



BERKSHIRE ATHENAEUM

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Pittsfield's Public Library Since 1872

BERKSHIRE ATHENAEUM INTERNET ACCESS AND SERVICES: STATEMENT ON LIBRARY FILTERING SOFTWARE

1. OVERVIEW: The American Library Association's (ALA) policies oppose anything and anyone that prevents access to constitutionally protected speech in libraries. Because filtering software cannot distinguish between protected and unprotected speech, ALA opposes the use of filters in libraries. Despite the Supreme Court ruling on the Children's and Internet Protection Act (CIPA), which permits the government to require libraries receiving certain kinds of federal funding to filter Internet content, ALA does not recommend the use in libraries of filtering technology that blocks constitutionally protected information. The Trustees of the Berkshire Athenaeum supports the position adopted by the American Library Association that sees the use of filtering software as an abridgement of the Library Bill of Rights, and does not use filtering software on library Internet workstations.
2. WHAT IS BLOCKING / FILTERING SOFTWARE? Blocking/filtering software is a mechanism used to restrict access to Internet content:
 - 2.1. Based on an internal database of the product, or;
 - 2.2. Through a database maintained external to the product itself, or;
 - 2.3. To certain ratings assigned to those sites by a third party, or;
 - 2.4. By scanning content, based on a keyword, phrase or text string, or;
 - 2.5. Based on the source of the information.
3. PROBLEMS WITH THE USE OF BLOCKING/FILTERING SOFTWARE IN LIBRARIES
 - 3.1. Publicly supported libraries are governmental institutions subject to the First Amendment, which forbids them from restricting information based on viewpoint or content discrimination.
 - 3.2. Libraries are places of inclusion rather than exclusion. Current blocking/filtering software prevents not only access to what some may consider objectionable material, but also blocks information protected by the First Amendment. The result is that legal and useful material will inevitably be blocked. Examples of sites that have been blocked by popular commercial blocking/filtering products include those on breast cancer, AIDS, women's rights, and animal rights.
 - 3.3. Filters can impose the producer's viewpoint on the community.
 - 3.4. Producers do not generally reveal what is being blocked, or provide methods for users to reach sites that were inadvertently blocked.

- 3.5. Criteria used to block content are vaguely defined and subjectively applied.
- 3.6. The vast majority of Internet sites are informative and useful. Blocking/filtering software often blocks access to materials it is not designed to block.
- 3.7. Most blocking/filtering software is designed for the home market. Filters are intended to respond to the preferences of parents making decisions for their own children. Libraries are responsible for serving a broad and diverse community with different preferences and views. Blocking Internet sites is antithetical to library missions because it requires the library to limit information access.
- 3.8. In a library setting, filtering today is a one-size-fits-all solution, which cannot adapt to the varying ages and maturity levels of individual users.
- 3.9. A role of librarians is to advise and assist users in selecting information resources. Parents and only parents have the right and responsibility to restrict their own children's access and only their own children's access to library resources, including the Internet. Librarians do not serve in loco parentis.
- 3.10. Library use of blocking/filtering software creates an implied contract with parents that their children will not be able access material on the Internet that they do not wish their children read or view. Libraries will be unable to fulfill this implied contract, due to the technological limitations of the software, thus exposing themselves to possible legal liability and litigation.
- 3.11. Laws prohibiting the production or distribution of child pornography and obscenity apply to the Internet. These laws provide protection for libraries and their users.