practices being put in place by your colleagues across the state, and the sometimes wide divergence of opinion even among the members of our profession.

Carolyn Peake, *Guest Editor*
Lake Oswego Public Library

Beginning with this issue *OLA Quarterly* will be indexed in *Library Literature*.

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Intellectual Freedom Clearinghouse Challenges and the Internet

by MaryKay Dahlgreen
Youth Services Coordinator and Clearinghouse Coordinator
Oregon State Library

The Oregon Intellectual Freedom Clearinghouse was established in May of 1987 to uphold the principles of the Library Bill of Rights in all types of libraries by improving communication between librarians, board members, professional associations, and other concerned groups in Oregon. The tasks of the Intellectual Freedom Clearinghouse are:

(1) to provide a central clearinghouse to collect and disseminate reports about challenges to intellectual freedom in all types of Oregon libraries;

(2) to provide information about challenged materials to public, academic, and K-12 school librarians when requests for reconsideration of materials are formally registered;

(3) to provide assistance and information to public, academic, and K-12 school librarians about establishing appropriate policies and procedures before a challenge to intellectual freedom occurs; and

(4) to cooperate with other persons and groups concerned with intellectual freedom and related issues.

The data collected is limited to formal challenges to any type of library material in any type of Oregon library. A formal challenge is defined here as a written "Request for Reconsideration" or "Statement of Concern" submitted by a group or individual to a library. The Clearinghouse will report informal (not written) challenges when such challenges are of interest because they have received significant public debate.

The library community in Oregon, as in other parts of the United States, has been focusing on intellectual freedom issues surrounding the Internet. Many Oregon libraries were developing policies about Internet access in 1996-97 due to several grant opportunities for acquiring Internet workstations. Policy development was complicated by the challenge to the Communications Decency Act at the federal level and discussion about the use of filtering software. On June 26, 1997 the U.S. Supreme Court struck down the CDA.

Despite the Court's ruling the issue is definitely not resolved. Articles in journals ranging from *Consumer Reports* to *Time* magazine have discussed the use of filtering software in libraries. Libraries across the country and in Oregon are discussing whether to install filtering software and, if so, which software and which machines to install it on. Information and discussion on listservs, web sites and professional meetings informally provide opportunities for a great number of individuals and organizations to participate in the ongoing debate. On July 2, 1997 at its Annual Conference in San Francisco, the American Library Association (ALA) Council adopted a Resolution on the Use of Filtering Software in Libraries that concluded with: "The American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights."

However, this resolution is not the only effort of ALA to forestall widespread filtering. There is much agreement that librarians play a critical role in guiding parents and children to sites that they can recommend. To that end, a number of librarians who work with children have provided web sites for inclusion in the ALA publication, *The Librarian's Guide to Cyberspace for Parents and Kids.*

See **Intellectual Freedom** *page 15*

BREAKDOWN OF CHALLENGES REPORTED DURING 1996-97 REPORTING YEAR:

Total Challenges	18
MEDIA	
Books	18
LIBRARY TYPE	
In Public Libraries	13
In School Libraries	5
TARGET AGEGROUP	
Material designated as Adult	4
Material designated as Children's or Young Adult	13
REASON FOR CHALLENGE	
Scary or violent content	1
Graphic sexual content or explicit language	11
Witches or occult themes	2
Homosexual content	1
Other content	3
ACTION TAKEN	
Material retained in collection	18
Reclassified material	1
Restricted access to material	1

Internet Filtering and Individual Choice

by Candace D. Morgan
Associate Director
Fort Vancouver Regional Library System

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

And so these men of Indostan
Disputed loud and long,
Each in his own opinion
Exceeding stiff and strong,
Though each was partly in the right,
And all were in the wrong!
John Godfrey Saxe (1816-1887)

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

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

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

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

Candy Morgan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

An Interview with David Burt

by Carolyn Peake

Assistant Director
Lake Oswego Public Library

Lake Oswego Public Library Information Technology Librarian, David Burt, is one of the best known names in Librarianship these days as a result of his Internet Policies site on the WWW (see Public Libraries, *May/June 1997, pg. 156. An update of his article "Policies for the Use of Public Library Workstations" is in this issue of* OLA Quarterly*). He is perhaps even better known for his non-profit organization, Filtering Facts, launched in July, 1997, which encourages libraries to voluntarily adopt filters. The group's home page is: www.filteringfacts.org. David's article, "In Defense of Filtering" appeared in the August, 1997,* American Libraries. *The following interview with David was recorded on November 14, 1997 and has been edited only slightly for the sake of space limitations.*

CP: David, I think it is entirely possible that, in this world of "instant" communication, your name is better known in library circles than the President of ALA. But I've noticed that many of those writing about you have very little information about your background. Could you tell *OLA Quarterly* readers a bit about yourself–your personal and professional background?

DB: I've been a librarian since 1992 when I got my Master's Degree in Library Science from the University of Washington. After that I went to work for the New York Public Library and I worked in the branches and out on Staten Island. After that I was in the Technical Services Department of NYPL where I worked on computer related projects. I came out here to work for the Lake Oswego Public Library in January, 1996. I'm 36 years old, married. I grew up in Corvallis, Oregon and went to school there. I got my undergraduate degree in history from the University of Washington.

CP: Please explain how you started your Internet Policy site.

DB: We have been planning to offer Internet access here at the Lake Oswego Library for a long time and my boss (Library Director Carole Dickerson) had directed me to look into policies that other libraries were using. I started doing that and wrote an article on my findings for the *PNLA Quarterly*. I decided this would make a neat web site because I noticed that a lot of librarians posted to lists like Pub Lib and Web for Lib asking about "how do you handle the Internet?". So I started collecting policies and writing a research project out of (the information) and that's how it all got started and led to the article in *Public Libraries* last year.

CP: When I was visiting Boston last May, I made a trip to the venerable Boston Public Library which is in the process of having its original architecture and art restored. I chatted with the Young Adult Librarian on duty about the Boston mayor's requirement that the library filter its Internet stations for minors. She asked what Oregon library I was from, and when I said Lake Oswego Public, she exclaimed, "Oh! That is where David Burt works. His site has been so helpful." Was it your research into Internet Policies which led to your starting "Filtering Facts?"

DB: That was part of it, but mostly protecting children from what's on the Internet. And also, I wanted to make sure that the media and the public knew that there was a substantial minority of librarians who agreed that children shouldn't be exposed to that in a public library.

CP: The views expressed in "Filtering Facts" have made you a very controversial figure in library land. First, I'd like to ask you to explain why you started "FF" and, then, what the response has been.

DB: What really motivated me to action after that was what I felt was kind of a hard line stance that the American Library Association took in resolutions they passed at the San Francisco convention. Also at that San Francisco convention was a program called "To Filter or Not To Filter" that was sort of billed to look as though it was going to be a debate about filtering and everybody who was on the panel was against filtering so I really felt like my point of view wasn't being expressed and it really needed to be.

David Burt points out information to Carolyn Peake at the Lake Oswego Public Library where both work.

CP: The allegation which I read over and over again is that you are closely aligned with the groups "Family Friendly Libraries" and "Enough is Enough." What is your relationship to these groups?

DB: We talk. I have never accepted money from them. "Filtering Facts" is not affiliated with either of these two groups and has never taken any contributions from them. We do communicate; we share information, we share resources: but we, "Filtering Facts," only have one goal and that is to promote the use of filtering in libraries. These other groups have all kinds of other goals too that "Filtering Facts" does not agree with. We've only worked together on this one specific issue.

"I think it is a silly charge to say that wanting to protect children from pornography is being against the First Amendment."

CP: It has been suggested that these groups, and perhaps the religious right, is financing you. Is there any truth to this?

DB: At first I used to worry that I wasn't going to get much money because I felt I needed a lot, and actually it turns out I don't really need a lot of money to do what I do. Basically, what I do is provide information for people and I speak to the media and just have a web site that does that, and I make long distance phone calls. It doesn't cost a lot of money so money isn't an issue. I have gotten a handful of small donations from individuals. None of them, as far as I know, have been from employees of filtering companies or members of either of those organizations–but they could be.

CP: You have been quoted as saying that your sole concern is protecting children from pornography on the Internet. Does that statement, in fact, accurately reflect your views? And what is your definition of pornography?

DB: Yes, that statement does accurately reflect my views and that is my primary concern: protecting children on the Internet. My definition of pornography is material whose primary purpose is to sexually titillate and really has no other kind of legitimate purpose to it.

CP: An article titled "The Mind of a Censor" by Jonathan Wallace which was posted to the ALA OIF list November 10, refers to publications which have been blocked by filters, among them "The Ethical Spectacle" which included a short story by Mr. Wallace who is an attorney and the author, with Mark Mangan, of the book Sex, Laws, and Cyberspace (Henry Holt., 1996). He ascribes the following quote to you :

> "The filtering venders I talk to think that you are playing games with them, putting lurid articles like this full of foul language and reference to sex and drugs, then claiming that 'your site is blocked' when it is about free discussion of ideas."

I think most librarians would have trouble with the notion that "lurid" material, foul language, and reference to sex and drugs constitutes pornography or that such material would not be constitutionally protected speech. Please respond to this.

DB: First of all, as far as I know, Mr. Wallace's site wasn't blocked as pornography by any of those sites. Some of those sites were blocking in the category of profanity and Mr. Wallace's story contains it. He is basically accurate, but Mr. Wallace kind of implies, which isn't true, that I thought the site should be blocked from every public library and, of course, I never said that because I *would* never say that. What I *did* say to him was that if the school that was blocking out pornography was [also] blocking out profanity from its site—which they are certainly entitled to do–block out things that have profanity (in them)—that blocking that story of his might be an appropriate thing to decide to do. He is misquoting me.

CP: There is no question that Internet access and filtering are the hot topics in library circles. Filtering Facts has just about everybody talking, from library-profession icons like Dorothy Broderick, who's quite miffed with you, to ***American Libraries's*** Will Manley, who accuses ALA of being hypocritical when it comes to intellectual freedom regarding the filtering issue. How do you react to being vilified as an enemy of First Amendment rights on the one hand and congratulated as a representative of a valid, albeit minority, professional point of view, on the other?

DB: I will have the opportunity to debate Dorothy Broderick at the convention of the Kansas Library Association in Wichita, Kansas on April 8. It will be interesting to hear what she has to say. I have also been invited to speak at the Maryland Library Association March 31 and at the Connecticut Library Association April 15.

"Vilified as an enemy of the First Amendment"! I think the only people who vilify me as an enemy of the First Amendment are the people who take an extreme position on the First Amendment. When I hear people say that, I say these people are wrapping themselves in the First Amendment because they take an extreme stance and then accuse anybody who disagrees with them of being against the First Amendment. I think that is pretty unfair. I think it is a silly charge to say that wanting to protect children from pornography is being against the First Amendment. There is no precedent to support the idea that minors have a constitutional right to pornography.

CP: David, is there anything I haven't asked you that you would like your fellow OLA members to know about you or you views?

See **Interview** *page 15*

Update on *Policies for the Use of Public Internet Workstations*

by David Burt

Information Technology Librarian
Lake Oswego Public Library

It has been over a year since I wrote "Policies for the Use of Public Internet Workstations" for the PNLA Quarterly. That article led to the creation of the Public Library Internet Access Policies Page on my library's homepage at http://www.ci.oswego.or.us/library/poli.htm. At the suggestion of several librarians, I submitted the article to Public Libraries, and a much revised version of "Policies..." was published in the June, 1997 issue. I initially authored the webpage and the articles because librarians had a real need for such information. Messages asking how libraries deal with various Internet polices were being posted to the public library listserv Publib on an almost weekly basis. The primary areas of concern a year ago were such things as chat rooms, time limits, and printing costs.

What a difference a year makes.

In February of 1997, the mayor of Boston ordered the Boston Public Library to install CyberPatrol on the library Internet terminals. This event had a dramatic effect on library Internet access policies and on library administrators considering Internet access. Suddenly, filters and complaints about pornography were no longer theoretical debates. Public librarians everywhere realized that if the pornography on the Internet controversy could lead to a major political flap in an urban, liberal place like Boston, it could happen anywhere. And it has. Communities across the country have grappled with the issue, leading to hundreds of news stories about local controversies. The "Filtering Facts" News Archive at http://www.filteringfacts.org/news.htm contains over 70 on-line news stories alone.

Public library Internet policies appear to have become more restrictive in response. The policy archive site now arranges policies by date. The number of libraries which state that they filter has increased from 0% of policies written in 1995, to 3% of policies written in 1996, to 4% of policies written in 1997. It should be noted that there are several libraries with policies on the site that are known to filter but do not say so in their policies. Many of these libraries are concerned about negative publicity in the library community and the threat of lawsuits, so the percentage of libraries that filter may be underrepresented.

A much more noticeable change can be seen in so called "tap on the shoulder policies" which mandate a "tap on the shoulder" by library staff when a patron is seen viewing "inappropriate materials." The number of libraries with "tap on the shoulder" policies was only 8% of all policies written in 1995, and leapt to 25% for both 1996 and 1997.

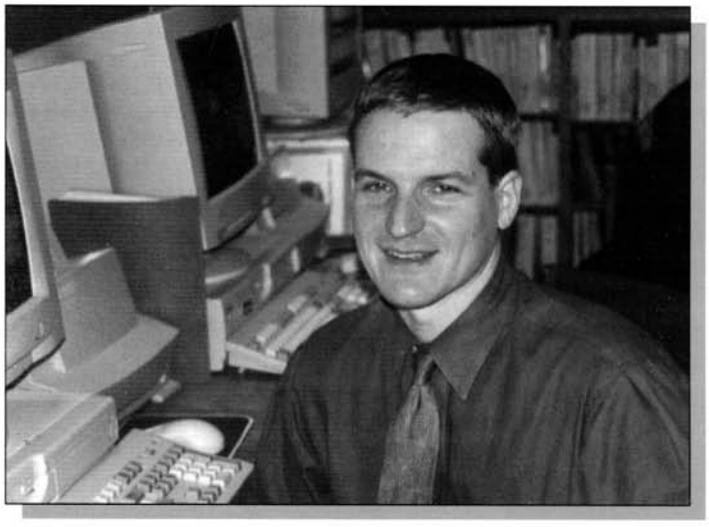
These "tap on the shoulder" policies are often being implemented as a compromise to filters. Some examples are the Osceola County (FL) Public Library's policy that says "A patron found to be sending or receiving inappropriate materials will be disconnected from the Internet, and will not be allowed to use it at any future time." The Appleton (WI) Public Library forbids users from "sending, receiving, or displaying, text or graphics which may reasonably be construed by Library staff as offensive to the public." Librarians I have spoken with about "tap on the shoulder" all report that library staff spend very little time enforcing them. Open placement of Internet terminals combined with strict policies seems to deter most would-be porn surfers.

The biggest change in library Internet access policies has been in the area of age restrictions. Age restrictions are defined in two ways, first as rules for using the Internet only with the parent's permission, as does the Bloomingdale (IL) Public Library:

> For Patrons Under the Age of 18:
> As the parent or guardian of _____
> I give permission for my child to use the Internet Computers at the Bloomingdale Public Library, with the understanding that I am responsible for monitoring their appropriate

See **Policies Update** *page 16*

David Burt



Surfwatching the Internet

by Margaret Barnes
Director
Dallas Public Library

The Internet is often perceived as both a wonderful resource and a gigantic robber of time. It has the ability to instill in people a sense of awe, of empowerment, with information right at their finger tips. The Internet also has the capacity to make people feel inept, uninformed, and computer illiterate. This electronic information resource of recent vintage continues to serve as the focal point for an ongoing dialogue concerning questions of equal access, freedom of information, and the rights of the consumer. Both within and without the library profession the conversation furiously continues. It takes place at the local, state, national, and international levels.

How will libraries provide access to this electronic resource? And once the access is provided what will access include?

The sophistication and complexity of the Internet has evolved dramatically in the last five years. The public's awareness of this service and consequent demand that it be offered by their local library has steadily increased. The Internet is no longer considered to be an extraordinary service but rather a basic service.

The Dallas Public Library was able to provide more than text based Gateway access to the Internet, which was initially available through our library automation provider, Dynix, once a number of significant opportunities fell into place. In the fall of 1994, the Oregon State Library defined a strategy through the Oregon Information Highway Project to bring public libraries throughout the state graphical Internet connectivity. Once the matching infrastructure grant process was defined, the city libraries of Dallas, Independence and Monmouth, with support from their city administrations, applied for and were awarded one of the state infrastructure grants.

The other major event for Dallas, along with all the other public libraries that are members of the Chemeketa Cooperative Regional Library Service, came when the Salem Public Library applied for and was awarded a grant that included the placement of workstations in CCRLS libraries to provide graphical access to the World Wide Web for their patrons. This was all very exciting and new ground to cover. During this time, the Library Directors of Dallas, Independence, and Monmouth worked on user guidelines and strategies to promote this new resource to the public.

During this period a national explosion was taking place about the WWW, pornography, cyber encounters, chatlines, and assignations arranged via the Internet. These topics were all prominently played out as news stories both in the local and national printed press. Nightly television news frequently addressed these same stories and issues, sometimes in lurid and alarming terms. At the local level, policy makers understandably were interested in anticipating and addressing potential problems before they arose in providing access to the Internet at their local library. It seemed logical, therefore, to go forward with the project and include an analysis of the various filter systems which were just then hitting the market.

After much conversation and serious reflection, it was determined that a workable approach, enabling the Dallas Library to furnish access to the public, would be the installation of a filter system on all public Internet stations. Without a filter system the Library would simply not have been able to provide public access to the WWW. We chose the product "Surfwatch" to install on the public workstations. This was a compromise solution but the significant and desirable result was our ability to provide public access to the WWW. This solution made the local policy makers comfortable with the concept of the library's having public access to this new electronic resource. As often is the case with something new or a new project, in the initial phase tight controls are put in place in order to monitor the project.

At this point in time we have four public workstations that provide access to the World Wide Web to our public. The Library has been providing this access since June of 1996. Dallas has seen Internet usage reach an average of about 300 users a month. We provide on-going demonstrations of this resource to classes, local community groups and in one-on-one tutorial sessions.

During the almost 1 1/2 years that we have been providing this service we have had no one formally or really informally register an objection about a filter system being in place on the workstations. We have received countless positive comments about this service from all ages in our community.

Libraries continue to be viewed by the public as a safe place to try new things and learn about new resources. For the community of Dallas, we have found this to be our experience. Granted, in a different setting the approach to providing this service may be different. Libraries exist to be of service to their local communities. The interests and needs of our community determine our responses in terms of collection development, programming, information retrieval and the need to acknowledge political imperatives from time to time. If we lose sight of this we risk losing our public and failing to serve their best interests. Q

Public Use of the Internet at the Beaverton City Library

by Cecile L. Carpenter
Head of Circulation
Beaverton City Library

Through a unique volunteer program, The Beaverton City Library is able to provide public Internet access without a heavy demand on staff time. The volunteers have provided demonstrations and "Help Sessions" to over 1,000 library patrons.

Currently the Beaverton City Library has four Internet terminals for patrons to use. All access the Internet via a public network with high-speed (T1) Internet connections. One of the terminals is in the reference area of the library and the other three are in a small private Internet Room.

Use is first come, first served, at the terminal in the reference area and it is limited to 30 minutes when others are waiting. A clipboard for signing up to be on the waiting list is located beside the terminal. Reference staff offer help to the users as their time allows. The terminal is almost always in use.

The three terminals in the Internet Room are available to patrons who have attended a demonstration on Internet use given by a library volunteer, or to those whom the reference librarians assess as having sufficient understanding of the Internet to use the terminal on their own. The Internet Room is on the opposite side of the library from the reference desk, which, coupled with time constraints, makes it difficult for the librarians to provide assistance with searching.

Any patron who uses the Internet Room must sign Beaverton's acceptable use policy for the Internet, the "Rules of the Road." It outlines the expectations we have of those who wish to surf the net in our Internet Room. For those under 16, the Rules require a parent or a guardian's signature. Users must have a signed Rules form on file. The fact that a patron is qualified to use the Internet Room is recorded in his patron registration files in the Washington County Cooperative Library Services' circulation data base.

Sign-up to use the Internet Room is accomplished at the Circulation Desk where we keep three sign-up clipboards, each for a specified terminal. A key to the Room is given to each patron who signs up (the Room is normally kept locked), identification is taken at the desk, and staff show the patron to the Internet Room.

A patron may sign up for a block of time up to one hour. This can be done in advance over the telephone as well as in person. If the terminal is not reserved for the following hour, the patron may continue to use it. The terminals are almost always in use.

Volunteer demonstrations have proved very popular. Patrons add their names to sign-up sheets posted in the library lobby. We attempt to limit the demonstrations to four people, but this is not always possible. Places are filled a month or more in advance. There are four or five demonstrations per week. Several of our Internet volunteers have also agreed to be present at "Help Sessions," where the public can sign up to call upon their expertise for assistance in using the Internet.

In August of this year demonstrators began giving out Internet Demonstration Evaluation forms to those attending each session. Initial results were presented at a demonstrator's meeting in September. Patron response was overwhelmingly positive at that time and continues to be so.

Problems have centered on balky printers, running out of paper for the printer, patrons adding their own bookmarks, and patrons needing more help than staff could provide. A trouble log, on which staff and volunteers can describe equipment problems, has helped. Several staff are gaining expertise as Internet troubleshooters, and one staff member has been designated Internet Room Assistant. She checks regularly to see that the printers have paper, the terminals are working, and the handouts that demonstrators use are in sufficient supply.

"Although we are aware of a variety of filtering software, we are using none. To date we have had no problems with young people's use of the Internet."

Although we are aware of a variety of filtering software, we are using none. To date we have had no problems with young people's use of the Internet.

The effort we have made to introduce our public to the possibilities of Internet use, though not without problems, has been very rewarding in terms of public response. All staff continue to contribute to this effort, as do our corps of expert volunteers. Their interest and expertise in Internet use has been a wonderful resource to the public.

Jackson County's Compromise

by Ronnie Lee Budge
Director
Jackson County Library Services

When we decided to make the Internet available to patrons of the Jackson County Library, one of the first questions we asked ourselves was whether filtering software might be needed or wanted on any of the workstations. We had a lot of practical concerns, as well as intellectual freedom issues to consider.

We intended that the Internet would be an important information resource for our library users, just as is our print collection. We knew that filters often filter out useful information as well as sites that many people consider "objectionable."

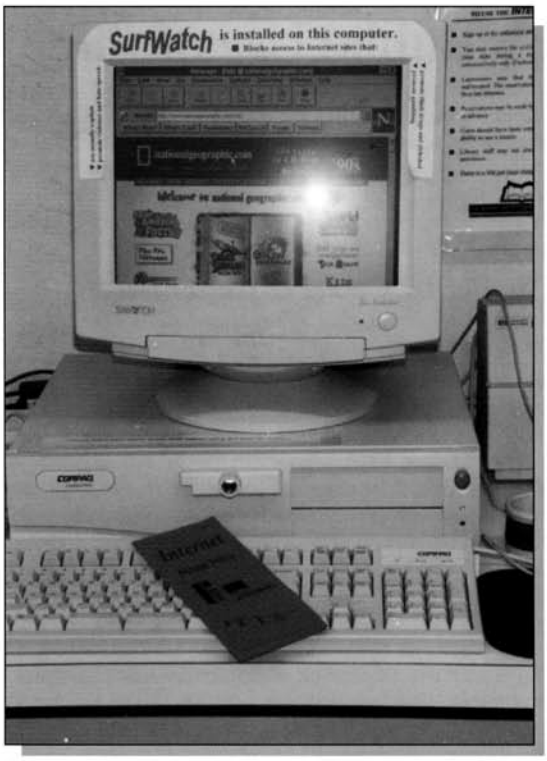
Our library has adopted the Library Bill of Rights, the Freedom to Read Statement, and the Freedom to View Statement as official policies. We do not restrict children's or teens' access to print or AV materials in the adult department.

But we also knew that there was nothing in the library collection, and never will be, to match what can be found on the Internet when it comes to sexual explicitness, promotion of illegal activities, and just plain nonsense. And when we announced that our libraries had public Internet workstations we expected to be asked, "Are you letting children view all that awful stuff?"

So we decided to take a pragmatic approach. In our biggest libraries we'd put filters on workstations in the children's department, but not on the ones in the adult department. We wouldn't restrict children or teens to the filtered workstations, but we knew that young children were unlikely to venture outside the children's department unless their parents were with them. In our smaller libraries where there could be only one workstation, it would be unfiltered. And we put off a decision about whether to filter workstations in the teen library, where none has been installed to date, until we gained more experience with public Internet use.

Sure enough, I was asked about children's access to pornography on the Internet when I next spoke to a local service club. My answer, that concerned parents should direct their own children to the filtered workstation in the library, seemed to satisfy the questioner.

For those of you who are worried that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights, there's no problem when a choice is provided. I asked about this during the last ALA Council session in San Francisco. I was told by members



An Internet terminal at Jackson County Library with the filtering program "SurfWatch" installed.

of the Intellectual Freedom Committee that as long as there are a reasonable number of unfiltered stations, and they're available to kids as well as adults, and the filtered stations are so labeled, then there's no "violation."

The filter we chose is SurfWatch. It's far from perfect, but no filters are. (The best analysis of Internet filters in library settings that I know about is The Internet Filter Assessment Project at http://www.bluehighways.com/tifap/.)

We surrounded the monitor screen with a label that says "SurfWatch is installed on this computer. Blocks access to Internet sites that: are sexually explicit; promote violence and hate speech; promote illicit drugs and alcohol; promote gambling."

I recently tried some searches to see what was and was not blocked. When I searched for "breast" there was no trouble locating sites about breast cancer, but SurfWatch blocked "Access breasts Now! Come get the free XXX Pics Now!" It also blocked "Winning gambling football bets," "White Aryan Resistance Hate Page," and "Voice of White America." It did not block "American Whites," "Medicinal marijuana in the states," nor the Marijuana Grower's Handbook. SurfWatch blocking criteria are described in detail on its website.

See **Jackson County** *page 16*

Sex, the Network, and Academic Libraries

by Deb Carver

Associate University Librarian for Public Services and Collections
University of Oregon

Most academic libraries have not been targeted frequently by the content police or forced to defend the tenets of intellectual freedom. The academy, after all, is the source of a liberal education. It is the home of free expression which is not only encouraged but staunchly protected. Those who select titles for the library's collections are governed by policies which are broad and inclusive; few restrictions are applicable. In addition to this open and tolerant atmosphere, there are few impressionable third-graders wandering in the stacks looking for a good book to read; no moms with preschoolers looking for a good story hour. Compared to many public libraries, academic libraries have operated under less scrutiny and fewer challenges from their primary constituents.

But this open and tolerant atmosphere does not translate into "anything goes." In fact, some academic libraries have found themselves in a recent cross-fire between freedom of speech champions and politically correct enthusiasts. Most academic librarians do not purchase pornography or contemporary hate literature for the collections, but they do select materials that can easily be seen as objectionable, offensive, and possibly obscene by some individuals. In contrast to public libraries which are usually challenged from the conservative right, academic libraries occasionally can find themselves challenged from a more liberal constituency for having materials which are seen as racist, sexist, or anti-Semitic.

Easy, open access to the Internet has added to this tension within academe. A female student may accept, but not like the fact that the library subscribes to Playboy. But if a male student next to her is accessing Playboy's online equivalent and displaying nude pictures on his screen, she may feel harassed. An African-American student may accept, but not like the fact that a skin head in the lounge is reading his personal copy of a white supremacist tabloid. But if another student has been broadcasting e-mail messages with links to white.males.forever@hate.com, the black student understandably may feel threatened.

Easy, open access to the Internet has also created some confusion about acceptable behavior within the academic library and the college or university. The Internet's history, short as it is, is firmly entrenched in free and open expression. But some students confuse freedom with lawlessness. Most students would not dream of printing several hundred copies of a libelous diatribe and distributing these to patrons as they entered the library. Some of those same students, however, would feel no compunction at sending the same message over the network. Another source of confusion is related to the way information is delivered and accessed. It may be acceptable for a student to read his/her own pornographic magazine in the library, but what if that individual chooses to access the same information in a way that crosses the boundaries of personal space, e.g., on a computer screen facing a public corridor?

Use of networked resources in an academic setting can create confusion over legal rights, but it also creates the opportunity to educate students and to affirm the values of free expression, community, and civility. Academic libraries should be part of this positive process. Although each campus may have slightly different practices and policies, there are some general guidelines that can be used to increase awareness and sensitivity, reduce confusion, and prepare library employees to respond appropriately when complaints are made.

Consult the institution's legal council. It is very important for library policies to be congruent with campus-wide policies on acceptable behavior and use of networked resources. The university's attorney can help to ensure consistency with existing policies, explain any vagaries in state law, and outline the university's rights which may transcend certain statutes. For example, the Oregon Supreme Court has ruled several obscenity statutes to be unconstitutional and has held that obscene communication is protected under the First Amendment. On the other hand, certain Oregon and federal statutes have been interpreted to give the university the right to infringe on the freedom of obscene speech if it is materially disruptive to the educational process. Universities also have the right to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. The attorney can provide valuable information on what is legal, prudent, and consistent with university principles.

Define and distribute an "Acceptable Use Policy." Chances are there is already an acceptable use policy on campus. The library may need to modify the statement to take special circumstances into consideration. If modification is necessary, the library's statement should follow the themes expressed elsewhere and avoid any deliberate or unintentional contradictions. If there's one thing college students do extremely well it is the ability to spot contradictions.

As a rule, general statements are more effective than a long list of prohibitions. If the policy is too specific about what is not allowed, someone will think it is permissible to do whatever is not mentioned. A good policy will have a general statement about rights as well as responsibilities. There are several good models available on the Internet. For example, the Minnesota Public Schools' statement says that "Internet use guidelines should have as their underlying value the preservation of students' rights to examine and use all information and formats and should not be used to place restrictions on student use of the Internet." While special restrictions on student access to Internet resources is not advisable in most cases, it may be necessary to remind students that unlawful behavior can take place on the network. For example, the University of Oregon's acceptable use policy states that "the University Conduct Code also applies to electronic forums. The code prohibits, among other things, unwanted sexual behavior, threat of physical harm, and sexual harassment."

Focus on intent and effect, not content. The library's philosophy and policies governing the use of networked resources should not focus on content, e.g., obscene or objectionable material. It is important to distinguish between an individual's personal use of written or graphic material, and more expressive forms of behavior such as lewdness, coercion, or threatening actions. When deciding on a course of action, the emphasis should be on the impact of the behavior in question. For example, most case law defines sexual harassment as targeted toward a specific individual. What about the female student who objects to another student's use of nude pictures on his screen? The female student complains that these pictures are easily visible on the monitor next to her, and she feels uncomfortable and intimidated. It could be difficult to prove that this situation constitutes sexual harassment. It is unlikely that these actions are targeted toward a specific individual, and the serious effects of this situation are debatable. What about the student who repeatedly sends the same graphic file to one female's account along with a personal message that expresses his interests? Here, the intrusion seems purposeful and the intentions dishonorable. It is not the graphic image that's the deciding factor; it is the actions of the individual and their effect.

"When deciding a course of action, the emphasis should be on the impact of the questionable behavior."

Sponsor lectures and discussions on intellectual freedom and the use of the Internet. The best way to protect the rights of all library users and avoid playing the role of the censor is to educate students on matters of respect, self-discipline, and civility. Most academic libraries now offer a series of workshops on the mechanics of the network. Workshops and Internet courses should also offer students the opportunity to discuss the social, legal, and political aspects of networked communication. Most students know something about the First Amendment, but they may know very little about its corollary, intellectual freedom. By taking these more proactive educational steps, the library may avoid taking more questionable and reactive measures such as secluding some terminals for "private viewing" and confronting an unsuspecting student with the suggestion that he move or cease to use certain resources. Most students do not enter college with all the sensitivity training necessary to succeed in an adult world. The university and the library can play an important educational role in this area.

Train employees to respond appropriately to complaints. Intellectual freedom and the acceptable use of networked resources also opens the door for several stimulating staff development programs. It can be very stressful for staff to handle complaints if they have not had the opportunity to discuss the issues and principles involved. From the author's experience, most complaints do not warrant retributory action. However, some unusual situations call for a more intrusive and immediate response. For example, the staff at one university library were concerned about a patron's repeated visits and use of what appeared to be child pornography. Since strict laws apply to the use and dissemination of such material, the campus police and district attorney's office were notified. It was up to the legal authorities, not the library, to determine the extent of any crime which may have been committed on the premises. The library acted responsibly in the face of highly suspicious and potentially illegal activity. Staff should have the opportunity to discuss their responses to all situations related to the use of networked resources so that they can build a solid understanding based on experience and informed feedback.

Easy access to Internet resources has presented both a challenge and an opportunity for academic libraries. The apparent clash between one person's right to access information and another person's right not to feel intimidated by unwanted and threatening communication has forced academic librarians to become knowledgeable about intellectual freedom issues. Reasonable and responsible policies and practices are possible without resorting to censorship. The goals should be to maximize access to all forms of electronic communication, maximize freedom of speech and intellectual freedom protections, minimize any restraints placed on content, and minimize the disruptions to the educational process.

Internet Access Issues in Oregon's Public Schools

by Rebecca Macy
Teacher-Librarian
Forest Hills Elementary School
Lake Oswego

The Internet has greatly increased information sources for school libraries as it has for our library partners in public, academic and special libraries. Along with this tremendous resource has come the dilemma of access, censorship, and our role in providing high quality resources.

As Carol Truett said in *School Library Media Quarterly*, "Those of us in the school library media center know today's public school faces an awkward dilemma when we serve *in loco parentis* to young people. We have a responsibility to set high moral standards and ethical values for our students."

To gather information about Internet access policies in school districts statewide, I asked school librarians serving K-12 at the Oregon Educational Media Association conference about their use of filter programs, acceptable use agreements signed by students and parents and whether students use the Internet independently or with adult supervision. I received information from districts across the state, from LaGrande and Pleasant Hill, to Portland and Medford.

I received input from 18 public schools and one private school. Slightly more than 10% of the districts polled (2 of 18) use filtering programs. In the Roseburg district, the blocking software was mandated by the school board. They previewed many titles and chose BESS. Roseburg High School's Mary McClintock commented, "The big issue for me at the high school is that older students are being blocked from sites that aren't appropriate for elementary. There is no adaptation for levels."

Newberg School District Instructional Technology Trainer Patty Sorensen told me, "We tried a filter for a short time and found it not effective. We believe in teaching student responsibility and treating it as a choice much like appropriate behavior."

A common procedure in school districts is to have students and parents sign an Acceptable Use Agreement. When parents and students read the Acceptable Use Policy before signing the agreement, they learn the district's expectations for student use of technology.

All of the schools responding to my informal survey have an Acceptable Use Policy. Most schools (88%) ask students and parents to sign an Acceptable Use Agreement. The other schools have the Technology Use Rules as part of their discipline/behavior policy document which goes to all students. No signature is needed, but there are consequences for breaking the rules, as there are for all school rules.

A popular subscription for districts is the Electric Library which uses the speed and access of the Internet to find preselected current, full-text information and visuals. Some districts offer this resource without signed permission forms.

In the Centennial District in East Portland, middle and high school students receive training on district policies, navigating Netscape, and evaluating sites in order to receive a permit to use the Internet.

Adult supervision is required in most elementary schools, but older students access the Internet independently in most districts. In most cases, a signed Acceptable Use Agreement is on file; some schools issue a license or place a sticker on the student body card to prove the student has signed the agreement.

Unacceptable use of the Internet can result in the loss of Internet privileges or all computer access for the year, depending on the school.

Since many schools have computers and wiring in all classrooms, teachers as well as school librarians are supervising students who are using the Internet. This means that supervision ranges from one on one help from an adult to students searching completely on their own in a busy classroom or computer lab.

See **Oregon Public Schools** *page 16*

Children use the Internet at terminals such as this one at K-12 schools across the state.

Access to Electronic Information, Services, and Networks:

an Interpretation of the Library Bill of Rights

Adopted by the ALA Council January 24, 1996

Introduction

The world is in the midst of an electronic communications revolution. Based on its constitutional, ethical, and historical heritage, American librarianship is uniquely positioned to address the broad range of information issues being raised in this revolution. In particular, librarians address intellectual freedom from a strong ethical base and an abiding commitment to the preservation of the individual's rights.

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information. These rights extend to minors as well as adults. Libraries and librarians exist to facilitate the exercise of these rights by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression regardless of the format or technology.

The American Library Association expresses these basic principles of librarianship in its Code of Ethics and in the Library Bill of Rights and its interpretations. These serve to guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to electronic information, services, and networks.

Issues arising from the still-developing technology of computer-mediated information generation, distribution, and retrieval need to be approached and regularly reviewed from a context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are not swept away.

Electronic information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it. Even so, many people, for reasons of technology, infrastructure, or socio-economic status do not have access to electronic information.

In making decisions about how to offer access to electronic information, each library should consider its mission, goals,objectives, cooperative agreements, and the needs of the entire community it serves.

The Rights of Users

All library system and network policies, procedures or regulations relating to electronic resources and services should be scrutinized for potential violation of user rights.

User policies should be developed according to the policies and guidelines established by the American Library Association, including *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities.*

Users should not be restricted or denied access for expressing or receiving constitutionally protected speech. Users' access should not be changed without due process, including, but not limited to, formal notice and a means of appeal.

Although electronic systems may include distinct property rights and security concerns, such elements may not be employed as a subterfuge to deny users' access to information. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Users also have a right to information, training and assistance necessary to operate the hardware and software provided by the library.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice. Users should be advised, however, that because security is technically difficult to achieve, electronic transactions and files could become public.

The rights of users who are minors shall in no way be abridged. (See: *Free Access to Libraries for Minors: an Interpretation of the Library Bill of Rights*; *Access to Resources and Services in the School Library Media Program*; and *Access for Children and Young People to Videotapes and other Nonprint Formats.*)

Equity of Access

Electronic information, services, and networks provided directly or indirectly by the library should be equally, readily and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by all libraries and information services that receive their major support from public funds (50.3; 53.1.14; 60.1; 61.1). It should be the goal of all libraries to develop policies concerning access to electronic resources in light of *Economic Barriers to Information Access: an Interpretation of the Library Bill of Rights* and *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities.*

See **Access** *on inside back cover*

Intellectual Freedom

(continued from page 2)

The *50+ Great Sites for Kids and Parents* have been selected for their quality, content, accessibility, currency, uniqueness and appeal to children. It is available at http://www.ala.org/parentspage or by calling the ALA Public Information Office at 1-800-545-2433 ext. 5044/5041.

"The American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights."

Due to underreporting, the Oregon Intellectual Freedom Clearinghouse Annual Reports are not an absolute picture of the status of intellectual freedom in Oregon. To help us obtain a better picture we invite every library in Oregon to report challenges to intellectual freedom, and we have posted information about the Clearinghouse, the information request form, the reconsideration report form and other intellectual freedom resources on the Oregon State Library Web site at http://www.osl.state.or.us/libdev/libdev.html. Please communicate with us about concerns and challenges that you receive, so we can maintain contact with libraries in Oregon and are able to fulfill our roles as the Oregon Intellectual Freedom Clearinghouse. *You can contact MaryKay Dahlgreen, Clearinghouse Coordinator, by e-mail at marykay.dahlgreen @state.or.us or by telephone 503-378-2112, extension 239.*

BREAKDOWN OF CHALLENGES REPORTED DURING INTELLECTUAL FREEDOM CLEARINGHOUSE'S TEN YEARS OF OPERATION:

Total Challenges	378
LIBRARY TYPE	
In Public Libraries	253
In School Libraries	125
TARGET AGEGROUP	
Material designated as Adult	136
Material designated as Children's or Young Adult	242
REASON FOR CHALLENGE	
Scary or violent content	59
Graphic sexual content or explicit language	146
Witches or occult themes	50
Homosexual content	60
Other content	63
ACTION TAKEN	
Material retained in collection	325
Reclassified material	10
Restricted access to material	18
Replaced material	3

Interview

(continued from page 6)

DB: I would just like to say that, although my boss doesn't agree with my views, she has been very understanding and I appreciate that. My boss recognizes that whatever political activities I may have are outside of my work, and she has never done or said anything to indicate to me that she holds [my views] against me nor has she treated me any differently than in a professional way because of them, and I appreciate that.

CP: David, thank you very much. I'm sure this conversation will be very much of interest to our colleagues. I would like them all to know that you are an amiable guy and great to work with. We, on the staff of the Lake Oswego Public Library, have found you a real asset to our staff–whether we agree with you on filtering or not.

Policies Update

(continued from page 7)

> use of the Internet Computers and that I am responsible for any damage that may occur.

The other way age restrictions are defined is in rules that state that a child may only use the Internet in the company of a parent, as does the Arlington Heights (IL) Public Library:

"Children age 7 or younger must be supervised by an adult while using the Online Room."

Some libraries combine both policies for children of different ages, as does the Rockbridge (VA) Public Library:

> Users Under 14: Children under 12 will be permitted to use an Internet computer only if accompanied by an adult 18 years or older. Twelve- and thirteen-year-olds may use an Internet computer by themselves only if a parent or guardian has come to the library and signed a permission slip.

When the number of libraries practicing either policy is combined and duplications subtracted, the totals for policies written in 1995 are 25%. For polices written in 1997, it is a striking 39%.

What seems clear to me is that as the publicity and political battles regarding Internet pornography in public libraries has increased, public library Internet access policies have become more restrictive in response.

Jackson County

(continued from page 10)

What has been the patron and staff reaction to the filtered workstation? Almost none. Patrons seem to consider it obvious that the children's workstation would be filtered. The filter doesn't keep children from finding answers to their reference questions. One adult who was browsing music sites was blocked from accessing a rock musician's homepage, but it wasn't pertinent to her research and she didn't care.

Teenagers have been overheard saying "Let's go upstairs and use the one up there. It's more fun, it doesn't have SurfWatch." But one father, obviously unfamiliar with the Internet and leery of it, was reluctant to let his daughter use the workstation until he realized it was filtered. Then he seemed relieved and permitted her to get acquainted with this new information resource.

Oregon Public Schools

(continued from page 13)

School librarians continue to wrestle with the issues of providing access to information on the Internet and of how district policies can limit that access. It's such an exciting advancement in the areas of international connections and idea sharing.

I like Alan H. MacDonald's comment, "The nature of the telecommunications stream is such that it would take the equivalent of a national telecommunications lobotomy to fully control the flow."

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Editor's note: Rebecca Macy was recently named OEMA Media Specialist of the Year.

Access

(continued from page 14)

INFORMATION RESOURCES AND ACCESS

Providing connections to global information, services, and networks is not the same as selecting and purchasing material for a library collection. Determining the accuracy or authenticity of electronic information may present special problems. Some information accessed electronically may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate. Parents and legal guardians who are concerned about their children's use of electronic resources should provide guidance to their own children.

Libraries and librarians should not deny or limit access to information available via electronic resources because of its allegedly controversial content or because of the librarian's personal beliefs or fear of confrontation. Information retrieved or utilized electronically should be considered constitutionally protected unless determined otherwise by a court with appropriate jurisdiction.

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. Libraries have an obligation to provide access to government information available in electronic format. Libraries and librarians should not deny access to information solely on the grounds that it is perceived to lack value.

In order to prevent the loss of information, and to preserve the cultural record, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained electronically.

Electronic resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to electronic resources no less than they do to the more traditional sources of information in libraries. *(See Diversity in Collection Development: an Interpretation of the Library Bill of Rights.)*

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